

CASE NO. 86462

IN THE SUPREME COURT OF NEVADA

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

APPELLANTS' MOTION TO REDACT REPLY BRIEF

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Attorneys for Appellants

Pursuant to NRAP 27 and Rule 3(1) of the SRCR, Appellants¹ move this Court to permit them to redact the portions of their Reply Brief that quote from or reference highly confidential information found in documents within Appellants' Appendix that were filed under seal in district court and remain under seal with this Court.

This Motion to Redact is made and based on the record included in Appellants' Appendix and the following Memorandum of Points and Authorities.

DATED this 26th day of February, 2024.

BAILEY ❖ KENNEDY

By: /s/ Joshua P. Gilmore

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¹ “Appellants” refers to Rowen Seibel (“Seibel”); Craig Green (“Green”); Moti Partners, LLC (“Moti”); Moti Partners 16, LLC (“Moti 16”); LLTQ Enterprises, LLC (“LLTQ”); LLTQ Enterprises 16, LLC (“LLTQ 16”); TPOV Enterprises, LLC (“TPOV”); TPOV Enterprises 16, LLC (“TPOV 16”); FERG, LLC (“FERG”); FERG 16, LLC (“FERG 16”); R Squared Global Solutions, LLC (“R Squared”), derivatively on behalf of DNT Acquisition LLC (“DNT”); and GR Burgr LLC (“GRB”).

MEMORANDUM OF POINTS AND AUTHORITIES

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

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

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

Appellants are filing their Reply Brief in this matter. The Reply Brief quotes from or references information contained in documents in Appellants’ Appendix that (i) were designated in discovery as either confidential or highly

confidential by the parties, (ii) were filed under seal in district court, and (iii) remain under seal with this Court. (*See* Order Granting Mot., filed Oct. 13, 2023.) As a result, Appellants are publicly filing a copy of their Reply Brief that redacts any confidential or highly confidential information. An unredacted copy of their Reply Brief will be manually submitted for filing to this Court.

For these reasons, and subject to further Order of this Court, Appellants respectfully request that this Motion to Redact be granted and that this Court permit them to redact the portions of their Reply Brief containing highly confidential information.

DATED this 26th day of February, 2024.

BAILEY ❖ KENNEDY

By: /s/ Joshua P. Gilmore

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DENNIS L. KENNEDY

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CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ❖ KENNEDY and that on the 26th day of February, 2024, service of the foregoing was made by electronic service through the Nevada Supreme Court's electronic filing system, electronic service through the Eighth Judicial District Court's electronic filing system, hand delivery, and/or by email as agreed by the parties, and addressed to the following at their last known email address:

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