IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS SANDS CORP., a Nevada corporation, and SANDS CHINA LTD., a Cayman Islands corporation

Petitioners,

vs.

CLARK COUNTY DISTRICT COURT, THE HONORABLE ELIZABETH GONZALEZ, DISTRICT JUDGE, DEPT. 11,

Respondents,

and

STEVEN C. JACOBS,

Real Party in Interest.

Case Number:

District Court Case Number A627691-B

APPENDIX TO PETITION FOR WRIT OF PROHIBITION OR MANDAMUS RE MARCH 27, 2013 ORDER

Volume X of XII (PA1663 – 1768)

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APPENDIX TO EMERGENCY PETITION FOR WRIT OF PROHIBITION OR MANDAMUS RE MARCH 27, 2013 ORDER

CHRONOLOGICAL INDEX

Date	Description	Vol. #	Page Nos.
12/22/2010	Sands China Ltd's Motion to Dismiss including Salt Affidavit and Exs. E, F, and G	I	PA1 - 75
3/16/2011	First Amended Complaint	I	PA76 - 93
4/1/2011	Order Denying Defendants' Motions to Dismiss	I	PA94 - 95
5/6/2011	Petition for Writ of Mandamus, or in the Alternative, Writ of Prohibition (without exhibits)	I	PA96 - 140
5/17/2011	Defendant Sands China Ltd.'s Motion to Stay Proceedings Pending Writ Petition on OST(without exhibits)	I	PA141 - 57
7/14/2011	Defendant Sands China Ltd.'s Motion to Stay Proceedings Pending Writ Petition on OST including Fleming Declaration	I	PA158 - 77
7/26/2011	Answer of Real Party in Interest Steven C. Jacobs to Petition for Writ of Mandamus, or in the Alternative, Writ of Prohibition (without exhibits)	I	PA178 - 209
8/10/2011	Petitioner's Reply in Support of Petition for Writ of Mandamus, or in the Alternative, Writ of Prohibition (without exhibits)	I	PA210 - 33
8/26/2011	Order Granting Petition for Writ of Mandamus	I	PA234 - 37
9/21/2011	Plaintiff's Motion to Conduct Jurisdictional Discovery	I	PA238 - 46

Date	Description	Vol. #	Page Nos.
9/26/2011	Defendant Sands China Ltd.'s Opposition to Plaintiff's Motion to Conduct Jurisdictional Discovery on OST(without exhibits)	II	PA247 - 60
9/27/2011	Transcript: Hearing on Plaintiff's Motion to Conduct Jurisdictional Discovery	II	PA261 - 313
9/28/2011	Sands China Ltd.'s Motion in Limine to Exclude Documents Stolen by Jacobs in Connection with the November 21, 2011 Evidentiary Hearing re Personal Jurisdiction on OST(without exhibits)	II	PA314 - 52
10/6/2011	Sands China Ltd.'s Motion for Clarification of Jurisdictional Discovery Order on OST (without exhibits)	II	PA353 - 412
10/12/2011	Plaintiff Steven C. Jacobs' Opposition to Sands China Ltd.'s Motion for Clarification of Jurisdictional Discovery Order on OST(without exhibits)	II	PA413 - 23
10/13/2011	Transcript: Hearing on Sands China's Motion in Limine and Motion for Clarification of Order	III	PA424 - 531
12/9/2011	Notice of Entry of Order re November 22 Status Conference and related Order	III	PA532 - 38
3/8/2012	Order Regarding Plaintiff Steven C. Jacobs' Motion to Conduct Jurisdictional Discovery and Defendant Sands China Ltd.'s Motion for Clarification	III	PA539 - 44
3/22/2012	Stipulated Confidentiality Agreement and Protective Order	III	PA545 - 60

Date	Description	Vol. #	Page Nos.
5/24/2012	Transcript: Status Check	III	PA561 - 82
6/27/2012	Defendants' Joint Status Conference Statement	III	PA583 - 92
6/27/2012	Plaintiff Steven C. Jacobs' Status Memorandum on Jurisdictional Discovery	III	PA592A - 592S
6/28/2012	Transcript: Hearing to Set Time for Evidentiary Hearing	III	PA593 - 633
7/6/2012	Defendants' Statement Regarding Data Transfers	III	PA634 - 42
8/7/2012	Defendants' Statement Regarding Investigation by Macau Office of Personal Data Protection	III	PA643 - 52
8/27/2012	Defendant's Statement Regarding Hearing on Sanctions	IV	PA653 - 84
8/27/2012	Appendix to Defendants' Statement Regarding Hearing on Sanctions and Ex. HH	IV	PA685 - 99
8/29/2012	Transcript: Telephone Conference	V	PA700 - 20
8/29/2012	Transcript: Hearing on Defendants' Motion to Quash Subpoenas	V	PA721 - 52
9/10/2012	Transcript: Court's Sanction Hearing – Day 1 – Monday, September 10, 2012	VI	PA753 - 915
9/11/2012	Transcript: Court's Sanction Hearing – Day 2 – Volume I Tuesday, September 11, 2012	VI	PA916 - 87
9/11/2012	Transcript: Court's Sanction Hearing – Day 2 – Volume II Tuesday, September 11, 2012	VII	PA988 - 1157
9/11/2012	Defendants Las Vegas Sands Corp.'s and Sands China Limited's Statement on Potential Sanctions	VII	PA1158 - 77

Date	Description	Vol. #	Page Nos.
9/12/2012	Transcript: Court's Sanctions Hearing – Day 3 – Wednesday, September 12, 2012	VIII	PA1178 - 1358
9/14/2012	Decision and Order	VIII	PA1359 - 67
10/16/2012	Notice of Compliance with Decision and Order Entered 9-14-12	VIII	PA1368 - 1373
11/21/2012	Plaintiff Steven C. Jacobs' Motion for NRCP 37 Sanctions	VIII	PA1374 - 91
11/27/2012	Defendants' Motion for a Protective Order on Order Shortening Time (without exhibits)	VIII	PA1392 - 1415
12/4/2012	Defendant Sands China Ltd.'s Motion for a Protective order on OST	IX	PA1416 - 42
12/4/2012	Appendix of Exhibits to Defendant Sands China Ltd.'s Motion for a Protective order on OST and Exs. F, G, M, W, Y, Z, AA	IX	PA1443 - 1568
12/6/2012	Transcript: Hearing on Motion for Protective Order	IX	PA1569 - 1627
12/12/2012	Defendants' Opposition to Plaintiff's Motion for Sanctions (without exhibits)	IX	PA1628 - 62
12/18/2012	Transcript: Hearing on Motions for Protective Order and Sanctions	X	PA1663 - 1700
1/8/2013	Defendant Sands China Ltd.'s Report on Its Compliance with the Court's Ruling of December 18, 2012	X	PA1701 - 61
1/17/2013	Notice of Entry of Order re: Sands China Ltd.'s Motion for Protective Order and related Order	X	PA1762 - 68

Date	Description	Vol. #	Page Nos.
2/08/2013	Plaintiff's Renewed Motion for NRCP 37 Sanctions on Order Shortening Time	XI	PA1769 - 917
2/25/2013	Defendants' Opposition to Plaintiff's Renewed Motion for NRCP 37 Sanctions	XII	PA1918 - 48
2/25/2013	Appendix to Defendants' Opposition to Plaintiff's Renewed Motion for NRCP 37 Sanctions **NOTE: EXHIBITS O AND P FILED UNDER SEAL (Bates PA2119-2159A Submitted Under Seal)**	XII	PA1949 - 2159A
2/28/2013	Transcript: Hearing on Plaintiff's Renewed Motion for NRCP 37 Sanctions	XIII	PA2160 - 228
3/6/2013	Reply In Support of Plaintiff's Renewed Motion for NRCP 37 Sanctions	XIII	PA2229 - 56
3/27/2013	Order re Renewed Motion for Sanctions	XIII	PA2257 - 60

APPENDIX TO EMERGENCY PETITION FOR WRIT OF PROHIBITION OR MANDAMUS TO PROTECT PRIVILEGED DOCUMENTS

ALPHABETICAL INDEX

Date	Description	Vol. #	Page Nos.
7/26/2011	Answer of Real Party in Interest Steven C. Jacobs to Petition for Writ of Mandamus, or in the Alternative, Writ of Prohibition (without exhibits)	I	PA178 - 209
12/4/2012	Appendix of Exhibits to Defendant Sands China Ltd.'s Motion for a Protective order on OST and Exs. F, G, M, W, Y, Z, AA	IX	PA1443 - 1568
2/25/2013	Appendix to Defendants' Opposition to Plaintiff's Renewed Motion for NRCP 37 Sanctions (Excerpt) **NOTE: EXHIBITS O AND P FILED UNDER SEAL (Bates PA2119-2159A Submitted Under Seal)**	XII	PA1949 - 2159A
8/27/2012	Appendix to Defendants' Statement Regarding Hearing on Sanctions and Ex. HH	IV	PA685 - 99
9/14/2012	Decision and Order	VIII	PA1359 - 67
12/4/2012	Defendant Sands China Ltd.'s Motion for a Protective order on OST	IX	PA1416 - 42
5/17/2011	Defendant Sands China Ltd.'s Motion to Stay Proceedings Pending Writ Petition on OST(without exhibits)	I	PA141 - 57
7/14/2011	Defendant Sands China Ltd.'s Motion to Stay Proceedings Pending Writ Petition on OST including Fleming Declaration	I	PA158 - 77

Date	Description	Vol. #	Page Nos.
9/26/2011	Defendant Sands China Ltd.'s Opposition to Plaintiff's Motion to Conduct Jurisdictional Discovery on OST(without exhibits)	II	PA247 - 60
1/8/2013	Defendant Sands China Ltd.'s Report on Its Compliance with the Court's Ruling of December 18, 2012	X	PA1701 - 61
6/27/2012	Defendants' Joint Status Conference Statement	III	PA583 - 92
9/11/2012	Defendants Las Vegas Sands Corp.'s and Sands China Limited's Statement on Potential Sanctions	VII	PA1158 - 77
11/27/2012	Defendants' Motion for a Protective Order on Order Shortening Time	VIII	PA1392 - 1415
12/12/2012	Defendants' Opposition to Plaintiff's Motion for Sanctions (without exhibits)	IX	PA1628 - 62
2/25/2013	Defendants' Opposition to Plaintiff's Renewed Motion for NRCP 37 Sanctions	XII	PA1918 - 48
7/6/2012	Defendants' Statement Regarding Data Transfers	III	PA634 - 42
8/27/2012	Defendant's Statement Regarding Hearing on Sanctions	IV	PA653 - 84
8/7/2012	Defendants' Statement Regarding Investigation by Macau Office of Personal Data Protection	III	PA643 - 52
3/16/2011	First Amended Complaint	I	PA76 - 93
10/16/2012	Notice of Compliance with Decision and Order Entered 9-14-12	VIII	PA1368 - 1373

Date	Description	Vol. #	Page Nos.
12/9/2011	Notice of Entry of Order re November 22 Status Conference and related Order	III	PA532 - 38
1/17/2013	Notice of Entry of Order re: Sands China Ltd.'s Motion for Protective Order and related Order	X	PA1762 - 68
4/1/2011	Order Denying Defendants' Motions to Dismiss	I	PA94 - 95
8/26/2011	Order Granting Petition for Writ of Mandamus	I	PA234 - 37
3/8/2012	Order Regarding Plaintiff Steven C. Jacobs' Motion to Conduct Jurisdictional Discovery and Defendant Sands China Ltd.'s Motion for Clarification	III	PA539 - 44
3/27/2013	Order re Renewed Motion for Sanctions	XIII	PA2257 - 60
5/6/2011	Petition for Writ of Mandamus, or in the Alternative, Writ of Prohibition (without exhibits)	I	PA96 - 140
8/10/2011	Petitioner's Reply in Support of Petition for Writ of Mandamus, or in the Alternative, Writ of Prohibition (without exhibits)	I	PA210 - 33
11/21/2012	Plaintiff Steven C. Jacobs' Motion for NRCP 37 Sanctions	VIII	PA1374 - 91
10/12/2011	Plaintiff Steven C. Jacobs' Opposition to Sands China Ltd.'s Motion for Clarification of Jurisdictional Discovery Order on OST	II	PA413 – 23
6/27/2012	Plaintiff Steven C. Jacobs' Status Memorandum on Jurisdictional Discovery	III	PA592A - 592S
9/21/2011	Plaintiff's Motion to Conduct Jurisdictional Discovery	I	PA238 - 46

Date	Description	Vol. #	Page Nos.
2/08/2013	Plaintiff's Renewed Motion for NRCP 37 Sanctions on Order Shortening Time	XI	PA1769 - 917
3/6/2013	Reply In Support of Plaintiff's Renewed Motion for NRCP 37 Sanctions	XIII	PA2229 - 56
10/6/2011	Sands China Ltd.'s Motion for Clarification of Jurisdictional Discovery Order on OST (without exhibits)	II	PA353 - 412
9/28/2011	Sands China Ltd.'s Motion in Limine to Exclude Documents Stolen by Jacobs in Connection with the November 21, 2011 Evidentiary Hearing re Personal Jurisdiction on OST (without exhibits)	II	PA314 - 52
12/22/2010	Sands China Ltd's Motion to Dismiss including Salt Affidavit and Exs. E, F, and G	I	PA1 - 75
3/22/2012	Stipulated Confidentiality Agreement and Protective Order	III	PA545 - 60
9/10/2012	Transcript: Court's Sanction Hearing – Day 1 – Monday, September 10, 2012	VI	PA753 - 915
9/11/2012	Transcript: Court's Sanction Hearing – Day 2 – Volume I Tuesday, September 11, 2012	VI	PA916 - 87
9/11/2012	Transcript: Court's Sanction Hearing – Day 2 – Volume II Tuesday, September 11, 2012	VII	PA988 - 1157
9/12/2012	Transcript: Court's Sanctions Hearing – Day 3 – Wednesday, September 12, 2012	VIII	PA1178 - 1358

Date	Description	Vol. #	Page Nos.
8/29/2012	Transcript: Hearing on Defendants' Motion to Quash Subpoenas	V	PA721 - 52
12/6/2012	Transcript: Hearing on Motion for Protective Order	IX	PA1569 - 1627
12/18/2012	Transcript: Hearing on Motions for Protective Order and Sanctions	X	PA1663 - 1700
9/27/2011	Transcript: Hearing on Plaintiff's Motion to Conduct Jurisdictional Discovery	II	PA261 – 313
2/28/2013	Transcript: Hearing on Plaintiff's Renewed Motion or NRCP 37 Sanctions	XIII	PA2160 - 228
10/13/2011	Transcript: Hearing on Sands China's Motion in Limine and Motion for Clarification of Order	III	PA424 - 531
6/28/2012	Transcript: Hearing to Set Time for Evidentiary Hearing	III	PA593 - 633
5/24/2012	Transcript: Status Check	III	PA561 - 82
8/29/2012	Transcript: Telephone Conference	V	PA700 - 20

CERTIFICATE OF SERVICE

Pursuant to Nev. R. App. P. 25, I certify that I am an employee of MORRIS LAW GROUP; that, in accordance therewith, I caused a copy of the **APPENDIX TO PETITION FOR WRIT OF PROHIBITION OR MANDAMUS RE MARCH 27, 2013 ORDER** to be served as indicated below, on the date and to the addressee(s) shown below:

VIA HAND DELIVERY
Judge Elizabeth Gonzalez
Eighth Judicial District Court of
Clark County, Nevada
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155

Respondent

VIA ELECTRONIC AND U.S. MAIL
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Debra Spinelli
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Las Vegas, Nevada 89169

Attorneys for Steven C. Jacobs, Real Party in Interest

DATED this 5th day of April, 2013.

By: /s/ PATRICIA FERRUGIA

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CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

STEVEN JACOBS Plaintiff vs. LAS VEGAS SANDS CORP., et al. Defendants	CASE NO. A-627691 DEPT. NO. XI **Transcript of Proceedings**

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

HEARING ON MOTIONS FOR PROTECTIVE ORDER AND SANCTIONS

TUESDAY, DECEMBER 18, 2012

APPEARANCES:

FOR THE PLAINTIFF:	JAMES J. PISANELLI, ESQ. DEBRA SPINELLI, ESQ. TODD BICE, ESQ.
FOR THE DEFENDANTS:	JON RANDALL JONES, ESQ. J. STEPHEN PEEK, ESQ. MARK JONES, ESQ. MICHAEL LACKEY, ESQ.

COURT RECORDER:	TRANSCRIPTION BY:
JILL HAWKINS District Court	FLORENCE HOYT Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript produced by transcription service.

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LAS VEGAS, NEVADA, TUESDAY, DECEMBER 18, 2012, 8:06 A.M.

(Court was called to order)

THE COURT: Good morning. Which motion do you guys want to handle first, the protective orders?

MR. MARK JONES: Your Honor, I have a housekeeping issue, if I may, first.

THE COURT: Sure.

MR. MARK JONES: Spoke with Mr. Bice. Thank you.

Yesterday was the last day for the other side to oppose Mr. Lackey's pro hac admission for his -- excuse me, pro hac application for his admission into this case, and there's no opposition. So Mr. Bice had asked if the Court - if I may --

THE COURT: Any objection?

MR. BICE: No.

THE COURT: All right. Then you can approach. I'll be happy to sign, Mr. Jones. Here you go.

All right. Now which motion do you guys want to argue first?

MR. RANDALL JONES: Your Honor, in a sense I guess they're sort of mixed together, but perhaps our --

THE COURT: Well, the protective order on the videotape deposition is different than the sanctions and the other protective order motion.

MR. RANDALL JONES: And I guess what I was thinking

is maybe the protective order -- the first protective order motion filed. But I don't know if the Court wants to do that or not.

MR. PISANELLI: That's a convenient way for the defendants to jump in front of an argument, but --

THE COURT: Actually, I want to do that way. And you're going to be surprised why after the argument.

MR. PISANELLI: All right.

THE COURT: Mr. Jones.

MR. RANDALL JONES: I hope not pleasantly, Your Honor.

THE COURT: Well, do you want to read my note?

MR. RANDALL JONES: Your Honor, I wouldn't mind reading your note.

THE COURT: No, that's okay, Mr. Jones.

MR. RANDALL JONES: It might help sharpen my argument.

THE COURT: It's all right. You're in trial in the other department, so --

MR. RANDALL JONES: Thank you, Your Honor.

THE COURT: -- let's argue the motion for protective order on the search of data in Macau.

MR. RANDALL JONES: Yes, Your Honor. As you know, obviously I don't have the full -- well, have not been involved in this case for very long, so the history has been

created before my time. And I've done my best to try to get up to speed with that history in connection with these motions and just in general tried to become familiar with this case.

I think I would start by talking a little bit about that history and why we feel that that motion is appropriate. And I guess the first order of that history would be a letter that was sent back by defendants' counsel in May to the plaintiffs, talking about the search parameters and what they believe would be the appropriate way to do this process. And I want to mention this because I think it is important as relates to -- for this overall process and the relationship with the motion for sanctions. And in that letter not only did the defense counsel spell out what we intended to do, but also made comment about willingness to meet and confer. So that's sort of the first part of that process.

And the next part of the process was the joint case conference statement, which also spelled out in great detail and I think there's somewhat seven different points that were spelled out about the process that the defense intended to take in trying to comply with the discovery. And that spelled out very specifically that we would look first at the -- our client's, Jacobs's ESI information in the U.S. And again, the whole point of this is, as far as we know, the best information we have is that that's a ghost copy of what was created in Macau. So presumably it's no different than what's

in Macau in the first instance. So we spelled that out and said that's what we're going to do, then we're going to look all -- of course, all the Las Vegas Sands information and start producing that as quickly as we can.

And then there is a hearing the next day, June 28th, where this two-step approach was spelled out to the Court and counsel and was consistent with what was in the case conference statement.

Then there's a July 30th letter which reinstated -- or, excuse me, reiterated that the defendants would review all of the U.S. ESI first and then focus on Macau, and there was some -- this wasn't just done, Your Honor, to try to delay things. And I say that, Your Honor, because I have been involved in discovery where you're talking about not just out of the state, but out of the country. And this is a unique circumstance. Certainly I would hope the Court would take into account that we are dealing with the sovereign government that may have a different idea of what we can and can't do. So the idea was to let's look at that stuff first, the information we have on the ghost hard drive here in the U.S. and whatever we have we produce that, and then we go look at what we know is going to be more of an issue in Macau.

And then, of course -- and I want to make sure to point out that they've made some comments about this so-called staggered approach which the Court said, no, you can't have

the staggered approach.

THE COURT: I've been saying that for a year and a half already.

MR. RANDALL JONES: Absolutely. And, Your Honor, you defined what a staggered approach was. Well, based on what I've read in the file and your rulings, a staggered approach was what we initially said, look, let's get the plaintiff's ESI from the plaintiff, from Mr. Jacobs --

THE COURT: Every time someone brought that up I said no.

MR. RANDALL JONES: Absolutely. And we understand that. That is not what we are saying we are doing.

THE COURT: No, I know. Now you're saying, we want to search what we have access to in the United States without dealing with the Macau Data Privacy Act and then, depending upon what we find, we may look at the stuff in Macau.

MR. RANDALL JONES: No, actually I don't think that's what we're saying. That's not my understanding of what we're -- in fact, that's not my understanding --

THE COURT: That's how I read this.

MR. RANDALL JONES: -- of what we're doing. In fact, that -- I will tell the Court that is not what we were doing. What we were doing was trying to make sure, especially after the hearing in September, that we got access to the Macau information. But we have to do it the way they let us

do it.

And so what happened after that hearing, we were retained, Mr. Lackey's firm was retained, and action started right away. This was within weeks of that hearing, Your Honor. New counsel was brought in. The reason we were brought in was to try to make sure that we complied with what you wanted us to do. And, Your Honor, I've been practicing here a long time and I've known you both in private practice and on the bench, and I would hope the Court would understand that we take our -- not only our oath, but our obligation on discovery very, very seriously.

THE COURT: Oh, I have no doubt about that, Mr. Jones. That's not the issue. The issue is not you, or your firm's credibility or Mr. Lackey or Mr. Peek or any of the attorneys at this point. The issue is a -- what appears to be an approach by the client to avoid discovery obligations that I have had in place since before the stay.

MR. RANDALL JONES: And, Your Honor, I understand that's your concern. And I understood that before you said that just now. And I understand why that's your concern. I have tried to make sure that I understand the history of this case. And I will tell you the client understands the concern. That's why new counsel this far along in the case was brought in.

THE COURT: Third new counsel.

MR. RANDALL JONES: Understood. And we all hope the lasting counsel. And a major part of that decision was to make sure that any errors or issues that the Court was concerned about in the past are addressed and addressed appropriately. So with that in mind our firm was retained. I was just about to start my jury trial, and so my brother Mark Jones was tasked, with Mr. Lackey -- this was within weeks of us being retained -- of flying to Macau and addressing the issue directly. And we didn't know what we were going to find out when we got there. We were going there to try to see what we could do immediately. And so -- and, again, I hope the Court appreciates that there's two different issues here. One is -- from my perspective one is a party trying to hide behind the law of another country or another state, for that matter, to thwart the discovery process. That's on issue. The other issue is also trying to make sure that if you have to deal with the laws of another country you're in compliance with those laws.

So to the extent the Court was concerned that the OPDP law was being used to try to block discovery, that, I will this Court in open court on the record as an officer of the Court, is not what we are trying to do at this point. If it was ever -- and I certainly don't believe it was ever being done, but I will tell the Court to the extent there was some miscommunication or misunderstanding of what our rights and

obligations were, two lawyers went to Macau to try to straighten that out. And when they got there they were informed of certain things. And I want to make sure the Court's aware of the fact that before Mark Jones went to Macau he sent an email again saying, look, we want to know what -- we want to meet with you, we want to talk to you before -- on going -- this was mentioned in court the week before, I believe, on going to Macau, I want to talk to you all to make sure that we're all on the same page at least as to whether or not you have different terms -- search terms or parameters that you want us to look at, this is what we think we should be doing. And I think it's important to the Court.

We tried to meet and confer with them over the summer, before our firms were involved, but still, the record is clear. We tried to meet with them on a couple of occasions and ask them about what search terms they wanted to use to try to expand the ESI discovery, and -- both in terms of names and search terms. And they didn't meet with us. And so we expanded those search terms on our own and made them broader than what were initially spelled out. So that's -- and, Your Honor, those are the facts as I understand them, that there's documentation to that effect in the file. So I have every reason to believe it's true.

So then before Mark Jones and Mike Lackey go to Macau an email is sent, said, let us know, we're going. And

we get no response. They go there and they have a discussion. They are told for the first time that, no, Macanese lawyers can look at this information. And by the way, finally -- we don't know this until November 29th. We've talked to the Court, we sent the information to the Court. We are informed that we can have the Macanese lawyers look at this information and they can do the searches and to the extent there's any personal data that may be redacted. Our hope is that because it's Mr. Jacobs's ESI that there will be very little, if any, personal data that's going to be redacted. But we believe within the next week or two we're going to start getting production. And as we get it, whatever we get, if it is redacted, we're going to immediately produce it to the other side. And to the extent it's redacted we will address that as quickly as we can with the other side to see if there's any way to address that issue with the Macanese government and -- assuming there's even a concern, depending on the type of information that appears to be redacted. So, Your Honor, we are trying to make sure we do what you want us to do.

But we have to try to -- and we did read your order as saying that we don't have to try to comply with the laws of another country. We can't use those laws inappropriately to simply block discovery, and we're not trying to do that. But we do have to try to comply with those laws. And I can't believe this Court would ever issue an order that says you

have to violate the laws of another country in order to produce documents here.

THE COURT: You already violated those laws, Mr. Randall --

MR. RANDALL JONES: No.

THE COURT: -- Mr. Jones, Randall Jones. Sorry, Randall.

MR. RANDALL JONES: That's all right. And we don't want to compound the error. And I can't believe this Court would want us to do that.

And so the question is -- we've done everything else. We've produced 150,000 pages of documents since June. We have spent an ungodly amount of money trying to make sure we do this. So all we're asking this Court to is to allow us to say, let's look at this information first -- and I know the Court's impatient with this process, and I understand.

THE COURT: You know what, Mr. Jones, I'm not impatient with this process. I am under a writ from the Nevada Supreme Court to conduct an evidentiary hearing on certain limited issues and enter findings of fact and conclusions so that the Nevada Supreme Court can make some additional conclusions related to the writ that is pending. I am unable to accomplish what I have been ordered to do by the Nevada Supreme Court in large part because of discovery issues.

MR. RANDALL JONES: I understand. And I also understand that this Court issued an order that said what the parameters of discovery were going to be. And based on those parameters we believe we are in compliance, with the exception of the Macau ESI, which we're working on trying to get to the Court.

So I guess I would ask this Court, well, Your Honor, again, you know, we referenced the Sedona Principles. We're in a -- somewhat of a brave new world as it relates to discovery. That's -- electronic discovery is still new territory in a lot of respects. And that's why you have things like the Sedona Principles that are out there to try to give litigants and the Court some guidance about this process. And, you know, proportionality is a -- one of the principles that is expressed in Sedona, and it relates to electronic discovery.

THE COURT: Since you've mentioned the Sedona Principles, Mr. Jones, has your client made an attempt to obtain a protective order that is agreeable to the Macau Government for the production of the information that would otherwise be discoverable in this case?

MR. RANDALL JONES: No, Your Honor. And I'll tell you why in a minute.

THE COURT: I asked that question a year and a half ago. I asked the same question, and we still haven't done it.

MR. RANDALL JONES: And here's why. Because we are hoping to be able to produce all the information that is in Macau in that ESI. And, Your Honor, again, that's a ghost image. And I know the Court is familiar -- more familiar probably than most courts in this jurisdiction about electronic discovery. So if it's a ghost image --

THE COURT: And Data Privacy Acts.

MR. RANDALL JONES: And Data Privacy Act. And a ghost image is just that. It should be duplicative of what is already here in the U.S. which has been produced. And, again, there's a limit to what this Court has ordered to be produced in this jurisdictional discovery. So the point is we believe that this redundant. But, irrespective of that, a great deal of time and expense has been incurred since September. Some of these things should have been done before. What we're asking this Court is to say, look -- we got to a point in September where the Court made some findings, and the Court made those findings based upon the information available to it up to that point in time. We're trying to move forward. And so since that time actions have been taken to try to make sure we comply with the Court's order as it relates to the Macau documents.

So if you expand the search terms -- remember, Your Honor, in Sands China we're talking about -- the claim as relates to Sands China is about an option agreement. The

search terms that we have used to try to find documents all seem to be related to information that in fact is overexpansive beyond what would be contacts that Sands China might have with the United States, in particular with Nevada. So we're essentially, we believe, getting a substantial amount of overinclusive documents.

Let me just give you an example. In the depositions two documents were used in Mr. Adelson's deposition of the 200,000 documents that have been discovered, and I think 19 were used in either in Mr. Goldstein or Mr. Leven's deposition, I can't remember, but one of those two. But the point is, Your Honor, is that we have been trying to accomplish this discovery, and we believe that the Court has set limits on what this discovery is. In fact, your order says what the limits of discovery are. And so our --

THE COURT: You're referring to the March 8th, 2012, order?

MR. RANDALL JONES: That's correct, Your Honor. And so I guess I would ask the Court some questions to help us try to understand where the Court has a concern that we are not in compliance or at least attempting to comply and why the parameters should be expanded beyond Mr. Jacobs's ESI in Macau. We've given them everything we have in Las Vegas, including the ghost image information of the Jacobs ESI. What possibly could we expect to find with respect to contacts with

Nevada in Macau in the ESI of other people that would not be duplicative of what is found in the Las Vegas Sands ESI that's already been produced. And we haven't seen any indication from the plaintiff that there is such information that they expect to find or that they have not had full discovery.

We have answered their discovery, their requests to produce. We've laid out, what we've answered, in our brief. So, Your Honor, again, we don't know how -- and I guess under Rule 26, you know, the rule itself provides that -- 26(b)(2)(1) unreasonable -- discovery is limited is unreasonable, cumulative, or duplicate documents. We believe that to the extent -- and we're doing this anyway with the Macau ESI, we're still producing that -- the party seeking discovery has had an ample opportunity to discover and to obtain the information sought. And we think that that has been the case here. And, (3), the discovery is truly burdensome or expensive, taking into account all the needs of the case, the amount in controversy, and the limits of resources and importance of the issues.

So here, Your Honor, we don't see the need -- and we don't believe the need has been spelled out by the plaintiffs as to why they need to go beyond the Macau ESI of Mr. Jacobs in this discovery.

Now, the timing is a different issue. And we certainly wish it could have been faster. And counsel

involved in this case at this point in time are doing everything they can to try to make sure that it happens in short order. We've told the Court we believe -- we think we're going to have all this information with the extent of possibly any personal information being redacted by January 15th. But we hope to start having some of this information within the next week. And as soon as we get it we're going to start rolling it out.

So, Your Honor, we would ask that the Court have some proportionality with respect to how far the Court goes in allowing this discovery in Macau. And it further complicates the case. We've got to then ask for information beyond Mr. Jacobs's ESI which we don't see any grounds to --

(Pause in the proceedings)

MR. RANDALL JONES: And, Your Honor, and Mr. Peek is helping me out here because, again, I'm trying to catch up with all the information. You'd asked a question about a protective order and whether there had been one asked for. It's in Exhibit Y to our motion. The Macanese Government does specifically reference page 18, also mentioned the, quote, "protective order," and the related Jacobs litigation is sufficiently protected in compliance with the guidelines defined by the Personal Data Protection Act, Article 20, Item 2.

So there has been such a request, and the Macanese

Government has apparently -- and this was something I was not aware of digging through all of these exhibits, didn't find this reference on page 18, so I was not aware of that. But that has been addressed by the Macanese Government.

So I guess the biggest point is, Your Honor, is that we would ask the Court to consider the proportionality of the need for this information versus the burden and especially in the limited scope that the Court has ordered in this particular case.

So with that, Your Honor, if you have any questions, I would do my best to answer them.

THE COURT: Thank you.

THE COURT: Mr. Pisanelli.

MR. PISANELLI: Thank you, Your Honor. I'm going to do my best to exercise some restraint here, both in my emotions over what I just heard and understanding that we're talking about just a protective order so far.

First let me take an opportunity to correct Counsel, because I know he's not intentionally trying to mislead you. He is the newest person at the desk and clearly doesn't know the real history of what happened. When he suggests to you that we did not meet and confer in the summer or in the spring or the fall or last winter or two years ago, he's mistaken. Even in the circumstance in which he was referring me met for hours with his prior counsel explaining over and over to the

extent it was even needed if we're talking about the custodians that they didn't know about in Macau, they needed only look to Colby Williams's letter giving them 20 custodians that we want that they've known for two years. And the suggestion that they don't know what to do here, if that's what their client is telling Mr. Jones now, is something short of the real truth.

Counsel also tells you something that needs to be corrected. When he tells you that they have produced hundreds of thousands or 150,000, I can't remember the number, of documents and they're really working hard, remember we're talking about Sands China here, Your Honor. They've produced 15 documents, 55 pages. That's what Sands China has produced. So let's not get lost in them patting themselves on the back over a two-and-a-half-million-dollar bill, they say, with the all the hard work they did. Apparently that two and a half million dollars was spent on obstructing discovery, not actually finding.

And now this concept that will take us through the entire motion about redundancy and the very limited nature of discovery. I have to question whether Sands China has an order that no one else in this Court has seen. The have taken an approach in this motion and again in the presentation to you this morning that the only thing they're obligated to do is look at Steve Jacobs's ESI that is located in Macau

because, as they say, they have a ghost image here and why produce it twice.

Well, there's so much wrong with that statement. First of all, there's nothing in the Court's order that says that this jurisdictional discovery is limited to Steve Jacobs. And why would it be, Your Honor?

THE COURT: You're talking about the March 8th order?

MR. PISANELLI: Yes.

THE COURT: The order related to certain depositions that you noticed and what documents I was going to require be produced related to those depositions.

MR. PISANELLI: Right. And in that order Your Honor said that the discovery that Sands China was obligated to give us had a time restriction on it, and the time restriction was after Mr. Jacobs's termination up to the filing of the complaint. Which one might then question, well, why in the world would you limit your discovery to just Steve Jacobs's ESI when the Court ordered discovery that occurred after he wasn't even at the company anymore, is there even possibly a reasonable interpretation from your words to say that, we thought that all we needed to look for was the deduplication -- the product of the deduplication to make sure we had all of Steve Jacobs's ESI.

Recall this. Another handicap of Mr. Jones, because

he wasn't here. Henry Weissman stood before you on this exact topic. This is what inspired Your Honor to make the no staggering remark that is quoted in our reply at page 5. He said, why would we produce the same document twice, we want to get, he said -- and now I'm paraphrasing, that was a quote I just gave you -- he said, we will get Steve Jacobs's ESI and then we'll figure out what we have that he didn't already give to us. And that's when Your Honor let him know the rules of this Court, the rules of Nevada and how you govern discovery, and you were very clear and unequivocal when you said, no, that's not what you do, Mr. Weissman, quote, "We do not stagger discovery obligations, period, end of story."

And so what Sands China did through the revolving door of counsel that has come in this courtroom is did exactly what Henry Weissman said he wanted to do and the exact opposite of what you told them to do. They staggered discovery, and now come in here hat in hand saying, well, we thought this was a limited exercise of deduplication, Your Honor, oh, we're so sorry, we thought this was all you actually asked of us and it has cost us so much money to do this. It really is an unbelievable position for Sands China to take to come in here and tell you that they thought when you said, we do not stagger, you meant we do stagger and go ahead and just do your deduplication process. There isn't a believable aspect of this position that they're sending -- or

saying to you.

Now we hear some new defenses from them. For the first time we hear them say, Your Honor, we're not allowed to review our own records and we would ask you to be proportionate, I think that was the word, and not make us violate some other country's laws. Again, I can't imagine Sands China didn't hear your message loud and clear from the sanctions hearing when you said, Sands China, you will no longer be hiding behind the Macau PDPA. You were very clear that not because of anything from a discovery perspective -- that's what we're here to do today, the Rule 37 motion has to do with discovery issues. This was because of a lack of candor to this Court, a lack of candor which Your Honor found, as I understand it, to be directed and orchestrated from the management offices of Las Vegas Sands on Las Vegas Boulevard. You cannot hide behind the Macau Personal Data Privacy Act.

And what is the theme today? Your Honor, the Macau Personal Data Privacy Act prohibits us from producing these records, you wouldn't possibly tell us to do something in violation of that order, would you, they say. We are not permitted, they say for the first time, to even review our own records. Can you imagine, Your Honor, the position that they're offering? We need government approval to review our own records in Macau. So the obviously, admittedly somewhat sarcastic question I would ask is, how in the world do you run

your business in Macau if you need government permission to look at your own records.

Rhetorical as it may be, let's just look at something far more specific. Sheldon Adelson and Mike Kostrinsky both gave us a little peek behind the curtain. There has been a free flow of information from Macau to Las Vegas Boulevard since the inception of the Macau enterprise. Every single thing Mike Kostrinsky ever wanted he got. Sheldon Adelson has information coming on a daily basis to his office on Las Vegas Boulevard until one thing happened. And Your Honor saw right through it and referenced it in your order. The discovery in this case and perhaps the discovery in a criminal investigation, that's when they said, oh, we can't review our records in Macau, with a wink and a nod, we've actually been doing it from day one, but now to comply with discovery we're not permitted to do that. It is contrary to what the record in this case tells us.

And you know what else it's contrary to, Your Honor, what the prior counsel told us. You saw in our papers that Steve Ma told us in June of 2011 -- I'm sorry, wrong date -- that Steve Ma told us that he was -- in June 2012 that he was gathering and reviewing documents for CSL, gathering and reviewing, he said in a letter to us. And then he said he would produce them on a rolling basis. He did, all of those 15 staggering documents that we got.

Then Patty Glaser came in this courtroom and she said to Your Honor, we sent a team of lawyers to do it, that's a fact. Remember, she was very emphatic. We had a little bit of a confrontation at the time. That's a fact. She may have even been pointing her finger at me when she said it. We spent a lot of money, the client's money, we sent lawyers to Macau to review documents in Macau. Your Honor that is irreconcilable with what they're saying now. Patty Glaser and Steve Ma say not only that they can and they will, but they had reviewed Macau documents. And now the newest team comes in and says, we're handcuffed and not permitted to.

THE COURT: Well, but you know they took -- you know they reviewed Macau documents because Mr. Kostrinsky carried them back.

MR. PISANELLI: That's part of my sanction motion.

THE COURT: I mean, we know.

MR. PISANELLI: So I'm beating this drum here because it is just outrageous to me. I will wrap it up. I understand your point. But it's outrageous that this company would come in here and as soon as this group of lawyers takes a turn, that admits something they're not supposed to, produces a piece of paper the Sands management didn't want to get out of their hands, my prediction is we're going to see a new team here. Because every single time someone stands up and tries or at least promises you that they'll start doing a

better job than their predecessor, then guess what happens, we have a new set of lawyers coming in.

I'm overlapping a little bit on the basis of the motion.

THE COURT: I don't want to do the sanctions motions, yet.

MR. PISANELLI: So I won't do that.

THE COURT: Thank you.

MR. PISANELLI: The point is very simply you never told them not to produce it, and they didn't do it.

THE COURT: Thank you.

The motion for protective order is denied. I am going to enter an order today that within two weeks of today, which for ease of calculation because of the holiday we will consider to be January 4th, Sands China will produce all information within their possession that is relevant to the jurisdictional discovery. That includes electronically stored information. Within two weeks.

So I can go the motion for sanctions. The motion for sanctions appears to be premature since I've not previously entered an order requiring that certain information that is electronically stored information in Macau be provided. About two weeks from now you might want to renew your motion if you don't get it.

Can I go to the motion for the protective order on

the videotape.

MR. PEEK: Your Honor, can we have some clarification?

THE COURT: Yes.

MR. PEEK: And here's the challenge that we have, is you're telling us to produce all of the documents that are responsive to the requests for production, and --

THE COURT: If a motion is renewed, Mr. Peek, and there is an impediment to production which Sands China believes relates to the Macau Data Privacy Act, when I make determinations under Rule 37 I will take into account the limitations that you believe exist related to the Macau Data Privacy Act. But, believe me, given the past history of this case there seems to be different treatment of the Macau Data Privacy Act at different times.

MR. PEEK: Your Honor, I appreciate what we went through in September. I appreciate what the Court's ruling was. And I think Mr. Jones has certainly made it clear how serious we take this. The motion for protective order certainly goes to who are the custodians, what are the search terms --

THE COURT: Your motion for protective order is really broad. Your motion for protective order says, "For the foregoing reasons Sands China urges the Court to enter an order providing that SCL has no obligation to search the ESI

in Macau of custodians other than Jacobs or to use any more expansive search terms on the Jacobs ESI in Macau that was used to search the Jacobs's ESI that was transferred to the United States in 2010."

The answer is no. Denied.

MR. PEEK: Okay. I'll let --

MR. PISANELLI: Your Honor, on the Rule 37 issue of whether there's an order --

THE COURT: Hold on a second, Mr. Pisanelli. Let me go back to Randall Jones.

MR. PISANELLI: Okay.

THE COURT: Not Jim Randall, Randall Jones.

MR. RANDALL JONES: Thank you, Your Honor. I do want to make clear because of what was said there's never been said and if it was misstated by me, then I want to make sure it's clear on the record. It's never been our position that our client can't look at the documents. The issue is whether or not we can take certain information -- our client is allowed to take certain information out of the country. And so I just want to make sure that's clear on the record. Our client can look at the documents, and our client's Macanese, we've just found out, can look at the documents. And from there it becomes more complicated. So I just want to make sure that's clear to the Court.

We understand what you're saying, and we will

continue to do our best to try to comply with the Court's orders as best we can. And that's -- and I hope the Court does appreciate this is a complicated situation, and we -- I can -- I'll just tell you again, Your Honor, we're trying to make sure that we -- the lawyers and our client comply with your discovery.

THE COURT: I understand.

MR. PEEK: Yeah. We need to have redactions as part of that, as well, as that's -- I understood --

THE COURT: I didn't say you couldn't have redactions.

MR. PEEK: That's what I thought.

THE COURT: I didn't say you couldn't have privilege logs. I didn't say any of that, Mr. Peek.

MR. RANDALL JONES: As I understand it, Your Honor, you said we can still otherwise comply with the law as we believe we should and then you ultimately make the call as to whether or not we have appropriately done that.

MR. PISANELLI: We will indeed --

THE COURT: I assume there will be a motion if there is a substantial lack of information that is provided.

MR. PISANELLI: So, Your Honor, on this issue of the Court order, we're saying it again. As part of your sanction order you were very clear and you said that they're not hiding behind that anymore.

THE COURT: I did.

MR. PISANELLI: And they're giving us a precursor that they don't hear you, they just never hear you.

THE COURT: Well, Mr. Pisanelli, I've entered orders, I've now entered an order that says on January 4th they're going to produce the information. They're either going to produced it or they're not. And if they produce information that you think is insufficient, you will then have a meet and confer. And then if you believe they are in violation of my orders, and I include that term as a multiple order, then you're going to do something.

MR. PISANELLI: I will. I want --

THE COURT: And then I'll have a hearing.

MR. PISANELLI: I will. I want to make this one point, because you've made a statement that they have not yet violated an order, and that's of concern to me.

THE COURT: Well, they've violated numerous orders. They haven't violated an order that actually requires them to produce information. I have said it, we discussed it at the Rule 16 conference, I've had people tell me how they're complying, I've had people tell me how they're complying differently, I've had people tell me how they tried to comply but now apparently they're in violation of law. I mean, I've had a lot of things. But we've never actually entered a written order that says, please produce the ESI that's in

Macau within two weeks.

MR. PISANELLI: Well, you haven't entered anything that specific, but you have entered an order that calls for ESI protocol that calls for this production --

THE COURT: I know.

MR. PISANELLI: -- and you directed from this bench, which is no different than an order, for them to create a log --

THE COURT: Nevada Supreme Court thinks written orders are really important. So we're going to have a written order this time, Mr. Pisanelli --

MR. PISANELLI: We are indeed. But --

THE COURT: -- especially since I am under a limited stay which only permits me to deal with jurisdictional information, which I've been trying to get to for a year and a half.

MR. PISANELLI: As have we.

THE COURT: And I have a note that says, "Find a place for the Sands-Jacobs evidentiary hearing." But I can't find a place for you until you actually have your discovery done or at least close to done.

MR. PISANELLI: I will remind Her Honor and the battery of lawyers de jure [sic] that Your Honor told this team I think a year and a half ago, create --

THE COURT: Well, it wasn't this team, it was a

different team.

MR. PEEK: Your Honor, I certainly appreciate Mr. Pisanelli's remarks about how he wants to characterize what the Court's order was.

THE COURT: Okay.

MR. PEEK: And I certainly disagree.

THE COURT: Okay. Will you stop arguing about this. I've ruled.

MR. PEEK: I'm happy to do that.

THE COURT: I now want to go to your motion for protective order on the videotaping of the deposition. That's your motion, Mr. Bice's motion.

MR. BICE: This our motion. It's actually not a videotaping of the deposition, Your Honor. It's a videotaping of opposing counsel --

THE COURT: No, I know, Mr. Bice.

MR. BICE: -- which is what this is, without any Court authorization, without seeking any leave of the Court to do so. You know, Your Honor, we've submitted our motion, we went over the history of this. I didn't receive any written opposition. I don't know if the Court has received a written opposition from them or not.

THE COURT: I don't remember.

MR. BICE: The point here is, Your Honor, Rule 30 -- we have been videotaping all of the depositions without any

issues, and then we got this claim by Mr. Peek that, well, we want the videotape -- we want to put a camera behind the witness, I guess, from the other side of themselves and videotape you and your client during these depositions.

We objected to that. We told them, you know, you want to do that, you have to get permission of the Court to do that. Their position was now we're going to do it anyway. We thought that that issue was sort of -- they dropped it with the Mr. Leven deposition as long as I would move up his deposition by a half an hour. And then we found out because we got a cross-notice of deposition dropped in the mail to us that says that they're going to videotape opposing counsel during the deposition.

As we cite the caselaw to Your Honor, The Federal Courts under the exact same rule have said that that's inappropriate. They have sought any leave of the Court, so we ask the Court to enter a protective order. This is, with all due respect --

THE COURT: Thank you.

MR. BICE: -- it's simply harassment.

THE COURT: Mr. Mark Jones.

MR. MARK JONES: Thank you, Your Honor.

This was on an order shortening time, so, if I -- if I may address it, we did not file any written opposition.

Your Honor, I'd like to emphasize one statement, and

that is the first sentence of plaintiff's motion for protective order, because that's really what this is all about. It says, "The games, harassment, and unprofessional conduct continue." And, Your Honor, I want to tell you that I do not play games in my practice. I do not need to play games. One of the games that Mr. Bice believes that I am playing is with the timing. There's a lot going on with this case, Your Honor, and it got filed -- when it got filed there was no --

THE COURT: And the CityCenter case, which you guys got dragged into, too.

MR. MARK JONES: The point is that I received an email from Mr. Bice that a colleague and I read about the protocol of the counsel. One of the first things we filed -- I've already talked to them about it and apologized. If I'm going to apologize for anything it's only that we did not email it to him. I think that was my assistant's fault. I didn't know anything about it, Your Honor, and just realized last night when Mr. Bice was talking about it. And we appreciate an extension that he had given us recently. And, of course, we in the normal course expect to get extensions back as they may ask for them on their end.

Now, as to the merits of the motion, yes, this was filed and served right before the deposition, but you don't hear them say it is late. And in fact it is not late, Your

Honor. It is timely filed under Rule 30, NRCP Rule 30, and that is that a cross-notice such as the one we had filed must be served upon five days' notice. And it was.

They say in their motion that a party needs leave of the Court to tape other parties or counsel. They cite to two Federal Court cases in FRCP with regard to that. The two cases are distinguishable. And in the Langsea [phonetic] case Mr. Adelson actually walked into a deposition, they've cited to that, with his own videographer with no prior notice. The Posorive [phonetic] case, in that case the plaintiff deponent brought his own camera to tape a deposition in violation of the court's explicit order prohibiting him to do so. Again, we think that those two cases are distinguishable. It's a federal -- they're federal rulings with regard to the Federal Court Rule, FRCP 30, and we think that there's is a significant difference in NRCP 30 and Nevada law with regard to that.

THE COURT: So can I interrupt you. Why do you think that it's appropriate in this particular case to depart from our long history in Nevada of only having the camera on the deponent? The only time I remember attorneys ever being on camera in a deposition was when they introduced themselves. And then it would go back to the deponent.

MR. MARK JONES: Your Honor, thank you. To answer that I would now go a little bit out of order. I was going to

get to the why. The genus of this is -- and I would characterize my involvement in coming into this case as an extremely contentious matter. I think that's fair to say. And I would estimate that I have taken -- excuse me, called the Court perhaps two times in my -- average in my career, every couple years. To my recollection, in this case the Court has been called I think about an average of twice for each deposition that has been taken.

The cross-notice stems from the Sheldon Adelson deposition and, frankly, the smirking and we would submit very inappropriate engaging of counsel with Mr. Adelson. And I wasn't there. Mr. Peek was, though. He's prepared to back me up on what exactly happened there, if the Court wants him to do that.

I'd like to back up one -- if that answers your question, I'd like to back up one minute to discuss NRCP 30, which is I think very important here, Your Honor. First of all, we found nothing in the rule and no caselaw holding that leave of the court is required for such a cross-notice under the circumstances. And I want to read to you from NRCP 30(b)(4), which has a very enlightening statement it about three fourths of the way down. And it says, "The appearance or demeanor of deponents or attorneys shall not be distorted through camera or sound recording techniques." Why do they include attorneys in that? That's right in the rule, Your

Honor. Again, we found nothing to say that this cannot take place.

And why are we doing this really? Your Honor, we would submit this. It's a safeguard to assure that this behavior does not happen again. We'd ask that you consider that in court or in trial there is a judicial officer that is monitoring and regulating order and monitoring such proceedings. And a court at trial that kind of behavior does not exist. The courts won't put up with that. Unfortunately, under the circumstances with the contentiousness, we believe and would submit that such a cross-notice would do the same. We think that it is harassing of professional conduct. And I don't know about the other -- I can't remember the last time I was called unprofessional, Your Honor, but welcome to this case.

We also, Your Honor, are bearing the cost -- we would bear the cost of the videographer, and we don't submit this puts any additional burden upon Mr. Jacobs.

And lastly, at the end of the motion they say that we've resorted to harassment in trying to intimidate our opponents because we can win any legitimate debates. This cross-notice isn't oppressive or harassing, Your Honor. I can't imagine having -- or Mr. Bice or Mr. Pisanelli being intimidated by having a camera on them. And it keeps professionalism in the depositions. It's almost like having

Your Honor sitting there and reminding everybody during the deposition if they behave and they act professionally and they don't engage, what's the problem? And if they don't, we submit that a deposition can be used for any purpose at the time of trial, and we'll see what -- whether or not we might we able to use it at the time of trial.

In sum, it's a motion for protective order. And we would submit, of what? We don't find anything that says that you have to ask leave of the court within the rule. We think the cases are distinguishable that they cited. We don't think that Mr. Bice or Mr. Pisanelli will be intimidated in deposition. And we think it's within accordance of the rules, and we're paying for it.

And finally, if the Court says that leave is required under some long-standing rule, we're asking for it now.

THE COURT: Thank you.

The motion is granted. Only under unusual circumstances would the Court issue permission to videotape counsel who are taking the deposition. The audio record of the videotape does certainly provide a basis for protecting against misconduct of counsel. If for some reason you believe there is in fact misconduct, as opposed to a facial expression that someone takes exception to, I would be happy to reconsider on a case-by-case basis permitting the camera to be

on counsel.

All right. Goodbye.

MR. RANDALL JONES: Your Honor, just to clarify that, with respect to a case-by-case basis. So if something comes up at a deposition --

THE COURT: Here's the deal, Mr. Jones. I will tell you that Kathy England I both in separate cases had occasions where a specific attorney came across the table and threatened us. From that point forward that person was on the camera, as well, not just the deponent. And that was approved -- my recollection, mine was approved by Discovery Commissioner Biggar, Kathy's was approved by a magistrate. But that was where the attorney was doing something other than, you know, a facial expression or smirking. You know, you guys do that in court all the time. What am I supposed to do? 'Bye.

MR. RANDALL JONES: Thank you, Your Honor.

THE PROCEEDINGS CONCLUDED AT 8:55 A.M.

* * * * *

CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

FLORENCE HOYT
Las Vegas, Nevada 89146

Florence M. Hoyt — 12/30/12

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DISTRICT COURT

CLARK COUNTY, NEVADA

STEVEN C. JACOBS, Plaintiff, v. LAS VEGAS SANDS CORP., a Nevada corporation; SANDS CHINA LTD., a Cayman Islands corporation; SHELDON G. ADELSON, in his individual and representative capacity; DOES I-X; and ROE CORPORATIONS I-X, Defendants. / AND ALL RELATED MATTERS.	CASE NO.: A627691-B DEPT NO.: XI Date: n/a Time: n/a **DEFENDANT SANDS CHINA LTD'S REPORT ON ITS COMPLIANCE WITH THE COURT'S RULING OF DECEMBER 18, 2012**

Defendant Sands China Ltd. ("SCL") hereby provides the Court with a Report of its compliance with the Court's ruling of December 18, 2012. This compliance resulted in the production to Plaintiff of more than 5,000 documents (consisting of more than 27,000 pages) on or before January 4, 2013.

I. THE COURT'S DECEMBER 18, 2012 RULING

After Plaintiff served his jurisdictional discovery requests, Defendants began searching for and producing responsive documents. In this process, the parties eventually reached an impasse on SCL's position that, as to jurisdictional issues, a search of the ESI of custodians other than Plaintiff in Macau would be largely duplicative of LVSC's production.

Accordingly, on December 6, 2012, Defendants filed a motion for a Protective Order seeking the Court's guidance on whether the Macau search would have to include custodians other than Plaintiff. At that time, SCL was proceeding with an ESI search in Macau, but only for documents contained in Plaintiff's own ESI.

At a hearing held on December 18, 2012, the Court denied Defendants' motion and stated that it would enter an order directing SCL to produce all information relevant to jurisdictional discovery:

> The motion for protective order is denied. I am going to enter an order today that within two weeks of today, which for ease of calculation because of the holiday we will consider to be January 4th, Sands China will produce all information within their possession that is relevant to the jurisdictional discovery. That includes electronically stored information. Within two weeks.

(Dec. 18, 2012 Tr., Ex. A, at 24). In so doing, the Court expressly noted that its ruling did not foreclose SCL from making appropriate redactions. (*Id.*, at 27).

As of January 4, 2013, the above-described order had not yet been entered. Nevertheless, after the hearing, SCL immediately began taking steps to expand its on-going efforts in Macau to comply with the Court's ruling.

II. SCL'S COMPLIANCE WITH THE COURT'S RULING

SCL's production of more than 27,000 pages of documents resulted from an extended process that included seven major stages: (1) the recruitment of additional Macau lawyers to

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assist the existing team in reviewing the documents generated by the expanded search; (2) the engagement of an additional vendor with sufficient expertise, technology and resources to assist SCL in completing the expanded search; (3) the identification of relevant custodians and search terms using accepted principles of electronic discovery; (4) the physical review of all documents retrieved by these search terms to determine responsiveness to Plaintiff's jurisdictional discovery requests; (5) the identification of all "personal data" in responsive documents within the meaning of the Macau Personal Data Protection Act ("MPDPA"); (6) the subsequent redaction of personal data from those identified documents; and (7) a review in the United States for privilege and confidentiality determinations.

To oversee and manage this document production effort (both before and after the Court's December 18, 2012 ruling), SCL engaged the law firm of Mayer Brown LLP, including lawyers from the Firm's Hong Kong office.

A. The Recruitment of Macau Lawyers to Review Documents

The first challenge following the Court's December 18, 2012 ruling was to recruit on short notice and during the holiday season a sufficient number of Macau attorneys to assist in completing the expanded search and review of documents in Macau. As SCL previously informed the Court, on November 29, 2012, the Office of Personal Data Protection ("OPDP") notified SCL that it could not rely on Hong Kong lawyers (or any other non-Macau lawyers) to review or redact Macau documents containing "personal data." (Ex. B). This restriction imposed a significant limitation on the pool of potential reviewers because Macau has fewer than 250 licensed lawyers (excluding trainees and interns), and many of those attorneys work for firms that cannot represent SCL because of pre-existing conflicts. In addition, the required review had to be conducted between December 18, 2012 and January 4, 2013, when Macau had five days of public holidays.

Notwithstanding these limitations, SCL succeeded in recruiting additional Macau lawyers, until, by December 27, 2012, SCL had engaged a total of 22 Macau attorneys to review potentially-responsive documents and redact personal data contained in those documents.

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B. The Selection of an Additional Vendor

To complete the discovery directed by the Court, SCL also had to enlist an additional vendor to assist in processing and handling of the significantly increased volume of documents that had to be reviewed and produced. The existing vendor used a software application that repeatedly encountered several technical difficulties in attempting to "de-duplicate" the increased volume of documents and in preserving redactions throughout the production process. By December 19, 2012, SCL concluded that these difficulties would likely prevent the vendor from completing the project by itself.

Accordingly, on December 19, 2012, SCL engaged another vendor, FTI, to assume most of the technical aspects of the review and redaction process. Between December 19 and January 4, FTI not only re-processed all data that the initial vendor had processed, but also logged more than 500 hours in processing additional data, training reviewers and redacting responsive documents—all at a cost of more than $400,000.

C. The Identification of Relevant Search Terms and Custodians

In addition to engaging a qualified vendor and recruiting a sufficient number of reviewers, SCL had to develop a strategy for the expanded search in Macau. In this process, SCL was left to its own devices. As described in earlier court filings, Plaintiff declined to cooperate with Defendants in identifying relevant custodians and search terms in either the United States or Macau.[1] For example, in June 2012, Plaintiff announced to Defendants that they should develop their own lists of search terms and custodians for the U.S. searches, while in October 2012, Plaintiff simply ignored Defendants' request to meet and confer about ESI discovery in Macau.[2]

To be sure, at the December 18, 2012 hearing, Plaintiff asserted for the first time that he had sent a letter *more than two years ago* providing a list of relevant custodians:

> ... We met for hours with his prior counsel explaining over and over to the extent it was even needed if we're talking about the custodians that they didn't know about in Macau, they needed only look to *Colby Williams's letter giving them 20 custodians that we want that they've known for two years.*

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1 *See, e.g.*, Defendants' Opposition to Plaintiff's Motion for Sanctions, at 7-8 and Exhibit BB.

2 *Id.*

(Dec. 18, 2012 Tr., Ex. A, at 23-24) (emphasis supplied). But this letter merely listed the custodians that Plaintiff claimed were relevant to *merits* discovery, not to jurisdictional discovery. Indeed, Plaintiff sent the letter long before he had even served his jurisdictional discovery requests, and, in any event, the issues in jurisdictional discovery are very different from the merits issues.

With respect to *jurisdictional* discovery, Plaintiff simply declined to participate in any cooperative effort to reach agreement on search terms and custodians. In particular, after serving his jurisdictional discovery requests, Plaintiff never (1) provided Defendants with a proposed list of custodians for jurisdictional discovery; (2) participated with Defendants in finalizing an expanded list of search terms for jurisdictional discovery;[3] or (3) responded to Defendants' October 6, 2012 request to meet and confer about jurisdictional discovery in Macau.[4]

As a result, SCL was forced to make its own determinations of relevant search terms and custodians to comply with the Court's ruling. To this end, SCL first identified eight Macau custodians (in addition to Plaintiff) whose ESI was reasonably likely to contain documents relevant to jurisdictional discovery. (*See* Ex. C, attached to this Report). SCL then utilized (with only minor variations) the same expanded set of search terms that Defendants had unilaterally developed to conduct the jurisdictional searches in the United States—search terms that Plaintiff has never challenged or even asked to review. (Attached to this Report is Exhibit C, which lists the custodians and search terms used by SCL to identify and produce documents relevant to jurisdictional discovery.).

This procedure comports with "best practices" in electronic discovery. The Sedona Principles instruct parties responding to discovery requests to "define the scope of the electronically-stored information needed to appropriately and fairly address the issues in the case and to avoid unreasonable overbreadth, burden, and cost." The Sedona Conference, Sedona Principles Addressing Electronic Document Production, Cmt. 4.b (2d ed. 2007) ("Sedona

[3] In July and August 2012, Defendants expanded the list of search terms and custodians used for the searches of LVSC's ESI after Plaintiff claimed that LVSC's production was inadequate.

[4] Defendants' Opposition to Plaintiff's Motion for Sanctions, at 7-8 and Exhibit BB.

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Principles"), Cmt. 6.b. This process typically includes "collecting electronically-stored information from repositories used by key individuals," and "defining the information to be collected by applying reasonable selection criteria, including search terms, date restrictions, or folder designations." *Id.*; *see also id.* Cmt. 11.a (instructing that "selective use of keyword searches can be a reasonable approach when dealing with large amounts of electronic data").

Consistent with these principles, the Nevada courts have repeatedly endorsed the use of specified custodians and search terms to govern electronic discovery. *See, e.g., Cannata v. Wyndham Worldwide Corp.*, No. 2:10-cv-00068-PMP-VCF, 2012 WL 528224, at *5 (D. Nev. Feb. 17, 2012) (ordering parties to agree on a final list of search terms and custodians).

The courts have also held that when a party requesting discovery refuses to agree on custodians and search terms, the responding party should develop its own search terms and list of custodians. *See, e.g., Treppel v. Biovail Corp.*, 233 F.R.D. 363, 374 (S.D.N.Y. 2006). In these circumstances, the party requesting discovery effectively waives its objections because it would be unfair to allow the requesting party to refuse to participate in the process of developing a search strategy and then later claim that the strategy was inadequate. *See, e.g., Covad Commc'ns Co. v. Revanet, Inc.*, 258 F.R.D. 5, 14 (D.D.C. 2009).

Thus, in the absence of any meaningful participation by Plaintiff, despite being invited to do so by Defendants, SCL relied on widely-accepted principles of electronic discovery to select a list of custodians and search terms that could reasonably be expected to yield documents relevant to the limited jurisdictional discovery the Court has allowed.

D. The Review and Redaction of Documents

After SCL developed its search strategy, it then applied the designated search terms to the ESI of the relevant custodians. SCL also processed approximately 20,000 pages of hardcopy documents maintained by Plaintiff and the other relevant custodians. Finally, SCL manually reviewed more than 50,000 hardcopy documents maintained by Plaintiff to determine whether they were copies of ESI or otherwise not relevant to any jurisdictional issues. This process yielded a population of more than 26,000 potentially responsive documents. FTI then "tiffed" each of these documents so that the Macau attorneys could redact personal data contained in the

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documents.

In the next step, the Macau attorneys reviewed each of the documents identified as potentially responsive to determine whether the document was, in fact, relevant to jurisdictional discovery and, if so, whether it contained any "personal data" within the meaning of the MPDPA. If the documents did contain "personal data," the reviewers then redacted that personal information.[5]

To complete this process, the attorneys logged more than 1,326 hours over a nine-day period, with several attorneys working up to 20 hours per day and on holidays. In total, the reviewing attorneys billed more than $500,000 to complete the work in Macau.

E. The Privilege Review and Final Preparation of the Documents for Production

After FTI incorporated the redactions into new tiff images to ensure that the redactions could not be removed, the documents were transferred to the United States, where they were reviewed for privilege and confidentiality determinations. After the completion of this review, FTI created a new tiff image endorsed with a Bates number for each document. The new tiff image was then processed to create a new text file for production that omitted the text in the redacted area. The productions provided to Plaintiff contained the tiff images and text files created in the United States.

F. Ongoing Quality Control Review

In addition to the above-described production, SCL is currently undertaking quality control procedures to determine whether there are any documents relevant to jurisdictional discovery that the above review did not capture. For example, on January 7, 2013, the Macau reviewers identified approximately 17 hardcopy documents that had been maintained by some of the relevant custodians and that are arguably relevant to jurisdictional issues. These 17 documents are currently being prepared for transfer to the United States and final production. In addition, SCL is conducting an electronic search of the more than 50,000 hardcopy documents that SCL manually reviewed prior to production. If this electronic search results in the

[5] The reviewers designated redactions based on the MPDPA as "Personal Redactions" and redactions based on the attorney-client privilege as "Privileged."

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identification of any documents that are arguably relevant to jurisdictional discovery and that have not already been produced, SCL will produce such documents to Plaintiff.

III. CONCLUSION

In this Report, SCL has summarized the document production that it undertook in compliance with the Court's December 18, 2012 ruling. In addition to this production, SCL understands that LVSC has produced the travel records ordered by the Court and that the remaining depositions of Defendants' executives have now been scheduled, leaving only Plaintiff's deposition to be scheduled. Accordingly, SCL believes that, subject to the Court's schedule, a jurisdictional hearing can now be set following the completion of the depositions.

DATED January 8, 2013.

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CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that on January 8, 2013, I served a true and correct copy of the foregoing **DEFENDANT SANDS CHINA LTD'S REPORT ON ITS COMPLIANCE WITH THE COURT'S RULING OF DECEMBER 18, 2012** via e-mail and by depositing same in the United States mail, first class postage fully prepaid to the persons and addresses listed below:

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To: JAMES J PISANELLI; dls@pisanellibice.com; tlb@pisanellibice.com; Kimberly Peets; see@pisanellibice.com
Subject: LV Sands/Jacobs - Sands China's Report on its Compliance with the Court's Ruling of December 18, 2012
Attachments: 1801_001

Please see attached Sands China's Report on its Compliance with the Court's Ruling of December 18, 2012. A copy to follow by mail.

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EXHIBIT A

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

STEVEN JACOBS Plaintiff vs. LAS VEGAS SANDS CORP., et al. Defendants	CASE NO. A-627691 DEPT. NO. XI **Transcript of Proceedings**

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

HEARING ON MOTIONS FOR PROTECTIVE ORDER AND SANCTIONS

TUESDAY, DECEMBER 18, 2012

APPEARANCES:

FOR THE PLAINTIFF:	JAMES J. PISANELLI, ESQ. DEBRA SPINELLI, ESQ. TODD BICE, ESQ.
FOR THE DEFENDANTS:	JON RANDALL JONES, ESQ. J. STEPHEN PEEK, ESQ. MARK JONES, ESQ. MICHAEL LACKEY, ESQ.
COURT RECORDER:	TRANSCRIPTION BY:
JILL HAWKINS District Court	FLORENCE HOYT Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript produced by transcription service.

33

LAS VEGAS, NEVADA, TUESDAY, DECEMBER 18, 2012, 8:06 A.M.

(Court was called to order)

THE COURT: Good morning. Which motion do you guys want to handle first, the protective orders?

MR. MARK JONES: Your Honor, I have a housekeeping issue, if I may, first.

THE COURT: Sure.

MR. MARK JONES: Spoke with Mr. Bice. Thank you.

Yesterday was the last day for the other side to oppose Mr. Lackey's pro hac admission for his -- excuse me, pro hac application for his admission into this case, and there's no opposition. So Mr. Bice had asked if the Court - if I may --

THE COURT: Any objection?

MR. BICE: No.

THE COURT: All right. Then you can approach. I'll be happy to sign, Mr. Jones. Here you go.

All right. Now which motion do you guys want to argue first?

MR. RANDALL JONES: Your Honor, in a sense I guess they're sort of mixed together, but perhaps our --

THE COURT: Well, the protective order on the videotape deposition is different than the sanctions and the other protective order motion.

MR. RANDALL JONES: And I guess what I was thinking

is maybe the protective order -- the first protective order motion filed. But I don't know if the Court wants to do that or not.

MR. PISANELLI: That's a convenient way for the defendants to jump in front of an argument, but --

THE COURT: Actually, I want to do that way. And you're going to be surprised why after the argument.

MR. PISANELLI: All right.

THE COURT: Mr. Jones.

MR. RANDALL JONES: I hope not pleasantly, Your Honor.

THE COURT: Well, do you want to read my note?

MR. RANDALL JONES: Your Honor, I wouldn't mind reading your note.

THE COURT: No, that's okay, Mr. Jones.

MR. RANDALL JONES: It might help sharpen my argument.

THE COURT: It's all right. You're in trial in the other department, so --

MR. RANDALL JONES: Thank you, Your Honor.

THE COURT: -- let's argue the motion for protective order on the search of data in Macau.

MR. RANDALL JONES: Yes, Your Honor. As you know, obviously I don't have the full -- well, have not been involved in this case for very long, so the history has been

created before my time. And I've done my best to try to get up to speed with that history in connection with these motions and just in general tried to become familiar with this case.

I think I would start by talking a little bit about that history and why we feel that that motion is appropriate. And I guess the first order of that history would be a letter that was sent back by defendants' counsel in May to the plaintiffs, talking about the search parameters and what they believe would be the appropriate way to do this process. And I want to mention this because I think it is important as relates to -- for this overall process and the relationship with the motion for sanctions. And in that letter not only did the defense counsel spell out what we intended to do, but also made comment about willingness to meet and confer. So that's sort of the first part of that process.

And the next part of the process was the joint case conference statement, which also spelled out in great detail and I think there's somewhat seven different points that were spelled out about the process that the defense intended to take in trying to comply with the discovery. And that spelled out very specifically that we would look first at the -- our client's, Jacobs's ESI information in the U.S. And again, the whole point of this is, as far as we know, the best information we have is that that's a ghost copy of what was created in Macau. So presumably it's no different than what's

in Macau in the first instance. So we spelled that out and said that's what we're going to do, then we're going to look all -- of course, all the Las Vegas Sands information and start producing that as quickly as we can.

And then there is a hearing the next day, June 28th, where this two-step approach was spelled out to the Court and counsel and was consistent with what was in the case conference statement.

Then there's a July 30th letter which reinstated -- or, excuse me, reiterated that the defendants would review all of the U.S. ESI first and then focus on Macau, and there was some -- this wasn't just done, Your Honor, to try to delay things. And I say that, Your Honor, because I have been involved in discovery where you're talking about not just out of the state, but out of the country. And this is a unique circumstance. Certainly I would hope the Court would take into account that we are dealing with the sovereign government that may have a different idea of what we can and can't do. So the idea was to let's look at that stuff first, the information we have on the ghost hard drive here in the U.S. and whatever we have we produce that, and then we go look at what we know is going to be more of an issue in Macau.

And then, of course -- and I want to make sure to point out that they've made some comments about this so-called staggered approach which the Court said, no, you can't have

the staggered approach.

THE COURT: I've been saying that for a year and a half already.

MR. RANDALL JONES: Absolutely. And, Your Honor, you defined what a staggered approach was. Well, based on what I've read in the file and your rulings, a staggered approach was what we initially said, look, let's get the plaintiff's ESI from the plaintiff, from Mr. Jacobs --

THE COURT: Every time someone brought that up I said no.

MR. RANDALL JONES: Absolutely. And we understand that. That is not what we are saying we are doing.

THE COURT: No, I know. Now you're saying, we want to search what we have access to in the United States without dealing with the Macau Data Privacy Act and then, depending upon what we find, we may look at the stuff in Macau.

MR. RANDALL JONES: No, actually I don't think that's what we're saying. That's not my understanding of what we're -- in fact, that's not my understanding --

THE COURT: That's how I read this.

MR. RANDALL JONES: -- of what we're doing. In fact, that -- I will tell the Court that is not what we were doing. What we were doing was trying to make sure, especially after the hearing in September, that we got access to the Macau information. But we have to do it the way they let us

do it.

And so what happened after that hearing, we were retained, Mr. Lackey's firm was retained, and action started right away. This was within weeks of that hearing, Your Honor. New counsel was brought in. The reason we were brought in was to try to make sure that we complied with what you wanted us to do. And, Your Honor, I've been practicing here a long time and I've known you both in private practice and on the bench, and I would hope the Court would understand that we take our -- not only our oath, but our obligation on discovery very, very seriously.

THE COURT: Oh, I have no doubt about that, Mr. Jones. That's not the issue. The issue is not you or your firm's credibility or Mr. Lackey or Mr. Peek or any of the attorneys at this point. The issue is a -- what appears to be an approach by the client to avoid discovery obligations that I have had in place since before the stay.

MR. RANDALL JONES: And, Your Honor, I understand that's your concern. And I understood that before you said that just now. And I understand why that's your concern. I have tried to make sure that I understand the history of this case. And I will tell you the client understands the concern. That's why new counsel this far along in the case was brought in.

THE COURT: Third new counsel.

MR. RANDALL JONES: Understood. And we all hope the lasting counsel. And a major part of that decision was to make sure that any errors or issues that the Court was concerned about in the past are addressed and addressed appropriately. So with that in mind our firm was retained. I was just about to start my jury trial, and so my brother Mark Jones was tasked, with Mr. Lackey -- this was within weeks of us being retained -- of flying to Macau and addressing the issue directly. And we didn't know what we were going to find out when we got there. We were going there to try to see what we could do immediately. And so -- and, again, I hope the Court appreciates that there's two different issues here. One is -- from my perspective one is a party trying to hide behind the law of another country or another state, for that matter, to thwart the discovery process. That's on issue. The other issue is also trying to make sure that if you have to deal with the laws of another country you're in compliance with those laws.

So to the extent the Court was concerned that the OPDP law was being used to try to block discovery, that, I will this Court in open court on the record as an officer of the Court, is not what we are trying to do at this point. If it was ever -- and I certainly don't believe it was ever being done, but I will tell the Court to the extent there was some miscommunication or misunderstanding of what our rights and

obligations were, two lawyers went to Macau to try to straighten that out. And when they got there they were informed of certain things. And I want to make sure the Court's aware of the fact that before Mark Jones went to Macau he sent an email again saying, look, we want to know what -- we want to meet with you, we want to talk to you before -- on going -- this was mentioned in court the week before, I believe, on going to Macau, I want to talk to you all to make sure that we're all on the same page at least as to whether or not you have different terms -- search terms or parameters that you want us to look at, this is what we think we should be doing. And I think it's important to the Court.

We tried to meet and confer with them over the summer, before our firms were involved, but still, the record is clear. We tried to meet with them on a couple of occasions and ask them about what search terms they wanted to use to try to expand the ESI discovery, and -- both in terms of names and search terms. And they didn't meet with us. And so we expanded those search terms on our own and made them broader than what were initially spelled out. So that's -- and, Your Honor, those are the facts as I understand them, that there's documentation to that effect in the file. So I have every reason to believe it's true.

So then before Mark Jones and Mike Lackey go to Macau an email is sent, said, let us know, we're going. And

we get no response. They go there and they have a discussion. They are told for the first time that, no, Macanese lawyers can look at this information. And by the way, finally -- we don't know this until November 29th. We've talked to the Court, we sent the information to the Court. We are informed that we can have the Macanese lawyers look at this information and they can do the searches and to the extent there's any personal data that may be redacted. Our hope is that because it's Mr. Jacobs's ESI that there will be very little, if any, personal data that's going to be redacted. But we believe within the next week or two we're going to start getting production. And as we get it, whatever we get, if it is redacted, we're going to immediately produce it to the other side. And to the extent it's redacted we will address that as quickly as we can with the other side to see if there's any way to address that issue with the Macanese government and -- assuming there's even a concern, depending on the type of information that appears to be redacted. So, Your Honor, we are trying to make sure we do what you want us to do.

But we have to try to -- and we did read your order as saying that we don't have to try to comply with the laws of another country. We can't use those laws inappropriately to simply block discovery, and we're not trying to do that. But we do have to try to comply with those laws. And I can't believe this Court would ever issue an order that says you

have to violate the laws of another country in order to produce documents here.

THE COURT: You already violated those laws, Mr. Randall --

MR. RANDALL JONES: No.

THE COURT: -- Mr. Jones, Randall Jones. Sorry, Randall.

MR. RANDALL JONES: That's all right. And we don't want to compound the error. And I can't believe this Court would want us to do that.

And so the question is -- we've done everything else. We've produced 150,000 pages of documents since June. We have spent an ungodly amount of money trying to make sure we do this. So all we're asking this Court to is to allow us to say, let's look at this information first -- and I know the Court's impatient with this process, and I understand.

THE COURT: You know what, Mr. Jones, I'm not impatient with this process. I am under a writ from the Nevada Supreme Court to conduct an evidentiary hearing on certain limited issues and enter findings of fact and conclusions so that the Nevada Supreme Court can make some additional conclusions related to the writ that is pending. I am unable to accomplish what I have been ordered to do by the Nevada Supreme Court in large part because of discovery issues.

MR. RANDALL JONES: I understand. And I also understand that this Court issued an order that said what the parameters of discovery were going to be. And based on those parameters we believe we are in compliance, with the exception of the Macau ESI, which we're working on trying to get to the Court.

So I guess I would ask this Court, well, Your Honor, again, you know, we referenced the Sedona Principles. We're in a -- somewhat of a brave new world as it relates to discovery. That's -- electronic discovery is still new territory in a lot of respects. And that's why you have things like the Sedona Principles that are out there to try to give litigants and the Court some guidance about this process. And, you know, proportionality is a -- one of the principles that is expressed in Sedona, and it relates to electronic discovery.

THE COURT: Since you've mentioned the Sedona Principles, Mr. Jones, has your client made an attempt to obtain a protective order that is agreeable to the Macau Government for the production of the information that would otherwise be discoverable in this case?

MR. RANDALL JONES: No, Your Honor. And I'll tell you why in a minute.

THE COURT: I asked that question a year and a half ago. I asked the same question, and we still haven't done it.

MR. RANDALL JONES: And here's why. Because we are hoping to be able to produce all the information that is in Macau in that ESI. And, Your Honor, again, that's a ghost image. And I know the Court is familiar -- more familiar probably than most courts in this jurisdiction about electronic discovery. So if it's a ghost image --

THE COURT: And Data Privacy Acts.

MR. RANDALL JONES: And Data Privacy Act. And a ghost image is just that. It should be duplicative of what is already here in the U.S. which has been produced. And, again, there's a limit to what this Court has ordered to be produced in this jurisdictional discovery. So the point is we believe that this redundant. But, irrespective of that, a great deal of time and expense has been incurred since September. Some of these things should have been done before. What we're asking this Court is to say, look -- we got to a point in September where the Court made some findings, and the Court made those findings based upon the information available to it up to that point in time. We're trying to move forward. And so since that time actions have been taken to try to make sure we comply with the Court's order as it relates to the Macau documents.

So if you expand the search terms -- remember, Your Honor, in Sands China we're talking about -- the claim as relates to Sands China is about an option agreement. The

search terms that we have used to try to find documents all seem to be related to information that in fact is overexpansive beyond what would be contacts that Sands China might have with the United States, in particular with Nevada. So we're essentially, we believe, getting a substantial amount of overinclusive documents.

Let me just give you an example. In the depositions two documents were used in Mr. Adelson's deposition of the 200,000 documents that have been discovered, and I think 19 were used in either in Mr. Goldstein or Mr. Leven's deposition, I can't remember, but one of those two. But the point is, Your Honor, is that we have been trying to accomplish this discovery, and we believe that the Court has set limits on what this discovery is. In fact, your order says what the limits of discovery are. And so our --

THE COURT: You're referring to the March 8th, 2012, order?

MR. RANDALL JONES: That's correct, Your Honor. And so I guess I would ask the Court some questions to help us try to understand where the Court has a concern that we are not in compliance or at least attempting to comply and why the parameters should be expanded beyond Mr. Jacobs's ESI in Macau. We've given them everything we have in Las Vegas, including the ghost image information of the Jacobs ESI. What possibly could we expect to find with respect to contacts with

Nevada in Macau in the ESI of other people that would not be duplicative of what is found in the Las Vegas Sands ESI that's already been produced. And we haven't seen any indication from the plaintiff that there is such information that they expect to find or that they have not had full discovery.

We have answered their discovery, their requests to produce. We've laid out, what we've answered, in our brief. So, Your Honor, again, we don't know how -- and I guess under Rule 26, you know, the rule itself provides that -- 26(b)(2)(1) unreasonable -- discovery is limited is unreasonable, cumulative, or duplicate documents. We believe that to the extent -- and we're doing this anyway with the Macau ESI, we're still producing that -- the party seeking discovery has had an ample opportunity to discover and to obtain the information sought. And we think that that has been the case here. And, (3), the discovery is truly burdensome or expensive, taking into account all the needs of the case, the amount in controversy, and the limits of resources and importance of the issues.

So here, Your Honor, we don't see the need -- and we don't believe the need has been spelled out by the plaintiffs as to why they need to go beyond the Macau ESI of Mr. Jacobs in this discovery.

Now, the timing is a different issue. And we certainly wish it could have been faster. And counsel

involved in this case at this point in time are doing everything they can to try to make sure that it happens in short order. We've told the Court we believe -- we think we're going to have all this information with the extent of possibly any personal information being redacted by January 15th. But we hope to start having some of this information within the next week. And as soon as we get it we're going to start rolling it out.

So, Your Honor, we would ask that the Court have some proportionality with respect to how far the Court goes in allowing this discovery in Macau. And it further complicates the case. We've got to then ask for information beyond Mr. Jacobs's ESI which we don't see any grounds to --

(Pause in the proceedings)

MR. RANDALL JONES: And, Your Honor, and Mr. Peek is helping me out here because, again, I'm trying to catch up with all the information. You'd asked a question about a protective order and whether there had been one asked for. It's in Exhibit Y to our motion. The Macanese Government does specifically reference page 18, also mentioned the, quote, "protective order," and the related Jacobs litigation is sufficiently protected in compliance with the guidelines defined by the Personal Data Protection Act, Article 20, Item 2.

So there has been such a request, and the Macanese

Government has apparently -- and this was something I was not aware of digging through all of these exhibits, didn't find this reference on page 18, so I was not aware of that. But that has been addressed by the Macanese Government.

So I guess the biggest point is, Your Honor, is that we would ask the Court to consider the proportionality of the need for this information versus the burden and especially in the limited scope that the Court has ordered in this particular case.

So with that, Your Honor, if you have any questions, I would do my best to answer them.

THE COURT: Thank you.

THE COURT: Mr. Pisanelli.

MR. PISANELLI: Thank you, Your Honor. I'm going to do my best to exercise some restraint here, both in my emotions over what I just heard and understanding that we're talking about just a protective order so far.

First let me take an opportunity to correct Counsel, because I know he's not intentionally trying to mislead you. He is the newest person at the desk and clearly doesn't know the real history of what happened. When he suggests to you that we did not meet and confer in the summer or in the spring or the fall or last winter or two years ago, he's mistaken. Even in the circumstance in which he was referring me met for hours with his prior counsel explaining over and over to the

extent it was even needed if we're talking about the custodians that they didn't know about in Macau, they needed only look to Colby Williams's letter giving them 20 custodians that we want that they've known for two years. And the suggestion that they don't know what to do here, if that's what their client is telling Mr. Jones now, is something short of the real truth.

Counsel also tells you something that needs to be corrected. When he tells you that they have produced hundreds of thousands or 150,000, I can't remember the number, of documents and they're really working hard, remember we're talking about Sands China here, Your Honor. They've produced 15 documents, 55 pages. That's what Sands China has produced. So let's not get lost in them patting themselves on the back over a two-and-a-half-million-dollar bill, they say, with the all the hard work they did. Apparently that two and a half million dollars was spent on obstructing discovery, not actually finding.

And now this concept that will take us through the entire motion about redundancy and the very limited nature of discovery. I have to question whether Sands China has an order that no one else in this Court has seen. The have taken an approach in this motion and again in the presentation to you this morning that the only thing they're obligated to do is look at Steve Jacobs's ESI that is located in Macau

because, as they say, they have a ghost image here and why produce it twice.

Well, there's so much wrong with that statement. First of all, there's nothing in the Court's order that says that this jurisdictional discovery is limited to Steve Jacobs. And why would it be, Your Honor?

THE COURT: You're talking about the March 8th order?

MR. PISANELLI: Yes.

THE COURT: The order related to certain depositions that you noticed and what documents I was going to require be produced related to those depositions.

MR. PISANELLI: Right. And in that order Your Honor said that the discovery that Sands China was obligated to give us had a time restriction on it, and the time restriction was after Mr. Jacobs's termination up to the filing of the complaint. Which one might then question, well, why in the world would you limit your discovery to just Steve Jacobs's ESI when the Court ordered discovery that occurred after he wasn't even at the company anymore, is there even possibly a reasonable interpretation from your words to say that, we thought that all we needed to look for was the deduplication -- the product of the deduplication to make sure we had all of Steve Jacobs's ESI.

Recall this. Another handicap of Mr. Jones, because

he wasn't here. Henry Weissman stood before you on this exact topic. This is what inspired Your Honor to make the no staggering remark that is quoted in our reply at page 5. He said, why would we produce the same document twice, we want to get, he said -- and now I'm paraphrasing, that was a quote I just gave you -- he said, we will get Steve Jacobs's ESI and then we'll figure out what we have that he didn't already give to us. And that's when Your Honor let him know the rules of this Court, the rules of Nevada and how you govern discovery, and you were very clear and unequivocal when you said, no, that's not what you do, Mr. Weissman, quote, "We do not stagger discovery obligations, period, end of story."

And so what Sands China did through the revolving door of counsel that has come in this courtroom is did exactly what Henry Weissman said he wanted to do and the exact opposite of what you told them to do. They staggered discovery, and now come in here hat in hand saying, well, we thought this was a limited exercise of deduplication, Your Honor, oh, we're so sorry, we thought this was all you actually asked of us and it has cost us so much money to do this. It really is an unbelievable position for Sands China to take to come in here and tell you that they thought when you said, we do not stagger, you meant we do stagger and go ahead and just do your deduplication process. There isn't a believable aspect of this position that they're sending -- or

saying to you.

Now we hear some new defenses from them. For the first time we hear them say, Your Honor, we're not allowed to review our own records and we would ask you to be proportionate, I think that was the word, and not make us violate some other country's laws. Again, I can't imagine Sands China didn't hear your message loud and clear from the sanctions hearing when you said, Sands China, you will no longer be hiding behind the Macau PDPA. You were very clear that not because of anything from a discovery perspective -- that's what we're here to do today, the Rule 37 motion has to do with discovery issues. This was because of a lack of candor to this Court, a lack of candor which Your Honor found, as I understand it, to be directed and orchestrated from the management offices of Las Vegas Sands on Las Vegas Boulevard. You cannot hide behind the Macau Personal Data Privacy Act.

And what is the theme today? Your Honor, the Macau Personal Data Privacy Act prohibits us from producing these records, you wouldn't possibly tell us to do something in violation of that order, would you, they say. We are not permitted, they say for the first time, to even review our own records. Can you imagine, Your Honor, the position that they're offering? We need government approval to review our own records in Macau. So the obviously, admittedly somewhat sarcastic question I would ask is, how in the world do you run

your business in Macau if you need government permission to look at your own records.

Rhetorical as it may be, let's just look at something far more specific. Sheldon Adelson and Mike Kostrinsky both gave us a little peek behind the curtain. There has been a free flow of information from Macau to Las Vegas Boulevard since the inception of the Macau enterprise. Every single thing Mike Kostrinsky ever wanted he got. Sheldon Adelson has information coming on a daily basis to his office on Las Vegas Boulevard until one thing happened. And Your Honor saw right through it and referenced it in your order. The discovery in this case and perhaps the discovery in a criminal investigation, that's when they said, oh, we can't review our records in Macau, with a wink and a nod, we've actually been doing it from day one, but now to comply with discovery we're not permitted to do that. It is contrary to what the record in this case tells us.

And you know what else it's contrary to, Your Honor, what the prior counsel told us. You saw in our papers that Steve Ma told us in June of 2011 -- I'm sorry, wrong date -- that Steve Ma told us that he was -- in June 2012 that he was gathering and reviewing documents for CSL, gathering and reviewing, he said in a letter to us. And then he said he would produce them on a rolling basis. He did, all of those 15 staggering documents that we got.

Then Patty Glaser came in this courtroom and she said to Your Honor, we sent a team of lawyers to do it, that's a fact. Remember, she was very emphatic. We had a little bit of a confrontation at the time. That's a fact. She may have even been pointing her finger at me when she said it. We spent a lot of money, the client's money, we sent lawyers to Macau to review documents in Macau. Your Honor that is irreconcilable with what they're saying now. Patty Glaser and Steve Ma say not only that they can and they will, but they had reviewed Macau documents. And now the newest team comes in and says, we're handcuffed and not permitted to.

THE COURT: Well, but you know they took -- you know they reviewed Macau documents because Mr. Kostrinsky carried them back.

MR. PISANELLI: That's part of my sanction motion.

THE COURT: I mean, we know.

MR. PISANELLI: So I'm beating this drum here because it is just outrageous to me. I will wrap it up. I understand your point. But it's outrageous that this company would come in here and as soon as this group of lawyers takes a turn, that admits something they're not supposed to, produces a piece of paper the Sands management didn't want to get out of their hands, my prediction is we're going to see a new team here. Because every single time someone stands up and tries or at least promises you that they'll start doing a

better job than their predecessor, then guess what happens, we have a new set of lawyers coming in.

I'm overlapping a little bit on the basis of the motion.

THE COURT: I don't want to do the sanctions motions, yet.

MR. PISANELLI: So I won't do that.

THE COURT: Thank you.

MR. PISANELLI: The point is very simply you never told them not to produce it, and they didn't do it.

THE COURT: Thank you.

The motion for protective order is denied. I am going to enter an order today that within two weeks of today, which for ease of calculation because of the holiday we will consider to be January 4th, Sands China will produce all information within their possession that is relevant to the jurisdictional discovery. That includes electronically stored information. Within two weeks.

So I can go the motion for sanctions. The motion for sanctions appears to be premature since I've not previously entered an order requiring that certain information that is electronically stored information in Macau be provided. About two weeks from now you might want to renew your motion if you don't get it.

Can I go to the motion for the protective order on

the videotape.

MR. PEEK: Your Honor, can we have some clarification?

THE COURT: Yes.

MR. PEEK: And here's the challenge that we have, is you're telling us to produce all of the documents that are responsive to the requests for production, and --

THE COURT: If a motion is renewed, Mr. Peek, and there is an impediment to production which Sands China believes relates to the Macau Data Privacy Act, when I make determinations under Rule 37 I will take into account the limitations that you believe exist related to the Macau Data Privacy Act. But, believe me, given the past history of this case there seems to be different treatment of the Macau Data Privacy Act at different times.

MR. PEEK: Your Honor, I appreciate what we went through in September. I appreciate what the Court's ruling was. And I think Mr. Jones has certainly made it clear how serious we take this. The motion for protective order certainly goes to who are the custodians, what are the search terms --

THE COURT: Your motion for protective order is really broad. Your motion for protective order says, "For the foregoing reasons Sands China urges the Court to enter an order providing that SCL has no obligation to search the ESI

in Macau of custodians other than Jacobs or to use any more expansive search terms on the Jacobs ESI in Macau that was used to search the Jacobs's ESI that was transferred to the United States in 2010."

The answer is no. Denied.

MR. PEEK: Okay. I'll let --

MR. PISANELLI: Your Honor, on the Rule 37 issue of whether there's an order --

THE COURT: Hold on a second, Mr. Pisanelli. Let me go back to Randall Jones.

MR. PISANELLI: Okay.

THE COURT: Not Jim Randall, Randall Jones.

MR. RANDALL JONES: Thank you, Your Honor. I do want to make clear because of what was said there's never been said and if it was misstated by me, then I want to make sure it's clear on the record. It's never been our position that our client can't look at the documents. The issue is whether or not we can take certain information -- our client is allowed to take certain information out of the country. And so I just want to make sure that's clear on the record. Our client can look at the documents, and our client's Macanese, we've just found out, can look at the documents. And from there it becomes more complicated. So I just want to make sure that's clear to the Court.

We understand what you're saying, and we will

continue to do our best to try to comply with the Court's orders as best we can. And that's -- and I hope the Court does appreciate this is a complicated situation, and we -- I can -- I'll just tell you again, Your Honor, we're trying to make sure that we -- the lawyers and our client comply with your discovery.

THE COURT: I understand.

MR. PEEK: Yeah. We need to have redactions as part of that, as well, as that's -- I understood --

THE COURT: I didn't say you couldn't have redactions.

MR. PEEK: That's what I thought.

THE COURT: I didn't say you couldn't have privilege logs. I didn't say any of that, Mr. Peek.

MR. RANDALL JONES: As I understand it, Your Honor, you said we can still otherwise comply with the law as we believe we should and then you ultimately make the call as to whether or not we have appropriately done that.

MR. PISANELLI: We will indeed --

THE COURT: I assume there will be a motion if there is a substantial lack of information that is provided.

MR. PISANELLI: So, Your Honor, on this issue of the Court order, we're saying it again. As part of your sanction order you were very clear and you said that they're not hiding behind that anymore.

THE COURT: I did.

MR. PISANELLI: And they're giving us a precursor that they don't hear you, they just never hear you.

THE COURT: Well, Mr. Pisanelli, I've entered orders, I've now entered an order that says on January 4th they're going to produce the information. They're either going to produced it or they're not. And if they produce information that you think is insufficient, you will then have a meet and confer. And then if you believe they are in violation of my orders, and I include that term as a multiple order, then you're going to do something.

MR. PISANELLI: I will. I want --

THE COURT: And then I'll have a hearing.

MR. PISANELLI: I will. I want to make this one point, because you've made a statement that they have not yet violated an order, and that's of concern to me.

THE COURT: Well, they've violated numerous orders. They haven't violated an order that actually requires them to produce information. I have said it, we discussed it at the Rule 16 conference, I've had people tell me how they're complying, I've had people tell me how they're complying differently, I've had people tell me how they tried to comply but now apparently they're in violation of law. I mean, I've had a lot of things. But we've never actually entered a written order that says, please produce the ESI that's in

Macau within two weeks.

MR. PISANELLI: Well, you haven't entered anything that specific, but you have entered an order that calls for ESI protocol that calls for this production --

THE COURT: I know.

MR. PISANELLI: -- and you directed from this bench, which is no different than an order, for them to create a log --

THE COURT: Nevada Supreme Court thinks written orders are really important. So we're going to have a written order this time, Mr. Pisanelli --

MR. PISANELLI: We are indeed. But --

THE COURT: -- especially since I am under a limited stay which only permits me to deal with jurisdictional information, which I've been trying to get to for a year and a half.

MR. PISANELLI: As have we.

THE COURT: And I have a note that says, "Find a place for the Sands-Jacobs evidentiary hearing." But I can't find a place for you until you actually have your discovery done or at least close to done.

MR. PISANELLI: I will remind Her Honor and the battery of lawyers de jure [sic] that Your Honor told this team I think a year and a half ago, create --

THE COURT: Well, it wasn't this team, it was a

different team.

MR. PEEK: Your Honor, I certainly appreciate Mr. Pisanelli's remarks about how he wants to characterize what the Court's order was.

THE COURT: Okay.

MR. PEEK: And I certainly disagree.

THE COURT: Okay. Will you stop arguing about this. I've ruled.

MR. PEEK: I'm happy to do that.

THE COURT: I now want to go to your motion for protective order on the videotaping of the deposition. That's your motion, Mr. Bice's motion.

MR. BICE: This our motion. It's actually not a videotaping of the deposition, Your Honor. It's a videotaping of opposing counsel --

THE COURT: No, I know, Mr. Bice.

MR. BICE: -- which is what this is, without any Court authorization, without seeking any leave of the Court to do so. You know, Your Honor, we've submitted our motion, we went over the history of this. I didn't receive any written opposition. I don't know if the Court has received a written opposition from them or not.

THE COURT: I don't remember.

MR. BICE: The point here is, Your Honor, Rule 30 -- we have been videotaping all of the depositions without any

issues, and then we got this claim by Mr. Peek that, well, we want the videotape -- we want to put a camera behind the witness, I guess, from the other side of themselves and videotape you and your client during these depositions.

We objected to that. We told them, you know, you want to do that, you have to get permission of the Court to do that. Their position was now we're going to do it anyway. We thought that that issue was sort of -- they dropped it with the Mr. Leven deposition as long as I would move up his deposition by a half an hour. And then we found out because we got a cross-notice of deposition dropped in the mail to us that says that they're going to videotape opposing counsel during the deposition.

As we cite the caselaw to Your Honor, The Federal Courts under the exact same rule have said that that's inappropriate. They have sought any leave of the Court, so we ask the Court to enter a protective order. This is, with all due respect --

THE COURT: Thank you.

MR. BICE: -- it's simply harassment.

THE COURT: Mr. Mark Jones.

MR. MARK JONES: Thank you, Your Honor.

This was on an order shortening time, so, if I -- if I may address it, we did not file any written opposition.

Your Honor, I'd like to emphasize one statement, and

that is the first sentence of plaintiff's motion for protective order, because that's really what this is all about. It says, "The games, harassment, and unprofessional conduct continue." And, Your Honor, I want to tell you that I do not play games in my practice. I do not need to play games. One of the games that Mr. Bice believes that I am playing is with the timing. There's a lot going on with this case, Your Honor, and it got filed -- when it got filed there was no --

THE COURT: And the CityCenter case, which you guys got dragged into, too.

MR. MARK JONES: The point is that I received an email from Mr. Bice that a colleague and I read about the protocol of the counsel. One of the first things we filed -- I've already talked to them about it and apologized. If I'm going to apologize for anything it's only that we did not email it to him. I think that was my assistant's fault. I didn't know anything about it, Your Honor, and just realized last night when Mr. Bice was talking about it. And we appreciate an extension that he had given us recently. And, of course, we in the normal course expect to get extensions back as they may ask for them on their end.

Now, as to the merits of the motion, yes, this was filed and served right before the deposition, but you don't hear them say it is late. And in fact it is not late, Your

Honor. It is timely filed under Rule 30, NRCP Rule 30, and that is that a cross-notice such as the one we had filed must be served upon five days' notice. And it was.

They say in their motion that a party needs leave of the Court to tape other parties or counsel. They cite to two Federal Court cases in FRCP with regard to that. The two cases are distinguishable. And in the Langsea [phonetic] case Mr. Adelson actually walked into a deposition, they've cited to that, with his own videographer with no prior notice. The Posorive [phonetic] case, in that case the plaintiff deponent brought his own camera to tape a deposition in violation of the court's explicit order prohibiting him to do so. Again, we think that those two cases are distinguishable. It's a federal -- they're federal rulings with regard to the Federal Court Rule, FRCP 30, and we think that there's is a significant difference in NRCP 30 and Nevada law with regard to that.

THE COURT: So can I interrupt you. Why do you think that it's appropriate in this particular case to depart from our long history in Nevada of only having the camera on the deponent? The only time I remember attorneys ever being on camera in a deposition was when they introduced themselves. And then it would go back to the deponent.

MR. MARK JONES: Your Honor, thank you. To answer that I would now go a little bit out of order. I was going to

get to the why. The genus of this is -- and I would characterize my involvement in coming into this case as an extremely contentious matter. I think that's fair to say. And I would estimate that I have taken -- excuse me, called the Court perhaps two times in my -- average in my career, every couple years. To my recollection, in this case the Court has been called I think about an average of twice for each deposition that has been taken.

The cross-notice stems from the Sheldon Adelson deposition and, frankly, the smirking and we would submit very inappropriate engaging of counsel with Mr. Adelson. And I wasn't there. Mr. Peek was, though. He's prepared to back me up on what exactly happened there, if the Court wants him to do that.

I'd like to back up one -- if that answers your question, I'd like to back up one minute to discuss NRCP 30, which is I think very important here, Your Honor. First of all, we found nothing in the rule and no caselaw holding that leave of the court is required for such a cross-notice under the circumstances. And I want to read to you from NRCP 30(b)(4), which has a very enlightening statement it about three fourths of the way down. And it says, "The appearance or demeanor of deponents or attorneys shall not be distorted through camera or sound recording techniques." Why do they include attorneys in that? That's right in the rule, Your

Honor. Again, we found nothing to say that this cannot take place.

And why are we doing this really? Your Honor, we would submit this. It's a safeguard to assure that this behavior does not happen again. We'd ask that you consider that in court or in trial there is a judicial officer that is monitoring and regulating order and monitoring such proceedings. And a court at trial that kind of behavior does not exist. The courts won't put up with that. Unfortunately, under the circumstances with the contentiousness, we believe and would submit that such a cross-notice would do the same. We think that it is harassing of professional conduct. And I don't know about the other -- I can't remember the last time I was called unprofessional, Your Honor, but welcome to this case.

We also, Your Honor, are bearing the cost -- we would bear the cost of the videographer, and we don't submit this puts any additional burden upon Mr. Jacobs.

And lastly, at the end of the motion they say that we've resorted to harassment in trying to intimidate our opponents because we can win any legitimate debates. This cross-notice isn't oppressive or harassing, Your Honor. I can't imagine having -- or Mr. Bice or Mr. Pisanelli being intimidated by having a camera on them. And it keeps professionalism in the depositions. It's almost like having

Your Honor sitting there and reminding everybody during the deposition if they behave and they act professionally and they don't engage, what's the problem? And if they don't, we submit that a deposition can be used for any purpose at the time of trial, and we'll see what -- whether or not we might we able to use it at the time of trial.

In sum, it's a motion for protective order. And we would submit, of what? We don't find anything that says that you have to ask leave of the court within the rule. We think the cases are distinguishable that they cited. We don't think that Mr. Bice or Mr. Pisanelli will be intimidated in deposition. And we think it's within accordance of the rules, and we're paying for it.

And finally, if the Court says that leave is required under some long-standing rule, we're asking for it now.

THE COURT: Thank you.

The motion is granted. Only under unusual circumstances would the Court issue permission to videotape counsel who are taking the deposition. The audio record of the videotape does certainly provide a basis for protecting against misconduct of counsel. If for some reason you believe there is in fact misconduct, as opposed to a facial expression that someone takes exception to, I would be happy to reconsider on a case-by-case basis permitting the camera to be

on counsel.

All right. Goodbye.

MR. RANDALL JONES: Your Honor, just to clarify that, with respect to a case-by-case basis. So if something comes up at a deposition --

THE COURT: Here's the deal, Mr. Jones. I will tell you that Kathy England I both in separate cases had occasions where a specific attorney came across the table and threatened us. From that point forward that person was on the camera, as well, not just the deponent. And that was approved -- my recollection, mine was approved by Discovery Commissioner Biggar, Kathy's was approved by a magistrate. But that was where the attorney was doing something other than, you know, a facial expression or smirking. You know, you guys do that in court all the time. What am I supposed to do? 'Bye.

MR. RANDALL JONES: Thank you, Your Honor.

THE PROCEEDINGS CONCLUDED AT 8:55 A.M.

* * * * *

CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

FLORENCE HOYT
Las Vegas, Nevada 89146

Florence M. Hoyt — 12/30/12

FLORENCE HOYT, TRANSCRIBER — DATE

EXHIBIT B

To whom this may concern,

The abovementioned official letter has been well received.

This is in connection with the letter from your company (Venetian Macau Limited) stating that the local court in Nevada, US would be trying a civil case (Proceedings No.: A627691-B) involving Steven C. Jacob and Sands China Limited (hereinafter referred to as "SCL") with "Steven C. Jacob v. Las Vegas Sands Corp.; Sands China Ltd; Sheldon G. Adelson, et al." as the case name. In order to deliberate on whether it has jurisdiction over the abovementioned case, the court has requested SCL to provide information evidencing its relationship with "Las Vegas Sands Corporation" (hereinafter referred to as "LVSC"). Since your company believes that there may be documents in Macau which are significant to SCL's preparation of its own defense in the abovementioned case, your company intends to engage a lawyer in Macau, and to engage a law firm in Hong Kong which shall collaborate with that lawyer in inspecting the documents and information at your company's headquarters in Macau through the signing and provision of a contract of service. Your company believes that the abovementioned acts of document inspection and the treatment of personal data in connection therewith comply with the stipulations of Article 6, Item (5) of Macau's *Personal Data Protection Act* (Act 8/2005), and accordingly shall give notice to our Office pursuant to Article 21, No. 1 of that Act, or, in cases where our Office deems that a notice shall not be given, request the granting of permission by our Office in accordance with the stipulations of Article 22, No. 1, Item (4)[1] of that Act. As a public authority as defined under Article 79, No. 3 of the *Macau Civil Code* and the *Personal Data Protection Act*, our Office is responsible for monitoring and coordinating the compliance with and implementation of the *Personal Data Protection Act* by virtue of the responsibilities conferred upon it by Chief Executive's Dispatch No. 83/2007 and Dispatch No. 6/2010.

Pursuant to the stipulations of Article 4, No. 1, Items (5) and (6) of the *Personal Data Protection Act*, the "entity responsible for processing personal data" refers to "*a natural person or legal person, public entity, department or any other body which decides, individually or jointly with others, upon the purposes and means of the processing of personal data*", while

[1] The original version of the incoming letter reads "*nos termos do disposto na alínea 4) do artigo 22.º da Lei 8/2005.*"

"subcontractor" refers to "*a natural person or legal person, public entity, department or any other body which is authorized by an entity responsible for processing personal data to process personal data.*"

In accordance with the content specified in the letter from your company, your company intends to inspect the documents and information at your company's headquarters through engaging a lawyer in Macau and a law firm in Hong Kong which shall collaborate on such inspection, in order to provide evidence of the relationship between SCL and LVSC. It is thus clear that your company has the control and decision rights regarding the processing of the abovementioned information, including the decision of engaging a lawyer in Macau and a law firm in Hong Kong which shall collaborate to inspect such documents and information. Consequently, your company is an entity responsible for processing personal data, while the lawyer in Macau and the law firm in Hong Kong, which are authorized, are subcontractors.

It should be noted that, based upon the fact that your company has authorized a law firm in Hong Kong to inspect documents containing personal data, as well as the fact that the specimen contract intended to be signed with the law firm in Hong Kong as provided by your company indicates that the services to be provided by such law firm shall include "defining the scope of the document disclosure requirements relating to the civil proceedings filed by Steven C. Jacob against Las Vegas Sands Corp. and Sands China Limited with the local court in Nevada, US and making responses thereto; and inspecting and analyzing all relevant documents under a mechanism complying with Macau's laws (including but not limited to Macau's *Personal Data Protection Act* (Act 8/2005))," our Office deems that the information relating to the documents containing personal data entailed in this case which an institution registered outside Macau has been authorized to inspect has been transferred to places outside Macau (including Hong Kong), and that under such circumstances, your company shall be allowed to proceed only when the stipulations of Article 19 or 20 of the *Personal Data Protection Act* are observed.

In view of the stipulations of Articles 19 and 20 of the *Personal Data Protection Act*, our Office deems that your company may only authorize a law firm in Hong Kong to inspect relevant documents subject to compliance with the stipulations of Article 20, No. 1, Item (1) or (2) of that

Act and upon giving notice to our Office. However, since your company has provided our Office with no information evidencing that your company has obtained the express consent of the parties relating to such information, nor any contract of employment signed between your company and its employees or such information as contracts signed between your company and its clients, our Office cannot deem that your company's authorization of a law firm in Hong Kong to inspect relevant documents complies with relevant stipulations of the *Personal Data Protection Act*.

In addition, the letter from your company states that it thereby notifies our Office of its act of engaging a lawyer for document inspection pursuant to the stipulations of Article 21, No. 1 of the *Personal Data Protection Act*, but that in cases where our Office deems that a notice shall not be given, it shall request the granting of permission by our Office in accordance with the stipulations of Article 22, No. 1, Item (4)[2] of that Act.

Article 21, No. 1 of the *Personal Data Protection Act* stipulates the following: *"The entity responsible for processing personal data or its representative (if any) shall notify the public authority in writing, within 8 days from the commencement of processing, of one or a series of totally or partially automated processing operations intended to achieve one or more interconnected purposes."* The situations in which notification is exempted are stipulated in No. 2 and No. 4 of that Article.

In view of the abovementioned legal stipulations, it is clear that the responsible entity shall give notifications and make declarations based upon the various purposes of personal data processing, rather than in connection with discrete, individual operations of personal data processing. In this case, as an entity responsible for processing personal data, your company shall give notifications and make declarations with respect to automated processing with one or more interconnected purposes, and shall not notify our Office of merely one of the procedures (i.e. engaging a lawyer to inspect information) within an individual activity. Moreover, your company has not provided the information necessary for notification and declaration, such as an indication of the types of information being processed, in accordance with the stipulations of

[2] The original version of the incoming letter reads "*nos termos do disposto na alínea 4) do artigo 22.º da Lei 8/2005.*"

Article 23 of the *Personal Data Protection Act*. Therefore, our Office cannot regard your company's previous letter as a fulfillment of its notification obligations.

Further, Article 22, No. 1, Item (4) of the *Personal Data Protection Act* stipulates that the use of personal data for purposes other than those of data collection shall be subject to permission by our Office. No inconsistency therefore exists between the notification obligations as stipulated in Article 21, No. 1 the *Personal Data Protection Act* and the application for permission as stipulated in Article 22, where the two Articles are concerned with different treatments of personal data. Consequently, an application for permission shall be directed to our Office pursuant to the stipulations of Article 22, No. 1, Item (4) and Article 23 of that Act in cases where personal data are used for purposes other than those of data collection, notwithstanding the fact that your company has effected notification and declaration with our Office in accordance with Article 21, No. 1 of that Act. Given that your company has provided neither sufficient information nor an account of the original purposes of data collection or the necessity of using personal data for purposes other than those of data collection, our Office cannot examine or approve the application for permission.

Based upon the foregoing, our Office shall archive your company's previous notification, declaration and application for permission, and we hereby recommend that your company re-examine its personal data processing situation, clearly define its need to fulfill notification and declaration obligations and to apply for permission, and provide our Office with statutory information for our examination and approval pursuant to the stipulations of Article 23 of the *Personal Data Protection Act*. Notifications and declarations may be effected and applications for permission may be made through submitting to us a *Declaration of Personal Data Processing*, which can be downloaded from the website of our Office (http://www.gpdp.gov.mo).

Should your company wish to appeal against the decision of our Office, an objection may be directed to our Office within 15 days upon receipt of this official letter of reply in accordance with the stipulations of Article 149 of the *Approved Code of Administrative Procedures* (Decree-Law No. 57/99/M of October 11); alternatively, an optional hierarchical appeal may be lodged to

the Chief Executive within the designated period for filing a judicial appeal in connection with relevant acts in accordance with the stipulations of Articles 155 and 156 of that Decree-Law.

In addition, your company may also file a judicial appeal with the Administrative Court within the period as stipulated in Article 25 of the *Approved Code of Administrative Proceedings* (Decree-Law No. 110/99/M of December 13).

Yours faithfully,

EXHIBIT C

CUSTODIANS AND SEARCH TERMS FOR MACAU REVIEW

- All search terms were run on documents using a date limiter of January 1, 2009 to and including October 20, 2010, except for Order ¶ 9 (RFP 6), which was run with the limiters as described in Paragraph 1 below.

1. March 8, 2012 Order ¶ 9 (RFP ¶ 6): Leven's services

Custodian: Steve Jacobs

Search terms:
Search terms for period between 10/14/09 and 7/23/10:
Leven w/25 ((Steve w/3 Jacobs) OR (Jeff* w/3 Schwartz) OR (Irwin w/3 Siegel) OR (Stephen w/3 Weaver) OR (Steve w/3 Weaver) OR (Iain w/3 Bruce) OR (Ian w/3 Bruce) OR (Ferguson w/3 Bruce) OR (Iain w/3 Ferguson) OR (Ian w/3 Ferguson) OR (Chiang w/3 Yun) OR (Rachel w/3 Chiang) OR (Dav* w/3 Turnbull) OR Lionel OR Leonel or Alves OR ((SGA OR Adelson OR Sheldon) AND (SCL OR "Sands China" OR VML OR "Venetian Macau Limited")) OR ((SCL OR "Sands China") w/10 (board or member* OR director)) OR "leverage strategy" OR (investigation* w/10 (government OR official*)) OR ((Stanley w/3 Ho) w/25 ((Parcel* 6 7) OR (Parcel* 6 pre/1 7) OR (P6 pre/1 7) OR (P6 and 7) OR (Site* 6 and 7) OR (Site* 6 pre/1 7) OR (P6 pre/1 7) OR (P6 and 7))) OR (Starwood) OR (st. w/3 regis*) or "advisor" or ("acting CEO or "interim CEO"))

Search terms for period between 7/23/10 and 10/20/10:
Leven or "acting CEO or "interim CEO"

Custodians: Benjamin Toh, Edward Tracy, Fiona Chan, Gunter Hatt, Kevin Clayton, Matthew Pryor, Stephen Weaver

Search terms:
Search terms for period between 10/14/09 and 7/23/10:
Leven w/25 ((Steve w/3 Jacobs) OR (Jeff* w/3 Schwartz) OR (Irwin w/3 Siegel) OR (Stephen w/3 Weaver) OR (Steve w/3 Weaver) OR (Iain w/3 Bruce) OR (Ian w/3 Bruce) OR (Ferguson w/3 Bruce) OR (Iain w/3 Ferguson) OR (Ian w/3 Ferguson) OR (Chiang w/3 Yun) OR (Rachel w/3 Chiang) OR (Dav* w/3 Turnbull) OR ((SGA OR Adelson OR Sheldon) AND (SCL OR "Sands China" OR VML OR "Venetian Macau Limited")) OR ((SCL OR "Sands China") w/10 (board or member* OR director)) OR "advisor" OR ("acting CEO OR "interim CEO"))
OR Lionel OR Leonel or Alves OR "leverage strategy" OR (investigation* w/10 (government OR official*)) OR ((Stanley w/3 Ho) w/25 ((Parcel* 6 7) OR (Parcel* 6 pre/1 7) OR (P6 pre/1 7) OR (P6 7) OR (Site* 6 7) OR (Site* 6 pre/1 7) OR (P6 pre/1 7))) OR (Starwood) OR (st. w/3 regis*) OR ("acting CEO or "interim CEO"))

Search terms for period between 7/23/10 and 10/20/10:
Leven w/25 ((Steve w/3 Jacobs) OR (Jeff* w/3 Schwartz) OR (Irwin w/3 Siegel) OR (Stephen w/3 Weaver) OR (Steve w/3 Weaver) OR (Iain w/3 Bruce) OR (Ian w/3 Bruce) OR (Ferguson w/3 Bruce) OR (Iain w/3 Ferguson) OR (Ian w/3 Ferguson) OR (Chiang w/3 Yun) OR (Rachel w/3 Chiang) OR (Dav* w/3 Turnbull) OR (Toh w/3 Hock) OR (Ben w/3 Toh) OR (Matthew w/3 Pryor) OR (Peter w/3 Wu) OR (Mark w/3 McWhinnie) OR (David w/3 Sylvester) OR (Andrew w/3 Billany) OR (Ed w/3 Tracy) OR (Edward w/3 Tracy) OR (David w/3 Sisk) OR (David w/3 Fleming) OR (Kevin w/3 Clayton) OR (Jeff* w/3 Poon) OR (Virginia w/3 Lam) OR (Gus w/3 Liem) OR "Venetian Marketing Services" OR (Perry w/3 Lau) OR Alves OR ((SGA OR Adelson OR Sheldon) AND

(SCL OR "Sands China" OR VML OR "Venetian Macau Limited")) OR ("acting CEO OR "interim CEO"))

2. March 8, 2012 Order ¶¶ 10, 16 (RFP ¶ 7 and 20): Funding of Sands China

Custodian: Steve Jacobs

Search terms:
"Venetian Oriental Limited" OR "VOL Credit Agreement" OR ((Alves OR Leonel OR Lionel) w/25 (strata OR "4 seasons" OR condo* OR 4S OR "Four Seasons" OR apartment*)) OR ((BOCI OR "Bank of China") w/35 ("Four Seasons" OR 4S))

Custodians: Edward Tracy, Fiona Chan, Benjamin Toh, Stephen Weaver

Search terms:
Bella OR IPO OR "Venetian Oriental Limited" OR "VOL Credit Agreement" OR ((Alves OR Leonel OR Lionel) w/25 (strata OR "4 seasons" OR condo* OR 4S OR "Four Seasons" OR apartment*)) OR ((BOCI OR "Bank of China") w/35 ("Four Seasons" OR 4S))

3. March 8, 2012 Order ¶¶ 11, 16 (RFP ¶ 8, 16): Base Entertainment

Custodian: Steve Jacobs

Search terms:
"Base Entertainment" OR (Brian w/3 Becker) OR (Scott w/3 Zeiger) OR (Jason w/3 Gastwirth)

Custodians: Edward Tracy, Fiona Chan, Matthew Pryor, Kevin Clayton, Stephen Weaver

Search terms:
"Base Entertainment" OR (Brian w/3 Becker) OR (Scott w/3 Zeiger) OR (Jason w/3 Gastwirth)

4. March 8, 2012 Order ¶¶ 11, 16 (RFP ¶ 18): Bally Technologies

Custodian: Steve Jacobs

Search terms:
Bally OR Merlin OR (Robert w/3 Parente) OR (Ken w/3 Campbell)

Custodians: Edward Tracy, Fiona Chan, Gunter Hatt, Stephen Weaver,

Search terms:
Bally OR Merlin OR (Robert w/3 Parente) OR (Ken w/3 Campbell)

5. March 8, 2012 Order ¶ 12 (RFP ¶ 9): Goldstein's services

Custodian: Steve Jacobs

Search 1 (Phase 2/3):
(Goldstein w/35 ((player w/10 (funding OR credit OR development OR collection)) OR marketing OR promotion OR advertising OR Kwok OR Clayton OR (Steve w/3 Chan)

OR (Ben w/3 Lee) OR (Raymond w/3 Lo) OR (Isabel w/3 Leong) OR (David w/3 Law) OR VIP OR Junket OR (Cheung w/3 Chi) OR (Cheung w/3 Tai) OR (Chi w/3 Tai) OR CCT OR (Charles w/3 Heung) OR VMSL OR SCL OR Sands China)) OR (Goldstein w/25 (Steve Jacobs OR Jeffrey Schwartz OR Irwin Siegel OR Stephen Weaver OR Iain Bruce OR Chiang Yun OR David Turnbull OR Toh Hock OR Ben Toh OR Matthew Pryor OR Ed Tracy OR Edward Tracy OR David Fisk OR David Fleming OR "Venetian Marketing Services")) or (Charles /4 (Heung or Wah or Keung) OR (VIP* w/5 promoter*) or (("high-roller" or "whale*) w/25 (Macau or Macao)) or ((unlicensed or (no* /3 license*)) w/25 junket) OR 71646 or 530636 or 746600 or 3272980 or 3898206 or 3728791

Custodians: Benjamin Toh, Edward Tracy, Fiona Chan, Kevin Clayton, Matthew Pryor, Stephen Weaver

Search terms:
(Goldstein w/25 ((Steve /3 Jacobs) OR (Jeff* w/3 Schwartz) OR (Irwin w/3 Siegel) OR (Stephen w/3 Weaver) OR (Steve w/3 Weaver) OR (Iain w/3 Bruce) OR (Ian w/3 Bruce) OR (Ferguson w/3 Bruce) OR (Iain w/3 Ferguson) OR (Ian w/3 Ferguson) OR (Chiang w/3 Yun) OR (Rachel w/3 Chiang) OR (Dav* w/3 Turnbull) OR (Toh w/3 Hock) OR (Ben w/3 Toh) OR (Matthew w/3 Pryor) OR (Peter w/3 Wu) OR (Mark w/3 McWhinnie) OR (David w/3 Sylvester) OR (Andrew w/3 Billany) OR (Ed w/3 Tracy) OR (Edward w/3 Tracy) OR (David w/3 Sisk) OR (David w/3 Fleming) OR (Kevin w/3 Clayton) OR (Jeff* w/3 Poon) OR (Virginia w/3 Lam) OR (Gus w/3 Liem) OR "Venetian Marketing Services" OR Perry Lau) OR (Charles /4 (Heung OR Wah OR Keung) OR (VIP* w/5 promoter*)) OR (("high-roller" OR "whale*) w/25 (Macau OR Macao)) Or ((unlicensed OR (no* /3 license*)) w/25 junket) OR 71646 OR 530636 OR 746600 OR 3272980 OR 3898206 OR 3728791

6. March 8, 2012 Order ¶ 13, 15 (RFP ¶ 10, 22): LVSC Services on behalf of SCL

Custodian: Steve Jacobs

Search terms:
(Yvonne w/3 Mao) OR (((Eric w/3 Chiu) OR Yeung) w/25 Hengqin) OR (Chu Kong Shipping) OR CKS OR (basketball w/10 team) OR (Adelson Center) OR ("International Risk" OR IR) OR (collection w/20 (customer OR patron OR junket)) OR Vickers

Custodians: Benjamin Toh, Edward Tracy, Fiona Chan, Stephen Weaver

Search terms:
(Yvonne w/3 Mao) OR (((Eric w/3 Chiu) OR Yeung) w/25 Hengqin) OR (Chu Kong Shipping) OR CKS OR (basketball w/10 team) OR (Adelson Center) OR ("International Risk" OR IR) OR (collection w/20 (customer OR patron OR junket)) OR Vickers

7. March 8, 2012 Order ¶¶ 15(1), 16 (RFP ¶ 11 and 21): Parcels 5 and 6

Custodian: Steve Jacobs

Search terms:
((Parcel* 5 and 6) OR (Parcel* 5 pre/1 6) OR (P5 pre/1 6) OR (P5 and 6) OR (Site* 5 and 6) OR (Site* 5 pre/1 6) OR (P5 pre/1 6) OR (P5 and 6)) AND (Gensler OR KNA OR (Shema w/3 Dougall) OR Manzella OR Pryor OR (Timothy w/3 Baker) OR (Paul w/3 Gunderson))

Custodians: Benjamin Toh, Edward Tracy, Fiona Chan, Kevin Clayton, Matthew Pryor, Stephen Weaver

Search terms:
((Parcel* 5 and 6) OR (Parcel* 5 pre/1 6) OR (P5 pre/1 6) OR (P5 and 6) OR (Site* 5 and 6) OR (Site* 5 pre/1 6) OR (P5 pre/1 6) OR (P5 and 6)) AND (Gensler OR KNA OR (Shema w/3 Dougall) OR Manzella OR Pryor OR (Timothy w/3 Baker) OR (Paul w/3 Gunderson))

8. March 8, 2012 Order ¶ 15(2) (RFP ¶ 12): Recruitment of SCL executives

Custodian: Steve Jacobs

Search terms:
(Spencer Stuart) OR (Tracy w/20 (resume OR interview)) OR (Sisk w/20 (resume OR interview)) OR (Egon Zehnder) OR ((Resume OR Recruit* OR Interview OR Curriculum Vitae OR CV) w/30 (candidate OR executive OR VP OR "Vice president" OR "Chief Operating Officer" OR COO OR "Chief Financial Officer" OR CFO OR "Chief Development Officer" OR CDO))

Custodians: Edward Tracy Fiona Chan, Gunter Hatt, Stephen Weaver,

Search terms:
(Spencer Stuart) OR (Tracy w/20 (resume OR interview)) OR (Sisk w/20 (resume OR interview)) OR ("Egon Zehnder") OR ((Resume OR Recruit* OR Curriculum Vitae OR CV) w/25 (candidate* OR executive* OR VP OR "Vice president" OR "Chief Operating Officer" OR COO OR "Chief Financial Officer" OR CFO OR "Chief Development Officer" OR CDO))

9. March 8, 2012 Order ¶ 15(3) (RFP ¶13): Marketing of Sands China properties

Custodian: Steve Jacobs

Search terms:
"International marketing" OR (Chairman* Club) OR (Rom w/3 Hendler) OR (Larry w/3 Chiu) OR (Kirk w/3 Godby) OR (Matthew w/3 Kenagy) OR (Dennis w/3 Dougherty) OR (Cheung w/3 Chi) OR (Cheung w/3 Tai) OR (Chi w/3 Tai) OR CCT OR (Jack w/3 Lam) OR (Charles w/3 Heung) OR (Heung w/3 Wah Keung) OR "frequency program" OR ("Lotus Night Club" w/10 "VIP") OR (Goldstein w/35 ((Kevin w/3 Clayton) OR (Raymond w/3 Lo) OR (Steve w/3 Chan) OR (Ben w/3 Lee) OR (Kerwin w/3 Kwok)))

Custodians: Fiona Chan, Kevin Clayton, Stephen Weaver, Edward Tracy

Search terms:

"International marketing" OR (Chairman* Club) OR (Rom w/3 Hendler) OR (Larry w/3 Chiu) OR (Kirk w/3 Godby) OR (Matthew w/3 Kenagy) OR (Dennis w/3 Dougherty) OR (Cheung w/3 Chi) OR (Cheung w/3 Tai) OR (Chi w/3 Tai) OR CCT OR (Jack w/3 Lam) OR (Charles w/3 Heung) OR (Heung w/3 Wah Keung) OR "frequency program" OR ("Lotus Night Club" w/10 "VIP") OR (Goldstein w/25 ((Kevin w/3 Clayton) OR (Chris w/3 Barnbeck) OR (Kirk w/3 Godby) OR (Raymond w/3 Lo) OR (Steve w/3 Chan) OR (Ben w/3 Lee) OR (Kerwin w/3 Kwok)))

10. March 8, 2012 Order ¶¶ 15(4), 16 (RFP ¶¶ 14, 19): Harrah's

Custodian: Steve Jacobs

Search terms:
Harrah* OR Loveman

Custodians: Fiona Chan, Stephen Weaver, Edward Tracy

Search terms:
Harrah* OR Loveman

11. March 8, 2012 Order ¶ 15(5) (RFP ¶ 15): Negotiation with SJM

Custodian: Steve Jacobs

Search 1 and 2 (Phase 2/3 and 4):
(SJM OR (Stanley w/3 Ho) OR (Ambrose w/3 So)) w/20 ((Parcel* 7 8) OR (Parcel* 7 pre/1 8) OR (P7 pre/1 8) OR (P7 and 8) OR (Site* 7 and 8) OR (Site* 7 pre/1 8) OR (P7 pre/1 8) OR (P7 and 8) OR (Parcel* 5 and 6) OR (Parcel* 5 pre/1 6) OR (P5 pre/1 6) OR (P5 and 6) OR (Site* 5 and 6) OR (Site* 5 pre/1 6) OR (P5 pre/1 6) OR (P5 and 6))

Custodians: Benjamin Toh, Edward Tracy, Fiona Chan, Stephen Weaver

Search terms:
(SJM OR (Stanley w/3 Ho) OR (Ambrose w/3 So)) w/20 ((Parcel* 7 8) OR (Parcel* 7 pre/1 8) OR (P7 pre/1 8) OR (P7 and 8) OR (Site* 7 and 8) OR (Site* 7 pre/1 8) OR (P7 pre/1 8) OR (P7 and 8) OR (Parcel* 5 and 6) OR (Parcel* 5 pre/1 6) OR (P5 pre/1 6) OR (P5 and 6) OR (Site* 5 and 6) OR (Site* 5 pre/1 6) OR (P5 pre/1 6) OR (P5 and 6))

12. March 8, 2012 Order ¶ 16 (RFP ¶ 17): Cirque du Soleil

Custodian: Steve Jacobs

Search terms:
(Daniel w/3 Lamarre) OR (Jerry w/3 Nadal) OR Zaia OR CDS OR Cirque or (Jason w/3 Gastwirth) OR (Sundust)

Custodians: Edward Tracy, Fiona Chan, Kevin Clayton, Ruth Boston

Search 1 and 2 (Phase 1 and 4):

- (Daniel w/3 Lamarre) OR (Jerry w/3 Nadal) OR (Jason w/3 Gastwirth) OR ((Zaia OR CDS OR Cirque OR Sundust) w/10 (talk* OR communicat* OR discuss* OR refer* OR spoke OR speak*))

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DISTRICT COURT

CLARK COUNTY, NEVADA

STEVEN C. JACOBS,

Plaintiff,

v.

LAS VEGAS SANDS CORP., a Nevada corporation; SANDS CHINA LTD., a Cayman Islands corporation; SHELDON G. ADELSON, in his individual and representative capacity; DOES I-X; and ROE CORPORATIONS I-X,

Defendants.

/

AND ALL RELATED MATTERS.

CASE NO.: A627691-B
DEPT NO.: XI

Date: n/a
Time: n/a

NOTICE OF ENTRY OF ORDER

Please take notice that the *Order Regarding (1) Defendant Sands China Ltd.'s Motion for Protective Order on Order Shortening Time; (2) Plaintiff Steven C. Jacobs' Motion for NRCP 37 Sanctions; and (3) Plaintiff Steven C. Jacobs' Emergency Motion for Protective Order and Sanctions on Order Shortening Time* was entered on January 16, 2013, a copy of which is attached.

DATED January 17, 2013.

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Robert J. Cassity, Esq,
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Chicago, Illinois 60606

Attorneys for Sands China, LTD.

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that on January 17, 2013, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER** via e-mail and by depositing same in the United States mail, first class postage fully prepaid to the persons and addresses listed below:

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Debra L. Spinelli, Esq.
Todd L. Bice, Esq.
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Attorney for Plaintiff

An Employee of Holland & Hart LLP

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Las Vegas, Nevada 89134

Dineen Bergsing

From: Dineen Bergsing
Sent: Thursday, January 17, 2013 10:26 AM
To: JAMES J PISANELLI; dls@pisanellibice.com; tlb@pisanellibice.com; Kimberly Peets; see@pisanellibice.com
Subject: LV Sands/Jacobs - Notice of Entry of Order
Attachments: Untitled.PDF - Adobe Acrobat Pro

Please see attached Notice of Entry of Order. A copy to follow by mail.

Dineen M. Bergsing
Legal Assistant to J. Stephen Peek,
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and Nicole E. Lovelock
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Las Vegas, Nevada 89134

DISTRICT COURT

CLARK COUNTY, NEVADA

STEVEN C. JACOBS,

Plaintiff,

v.

LAS VEGAS SANDS CORP., a Nevada corporation; SANDS CHINA LTD., a Cayman Islands corporation; SHELDON G. ADELSON, in his individual and representative capacity; DOES I-X; and ROE CORPORATIONS I-X,

Defendants.

AND ALL RELATED MATTERS.

CASE NO.: A627691-B
DEPT NO.: XI

Date: December 18, 2012
Time: 9:00 a.m.

ORDER REGARDING (1) DEFENDANT SAND CHINA LTD.'S MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME; (2) PLAINTIFF STEVEN C. JACOBS' MOTION FOR NRCP 37 SANCTIONS; and (3) PLAINTIFF STEVEN C. JACOBS' EMERGENCY MOTION FOR PROTECTIVE ORDER AND SANCTIONS ON ORDER SHORTENING TIME

The parties came before this Court on the following motions on December 18, 2012: (1) Defendant Sand China Ltd.'s Motion For Protective Order On Order Shortening Time; (2) Plaintiff Steven C. Jacobs' Motion For NRCP 37 Sanctions; and (3) Plaintiff Steven C. Jacobs' Emergency Motion For Protective Order And Sanctions On Order Shortening Time. Todd L. Bice, Esq., James J. Pisanelli, Esq., and Debra L. Spinelli, Esq., of the law firm PISANELLI BICE PLLC, appeared on behalf of Plaintiff Steven C. Jacobs ("Jacobs"). J. Stephen Peek, Esq., of the law firm Holland & Hart LLP, appeared on behalf of Defendants Las Vegas Sands Corp. ("LVSC") and Sands China Ltd. ("Sands China"). J. Randall Jones, Esq., and Mark M. Jones, Esq., of the law firm Kemp Jones & Coulthard, LLP, and Michael E. Lackey, Jr., Esq., of the law firm Mayer Brown LLP, appeared on behalf of Defendant Sands China. The Court considered the papers filed on behalf of the parties and the oral argument of counsel, and good cause appearing therefor:

THE COURT HEREBY STATES as follows:

1. On March 8, 2012, the Court entered its written order granting in part and denying in part Jacobs' Motion to Conduct Jurisdictional Discovery and Sands China's Motion for Clarification, consistent with its oral orders at the hearings held on September 27, 2011 and October 13, 2011 respectively;

2. On December 23, 2011, Jacobs propounded written jurisdictional discovery on Sands China and LVSC;

3. On November 21, 2012, Jacobs filed a Motion for NRCP 37 Sanctions arguing that sanctions should issue because Sands China had not begun reviewing documents in Macau that may be responsive to Jacobs' jurisdictional discovery requests; and

4. On December 4, 2012, Sands China filed a Motion for Protective Order to be excused from reviewing and/or producing any documents in Macau but for documents for which Jacobs was the custodian.

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IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. Sand China's Motion For Protective Order On Order Shortening Time is DENIED;

2. Sands China shall produce all information in its possession, custody, or control that is relevant to jurisdictional discovery, including electronically stored information (ESI), within two weeks of the hearing, or on or before January 4, 2013;

3. Jacobs' Motion For NRCP 37 Sanctions is DENIED at this time without prejudice as being premature; and

4. Jacobs' Emergency Motion For Protective Order And Sanctions On Order Shortening Time is GRANTED IN PART as to the presence of videographers on those other than the deponent and DENIED IN PART as to the fee sanction sought.

DATED this 15th day of January 2013.

DISTRICT COURT JUDGE

Respectfully submitted by:

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