

CASE NO. 83723

IN THE SUPREME COURT OF NEVADA

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Elizabeth A. Brown
Clerk of Supreme Court

ROWEN SEIBEL; MOTI PARTNERS, LLC; MOTI PARTNERS 16, LLC; LLTQ ENTERPRISES, LLC; LLTQ ENTERPRISES 16, LLC; TPOV ENTERPRISES, LLC; TPOV ENTERPRISES 16, LLC; FERG, LLC; FERG 16, LLC; R SQUARED GLOBAL SOLUTIONS, LLC, DERIVATIVELY ON BEHALF OF DNT ACQUISITION LLC; GR BURGR, LLC; AND CRAIG GREEN,

Petitioners,

vs.

EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF CLARK, AND THE HONORABLE TIMOTHY
C. WILLIAMS, DISTRICT JUDGE,

Respondents,

-and-

DESERT PALACE, INC.; PARIS LAS VEGAS OPERATING COMPANY, LLC;
PHWLV, LLC, AND BOARDWALK REGENCY CORPORATION,

Real Parties in Interest.

District Court Case No. A-17-751759-B, consolidated with A-17-760537-B

**PETITIONERS' MOTION TO REDACT REPLY IN SUPPORT OF PETITION FOR
EXTRAORDINARY WRIT RELIEF**

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Pursuant to NRAP 27 and Rule 3(1) of the SRCR, the Development Parties¹ move (the “Motion”) this Court to permit them to redact their Reply in Support of Petition for Extraordinary Writ Relief (the “Reply”), which is being filed concurrently herewith, and to manually file an unredacted version of the Reply under seal.

The Reply quotes from and discusses various documents contained in Volumes Seven through Seventeen of the Appendix (the “Confidential Volumes”) to the Petition for Extraordinary Writ Relief (the “Petition”), which were sealed pursuant to an Order entered by this Court on November 10, 2021. Accordingly, the Development Parties should be permitted to redact their Reply.

This Motion is made and based on the record included with the Petition and the following Memorandum of Points and Authorities.

¹ “Development Parties” or “Petitioners” refers to Rowen Seibel (“Seibel”), Craig Green (“Green”), and the “Development Entities,” *i.e.*, Moti Partners, LLC (“Moti”); Moti Partners 16, LLC (“Moti 16”); LLTQ Enterprises, LLC (“LLTQ”); LLTQ Enterprises 16, LLC (“LLTQ 16”); TPOV Enterprises, LLC (“TPOV”); TPOV Enterprises 16, LLC (“TPOV 16”); FERG, LLC (“FERG”); FERG 16, LLC (“FERG 16”); R Squared Global Solutions, LLC (“R Squared”), derivatively on behalf of DNT Acquisition LLC (“DNT”); and GR Burgr, LLC (“GRB”).

MEMORANDUM OF POINTS AND AUTHORITIES

A. Standard of Decision.

“Any person may request that the court seal or redact court records for a case that is subject to these rules by filing a written motion” SRCR 3(1).

“The court may order the court files and records, or any part thereof, in a civil action to be sealed or redacted, provided the court makes and enters written findings that the specific sealing or redaction is justified by identified compelling privacy or safety interests that outweigh the public interest in access to the court record.” SRCR 3(4). “The ... privacy ... interests that outweigh the public interest in open court records include findings that: [t]he sealing or redaction furthers ... a protective order entered under NRCP 26(c)”; or [t]he sealing or redaction is justified or required by another identified compelling circumstance.” SRCR 3(4)(b), (h).

Once a motion to seal or redact is pending, “the information to be sealed or redacted remains confidential for a reasonable period of time until the court rules on the motion.” SRCR 3(2). Further, in the context of an appeal, “[c]ourt records sealed in the trial court shall be sealed from public access in the Nevada Supreme Court subject to further order of that court.” SRCR 7.

B. Good Cause Exists For the Development Parties to Redact the Reply.

On November 4, 2011, the Development Parties filed the Petition, which concerns orders entered by the district court compelling the Development Parties to disclose privileged communications to the opposing parties in this case pursuant to NRS 49.115(1), the crime-fraud exception to the attorney-client privilege codified at NRS 49.095. The Petition was accompanied by an Appendix consisting of 17 volumes. The Development Parties also filed a motion requesting an order from this Court permitting them to file the Confidential Volumes of the Appendix under seal and to redact those portions of their Petition that quote from and/or discuss documents contained in the Confidential Volumes of the Appendix. On November 10, 2021, this Court entered an Order sealing the Confidential Volumes of the Appendix and permitting the Development Parties to redact their Petition.

On January 5, 2021, Caesars² filed its Answer to the Petition, together with a Supplemental Appendix, volumes four through eight of which contain documents that were filed under seal with the district court. Caesars also filed a motion requesting an order from this Court permitting Caesars to file the confidential

² “Caesars” or “Real Parties in Interest” refers to PHWLTV, LLC (“Planet Hollywood”); Desert Palace, Inc. (“Caesars Palace”); Paris Las Vegas Operating Company, LLC (“Paris”); and Boardwalk Regency Corporation d/b/a Caesars Atlantic City (“CAC”).

portions of its Supplemental Appendix under seal and to redact those portions of its Answer that quote from and/or discuss either documents contained in the Confidential Volumes of the Appendix or documents contained in the confidential portions of the Supplemental Appendix. On January 21, 2022, this Court entered an Order sealing the confidential portions of the Supplemental Appendix and permitting Caesars to redact its Answer.

The Development Parties are filing their Reply to the Petition. The Reply quotes from and discusses documents contained in the Confidential Volumes of the Appendix. In furtherance of this Court's prior Orders and the sealing and redaction orders entered by the district court, good cause exists for the Development Parties to redact those portions of their Reply that quote from and/or discuss documents contained in the Confidential Volumes of the Appendix and file an unredacted copy of their Reply under seal.

For these reasons, this Motion should be granted in its entirety.

DATED this 16th day of February, 2022.

BAILEY ❖ KENNEDY

By: /s/ Dennis L. Kennedy

Attorneys for Petitioners

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ❖ KENNEDY and that on the 16th day of February, 2022, service of the foregoing was made by electronic service through the Nevada Supreme Court's electronic filing system, electronic service through the Eighth Judicial District Court's electronic filing system, hand delivery, and/or depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

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Respondent

/s/ Susan Russo
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