

CASE NO. 86462

IN THE SUPREME COURT OF NEVADA

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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; CRAIG GREEN; R SQUARED GLOBAL SOLUTIONS, LLC, Derivatively on Behalf of DNT ACQUISITION, LLC; and GR BURGR, LLC,

Appellants,

vs.

DESERT PALACE, INC.; PARIS LAS VEGAS OPERATING COMPANY, LLC; PHWLTV, LLC; and BOARDWALK REGENCY CORPORATION,

Respondents.

District Court Case No. A-17-760537-B

APPENDIX OF EXHIBITS TO APPELLANT'S OPENING BRIEF

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APPENDIX OF EXHIBITS TO APPELLANTS' OPENING BRIEF

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Notice of Entry of Order Granting Motion to Redact Caesars' Opposition to the Development Entities, Rowen Seibel, and Craig Green's Motion: (1) For Leave to Take Caesars' NRCP 30(b)(6) Depositions; and (2) To Compel Responses to Written Discovery on Order Shortening Time; and Countermotion for Protective Order and for Leave to Take Limited Deposition of Craig Green and Seal Exhibits 3-6, 8-11, 13, 14, and 16 Thereto, filed February 3, 2021	13	82	AA02612-AA02625
Notice of Entry of Order Granting Motion to Redact Caesars' Opposition to the Development Parties' Motion For Leave to File A Supplement to their Oppositions to Motions for Summary Judgment on Order Shortening Time, filed July 26, 2022	38	147	AA08072-AA08083
Notice of Entry of Order Granting Motion to Redact Caesars' Reply to Development Parties' Omnibus Supplement to Their Oppositions to Motions for Summary Judgment Filed by Caesars and Ramsay and Seal Exhibit 115 Thereto, filed June 2, 2022	34	132	AA07101-AA07112

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Notice of Entry of Order Granting Motion to Redact Caesars' Reply in Support of (1) Counter-Motion for Summary Judgment Against Craig Green; and (2) Cross-Motion for Summary Judgment Against Rowen Seibel and the Seibel-Affiliated Entities (Related to Counts IV – VIII of the First Amended Complaint) and Seal Exhibits 39-43 and 45-47 Thereto; and to Redact Reply in Support of PHWLTV, LLC's Motion for Attorneys' Fees and to Seal Exhibit 4 thereto, filed March 17, 2023	42	167	AA09054-AA09065
Notice of Entry of Order Granting Motion to Redact Caesars' Response to Objections to Evidence Offered in Support of Motions for Summary Judgment, filed July 26, 2022	38	145	AA08051-AA08062
Notice of Entry of Order Granting Motion to Redact Opposition to Craig Green's Motion for Summary Judgment; Countermotion for Summary Judgment Against Craig Green; and Cross-Motion for Summary Judgment Against Rowen Seibel and the Seibel-Affiliated Entities (Related to Counts IV – VIII of the First Amended Complaint) and Seal Exhibits 2-3, 15-18, 21, 23-28, 31 and 33 in Appendix Thereto, filed March 17, 2023	42	166	AA09042-AA09053

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Notice of Entry of Order Granting Motion to Redact Replies in Support of Caesars' Motion for Summary Judgment No. 1 and Motion for Summary Judgment No. 2 and to Seal Exhibits 82, 84-87, 90, 82, 99-100, and 109-112 to the Appendix of Exhibits in Support of Caesars' Replies in Support of its Motions for Summary Judgment, filed January 4, 2022	33	121	AA06980-AA06992
Notice of Entry of Order Granting Motion to Seal Exhibit 23 to Caesars' Reply in Support of its Motion for Leave to File First Amended Complaint, filed April 13, 2020	5	57	AA01156-AA01162
Notice of Entry of Order Granting Proposed Plaintiff in Intervention The Original Homestead Restaurant, Inc. d/b/a The Old Homestead Steakhouse's Motion to Intervene, filed October 23, 2018	2	27	AA00383-AA00388
Notice of Entry of Order Granting the Development Parties' Motion for Leave to File a Supplement to Their Opposition to Motions for Summary Judgment, filed December 27, 2021	33	118	AA06945-AA06956
Notice of Entry of Order Granting the Development Parties' Motion to Redact Their Oppositions to the Counter-Motion and Cross-Motion for Summary Judgment and to Seal All or Portions of Exhibits A-2, A-3, B, D-F, and I-N to the Appendix of Exhibits Supporting the Oppositions, filed October 27, 2022	41	162	AA08869-AA08878

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Notice of Entry of Stipulated Confidentiality Agreement and Protective Order, filed March 12, 2019	2	33	AA00445-AA00469
Notice of Entry of Stipulation and Order for a Limited Extension of the Dispositive Motion Deadline, filed February 18, 2021	13	88	AA02687-AA02700
Notice of Entry of Stipulation and Order of Dismissal of J. Jeffrey Frederick With Prejudice, filed August 28, 2019	2	37	AA00483-AA00487
Notice of Entry of Stipulation and Order of Dismissal With Prejudice, filed June 3, 2022	34	136	AA07165-AA07173
Notice of Entry of Stipulation and Order to Consolidate Case No. A-17-760537-B with and into Case No. A-17-751759-B, filed February 13, 2018	1	17	AA00218-AA00224
Notice of Entry of Stipulation and Proposed Order to Extend Discovery Deadlines (Ninth Request), filed October 19, 2020	7	70	AA01494-AA01523
Notice of Order Granting Caesars' Motion for Leave to File First Amended Complaint, filed March 11, 2020	5	52	AA01093-AA01100
Objections to Evidence Offered by Caesars in Support of its Motions for Summary Judgment, filed March 30, 2021	20	98	AA04118-AA04125

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Objections to Evidence Offered by Caesars in Support of its Opposition to Craig Green’s Motion for Summary Judgment; Counter-Motion for Summary Judgment Against Craig Green; and Cross-Motion for Summary Judgment Against Rowen Seibel and the Seibel-Affiliated Entities (Related to Counts IV-VII of the First Amended Complaint), filed August 31, 2022	38	153	AA08151-AA08154
Objections to Exhibits Offered in Support of Craig Green’s Motion for Summary Judgment, filed July 14, 2022	37	142	AA08034-AA08037
Objections to Exhibits Offered in Support of Craig Green’s Opposition to Caesars’ Counter-Motion for Summary Judgment and Rowen Seibel and the Development Entities’ Opposition to Caesars’ Cross-Motion for Summary Judgment, filed October 12, 2022	39	157	AA08432-AA08435
Objections to Exhibits Offered in Support of Plaintiffs’ Omnibus Supplement to Their Oppositions to Motions For Summary Judgment, filed January 13, 2022	33	123	AA07003-AA07006
Objections to Exhibits Offered in Support of the Seibel Parties’ Oppositions to Caesars’ Motions for Summary Judgment, filed November 30, 2021	32	114	AA06801-AA06808
Omnibus Order Granting the Development Entities, Rowen Seibel, and Craig Green’s Motions to Seal and Redact, filed May 26, 2021	31	109	AA06426-AA06437

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Omnibus Order Granting the Development Parties' Motions to Seal and Redact, filed February 8, 2022	33	126	AA07030-AA07038
Opposition to Caesars Motion for Leave to File First Amended Complaint, filed December 23, 2019 – FILED UNDER SEAL	5	47	AA00935-AA01009
Opposition to Craig Green's Motion for Summary Judgment; Counter-Motion for Summary Judgment Against Craig Green; and Cross-Motion for Summary Judgment Against Rowen Seibel and the Seibel-Affiliated Entities (Related to Counts IV-VIII of the First Amended Complaint), filed July 14, 2022 – FILED UNDER SEAL	35	139	AA07450-AA07475
Opposition to Motion to Amend LLTQ/FERG Defendants' Answer, Affirmative Defenses and Counterclaims, filed on October 14, 2019	3	39	AA00605-AA00704
Order (i) Denying the Development Entities, Rowen Seibel, and Craig Green's Motion: (1) For Leave to Take Caesars' NRCP 30(b)(6) Depositions; and (2) to Compel Responses to Written Discovery on Order Shortening Time; and (ii) Granting Caesars' Countermotion for Protective Order and for Leave to Take Limited Deposition of Craig Green, filed on February 4, 2021	13	85	AA02657-AA02664
Order Denying Motion to Amend LLTQ/FERG Defendants' Answer, Affirmative Defenses and Counterclaims, filed on November 25, 2019	4	43	AA00759-AA00762

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Order Granting Caesars' Motion for Leave to File First Amended Complaint, filed March 10, 2020	5	51	AA01088-AA01092
Order Granting Craig Green's Motion to Seal Exhibits 1-6 and 9-11 to His Motion for Summary Judgment, filed August 15, 2022	38	148	AA08084-AA08090
Order Granting Motion to Redact Caesars' Motion for Summary Judgment No. 1 and Motion for Summary Judgment No. 2 and to Seal Exhibits 1-36, 38, 40-42, 45-46, 48, 50, 66-67, 73, and 76-80 to the Appendix of Exhibits in Support of Caesars' Motions for Summary Judgment, filed January 28, 2022	33	124	AA07007-AA07016
Order Granting Motion to Redact Caesars' Opposition to the Development Entities, Rowen Seibel, and Craig Green's Motion: (1) For Leave to Take Caesars' NRCP 30(b)(6) Depositions; and (2) To Compel Responses to Written Discovery on Order Shortening Time; and Countermotion for Protective Order and for Leave to Take Limited Deposition of Craig Green and Seal Exhibits 3-6, 8-11, 13, 14, and 16 Thereto, filed February 2, 2021	13	81	AA02601-AA02611
Order Granting Motion to Redact Caesars' Opposition to the Development Parties' Motion For Leave to File A Supplement to their Oppositions to Motions for Summary Judgment on Order Shortening Time, filed July 26, 2022	38	146	AA08063-AA08071

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Order Granting Motion to Redact Caesars' Reply in Support of (1) Counter-Motion for Summary Judgment Against Craig Green; and (2) Cross-Motion for Summary Judgment Against Rowen Seibel and the Seibel-Affiliated Entities (Related to Counts IV – VIII of the First Amended Complaint) and Seal Exhibits 39-43 and 45-47 Thereto; and to Redact Reply in Support of PHWLTV, LLC's Motion for Attorneys' Fees and to Seal Exhibit 4 thereto, filed March 16, 2023	42	165	AA09033-AA09041
Order Granting Motion to Redact Caesars' Reply to Development Parties' Omnibus Supplement to Their Oppositions to Motions for Summary Judgment Filed by Caesars and Ramsay and Seal Exhibit 115 Thereto, filed May 31, 2022	34	131	AA07092-AA07100
Order Granting Motion to Redact Caesars' Response to Objections to Evidence Offered in Support of Motions for Summary Judgment, filed July 26, 2022	38	144	AA08042-AA08050
Order Granting Motion to Redact Opposition to Craig Green's Motion for Summary Judgment; Countermotion for Summary Judgment Against Craig Green; and Cross-Motion for Summary Judgment Against Rowen Seibel and the Seibel-Affiliated Entities (Related to Counts IV – VIII of the First Amended Complaint) and Seal Exhibits 2-3, 15-18, 21, 23-28, 31 and 33 in Appendix Thereto, filed March 16, 2023	42	164	AA09024-AA09032

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Order Granting Motion to Redact Replies in Support of Caesars' Motion for Summary Judgment No. 1 and Motion for Summary Judgment No. 2 and to Seal Exhibits 82, 84-87, 90, 82, 99-100, and 109-112 to the Appendix of Exhibits in Support of Caesars' Replies in Support of its Motions for Summary Judgment, filed January 3, 2022	33	120	AA06970-AA06979
Order Granting Motion to Seal Exhibit 23 to Caesars' Reply in Support of its Motion for Leave to File First Amended Complaint, filed April 13, 2020	5	56	AA01152-AA01155
Order Granting Proposed Plaintiff in Intervention The Original Homestead Restaurant, Inc. d/b/a The Old Homestead Steakhouse's Motion to Intervene, filed October 23, 2018	2	26	AA00381-AA00382
Order Granting the Development Parties' Motion for Leave to File a Supplement to Their Opposition to Motions for Summary Judgment, filed December 27, 2021	33	117	AA06936-AA06944
Order Granting the Development Parties' Motion to Redact Their Oppositions to the Counter-Motion and Cross-Motion for Summary Judgment and to Seal All or Portions of Exhibits A-2, A-3, B, D-F, and I-N to the Appendix of Exhibits Supporting the Oppositions, filed October 26, 2022	41	161	AA08862-AA08868
Plaintiff's Reply to Defendant PHWLTV, LLC's Counterclaims, filed August 25, 2017	1	9	AA00168-AA00173

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Reply in Support of (1) Counter-Motion for Summary Judgment Against Craig Green and (2) Cross-Motion for Summary Judgment Against Rowen Seibel and the Seibel-Affiliated Entities (Related to Counts IV-VIII of the First Amended Complaint), filed October 12, 2022 – FILED UNDER SEAL	39	158	AA08436-AA08452
Reply in Support of Craig Green’s Motion for Summary Judgment, filed October 12, 2022	39	155	AA08411-AA08422
Reply in Support of Motion to Amend LLTQ/FERG Defendants’ Answer, Affirmative Defenses and Counterclaims, filed on October 17, 2019	3	41	AA00711-AA00726
Reply to DNT Acquisition, LLC’s Counterclaims, filed July 25, 2018	2	23	AA00339-AA00350
Reply to LLTQ/FERG Defendants’ Counterclaims, filed July 25, 2018	2	24	AA00351-AA00374
Reporter’s Transcript, taken December 14, 2020	13	80	AA02498-AA02600
Reporter’s Transcript, taken December 6, 2021	33	116	AA06820-AA06935
Reporter’s Transcript, taken February 12, 2020	5	50	AA01060-AA01087
Reporter’s Transcript, taken May 20, 2020	6	60	AA01170-AA01224
Reporter’s Transcript, taken November 22, 2022	42	163	AA08879-AA09023

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Reporter's Transcript, taken November 6, 2019	4	42	AA00727- AA00758
Reporter's Transcript, taken September 23, 2020	7	67	AA01389- AA01462
Request for Judicial Notice of Exhibit 30 in Appendix of Exhibits in Support of Caesars' Opposition to Craig Green's Motion for Summary Judgment; Counter-Motion for Summary Judgment Against Craig Green; and Cross-Motion for Summary Judgment Against Rowen Seibel and the Seibel-Affiliated Entities (Related to Counts IV-VIII of the First Amended Complaint), filed July 14, 2022	37	143	AA08038- AA08041
Request for Judicial Notice of Exhibits 39, 59, and 62 in Appendix of Exhibits in Support of Caesars' Motions for Summary Judgment, filed February 25, 2021	20	96	AA04076- AA04079
Response to Objections to Evidence Offered by Caesars in Support of its Opposition to Craig Green's Motion for Summary Judgment; Counter-Motion for Summary Judgment Against Craig Green; and Cross-Motion for Summary Judgment Against Rowen Seibel and the Seibel-Affiliated Entities (Related to Counts IV-VII of the First Amended Complaint), filed August 31, 2022	38	152	AA08146- AA08150

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Response to Objections to Evidence Offered by Caesars in Support of Its Opposition to Craig Green’s Motion for Summary Judgment; Counter-Motion for Summary Judgment Against Craig Green; and Cross-Motion for Summary Judgment Against Rowen Seibel and the Seibel-Affiliated Entities (Related to Counts IV-VIII of the First Amended Complaint), filed October 12, 2022	39	156	AA08423-AA08431
Rowen Seibel and the Development Entities’ Opposition to Caesars’ Cross-Motion for Summary Judgment, filed August 31, 2022 – FILED UNDER SEAL	38	151	AA08123-AA08145
Stipulated Confidentiality Agreement and Protective Order, filed March 12, 2019	2	32	AA00423-AA00444
Stipulation and Order for a Limited Extension of the Dispositive Motion Deadline, filed February 17, 2021	13	87	AA02676-AA02686
Stipulation and Order of Dismissal of J. Jeffrey Frederick With Prejudice, filed August 28, 2019	2	36	AA00481-AA00482
Stipulation and Order of Dismissal With Prejudice, filed June 2, 2022	34	133	AA07113-AA07118
Stipulation and Order to Consolidate Case No. A-17-760537-B with and into Case No. A-17-751759-B, filed February 9, 2018	1	16	AA00214-AA00217
Stipulation and Proposed Order to Extend Discovery Deadlines (Ninth Request), filed October 15, 2020	7	69	AA01467-AA01493

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Substitution of Attorneys for GR Burger, LLC, filed March 17, 2021	20	97	AA04080-AA04417
The Development Entities and Rowen Seibel's Opposition to Caesars' Motion for Summary Judgment No. 1, filed March 30, 2021 – FILED UNDER SEAL	20	99	AA04126-AA04175
The Development Entities, Rowen Seibel, and Craig Green's Answer to Caesars' First Amended Complaint and Counterclaims, filed June 19, 2020	6	62	AA01231-AA01281
The Development Entities, Rowen Seibel, and Craig Green's Motion: (1) For Leave to Take Caesars' NRCP 30(b)(6) Depositions; and (2) To Compel Responses to Written Discovery on Order Shortening Time, filed November 20, 2020 – FILED UNDER SEAL	7	71	AA01524-AA01591
The Development Entities, Rowen Seibel, and Craig Green's: (1) Reply in Support of Motion For Leave/ To Compel; (2) Opposition to Caesars' Countermotion for Protective Order; and (3) Opposition to Motion to Compel Deposition of Craig Green, filed December 7, 2020	12	78	AA02460-AA02469
The Development Entities' Opposition to Caesars' Motion to Strike Counterclaims, and/or in the Alternative, Motion to Dismiss, filed August 3, 2020	6	65	AA01316-AA01373

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
The Development Parties' Omnibus Supplement to Their Oppositions to Motions for Summary Judgment Filed by Caesars and Ramsay, filed December 30, 2021	33	119	AA06957-AA06969
Verified Complaint and Demand for Jury Trial, filed February 28, 2017	1	1	AA00001-AA00036

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ❖ KENNEDY and that on the 27th day of September, 2023, service of the foregoing was made by mandatory electronic service through the Nevada Supreme Court's electronic filing system and/or by 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:

JAMES J. PISANELLI

DEBRA L. SPINELLI

M. MAGALI MERCERA

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Paris Las Vegas Operating Company, LLC;
PHWLV, LLC; and Boardwalk Regency
Corporation*

/s/ Susan Russo

Employee of BAILEY ❖ KENNEDY

TAB 138

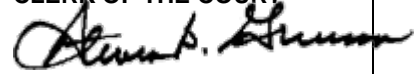
Part 2 of 2

**FILED UNDER
SEAL PURSUANT
TO PENDING
MOTION TO SEAL
FILED
CONCURRENTLY
HEREWITH**

TAB 139

**FILED UNDER
SEAL PURSUANT
TO PENDING
MOTION TO SEAL
FILED
CONCURRENTLY
HEREWITH**

TAB 140



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Paris Las Vegas Operating Company, LLC;
PHWLTV, LLC; and Boardwalk Regency
Corporation d/b/a Caesars Atlantic City*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

ROWEN SEIBEL, an individual and citizen of
New York, derivatively on behalf of Real Party
in Interest GR BURGR LLC, a Delaware
limited liability company,

Plaintiff,

v.

PHWLTV, LLC, a Nevada limited liability
company; GORDON RAMSAY, an individual;
DOES I through X; ROE CORPORATIONS I
through X,

Defendants,

and

GR BURGR LLC, a Delaware limited liability
company,

Nominal Plaintiff.

Case No.: A-17-751759-B

Dept. No.: XVI

Consolidated with A-17-760537-B

**DECLARATION OF M. MAGALI
MERCERA, ESQ. IN SUPPORT OF
OPPOSITION TO CRAIG GREEN'S
MOTION FOR SUMMARY JUDGMENT;
COUNTER-MOTION FOR SUMMARY
JUDGMENT AGAINST CRAIG GREEN;
AND CROSS-MOTION FOR SUMMARY
JUDGMENT AGAINST ROWEN SEIBEL
AND THE SEIBEL-AFFILIATED
ENTITIES (RELATED TO COUNTS IV
VIII OF THE FIRST AMENDED
COMPLAINT)**

AND ALL RELATED MATTERS

I, M. MAGALI MERCERA, ESQ., declare as follows:

1. I am a resident of the State of Nevada, and an attorney with the law firm of
Pisanelli Bice PLLC, counsel for PHWLTV, LLC ("Planet Hollywood"), Desert Palace, Inc.
("Caesars Palace"), Paris Las Vegas Operating Company, LLC ("Paris"), Boardwalk Regency

PISANELLIBICE PLLC
400 SOUTH 7TH STREET, SUITE 300
LAS VEGAS, NEVADA 89101

1 Corporation d/b/a Caesars Atlantic City ("CAC," and collectively, with Caesars Palace, Paris, and
2 Planet Hollywood, "Caesars") in the above-captioned action.

3 2. I am competent to testify to the matters stated herein based on personal knowledge,
4 except for those matters stated upon information and belief, and to those matters, I believe them
5 to be true. If called as a witness, I would testify competently thereto.

6 3. I make this declaration in support of the Opposition to Craig Green's Motion for
7 Summary Judgment; Counter-Motion for Summary Judgment Against Craig Green; and
8 Cross-Motion for Summary Judgment Against Rowen Seibel and the Seibel-Affiliated Entities
9 (Related to Counts IV-VIII of the First Amended Complaint) (the "Counter-Motion") filed
10 concurrently herewith.

11 4. Attached as Exhibit 1 to the Appendix in Support of the Counter-Motion
12 (the "Appendix") filed concurrently herewith is a true and correct copy of transcript excerpts from
13 the deposition of Rowen Seibel that took place on September 24, 2019 at the offices of
14 Pisanelli Bice PLLC, 400 South Seventh Street, Suite 300, Las Vegas, Nevada 89101. The
15 exhibit contains an executed certificate of reporter. *Orr v. Bank of Am., NT & SA*, 285 F.3d 764,
16 at 774 (9th Cir. 2002) (citations omitted) ("A deposition or an extract therefrom is authenticated
17 in a motion for summary judgment when it identifies the names of the deponent and the action
18 and includes the reporter's certification that the deposition is a true record of the testimony of the
19 deponent.")

20 5. Attached to the Appendix as Exhibit 2 are true and correct copies of transcript
21 excerpts from the deposition of the NRCP 30(b)(6) designee of the Caesars' Compliance
22 Committee, Susan Carletta, Esq., that took place on November 5, 2019, at the offices of
23 Pisanelli Bice PLLC, 400 South Seventh Street, Suite 300, Las Vegas, Nevada 89101. The
24 exhibit contains an executed certificate of reporter. *Orr*, 285 F.3d at 774.

25 6. Attached to the Appendix as Exhibit 3 is a true and correct copy of the
26 Caesars Entertainment Corporation Ethics and Compliance Program, bearing Bates number
27 CAESARS061870-96. This document was authenticated by Susan Carletta, Esq., Caesars'
28

1 Compliance Committee NRCP 30(b)(6) Designee, at her deposition on November 5, 2019. (*See*
2 Ex. 2 to the Appendix at 17:11-22.)

3 7. Attached to the Appendix as Exhibit 4 is a true and correct copy of the
4 Development, Operation and License Agreement, dated March 2009, by and between
5 Desert Palace, Inc. d/b/a Caesars Palace and Moti Partners, LLC, bearing Bates number
6 CAESARS000311-33. This document was authenticated by the MOTI Partners NRCP 30(b)(6)
7 designee, Craig Green, at his deposition on November 14, 2019. (*See* Ex. 35 to the Appendix
8 at 36:17-37:8.)

9 8. Attached to the Appendix as Exhibit 5 is a true and correct copy of the
10 Development, Operation and License Agreement, among DNT Acquisition LLC, The Original
11 Homestead Restaurant, Inc. and Desert Palace, Inc., dated June 21, 2011, bearing Bates number
12 RS-00184979-5024 which was produced by the Seibel Parties to Caesars during discovery. *See*
13 *Orr*, 285 F.3d at 777 n.20 (citations omitted) (documents produced by a party in discovery were
14 deemed authentic when offered by a party-opponent).

15 9. Attached to the Appendix as Exhibit 6 is a true and correct copy of the
16 Development, Operation and License Agreement, TPOV Enterprises, LLC and Paris Las Vegas
17 Operating Company, LLC, dated November 2011, bearing Bates number RS-00185938-70, which
18 was produced by the Seibel Parties to Caesars during discovery. *Orr*, 285 F.3d at 777 n.20.

19 10. Attached to the Appendix as Exhibit 7 is a true and correct copy of the
20 Development and Operation Agreement Between LLTQ Enterprises, LLC and
21 Desert Palace, Inc., dated April 4, 2012, bearing Bates number RS-00186023-57, which was
22 produced by the Seibel Parties to Caesars during discovery. *Orr*, 285 F.3d at 777 n.20.

23 11. Attached to the Appendix as Exhibit 8 is a true and correct copy of an email from
24 Brian Ziegler to Craig Green dated March 22, 2013, attaching the Development, Operation and
25 License Agreement Among Gordon Ramsay, GR BURGR, LLC and PHW Manager, LLC on
26 Behalf of PHW Las Vegas, LLC dba Planet Hollywood, dated December 13, 2012, bearing
27 Bates number RS-00189195-244, which was produced by the Seibel Parties during discovery.
28 *Orr*, 285 F.3d 764, 777 n.20.

1 12. Attached to the Appendix as Exhibit 9 is a true and correct copy of the Consulting
2 Agreement Between FERG, LLC and Boardwalk Regency Corporation dba Caesars Atlantic City,
3 dated May 16, 2014, bearing Bates number CBAH 000375-413, which was produced by the
4 Seibel Parties to Caesars during discovery in this matter. *Orr*, 285 F.3d at 777 n.20.

5 13. Attached to the Appendix as Exhibit 10 is a true and correct copy of an email
6 forwarded from Craig Green to Rowen Seibel, dated January 9, 2014, bearing Bates number
7 TPOV00013112-4, which was produced by the Seibel Parties to Paris in Case No. 2:17-cv-00246-
8 JCM-VCF. The parties have agreed that documents produced during discovery in the various
9 pending litigations may be used across the court cases during discovery and trial in this matter by
10 agreeing to the Global Agreement for the Utilization of Discovery Across Cases I executed on or
11 about March 14, 2019. (*See* Ex. 37 to the Appendix.) *Orr*, 285 F.3d at 777 n.20.

12 14. Attached to the Appendix as Exhibit 11 is a true and correct copy of an email
13 exchange between Dan Deluca and Craig Green, dated June 6, 2013, bearing Bates number
14 TPOV00018821-4, which was produced by the Seibel Parties to Paris in Case No. 2:17-cv-00246-
15 JCM-VCF. The parties have agreed that documents produced during discovery in the various
16 pending litigations may be used across the court cases during discovery and trial in this matter.
17 (*See* Ex. 37 to the Appendix.) *Orr*, 285 F.3d at 777 n.20.

18 15. Attached to the Appendix as Exhibit 12 is a true and correct copy of an email from
19 Craig Green to Jeffrey Frederick, cc: Rowen Seibel, dated September 20, 2014, bearing
20 Bates number RS-00009650-2, which was produced by the Seibel Parties to Caesars during
21 discovery in this matter. *Orr*, 285 F.3d at 777 n.20.

22 16. Attached to the Appendix as Exhibit 13 is a true and correct copy of an email from
23 Craig Green to Rowen Seibel, dated March 25, 2015, bearing Bates number RS-00012908-10,
24 which was produced by the Seibel Parties to Caesars during discovery in this matter. *Orr*,
25 285 F.3d at 777 n.20.

26 17. Attached to the Appendix as Exhibit 14 is a true and correct copy of transcript
27 excerpts from the deposition of the NRCF 30(b)(6) designee of LLTQ Enterprises, LLC, that took
28 place on November 12, 2019, at the offices of Pisanelli Bice PLLC, 400 South Seventh Street,

Suite 300, Las Vegas, Nevada 89101. The exhibit contains an executed certificate of reporter.
Orr, 285 F.3d at 774.

18. Attached to the Appendix as Exhibit 15 is a true and correct copy of an email from Craig Green to Danielle Abraham, dated December 13, 2013, bearing Bates number RAMSAY00005823-4, which was produced by Gordon Ramsay during discovery. *Orr*, 285 F.3d at 777 n.20.

19. Attached to the Appendix as Exhibit 16 is a true and correct copy of an email exchange between Craig Green and Donna Bimbo, dated August 6, 2013, bearing Bates number RS-00188409-10, which was produced by the Seibel Parties to Caesars during discovery in this matter. *Orr*, 285 F.3d at 777 n.20.

20. Attached to the Appendix as Exhibit 17 is a true and correct copy of an email exchange between Craig Green and Tom Johnson, dated October 25, 2013, bearing Bates number RS-00188686-95, which was produced by the Seibel Parties to Caesars during discovery in this matter. *Orr*, 285 F.3d at 777 n.20.

21. Attached to the Appendix as Exhibit 18 is a true and correct copy of payment records from Pat LaFrieda Meats, Inc., dated January 17, 2013, bearing Bates number LMI000001-4, which was produced by Pat LaFrieda Meats, Inc., pursuant to Subpoena Duces Tecum to Paris in Case No. 2:17-cv-00246-JCM-VCF. This document is authenticated by the Declaration of the Custodian of Records for Pat LaFrieda Meats, Inc., dated April 22, 2020, bearing Bates number CAESARS_LMI000001. (*See* Ex. 36 to the Appendix.)

22. Attached to the Appendix as Exhibit 19 is a true and correct copy of transcript excerpts from the deposition of Gordon Ramsay that took place on September 30, 2019, at the offices of Mitchell, Silberberg & Krupp, 2049 Century Park East, 18th Floor, Los Angeles, California 90067. The exhibit contains an executed certificate of reporter. *Orr*, 285 F.3d at 774.

23. Attached to the Appendix as Exhibit 20 is a true and correct copy of transcript excerpts from the deposition of Marc Sherry that took place on October 29, 2019, at the offices of Scarola Zubatov Schaffzin PLLC, 1700 Broadway, 41st Floor, New York, New York, 10019. The exhibit contains an executed certificate of reporter. *Orr*, 285 F.3d at 774.

24. Attached to the Appendix as Exhibit 21 is a true and correct copy of transcript excerpts from the deposition of Greg Sherry that took place on October 30, 2019, at the offices of Scarola Zubatov Schaffzin PLLC, 1700 Broadway, 41st Floor, New York, New York, 10019. The exhibit contains an executed certificate of reporter. *Orr*, 285 F.3d at 774.

25. Attached to the Appendix as Exhibit 22 is a true and correct copy of transcript excerpts from the deposition of Craig Green that took place on September 4, 2019, at the offices of Pisanelli Bice PLLC, 400 South Seventh Street, Suite 300, Las Vegas, Nevada 89101. The exhibit contains an executed certificate of reporter. *Orr*, 285 F.3d at 774.

26. Attached to the Appendix as Exhibit 23 is a true and correct copy of an email from Craig Green to Jeri Ziegler (Green), dated October 20, 2015, bearing Bates number RS-00137589-91, which was produced by the Seibel Parties to Caesars during discovery in this matter. *Orr*, 285 F.3d at 777 n.20.

27. Attached to the Appendix as Exhibit 24 is a true and correct copy of an email from Craig Green to Jeri Ziegler (Green), dated September 8, 2016, bearing Bates number RS-00118472-4, which was produced by the Seibel Parties to Caesars during discovery in this matter. *Orr*, 285 F.3d at 777 n.20.

28. Attached to the Appendix as Exhibit 25 is a true and correct copy of an email exchange between Craig Green and Rowen Seibel, cc: Joseph Jacobs, dated June 10, 2013, bearing Bates number RS-00006786-8, which was produced by the Seibel Parties to Caesars during discovery in this matter. *Orr*, 285 F.3d at 777 n.20.

29. Attached to the Appendix as Exhibit 26 is a true and correct copy of a letter from Craig Green to United Healthcare Oxford, dated January 25, 2016, bearing Bates number RS-00186237-RS-00186239, which was produced by the Seibel Parties to Caesars during discovery in this matter. *Orr*, 285 F.3d at 777 n.20.

30. Attached to the Appendix as Exhibit 27 is a true and correct copy of transcript excerpts from the deposition of Craig Green that took place on April 23, 2021, via ZOOM videoconference. The exhibit contains an executed certificate of reporter. *Orr*, 285 F.3d at 774.

1 31. Attached to the Appendix as Exhibit 28 is a true and correct copy of Craig Green's
2 First Supplemental Responses to Desert Palace, Inc.'s First Set of Interrogatories, dated
3 October 23, 2020, which was produced by the Seibel Parties to Caesars during discovery. *Orr*,
4 285 F.3d at 777 n.20.

5 32. Attached to the Appendix as Exhibit 29 is a true and correct copy of Plaintiffs'
6 Sixteenth Supplemental Disclosures Pursuant to NRCP 16.1, excluding the index which was
7 attached as Exhibit A thereto, dated June 15, 2022. I electronically signed the disclosures on
8 June 15, 2022.

9 33. Attached to the Appendix as Exhibit 31 is a true and correct copy of an email from
10 Craig Green to Danielle Abraham, dated February 5, 2015, bearing Bates number RS-00188697,
11 which was produced by the Seibel Parties to Caesars during discovery in this matter. *Orr*,
12 285 F.3d at 777 n.20.

13 34. Attached to the Appendix as Exhibit 32 is a true and correct copy of transcript
14 excerpts from the deposition of the NRCP 30(b)(6) designee of LLTQ Enterprises 16, LLC, that
15 took place on November 13, 2019, at the offices of Pisanelli Bice PLLC,
16 400 South Seventh Street, Suite 300, Las Vegas, Nevada 89101. The exhibit contains an executed
17 certificate of reporter. *Orr*, 285 F.3d at 774.

18 35. Attached to the Appendix as Exhibit 33 is a true and correct copy of an email from
19 Craig Green to Jeffrey Frederick, dated September 18, 2014, bearing Bates number RS-00192881,
20 which was produced by the Seibel Parties to Caesars during discovery in this matter. *Orr*,
21 285 F.3d at 777 n.20.

22 36. Attached to the Appendix as Exhibit 34 is a true and correct copy of
23 Paris Las Vegas Operating Company, LLC's Responses to TPOV Enterprises, LLC's First Set of
24 Interrogatories, dated August 21, 2020, which was produced by Caesars to the Seibel Parties
25 during discovery. *Orr*, 285 F.3d at 777 n.20.

26 37. Attached to the Appendix as Exhibit 35 is a true and correct copy of transcript
27 excerpts from the deposition of the NRCP 30(b)(6) designee of MOTI Partners, LLC, that took
28 place on November 14, 2019, at the offices of Pisanelli Bice PLLC, 400 South Seventh Street,

Suite 300, Las Vegas, Nevada 89101. The exhibit contains an executed certificate of reporter.
Orr, 285 F.3d at 774.

38. Attached to the Appendix as Exhibit 36 is the Declaration of the Custodian of Records for Pat LaFrieda Meats, Inc., dated April 22, 2020, which was produced by Pat LaFrieda Meats, Inc., pursuant to Subpoena Duces Tecum to Paris in Case No. 2:17-cv-00246-JCM-VCF.

39. Attached to the Appendix as Exhibit 37 is a true and correct copy of the Global Agreement for the Utilization of Discovery Across Cases, which I executed on or about March 14, 2019.

I declare under penalty of perjury that the foregoing is a true and correct and that I signed this declaration on this 13th day of July, 2022.

/s/ M. Magali Mercera
M. MAGALI MERCERA, ESQ.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC and that, on this 13th day of July, 2022, I caused to be served via the Court's e-filing/e-service system a true and correct copy of the above and foregoing **DECLARATION OF M. MAGALI MERCERA, ESQ. IN SUPPORT OF OPPOSITION TO CRAIG GREEN'S MOTION FOR SUMMARY JUDGMENT; COUNTER-MOTION FOR SUMMARY JUDGMENT AGAINST CRAIG GREEN; AND CROSS-MOTION FOR SUMMARY JUDGMENT AGAINST ROWEN SEIBEL AND THE SEIBEL-AFFILIATED ENTITIES (RELATED TO COUNTS IV VIII OF THE FIRST AMENDED COMPLAINT)** to the following:

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TAB 141

Part 1 of 3

**FILED UNDER
SEAL PURSUANT
TO PENDING
MOTION TO SEAL
FILED
CONCURRENTLY
HEREWITH**