

IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 62944

Electronically Filed
Nov 26 2013 09:35 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

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

Petitioners,

v.

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

Respondents,

and

STEVEN C. JACOBS,

Real Party in Interest.

**RESPONSE TO REQUEST FOR ORAL ARGUMENT IN RELATED
CASES No. 62944 AND 63444**

James J. Pisanelli, Esq., Bar No. 4027
JJP@pisanellibice.com
Todd L. Bice, Esq., Bar No. 4534
TLB@pisanellibice.com
Debra L. Spinelli, Esq., Bar No. 9695
DLS@pisanellibice.com
PISANELLI BICE PLLC
3883 Howard Hughes Parkway, Suite 800
Las Vegas, Nevada 89169
Telephone: 702.214.2100
Facsimile: 702.214.2101

Attorneys for Real Party in Interest
Steven C. Jacobs

1 **I. INTRODUCTION**

2 No one is more eager than real party in interest, Steven C. Jacobs ("Jacobs"),
3 to have this case move forward. This case has been in what appears to be perpetual
4 paralysis for nearly three years as a product of the Petitioners' discovery
5 noncompliance. Respectfully, the oral argument request by Petitioners, Las Vegas
6 Sands Corp. ("LVSC") and its controlled subsidiary, Sands China Limited ("Sands
7 China"), is not designed to expedite a resolution.

8 For nearly three years, Jacobs has been precluded from prosecuting his rights,
9 or even obtaining any merits discovery, notwithstanding that LVSC does not even
10 dispute the fact that it is subject to jurisdiction nor did it seek any form of discovery
11 stay. Rather, Sands China challenged the District Court's personal jurisdiction,
12 which then prompted what was plainly contemplated as a short stay pending
13 resolution of the jurisdictional issue. But, shortly thereafter, LVSC and
14 Sands China ground the jurisdictional discovery process to a standstill, prompting
15 the District Court to find that they had purposefully obstructed the discovery
16 process and concealed evidence. Notably, even in their present request for oral
17 argument, Petitioners continue to refuse to take ownership for their activities, which
18 has led to this case's delay; instead preferring to blame the District Court as though
19 it forced them to obstruct discovery.

20 The present request is a repeat of Petitioners' previously denied motion to
21 consolidate these same two writ petitions. What Petitioners refer to as "Writ 2" and
22 "Writ 3" are not "substantively related," as Petitioners contend. Nor does Writ 2
23 present a question of privilege as Petitioners erroneously suggest. It arises from
24 LVSC and Sands China's disregard and violation of a discovery sanction imposed
25 as a result of their misconduct. Neither of these petitions presents an honest
26 question about the District Court's efficient management. Again, the paralysis of
27
28

1 this case is the desired byproduct of LVSC and Sands China's own actions. And
2 they have benefited immensely from the delays they have procured.

3 Rather than delaying the resolution of the two remaining writs by
4 coordinating them in some fashion, Jacobs asks this Court to proceed expeditiously
5 with their resolution, regardless of oral argument scheduling. Indeed, Writ 3
6 presents a straight forward application of this Court's prohibition upon seeking writ
7 relief when a party fails to pursue available appellate options in a timely manner.
8 Petitioners consciously chose to forego an appeal over the exact same issue
9 involving the exact same documents nearly two years ago. For Jacobs, it is hard to
10 accept the continuous delays procured by Petitioners in the face of their confirmed
11 discovery misconduct and election not to bring matters to this Court's attention
12 much earlier.

13 No case should be frozen for three years before any merits discovery is
14 permitted to occur with documents disappearing and memories fading. There is no
15 need to coordinate oral argument on distinct writ issues that will only further
16 perpetuate delay.

17 DATED 25th day of November, 2013.

18
19 PISANELLI BICE PLLC

20 By: /s/ Todd L. Bice
21 James J. Pisanelli, Esq., Bar No. 4027
22 Todd L. Bice, Esq., Bar No. 4534
23 Debra L. Spinelli, Esq., Bar No. 9695
24 3883 Howard Hughes Parkway, Suite 800
25 Las Vegas, Nevada 89169

26 *Attorneys for Real Party in Interest*
27 *Steven C. Jacobs*
28

1 **CERTIFICATE OF COMPLIANCE**

2 I hereby certify that this brief complies with the formatting requirements of
3 NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style
4 requirements of NRAP 32(a)(6) because this brief has been prepared in a
5 proportionally spaced typeface using Office Word 2007 in size 14 font in
6 double-spaced Times New Roman.

7 I further certify that I have read this brief and that it complies with the page
8 or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the
9 brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of
10 14 points or more and 479 words.

11 Finally, I hereby certify that to the best of my knowledge, information and
12 belief, it is not frivolous or interposed for any improper purpose. I further certify
13 that this brief complies with all applicable Nevada Rules of Appellate Procedure, in
14 particular NRAP 28(e)(1), which requires that every assertion in this brief regarding
15 matters in the record to be supported by appropriate references to the record on
16 appeal. I understand that I may be subject to sanctions in the event that the
17 accompanying brief is not in conformity with the requirements of the Nevada Rules
18 of Appellate Procedure.

19 DATED this 25th day of November, 2013.

20 PISANELLI BICE PLLC

21
22 By: /s/ Todd L. Bice

23 James J. Pisanelli, Esq., Bar No. 4027
24 Todd L. Bice, Esq., Bar No. 4534
25 Debra L. Spinelli, Esq., Bar No. 9695
3883 Howard Hughes Parkway, Suite 800
Las Vegas, Nevada 89169

26 Attorneys for Real Party in Interest
27 Steven C. Jacobs
28

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and
3 that on this 25th day of November, 2013, I electronically filed and served a true and
4 correct copy of the above and foregoing **RESPONSE TO REQUEST FOR ORAL**
5 **ARGUMENT IN RELATED CASES No. 62944 AND 63444** properly addressed
6 to the following:

7
8 J. Stephen Peek, Esq.
9 Robert J. Cassity, Esq.
10 HOLLAND & HART LLP
11 9555 Hillwood Drive, 2nd Floor
12 Las Vegas, NV 89134

13 J. Randall Jones, Esq.
14 Mark M. Jones, Esq.
15 KEMP, JONES & COULTHARD, LLP
16 3800 Howard Hughes Parkway, 17th Floor
17 Las Vegas, NV 89169

18 Steve Morris, Esq.
19 Rosa Solis-Rainey, Esq.
20 MORRIS LAW GROUP
21 300 South Fourth Street, Suite 900
22 Las Vegas, NV 89101

23 The Honorable Elizabeth Gonzalez
24 Eighth Judicial District Court, Dept. XI
25 Regional Justice Center
26 200 Lewis Avenue
27 Las Vegas, Nevada 89155
28

/s/ Z. Sotelo
An employee of PISANELLI BICE PLLC