

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

ERRATA TO APPENDIX OF EXHIBITS TO APPELLANT'S OPENING BRIEF

VOLUME 43 OF [43]

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**ERRATA TO APPENDIX OF EXHIBITS TO APPELLANTS' OPENING
BRIEF**

VOLUME 43 OF [43]

TABLE OF CONTENTS

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Appendix of Exhibits to Craig Green's Motion for Summary Judgment	43	171	AA09109- AA9164

INDEX

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
2 nd Amended Order Setting Civil Jury Trial, Pre-Trial, Calendar Call, and Deadlines for Motions; Amended Discovery Scheduling Order Call, filed August 19, 2019	2	35	AA00475- AA00480
3 rd Amended Order Setting Civil Jury Trial, Pre-Trial, Calendar Call, and Deadlines for Motions; Amended Discovery Scheduling Order Call, filed October 15, 2019	3	40	AA00705- AA00710
4 th Amended Order Setting Civil Jury Trial, Pre-Trial, Calendar Call, and Deadlines for Motions; Amended Discovery Scheduling Order Call, filed January 10, 2020	5	48	AA01010- AA01015
5 th Amended Order Setting Civil Jury Trial, Pre-Trial, Calendar Call, and Deadlines for Motions; Amended Discovery Scheduling Order Call, filed April 17, 2020	5	58	AA01163- AA01168
6 th Amended Order Setting Civil Jury Trial, Pre-Trial, Calendar Call, and Deadlines for Motions; Amended Discovery Scheduling Order Call, filed June 18, 2020	6	61	AA01225- AA01230
7 th Amended Order Setting Civil Jury Trial, Pre-Trial, Calendar Call, and Deadlines for Motions; Amended Discovery Scheduling Order Call, filed October 15, 2020	7	68	AA01463- AA01466
Acceptance of Service (Craig Green), filed March 13, 2020	5	54	AA01148- AA01149

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Acceptance of Service (DNT Acquisition, LLC), filed March 17, 2020	5	55	AA01150- AA01151
Acceptance of Service of Complaint in Intervention (Desert Palace, Inc.), filed November 2, 2018	2	30	AA00412- AA00413
Acceptances of Service (Rowen Seibel; Moti Partners, LLC; Moti Partners 16, LLC; TPOV Enterprises, LLC; TPOV Enterprises 16, LLC; FERG, LLC; FERG 16, LLC; LLTQ Enterprises, LLC; LLTQ Enterprises 16, LLC), filed October 4, 2017	1	15	AA00196- AA00213
Affidavit of Service (DNT Acquisition, LLC), filed September 14, 2017	1	12	AA00179
Affidavit of Service (GR Burger, LLC), filed September 12, 2017	1	11	AA00178
Affidavit of Service (J. Jeffrey Frederick), filed September 28, 2017	1	13	AA00180
Amended Order Setting Civil Jury Trial, Pre-Trial/Calendar Call, filed March 13, 2019	2	34	AA00470- AA00474
Answer to Complaint in Intervention, filed November 27, 2018	2	31	AA00414- AA00422
Answer to First Amended Complaint and Counterclaim, filed July 21, 2017	1	6	AA00098- AA00122

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Appendix in Support of Caesars’ Motion for Leave to File First Amended Complaint; and Ex Parte Application for Order Shortening Time, filed December 12, 2019 – FILED UNDER SEAL	4	46	AA00787-AA00934
Appendix in Support of 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, filed December 4, 2020 – FILED UNDER SEAL	12	77	AA02291-AA02459
Appendix 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), filed July 14, 2022 – Part 1 of 3 – FILED UNDER SEAL	35	141	AA07485-AA07544
Appendix 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), filed July 14, 2022 – Part 2 of 3 – FILED UNDER SEAL	36	141	AA07545-AA07793

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Appendix 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), filed July 14, 2022 – Part 3 of 3 – FILED UNDER SEAL	37	141	AA07794-AA08033
Appendix of Exhibits in Support of Caesars’ Motions for Summary Judgment – Volume 1 of 5, filed February 25, 2021- FILED UNDER SEAL	14	90	AA02727-AA02893
Appendix of Exhibits in Support of Caesars’ Motions for Summary Judgment – Volume 2 of 5, filed February 25, 2021- FILED UNDER SEAL	15	91	AA02894-AA03095
Appendix of Exhibits in Support of Caesars’ Motions for Summary Judgment – Volume 3 of 5, filed February 25, 2021- FILED UNDER SEAL	16	92	AA03096-AA03332
Appendix of Exhibits in Support of Caesars’ Motions for Summary Judgment – Volume 4 of 5, filed February 25, 2021- Part 1 of 2 - FILED UNDER SEAL	17	93	AA03333-AA03582
Appendix of Exhibits in Support of Caesars’ Motions for Summary Judgment – Volume 4 of 5, filed February 25, 2021 - Part 2 of 2 - FILED UNDER SEAL	18	93	AA03583-AA03803

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Appendix of Exhibits in Support of Caesars' Motions for Summary Judgment – Volume 5 of 5, filed February 25, 2021 - FILED UNDER SEAL	19	94	AA03804-AA04049
Appendix of Exhibits in Support of Caesars' Replies in Support of its Motions for Summary Judgment, filed November 30, 2021 – Part 1 of 2 - FILED UNDER SEAL	31	112	AA06477-AA06675
Appendix of Exhibits in Support of Caesars' Replies in Support of its Motions for Summary Judgment, filed November 30, 2021 – Part 2 of 2 - FILED UNDER SEAL	32	112	AA06676-AA06792
Appendix of Exhibits to (1) The Development Entities and Rowen Seibel's Opposition to Caesars Motion for Summary Judgment No. 1; (2) Opposition to Caesars' Motion for Summary Judgment No. 2; and (3) Opposition to Gordon Ramsay's Motion for Summary Judgment, filed March 30, 2021 – Volume 1 of 9	21	100	AA04176-AA04380
Appendix of Exhibits to (1) The Development Entities and Rowen Seibel's Opposition to Caesars Motion for Summary Judgment No. 1; (2) Opposition to Caesars' Motion for Summary Judgment No. 2; and (3) Opposition to Gordon Ramsay's Motion for Summary Judgment, filed March 30, 2021 – Volume 2 of 9 - Part 1 of 2 FILED UNDER SEAL	22	101	AA04381-AA04535

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Appendix of Exhibits to (1) The Development Entities and Rowen Seibel's Opposition to Caesars Motion for Summary Judgment No. 1; (2) Opposition to Caesars' Motion for Summary Judgment No. 2; and (3) Opposition to Gordon Ramsay's Motion for Summary Judgment, filed March 30, 2021 – Volume 2 of 9 - Part 2 of 2 FILED UNDER SEAL	23	101	AA04536-AA04637
Appendix of Exhibits to (1) The Development Entities and Rowen Seibel's Opposition to Caesars Motion for Summary Judgment No. 1; (2) Opposition to Caesars' Motion for Summary Judgment No. 2; and (3) Opposition to Gordon Ramsay's Motion for Summary Judgment, filed March 30, 2021 – Volume 3 of 9 - Part 1 of 2 FILED UNDER SEAL	23	102	AA04638-AA04771
Appendix of Exhibits to (1) The Development Entities and Rowen Seibel's Opposition to Caesars Motion for Summary Judgment No. 1; (2) Opposition to Caesars' Motion for Summary Judgment No. 2; and (3) Opposition to Gordon Ramsay's Motion for Summary Judgment, filed March 30, 2021 – Volume 3 of 9 - Part 2 of 2 FILED UNDER SEAL	24	102	AA04772-AA04898

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Appendix of Exhibits to (1) The Development Entities and Rowen Seibel's Opposition to Caesars Motion for Summary Judgment No. 1; (2) Opposition to Caesars' Motion for Summary Judgment No. 2; and (3) Opposition to Gordon Ramsay's Motion for Summary Judgment, filed March 30, 2021 – Volume 4 of 9 – Part 1 of 2 FILED UNDER SEAL	24	103	AA04899-AA05021
Appendix of Exhibits to (1) The Development Entities and Rowen Seibel's Opposition to Caesars Motion for Summary Judgment No. 1; (2) Opposition to Caesars' Motion for Summary Judgment No. 2; and (3) Opposition to Gordon Ramsay's Motion for Summary Judgment, filed March 30, 2021 – Volume 4 of 9 – Part 2 of 2 FILED UNDER SEAL	25	103	AA05022-AA05158
Appendix of Exhibits to (1) The Development Entities and Rowen Seibel's Opposition to Caesars Motion for Summary Judgment No. 1; (2) Opposition to Caesars' Motion for Summary Judgment No. 2; and (3) Opposition to Gordon Ramsay's Motion for Summary Judgment, filed March 30, 2021 – Volume 5 of 9 – Part 1 of 2 - FILED UNDER SEAL	25	104	AA05159-AA05263

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Appendix of Exhibits to (1) The Development Entities and Rowen Seibel's Opposition to Caesars Motion for Summary Judgment No. 1; (2) Opposition to Caesars' Motion for Summary Judgment No. 2; and (3) Opposition to Gordon Ramsay's Motion for Summary Judgment, filed March 30, 2021 – Volume 5 of 9 – Part 2 of 2 - FILED UNDER SEAL	26	104	AA05264-AA05430
Appendix of Exhibits to (1) The Development Entities and Rowen Seibel's Opposition to Caesars Motion for Summary Judgment No. 1; (2) Opposition to Caesars' Motion for Summary Judgment No. 2; and (3) Opposition to Gordon Ramsay's Motion for Summary Judgment, filed March 30, 2021 – Volume 6 of 9 – Part 1 of 2 - FILED UNDER SEAL	26	105	AA05431-AA05469
Appendix of Exhibits to (1) The Development Entities and Rowen Seibel's Opposition to Caesars Motion for Summary Judgment No. 1; (2) Opposition to Caesars' Motion for Summary Judgment No. 2; and (3) Opposition to Gordon Ramsay's Motion for Summary Judgment, filed March 30, 2021 – Volume 6 of 9 – Part 2 of 2 - FILED UNDER SEAL	27	105	AA05470-AA05691

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Appendix of Exhibits to (1) The Development Entities and Rowen Seibel's Opposition to Caesars Motion for Summary Judgment No. 1; (2) Opposition to Caesars' Motion for Summary Judgment No. 2; and (3) Opposition to Gordon Ramsay's Motion for Summary Judgment, filed March 30, 2021 – Volume 7 of 9 – FILED UNDER SEAL	28	106	AA05692-AA05939
Appendix of Exhibits to (1) The Development Entities and Rowen Seibel's Opposition to Caesars Motion for Summary Judgment No. 1; (2) Opposition to Caesars' Motion for Summary Judgment No. 2; and (3) Opposition to Gordon Ramsay's Motion for Summary Judgment, filed March 30, 2021 – Volume 8 of 9 – Part 1 of 2 - FILED UNDER SEAL	29	107	AA05940-AA06174
Appendix of Exhibits to (1) The Development Entities and Rowen Seibel's Opposition to Caesars Motion for Summary Judgment No. 1; (2) Opposition to Caesars' Motion for Summary Judgment No. 2; and (3) Opposition to Gordon Ramsay's Motion for Summary Judgment, filed March 30, 2021 – Volume 8 of 9 – Part 2 of 2 - FILED UNDER SEAL	30	107	AA06175-AA06196

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Appendix of Exhibits to (1) The Development Entities and Rowen Seibel’s Opposition to Caesars Motion for Summary Judgment No. 1; (2) Opposition to Caesars’ Motion for Summary Judgment No. 2; and (3) Opposition to Gordon Ramsay’s Motion for Summary Judgment, filed March 30, 2021 – Volume 9 of 9 – FILED UNDER SEAL	30	108	AA06197-AA06425
Appendix of Exhibits to (I) Craig Green’s Opposition to Caesars’ Counter-Motion for Summary Judgment and (II) Rowen Seibel and the Development Entities’ Opposition to Caesars Cross Motion for Summary Judgment, filed August 31, 2022 – Part 1 of 2 – FILED UNDER SEAL	38	154	AA08155-AA08276
Appendix of Exhibits to (I) Craig Green’s Opposition to Caesars’ Counter-Motion for Summary Judgment and (II) Rowen Seibel and the Development Entities’ Opposition to Caesars Cross Motion for Summary Judgment, filed August 31, 2022 – Part 2 of 2 – FILED UNDER SEAL	39	154	AA08277-AA08410
Appendix of Exhibits to Craig Green’s Motion for Summary Judgment, filed June 17, 2022 – Part 1 of 2 - FILED UNDER SEAL	34	138	AA07189-AA07296
Appendix of Exhibits to Craig Green’s Motion for Summary Judgment, filed June 17, 2022 – Part 2 of 2 - FILED UNDER SEAL	35	138	AA07297-AA07449
Appendix of Exhibits to Craig Green’s Motion for Summary Judgment	43	171	AA09109-AA9164

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Appendix of Exhibits to 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 – Part 1 of 2 – FILED UNDER SEAL	40	160	AA08458-AA08707
Appendix of Exhibits to 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 – Part 2 of 2 – FILED UNDER SEAL	41	160	AA08708-AA08861
Appendix of Exhibits 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, filed November 20, 2020 – Volume 1 of 4 – Part 1 of 2	7	72	AA01592-AA01639
Appendix of Exhibits 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, filed November 20, 2020 – Volume 1 of 4 – Part 2 of 2	8	72	AA01640-AA01876

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Appendix of Exhibits 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, filed November 20, 2020 – Volume 2 of 4	9	73	AA01877-AA02007
Appendix of Exhibits 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, filed November 20, 2020 – Volume 3 of 4	10	74	AA02008-AA02176
Appendix of Exhibits 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, filed November 20, 2020 – Volume 4 of 4 – FILED UNDER SEAL	11	75	AA02177-AA02273
Appendix of Exhibits 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, filed December 7, 2020 – Volume 5 – FILED UNDER SEAL	12	79	AA02470-AA02497
Business Court Order, filed August 16, 2018	2	25	AA00375-AA00380

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Business Court Order, filed July 28, 2017	1	7	AA00123- AA00127
Business Court Scheduling Order and Order Setting Civil Jury Trial, Pre-Trial Conference and Conference Call, filed September 1, 2017	1	10	AA00174- AA00177
Business Court Scheduling Order Setting Civil Jury Trial and Pre-Trial Conference/Calendar Call, filed October 31, 2018	2	29	AA00406- AA00411
Caesars' Motion for Leave to File First Amended Complaint; and Ex Parte Application for Order Shortening Time, filed December 12, 2019 – FILED UNDER SEAL	4	45	AA00770- AA00786
Caesars' Motion for Summary Judgment No. 1, filed February 25, 2021- FILED UNDER SEAL	13	89	AA02701- AA02726
Caesars' Motion to Strike the Seibel-Affiliated Entities' Counterclaims, and/or in the Alternative, Motion to Dismiss, filed July 15, 2020	6	64	AA01303- AA01315
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, filed December 4, 2020 – FILED UNDER SEAL	11	76	AA02274- AA02290

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Caesars' Reply in Support of its Motion for Leave to File First Amended Complaint, filed February 5, 2020 – FILED UNDER SEAL	5	49	AA01016-AA01059
Caesars' Reply in Support of Motion for Summary Judgment No. 1, filed November 30, 2021 – FILED UNDER SEAL	31	111	AA06453-AA06476
Caesars' Reply in Support of Motion to Strike the Seibel-Affiliated Entities' Counterclaims, and/or in the Alternative, Motion to Dismiss, filed August 12, 2020	6	66	AA01374-AA01388
Caesars' Reply to the Development Parties' Omnibus Supplement to Their Oppositions to Motions for Summary Judgment filed by Caesars and Ramsay, filed January 13, 2022 – FILED UNDER SEAL	33	122	AA06993-AA07002
Caesars' Response to Objections to Evidence Offered in Support of Motions for Summary Judgment, filed November 30, 2021 – FILED UNDER SEAL	32	115	AA06809-AA06819
Complaint in Intervention, filed October 24, 2018	2	28	AA00389-AA00405
Complaint, filed August 25, 2017	1	8	AA00128-AA00167
Craig Green's Motion for Summary Judgment, filed June 17, 2022	34	137	AA07174-AA07188
Craig Green's Opposition to Caesars' Countermotion for Summary Judgment, filed August 31, 2022 – FILED UNDER SEAL	38	150	AA08101-AA08122

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Declaration of M. Magali Mercera, Esq. in Support of Appendix of Exhibits in Support of Caesars' Replies in Support of its Motions for Summary Judgment, filed November 30, 2021	32	113	AA06793-AA06800
Declaration of M. Magali Mercera, Esq. in Support of Caesars' Motions for Summary Judgment, filed February 25, 2021	20	95	AA04062-AA04075
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), filed July 14, 2022	35	140	AA07476-AA07484
Declaration of M. Magali Mercera, Esq. in Support of 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	39	159	AA08453-AA08457
Defendant DNT Acquisition, LLC's Answer to Plaintiffs' Complaint and Counterclaims, filed July 6, 2018	2	21	AA00283-AA00306
Defendant Gordon Ramsay's Answer and Affirmative Defenses to First Amended Verified Complaint, filed July 21, 2017	1	5	AA00076-AA00097

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Defendant J. Jeffrey Frederick's Answer to Plaintiff's Complaint, filed September 29, 2017	1	14	AA00181-AA00195
Defendant Rowen Seibel's Answer to Plaintiffs' Complaint, filed July 3, 2018	1	18	AA00225-AA00245
Defendants TPOV Enterprises, LLC and TPOV Enterprises 16, LLC's Answer to Plaintiffs' Complaint, filed July 6, 2018	2	20	AA00264-AA00282
Findings of Fact, Conclusions of Law, and Order Granting Caesars' Motion to Strike the Seibel-Affiliated Entities' Counterclaims, and/or in the Alternative, Motion to Dismiss, filed on February 3, 2021	13	83	AA02626-AA02639
Findings of Fact, Conclusions of Law, and Order Granting Caesars' Motion for Summary Judgment No. 1, filed on May 31, 2022	34	129	AA07052-AA07071
Findings of Fact, Conclusions of Law, and Order Granting Caesars' Motion for Summary Judgment No. 2, filed on May 31, 2022	34	130	AA07072-AA07091
Findings of Fact, Conclusions of Law, and Order: (1) Denying Craig Green's Motion for Summary Judgment; (2) Granting Caesars' Counter-Motion for Summary Judgment Against Craig Green; and (3) Granting Caesars' Cross-Motion for Summary Judgment Against Rowen Seibel and the Seibel-Affiliated Entities (Related to Counts IV-VIII of the First Amended Complaint), filed on March 22, 2023	42	168	AA09066-AA09083

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
First Amended Complaint, filed March 11, 2020	5	53	AA01101- AA01147
First Amended Verified Complaint, filed June 28, 2017	1	4	AA00041- AA00075
Initial Appearance Fee Disclosure (PHWLTV, LLC), filed March 20, 2017	1	3	AA00040
Initial Appearance Fee Disclosure (Ramsay), filed March 17, 2017	1	2	AA00037- AA00039
LLTQ/FERG Defendants' Answer and Affirmative Defenses to Plaintiffs' Complaint and Counterclaims, filed July 6, 2018	2	22	AA00307- AA00338
Minute Order Re: Sealing Motions, filed March 9, 2022	33	128	AA07051
Minute Order Re: Status Check, filed April 29, 2020	5	59	AA01169
Moti Defendants' Answer and Affirmative Defenses to Plaintiff's Complaint, filed July 6, 2018	2	19	AA00246- AA00263
Motion to Amend LLTQ/FERG Defendants' Answer, Affirmative Defenses, and Counterclaims, filed October 2, 2019	3	38	AA00488- AA00604
Nominal Plaintiff, GR Burgr, LLC's Answer to First Amended Complaint, filed June 19, 2020	6	63	AA01282- AA01302
Notice of Appeal, filed April 21, 2023	42	170	AA09105- AA09108

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Notice of Entry of Findings of Fact, Conclusions of Law, and Order Granting Caesars' Motion to Strike the Seibel-Affiliated Entities' Counterclaims, and/or in the Alternative, Motion to Dismiss, filed February 3, 2021	13	84	AA02640-AA02656
Notice of Entry of Findings of Fact, Conclusions of Law, and Order Granting Caesars' Motion for Summary Judgment No. 1, filed June 3, 2022	34	134	AA07119-AA07141
Notice of Entry of Findings of Fact, Conclusions of Law, and Order Granting Caesars' Motion for Summary Judgment No. 2, filed June 3, 2022	34	135	AA07142-AA07164
Notice of Entry of Findings of Fact, Conclusions of Law, and Order: (1) Denying Craig Green's Motion for Summary Judgment; (2) Granting Caesars' Counter-Motion for Summary Judgment Against Craig Green; and (3) Granting Caesars' Cross-Motion for Summary Judgment Against Rowen Seibel and the Seibel-Affiliated Entities (Related to Counts IV-VII of the First Amended Complaint), filed March 28, 2023	42	169	AA09084-AA09104
Notice of Entry of Omnibus Order Granting the Development Entities, Rowen Seibel, and Craig Green's Motions to Seal and Redact, filed May 27, 2021	31	110	AA06438-AA06452

<u>Document Title:</u>	<u>Vol. No.:</u>	<u>Tab No.:</u>	<u>Page Nos.:</u>
Notice of Entry of 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 February 4, 2021	13	86	AA02665-AA02675
Notice of Entry of Order (Omnibus Order Granting the Development Parties' Motions to Seal and Redact), filed February 9, 2022	33	127	AA07039-AA07050
Notice of Entry of Order Denying Motion to Amend LLTQ/FERG Defendants' Answer, Affirmative Defenses and Counterclaims, filed November 25, 2019	4	44	AA00763-AA00769
Notice of Entry of Order Granting Craig Green's Motion to Seal Exhibits 1-6 and 9-11 to His Motion for Summary Judgment, filed August 16, 2022	38	149	AA08091-AA08100
Notice of Entry of 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	125	AA07017-AA07029

<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' 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 Ordre 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:

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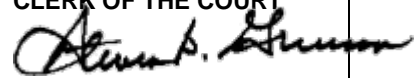
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/s/ Susan Russo

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TAB 171



APPEN (CIV)

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R Squared Global Solutions, LLC, Derivatively on Behalf of DNT Acquisition,
LLC; and GR Burgr, LLC*

**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,

vs.

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.

AND ALL RELATED CLAIMS.

Case No. A-17-751759-B
Dept. No. XVI

Consolidated with A-17-760537-B

**APPENDIX OF EXHIBITS TO CRAIG GREEN'S
MOTION FOR SUMMARY JUDGMENT**

TABLE OF CONTENTS

Exhibit No.	Document Description	Numbering Sequence
1	Development, Operation, and License Agreement between Desert Palace, Inc., d/b/a Caesars Palace and Moti Partners, LLC – FILED UNDER SEAL	001-023
2	Development, Operation, and License Agreement among DNT Acquisition LLC, The Original Homestead Restaurant, Inc. and Desert Palace, Inc. – FILED UNDER SEAL	024-069
3	Development and Operation Agreement between TPOV Enterprises, LLC and Paris Las Vegas Operating Company, LLC – FILED UNDER SEAL	070-102
4	Development and Operation Agreement between LLTQ Enterprises, LLC and Desert Palace, Inc. – FILED UNDER SEAL	103-137
5	Consulting Agreement between FERG, LLC and Boardwalk Regency Corporation d/b/a Caesars Atlantic City – FILED UNDER SEAL	138-176
6	Development, Operation and License Agreement among Gordon Ramsay, GR Burgr LLC, and PHW Manager, LLC on behalf of PHW Las Vegas, LLC d/b/a Planet Hollywood – FILED UNDER SEAL	177-220
7	Declaration of Craig Green	221-223
8	Excerpts of Deposition Transcript of Craig Green (Sept. 5, 2019)	224-231
9	Craig Green’s Responses to Caesars Palaces’ First Set of Interrogatories – FILED UNDER SEAL	232-243
10	Excerpts of Deposition Transcript of Craig Green (Apr. 23, 2021) – PORTIONS FILED UNDER SEAL	244-270
11	Excerpts of Deposition Transcript of Caesars 30(b)(6) Designee, Jessica Medeirosman (Apr. 14, 2021) – FILED UNDER SEAL	271-279
12	Declaration of Joshua P. Gilmore	280-282

DATED this 17th day of June, 2022.

BAILEY ♦ KENNEDY

By: /s/ Joshua P. Gilmore

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JOSHUA P. GILMORE
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CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 17th day of June, 2022, service of the foregoing was made by mandatory electronic service through the Eighth Judicial District 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:

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/s/ Susan Russo
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EXHIBIT 1

EXHIBIT 1

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

EXHIBIT 2

EXHIBIT 2

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

EXHIBIT 3

EXHIBIT 3

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

EXHIBIT 4

EXHIBIT 4

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

EXHIBIT 5

EXHIBIT 5

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

EXHIBIT 6

EXHIBIT 6

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

EXHIBIT 7

EXHIBIT 7

DECLARATION OF CRAIG GREEN

I, Craig Green, declare as follows:

1. I am over eighteen (18) years of age and a resident of Miami-Dade County, Florida.

2. I am competent to testify to the facts stated herein, which are based on personal knowledge unless otherwise indicated, and would do so if requested.

3. I am a Defendant in the matter entitled *Seibel v. PHWLTV, LLC, et al.*, Case No. A751759, consolidated with Case No. A760537, pending in the Eighth Judicial District Court, Clark County, Nevada (the "Case").

4. I make this Declaration in support of my Motion for Summary Judgment.

5. Beginning in 2012, I started working as a consultant for Rowen Seibel and various companies that he owned or controlled, including Moti Partners, LLC ("Moti"), R Squared Global Solutions, LLC ("R Squared"), LLTQ Enterprises, LLC ("LLTQ"), TPOV Enterprises, LLC ("TPOV"), FERG, LLC ("FERG"), and GR Burgr, LLC ("GRB") (collectively, the "Initial Development Entities"). I did so through my company, CBG Hospitality Consulting, LLC ("CBG"). CBG received a monthly fee for my services, and Mr. Seibel determined which company paid the fee each and every month. Mr. Seibel also determined which company paid the costs of my health insurance.

6. At Mr. Seibel's direction, my services included communicating with employees of Caesars¹ concerning certain aspects of restaurants in Caesars' properties in Las Vegas, Nevada, and Atlantic City, New Jersey, that had been designed and developed by Caesars in conjunction with Moti, R Squared, LLTQ, TPOV, FERG, and GRB. I did so on behalf of those Initial Development Entities. Any and all decisions that had to be made by the Initial Development Entities concerning the restaurants were made by Mr. Seibel.

7. At Mr. Seibel's direction, my services also included communicating with vendors with whom Mr. Seibel had existing or prospective relationships. Mr. Seibel, through companies

¹ 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") are collectively referred to as "Caesars."

1 that he owned or controlled, offered services such as market activation, brand building, and
2 strategic product placement and development for vendors in exchange for payment of a fee,
3 typically in the form of a percentage of gross receipts made by the vendors in selling their products
4 or services to third parties. Mr. Seibel decided the terms of any deal with any vendor—my role was
5 limited to serving as a communicator on behalf of Mr. Seibel and his companies.

6 8. In my experience, having worked in the hospitality industry for many years, it is
7 common and widespread for vendors to pay a fee to a company for introducing the vendor to new
8 businesses or expanding the vendor's reach with existing businesses.

9 9. As I understood it, employees of Caesars were aware of Mr. Seibel's relationships
10 with different vendors, including Pat LaFrieda Meat Purveyors, Innis & Gunn Brewing Company,
11 and Sabrett Hot Dogs. Mr. Seibel's relationships with the owners of Pat LaFrieda Meat Purveyors
12 and Sabrett Hot Dogs pre-dated my retention as a consultant for him and his companies. Further,
13 Mr. Seibel spearheaded the relationships with the owners of Innis & Gunn Brewing Company and
14 Ty Nant Water.

15 10. Vendors who worked with Mr. Seibel paid fees to the following companies that were
16 owned, in whole or in part, by Mr. Seibel: BR 23 Venture, LLC ("BR 23") and Future Star
17 Hospitality Consulting, LLC ("Future Star"). Mr. Seibel determined to which entity the fees were
18 paid by vendors. I did not serve as a Manager of either BR 23 or Future Star.

19 11. I did not receive money from any vendor. Further, my compensation as a consultant
20 was not dependent on the amount of fees paid by vendors (e.g., my compensation was never
21 increased due to amounts paid by vendors).

22 12. In 2013 or 2014, I became a minority owner of BR 23. Despite being a minority
23 owner, I have not received a distribution from BR 23.

24 13. In or around 2018, I became a minority owner of Future Star. Despite being a
25 minority owner, I have not received a distribution from Future Star.

14. In or around March or April of 2016, I agreed to serve, and was appointed as, the Manager of the Initial Development Entities (with exception for GRB) in place of Mr. Seibel.²

15. In March 2016, the following entities were formed (collectively, the “New Development Entities”): Moti Partners 16, LLC (“Moti 16”); LLTQ Enterprises 16, LLC (“LLTQ 16”); TPOV Enterprises 16, LLC (“TPOV 16”); and FERG 16, LLC (“FERG 16”). I agreed to serve, and was appointed as, the Manager of the New Development Entities.³

16. Neither BR 23 nor Future Star received payments from vendors in 2016 or later related to restaurants at Caesars' properties.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed on June 17, 2022.

/s/ Craig Green
CRAIG GREEN

² In 2021, I resigned as the Manager of the Initial Development Entities.

³ In 2021, I resigned as the Manager of the New Development Entities.

EXHIBIT 8

EXHIBIT 8

In the Matter Of:

A-17-751759-B

SEIBEL

VS

PHWL V, LLC, et al.

Videotaped Deposition Of:

CRAIG GREEN, VOLUME II

September 05, 2019



702-805-4800

scheduling@envision.legal

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,)

Plaintiffs,)

vs.)

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

Defendants.)

and)

GR BURGER LLC, a Delaware)
limited liability company,)

Nominal Plaintiff.)

AND ALL RELATED CLAIMS)
_____)

Case No.: A-17-751759-B
Dept. No.: XVI

Consolidated with

A-17-760537-B

VOLUME II

VIDEOTAPED DEPOSITION OF CRAIG GREEN

LAS VEGAS, NEVADA

THURSDAY, SEPTEMBER 5, 2019

Reported by: Monice K. Campbell, NV CCR No. 312

Job No.: 3464

1 VIDEOTAPED DEPOSITION OF CRAIG GREEN, held at
2 Pisanelli Bice, located at 400 South 7th Street,
3 Suite 300, Las Vegas, Nevada, on Thursday,
4 September 5, 2019, at 9:16 a.m., before Monice K.
5 Campbell, Certified Court Reporter, in and for the
6 State of Nevada.

7
8 APPEARANCES:

9 For Rowen Seibel; DNT Acquisition LLC; Moti Partners,
10 LLC, Moti Partners 16, LLC; LLTQ Enterprises, LLC;
11 LLTQ Enterprises 16, LLC; FERG, LLC; TPOV
Enterprises, LLC; and TPOV Enterprises 16, LLC:

12 SCAROLA ZUBATOV SCHAFFZIN PLLC
13 BY: DANIEL J. BROOKS, ESQ.
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16 For the Plaintiff in Intervention, The Original
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17 (Present Telephonically)

18 LEBENSFELD SHARON & SCHWARTZ, P.C.
19 BY: LAWRENCE SHARON, ESQ.
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1 For Desert Palace, Inc; Paris Las Vegas Operating
2 Company, LLC; PHWLTV, LLC; and Boardwalk Regency
Corporation d/b/a Caesars Atlantic City:

3 PISANELLI BICE PLLC
4 BY: M. MAGALI MERCERA, ESQ.
5 BY: BRITTNIE T. WATKINS, ESQ.
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8 For Gordon Ramsay:

9 FENNEMORE CRAIG
10 BY: JOHN D. TENNERT III, ESQ.
11 300 East Second Street, Suite 1510
12 Reno, Nevada 89501
775.788.2212
jtennert@fclaw.com

13 Also Present:

14 The Videographer:

15 Jared Marez
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I N D E X

CRAIG GREEN	PAGE
Examination By Mr. Tennert	311
Examination By Ms. Mercera	323

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
	(NONE MARKED)	

1 LAS VEGAS, NEVADA; THURSDAY, SEPTEMBER 5, 2019

2 9:16 A.M.

3 * * *

4 THE VIDEOGRAPHER: We are back on the
5 record. The time is 9:16 a.m. of September 5th,
6 2019.

7 Whereupon,

8 CRAIG GREEN,
9 having been previously sworn to testify to the truth,
10 the whole truth, and nothing but the truth, was
11 examined and testified under oath as follows:

12
13 EXAMINATION

14 BY MR. TENNERT:

15 Q. Good morning, Mr. Green.

16 A. Good morning.

17 Q. We met yesterday. I'm John Tennert.
18 Fennemore Craig. I represent Gordon Ramsay.

19 We talked yesterday about several
20 different entities but we didn't follow much about
21 the entity GR Burger, LLC. Are you familiar with
22 that entity?

23 A. I am.

24 Q. Did you have a specific role with that
25 entity?

1 entity was or is?

2 A. It was a marketing vehicle using this
3 entity to create relationships with different
4 vendors and grow that relationship as Mr. Seibel's
5 company grew.

6 Q. Did you have a role with that entity?

7 A. I would assist Mr. Seibel in sourcing
8 vendors at his request.

9 Q. So were you a manager of that entity?

10 A. Not at the time. I believe not at the
11 time of that activity, no.

12 Q. So maybe could you give me a little bit
13 more detail of what you mean by "sourcing vendors
14 or working with vendors." What role did this
15 company play in working with vendors?

16 A. So it would work with vendors, whether it
17 was different companies that provided services to
18 restaurants and grow -- help grow those companies
19 into other restaurants or future restaurants that
20 would be associated with Mr. Seibel.

21 Q. And did BR 23 Venture do any work with
22 any vendors that provided services to any of the
23 Ramsay Group of restaurants?

24 A. I don't recall specifics. It was a long
25 time ago. I don't recall specifics.

1
2 IN WITNESS THEREOF, I have hereunto set my hand
3 in my office in the County of Clark, State of Nevada,
4 this 10th day of September, 2019.

5 

6 _____
7 Monice K. Campbell, CCR No. 312
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EXHIBIT 9

EXHIBIT 9

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

EXHIBIT 10

EXHIBIT 10

In the Matter Of:

A-17-751759-B

SEIBEL

VS

PHWLTV, LLC, et al.

Videotaped Deposition Of:

CRAIG GREEN, VOLUME IV

April 23, 2021



702-805-4800

scheduling@envision.legal

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,)

Plaintiffs,)

vs.)

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.)

AND ALL RELATED MATTERS)

Case No.: A-17-751759-B
Dept. No.: XVI

Consolidated with

A-17-760537-B

VOLUME IV

VIDEOTAPED DEPOSITION OF CRAIG GREEN

FRIDAY, APRIL 23, 2021

Reported by: Monice K. Campbell, NV CCR No. 312

Job No.: 5446

1 VIDEOTAPED DEPOSITION OF CRAIG GREEN, held
2 virtually, on Friday, April 23, 2021, at 8:07 a.m.,
3 before Monice K. Campbell, Certified Court Reporter,
4 Registered Professional Reporter.

5 APPEARANCES:

6 For Rowen Seibel; DNT Acquisition, LLC; Moti
7 Partners, LLC, Moti Partners 16, LLC; LLTQ
8 Enterprises, LLC; LLTQ Enterprises 16, LLC; FERG,
9 LLC; TPOV Enterprises, LLC; and TPOV Enterprises 16,
10 LLC:

11 BAILEY KENNEDY

12 BY: PAUL WILLIAMS, ESQ.
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148
702.562.8820
pwilliams@baileykennedy.com

13 For Desert Palace, Inc; Paris Las Vegas Operating
14 Company, LLC; PHWLTV, LLC; and Boardwalk Regency
Corporation d/b/a Caesars Atlantic City:

15 PISANELLI BICE PLLC

16 BY: M. MAGALI MERCERA, ESQ.
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702.214.2100
mmm@pisanellibice.com

18 For Gordon Ramsay:

19 FENNEMORE CRAIG

20 BY: JOHN D. TENNERT III, ESQ.
300 East Second Street, Suite 1510
21 Reno, Nevada 89501
775.788.2212
22 jtennert@fclaw.com

23 Also Present:

24 KORTNEY DRAGOO, EXHIBIT TECH/VIDEOGRAPHER
25

I N D E X

CRAIG GREEN	PAGE
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Examination By Ms. Mercera	458
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E X H I B I T S

NUMBER	DESCRIPTION	PAGE
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Exhibit C172	Notice of Videotaped Deposition of Craig Green	475
--------------	--	-----

Exhibit C173	First Amended Complaint	483
--------------	-------------------------	-----

Exhibit C174	Defendant Craig Green's Responses to Desert Palace, Inc.'s First Set of Interrogatories	512
--------------	---	-----

Exhibit C175	10/2013 Email Chain between C. Green and T. Johnson, Re: TyNant Las Vegas Invoices, RS-00188686 through RS-00188695	571
--------------	---	-----

Exhibit C176	2013 Email Chain Between C. Green and D. Bimbo, Re: TyNant Las Vegas Invoices, RS-00188500 through RS-00188502	578
--------------	--	-----

Exhibit C177	8/2013 Email Chain Between D. Bimbo and C. Green, RS-00188409 through RS-00188410	584
--------------	---	-----

Exhibit C178	8/11/13 Email, D. Bimbo to C. Green, Re: TyNant Program, RS-00193128	593
--------------	--	-----

Exhibit C179	2/4/14 Email, D. Abraham to C. Green, Re: Mark Rosen - Sabetts Follow-Up, RS-00193147	599
--------------	---	-----

Exhibit C180	5/2014 Email Chain Between C. Green and Rowen, Re: Hot Dogs, RS-00188537 through RS-00188539	606
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E X H I B I T S

NUMBER	DESCRIPTION	PAGE
Exhibit C181	7/28/15 Email Chain Between C. Green and D. Abraham, Re: Invoice for Serendipity and BurGR Rebate, June 2015, RS00188477, with Attachments	610
Exhibit C182	2015 Email Chain Between D. Abraham and D. Graham, Re: Invoice for Serendipity & BurGR Rebate/January 2015	616
Exhibit C183	2/5/15 Email, C. Green to D. Abraham, Re: Sabrett Update, RS-00188697	619
Exhibit C184	10/28/13 Email, C. Green to D. Abraham, Re: Conversation, RS-00193243	626

E X H I B I T S
(Referenced)

NUMBER	DESCRIPTION	PAGE
Exhibit GR03	6/6/13 Email Chain, D. Deluca to C. Green, Re: Follow up with Rowen Seibel, TPOV00018821 through TPOV00018824	550
Exhibit GR06	10/23/12 Email, Rowen to Craig Green, Re: Pat LaFrieda Discussion, TPOV00015726	538
Exhibit GR08	12/13/13 Email, C. Green to D. Abraham, Re: BR 23 Venture Prospect - New Castle Brown Ale, RAMSAY00005824 through RAMSAY00005825	628
Exhibit C43	1/31/16 Email, C. Green to J. Berg, Re: Rowen Seibel Org. Charts, RS-00138155 through RS-00138168	502

E X H I B I T S

(Referenced)

NUMBER	DESCRIPTION	PAGE
Exhibit C44	2014 Email Exchange Between C. Green and J. Frederick, Re: Preferred Vendor - Lavazza, RS-00009650 through RS-00009652	633

* * * * *

FRIDAY, APRIL 23, 2021

8:07 A.M.

* * * * *

THE VIDEOGRAPHER: Good morning. Today is Friday, April 23rd, 2021, and the time is approximately 8:07 a.m. This is the videotaped deposition of Craig Green, Volume IV, in the matter of Seibel versus PHWLTV, LLC, et al. This case is venued in the District Court, Clark County, Nevada. The case number is A-17-751759-B.

My name is Kortney Dragoo. I am the videographer for Envision Legal Solutions. The court reporter is Monice Campbell.

At this time I will ask counsel to identify yourselves, state whom you represent, and agree on the record that there is no objection to the court reporter administering a binding oath to the witness via Zoom.

We will start with the noticing attorney, Ms. Magali Mercera.

MS. MERCERA: Good morning. Magali Mercera, on behalf of the Caesars parties. And I so stipulate.

MR. WILLIAMS: Good morning.

1 Paul Williams, on behalf the deponent, Craig Green.

2 And I so stipulate.

3 MR. TENNERT: John Tennert, on behalf of
4 Gordon Ramsay. And I agree.

5 Whereupon,

6 CRAIG GREEN,
7 having been sworn to testify to the truth, the
8 whole truth, and nothing but the truth, was examined
9 and testified under oath as follows:

10
11 EXAMINATION

12 BY MS. MERCERA:

13 Q. Good morning, Mr. Green.

14 A. Good morning.

15 Q. Thank you for joining us this morning.

16 It is not my intent to keep you here all
17 day. I'm going to be -- try to be as efficient as
18 I can with my time. So I know we've been through
19 this process a few times before in your different
20 capacities, but just to make sure that we're all on
21 the same page, I'm going to go through a couple of
22 admonitions. Okay?

23 First, do you understand that the oath
24 that you just took is -- obligates you to provide
25 the best and most complete answers?

1 had me working for him, and therefore, if he had an
2 interest in that company, I would do work for him,
3 but I had no role within Future Star.

4 Q. Did you do -- did you direct any
5 payments to Future Star?

6 A. I don't know what you mean by "direct any
7 payments."

8 Q. Did you conduct any business on behalf
9 of Future Star?

10 A. I conducted business on behalf of
11 Mr. Seibel, as -- while I was working for him. I
12 didn't put a specific hat on, you know,
13 Future Star. If Mr. Seibel asked me to conduct
14 business, as his employee, I would handle those
15 responsibilities.

16 Q. As you sit here today, do you recall
17 if Future Star ever compensated you for any
18 work?

19 A. It's possible -- not me personally, no.
20 If anything, they would have compensated my entity.
21 However, not me personally.

22 Q. You keep mentioning that you worked
23 for Mr. Seibel.

24 Did you or your company have an
25 employment contract with Mr. Seibel?

1 A. In certain instances, Mr. Pastore was in
2 town, and I was taking him around to the different
3 locations in which he was associated with to speak
4 with Jeff directly, speak about any issues that
5 they may have had; tried to, you know, make sure
6 that there were -- any issues were taken care of.

7 In other instances, chefs or general
8 managers would request me to speak to LaFrieda
9 about reducing some of the costs of some of their
10 specific cuts of meat, which I would happily oblige
11 to do on behalf of the restaurants as well.

12 Again, those are just some of the things
13 that I can remember off the top of my head.

14 Q. Was LaFrieda aware that you were
15 negotiating both on behalf of the restaurants
16 and on behalf of LaFrieda?

17 A. Yeah, of course.

18 Q. Is that appropriate?

19 A. Again, I -- again, it was requested of me
20 by general managers and people at the restaurant
21 to -- that the costs were expensive on certain cuts
22 of meat and if they can reduce the price. So I
23 would call Mr. Pastore and see if there was an
24 opportunity for him to reduce the price.

25 Q. As a general --

1 A. That's what I was asked to do as a
2 representative -- you know, representing
3 Mr. Seibel, and that was what they asked me of me
4 in those instances.

5 Q. Was Caesars aware that you were also
6 obtaining a 5 percent return on anything Caesars
7 purchased?

8 MR. WILLIAMS: Objection. Foundation.
9 Go ahead.

10 THE WITNESS: Again, I know Caesars was
11 aware of the LaFrieda relationship. I don't know
12 the specifics of who or what was aware of what part
13 of that relationship, but Caesars was aware of the
14 relationship between Mr. Seibel and the LaFrieda --
15 and the LaFrieda group as well.

16 BY MS. MERCERA:

17 Q. When you say "Caesars was aware of the
18 relationship," what do you mean by "the
19 relationship"?

20 A. Again, that there was a -- that there was
21 a relationship between Mr. Seibel or one of his
22 entities and the LaFrieda group. You know,
23 Mr. Seibel, to the best of my knowledge, had helped
24 bring them in; he continued to be super-engaged in
25 regards to that process while they were in the

1 restaurants, and if there were things that needed
2 to be taken care of, you know, they would ask
3 Mr. Seibel to do it, and in other instances either,
4 you know, asked me directly or through Mr. Seibel
5 to handle certain things with the LaFrieda group.

6 Q. When you say "relationship" -- my
7 question is, what do you mean by "relationship"?
8 Because "relationship" can mean that you just
9 know somebody. "Relationship" can mean that you
10 are friends. "Relationship" can mean that you
11 are business partners. "Relationship" can mean
12 a variety of things.

13 When you say that Caesars was aware of
14 the relationship between Mr. Seibel and
15 Pat LaFrieda, what are you referring to?

16 A. Ms. Mercera, I can't give you a more
17 specific answer than that. I can only tell you
18 what I have experienced as, basically, an employee
19 of Mr. Seibel, working on behalf of him or his
20 entities at his discretion. So if it comes to the
21 actual communications in regards to that, that's a
22 question for Mr. Seibel, who was managing and
23 operating, you know, that relationship.

24 I can't give more information than what
25 I'm trying to provide to you off of my

1 recollection.

2 Q. Mr. Green, you're saying that you knew
3 that Caesars was aware of the relationship. So
4 I'm just trying to understand what you mean by
5 "Caesars was aware of the relationship." I'm
6 just going off of your testimony.

7 A. And, again -- and I will try to not
8 repeat myself or give you more information, but
9 this is the best that I can tell you. Caesars knew
10 of the relationship between the -- Mr. Seibel and
11 Pat LaFrieda.

12 Mr. Seibel introduced Pat LaFrieda to
13 specific restaurants. Mr. Seibel -- at
14 Mr. Seibel's direction, communication -- you know,
15 there were certain communications that I would
16 handle with -- between LaFrieda -- the LaFrieda
17 company and if Caesars requested them as well. So
18 there was a relationship.

19 Again, I don't know the specifics of, you
20 know, communications in regards to a 5 percent fee.
21 Again, that would be a question for Mr. Seibel. I
22 was strictly, you know, an employee handling the
23 responsibilities that were requested of me.

24 MS. MERCERA: Kortney, can you post GR06
25 to the chat, please?

1 purported lunch with Innis & Gunn, correct?

2 A. Mm-hmm.

3 Q. Looking to the last paragraph in
4 that -- well, second-to-last paragraph, it says:
5 "Just wanted to follow up with you in regards to
6 our chat. We are completely content with the
7 15 percent rebate on each keg price. However,
8 Rowen is adamant about this being a retroactive
9 amount being January 1st, 2013. We are
10 willing to completely ignore 2012, when it comes
11 to GR Steak; however, we feel it's only fair to
12 include Pub, BurGR and GR Steak."

13 Do you see that?

14 A. Mm-hmm.

15 Q. How is Mr. Seibel introducing
16 Innis & Gunn to Caesars if Innis & Gunn is
17 already purchasing -- or selling to Caesars?

18 A. So, again, I don't recall the exact
19 situation prior to the restaurants opening, and
20 Mr. Seibel's relationship with that. That is
21 something you would have to speak to Mr. Seibel
22 about specifically.

23 But in addition to these locations,
24 Mr. Seibel and -- you know, and sometimes at his
25 direction to me, would ask to find new

1 opportunities within Caesars, as well as elsewhere
2 outside of the Caesars organization, for locations
3 for Innis & Gunn.

4 So although -- again, I can't speak to
5 prior to me joining, because GR Steak opened prior
6 to me joining, and a lot of the legwork in regards
7 to the openings of the restaurant and Pub and BurGR
8 were completed prior to me starting to work for
9 Mr. Seibel and/or his related entities, but in
10 addition to that there were further introductions
11 to other locations within Caesars with regards to
12 Innis & Gunn.

13 Q. Mr. Green, I'm just going off of your
14 answer. Your answer says "introducing
15 Innis & Gunn to Caesars."

16 Do you see that on page 7?

17 A. Yeah. Caesars is a large organization,
18 and if I can speak directly to other locations in
19 which Innis & Gunn wasn't at and then would be at,
20 I'm speaking directly to that.

21 Q. Innis & Gunn was already introduced to
22 Caesars, weren't they?

23 A. Again, Caesars was --

24 MR. WILLIAMS: Objection. Foundation.

25 THE WITNESS: I'm speaking about specific

1 advice -- you know, specific advice that was given
2 to BR 23.

3 But maybe you can establish foundation --
4 does he know, first, yes or no, maybe, so we don't
5 have to address it.

6 MS. MERCERA: Okay. That's fair.

7 BY MS. MERCERA:

8 Q. Mr. Green, do you know if BR 23 sought
9 legal advice regarding compliance with liquor
10 marketing laws?

11 A. Ms. Mercera, I was a person working for
12 Mr. Seibel at his direction. In regards to BR 23,
13 he was the manager in charge of that entity, so I
14 think that would -- I don't know. I think that
15 would be a question for Mr. Seibel.

16 Q. You didn't participate in any such
17 discussions, did you?

18 A. I don't -- I don't recall participating
19 in discussions in what you discussed -- in what you
20 described.

21 Q. Going back to GR03. Let me know when
22 you're there.

23 A. Is that the most recent one?

24 Q. Yes. It should be the last one in the
25 chat box.

1 BY MS. MERCERA:

2 Q. Mr. Green, is it your position that
3 this was all directed by Mr. Seibel?

4 A. Again, I --

5 MR. WILLIAMS: Objection. Argumentative.
6 Go ahead.

7 BY MS. MERCERA:

8 Q. I'm just trying to clarify your
9 answer, Mr. Green.

10 A. I was an employee --

11 Q. Hold on. Let me finish my question.

12 Your response to nearly every question
13 I've asked about this is that you were just doing
14 as Mr. Seibel directed.

15 So is it your position that all of this
16 about the kickbacks was directed by Mr. Seibel?

17 MR. WILLIAMS: Objection. Form.
18 Argumentative. And foundation.

19 Go ahead.

20 THE WITNESS: Again, I disagree with you
21 on the term "kickback." That, I do not believe,
22 was the case whatsoever.

23 In regards to -- in regards to -- I was
24 working for Mr. Seibel. You know, these were
25 Mr. Seibel's businesses, and I was working on

1 for this script? When I say "script," I'm
2 talking about the verbiage that's starting under
3 the italicized sentence.

4 MR. WILLIAMS: Objection. Calls for
5 speculation.

6 THE WITNESS: I don't know. I don't
7 know.

8 BY MS. MERCERA:

9 Q. Did you seek approval from Caesars for
10 this verbiage?

11 A. Again, I was working, you know, on behalf
12 of Mr. Seibel, so, you know -- so I would have -- I
13 wouldn't have had the communication with Seibel --
14 with Caesars to confirm any sort of verbiage with
15 them, just at the direction of -- you know, what he
16 wanted to achieve in regards to growing his brand
17 outside of Las Vegas and in new locations as he
18 grows in the future.

19 Q. Under the list of restaurants, it
20 says, "We will commit to rolling XYZ Beer in our
21 locations," referencing whatever beer you would
22 be sending this to.

23 What is that based on? How were you able
24 to commit to rolling out any certain product at the
25 locations?

1
2 IN WITNESS THEREOF, I have hereunto set my hand
3 in my office in the County of Clark, State of Nevada,
4 this 6th day of may, 2021.

5
6 

7
8 Monice K. Campbell, CCR No. 312

EXHIBIT 11

EXHIBIT 11

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

EXHIBIT 12

EXHIBIT 12

DECLARATION OF JOSHUA P. GILMORE

I, Joshua P. Gilmore, declare as follows:

1. I am over eighteen (18) years of age and a resident of Clark County, Nevada.

2. I am competent to testify to the facts stated herein, which are based on personal knowledge unless otherwise indicated, and would do so if requested.

3. I am a partner at the law firm of Bailey ♦ Kennedy, counsel of record for Rowen Seibel, Craig Green, and the Development Entities¹ in the matter entitled *Seibel v. PHWL V, LLC, et al.*, Case No. A751759, consolidated with Case No. A760537, pending in the Eighth Judicial District Court, Clark County, Nevada (the “Case”).

4. I make this Declaration in support of Craig Green’s Motion for Summary Judgment.

5. A true and correct copy of the Development, Operation and License Agreement Between Desert Palace, Inc. and Moti Partners, LLC, which was produced by Caesars² in the Case as CAESARS000311-33, is attached to the Motion as Exhibit 1. *See Prime Ins. Syndicate, Inc. v. Damaso*, 471 F. Supp. 2d 1087, 1093 (D. Nev. 2007) (“[D]ocuments produced by a party in discovery are considered authentic when a party-opponent offers them.”); *Hussein v. Univ. & Cmty. Coll. Sys.*, Nos. 3:04-CV-0455-JCM-RAM, 3:05-CV-0076-JCM-RAM, 2007 U.S. Dist. LEXIS 94872, *6 (D. Nev. Dec. 28, 2007) (holding documents produced by an opposing party in discovery may be authenticated by counsel submitting “affidavits testifying that [the opposing party] produced the documents contained therein during discovery”).

6. A true and correct copy of the Development, Operation and License Agreement Among DNT Acquisition, LLC, The Original Homestead Restaurant, Inc., and Desert Palace, Inc., which was produced by Caesars in the Case as CAESARS072269-314, is attached to the Motion as

¹ 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”) are collectively referred to as the “Development Entities.”

² PHWL V, 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”) are collectively referred to as “Caesars.”

1 Exhibit 2. *See Prime Ins. Syndicate, Inc.*, 471 F. Supp. 2d at 1093; *Hussein*, Nos. 3:04-CV-0455-
2 JCM-RAM, 3:05-CV-0076-JCM-RAM, 2007 U.S. Dist. LEXIS 94872, at *6.

3 7. A true and correct copy of the Development and Operation Agreement Between
4 TPOV Enterprises, LLC and Paris Las Vegas Operating Company, LLC, which was produced by
5 Caesars in the Case as CAESARS032346-78, is attached to the Motion as Exhibit 3. *See Prime Ins.*
6 *Syndicate, Inc.*, 471 F. Supp. 2d at 1093; *Hussein*, Nos. 3:04-CV-0455-JCM-RAM, 3:05-CV-0076-
7 JCM-RAM, 2007 U.S. Dist. LEXIS 94872, at *6.

8 8. A true and correct copy of the Development and Operation Agreement Between
9 LLTQ Enterprises, LLC and Desert Palace, Inc., which was produced by Caesars in the Case as
10 CAESARS000276-310, is attached to the Motion as Exhibit 4. *See Prime Ins. Syndicate, Inc.*, 471
11 F. Supp. 2d at 1093; *Hussein*, Nos. 3:04-CV-0455 JCM-RAM, 3:05-CV-0076 JCM-RAM, 2007
12 U.S. Dist. LEXIS 94872, at *6.

13 9. A true and correct copy of the Consulting Agreement Between FERG, LLC and
14 Boardwalk Regency Corporation dba Caesars Atlantic City, which was produced by Caesars in the
15 Case as CAESARS037410-48, is attached to the Motion as Exhibit 5. *See Prime Ins. Syndicate,*
16 *Inc.*, 471 F. Supp. 2d at 1093; *Hussein*, Nos. 3:04-CV-0455 JCM-RAM, 3:05-CV-0076 JCM-RAM,
17 2007 U.S. Dist. LEXIS 94872, at *6.

18 10. A true and correct copy of the Development, Operation and License Agreement
19 among Gordon Ramsay, GR Burgr LLC, and PHW Manager, LLC on behalf of PHW Las Vegas,
20 LLC d/b/a Planet Hollywood, which was produced by Caesars in the Case as CAESARS00199-242,
21 is attached to the Motion as Exhibit 6. *See Prime Ins. Syndicate, Inc.*, 471 F. Supp. 2d at 1093;
22 *Hussein*, Nos. 3:04-CV-0455 JCM-RAM, 3:05-CV-0076 JCM-RAM, 2007 U.S. Dist. LEXIS
23 94872, at *6.

24 11. A true and correct excerpt of the September 5, 2019 deposition transcript of Craig
25 Green is attached to the Motion as Exhibit 8.

26 12. A true and correct excerpt of the April 23, 2021 deposition transcript of Craig Green
27 is attached to the Motion as Exhibit 9.

28

1 13. A true and correct copy of Craig Green's Responses to Desert Palace, Inc.'s First Set
2 of Interrogatories, which were served in the Case on August 7, 2020, is attached to the Motion as
3 Exhibit 10.

4 14. A true and correct excerpt of the April 14, 2021 NRCP 30(b)(6) deposition transcript
5 of Caesars is attached to the Motion as Exhibit 11.

6 I declare under penalty of perjury that the foregoing is true and correct.

7 Executed on June 17, 2022.

8 /s/ Joshua P. Gilmore
9 JOSHUA P. GILMORE