

1 vendors where there may be some potential problems for other
2 cases that have nothing to do with ours, so we want to make
3 sure we get the Court's approval with regard --

4 THE COURT: Yeah. You want to read the CityCenter
5 case.

6 MR. MA: Yes. We've read that.

7 THE COURT: Okay.

8 MR. MA: I suspected that that's what it was.

9 THE COURT: Okay.

10 MR. MA: So that vendor is not involved here.

11 THE COURT: Good.

12 MR. MA: Okay. On October 19 -- I'm sorry. I'm
13 still at October 17. A second issue that came up is that we
14 reiterated the point that we made at the October 13 hearing.
15 We said, we need to make sure we get the raw data with all the
16 metadata, with all the native files that are related to the
17 subject documents. The response from plaintiffs were, I don't
18 know if we're going to be able to do that, we're going to have
19 to discuss it. And we said, let's discuss it because we need
20 to get this resolved.

21 Number three, we had a discussion about search
22 terms. When we walked out of the hearing October 13 our
23 understanding was that those search terms, to the extent they
24 needed to run search terms, would be provided in 48 hours.
25 The response from plaintiffs was, no, we disagree, it's not

1 48 hours, we need more time.

2 So we had further meet and confer discussions on
3 October 19 with regard to the search term issues. They said,
4 we need more time. We said, fine, give us the search terms
5 seven days later, October 26th.

6 With regard to the raw ESI they were asking for they
7 said, why don't we provide you the documents that are sitting
8 on QuiVX's server; and we said, we don't know what's on
9 QuiVX's server, so we need an explanation.

10 One issue that was raised by plaintiff's counsel is
11 how about if some sort of declaration, certificate, affidavit
12 come from QuiVX explaining what the data is and how the data
13 was presented to QuiVX. And we said, look, that is something
14 that we'll think about, but we'd like to take a look at that.
15 And obviously everybody's reserving their rights at this
16 point.

17 October 26 comes and goes and we still don't have
18 the search terms. And I'm not going to rehash what's in our
19 briefs already, and you'll see that there are emails going
20 back now saying, October 26 has come and gone, where are the
21 search terms, where are we; and we get silence in response.

22 And, Your Honor, I remember sitting at my desk, and
23 I thought, what is going on here, we're getting ready to move
24 forward, what's the delay, what's the problem. I soon found
25 out what the problem was. By November 10 we learn for the

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EXHIBIT G

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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; DOES I-X; and ROE
CORPORATIONS I-X,

Defendants.

LAS VEGAS SANDS CORP., a Nevada
corporation,

Counterclaimant,

v.

STEVEN C. JACOBS,

Counterdefendant.

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

DEFENDANT SANDS CHINA LTD.'S
FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS TO
PLAINTIFF STEVEN C. JACOBS

1 documents. The responses and documents are to be sent to the law offices of Glaser, Weil, Fink,
2 Jacobs, Howard, Avchen & Shapiro, LLP, 3763 Howard Hughes Parkway, Suite 300, Las Vegas,
3 Nevada 89169, not later than thirty (30) days from the date of service of this request.

4 SECTION I

5 DEFINITIONS

6 For purposes of these document Requests, the following terms shall have the following
7 meanings:

8 1. As used herein, the terms "or," "and," and "and/or" shall be interpreted both
9 conjunctively and disjunctively, so as to be inclusive rather than exclusive, and each term shall
10 include the other whenever such construction will serve to bring within the scope of a request
11 documents, information or tangible things which would not otherwise be within its scope, and these
12 terms shall not be interpreted to exclude any information, documents or tangible things otherwise
13 within the scope of a request.

14 2. The present tense of any verb shall include the past tense, and vice versa, whenever
15 such construction will serve to bring within the scope of a request documents, information or
16 tangible things which would not otherwise be within its scope.

17 3. The singular noun form shall include the plural, and vice versa, whenever such
18 construction will serve to bring within the scope of a request documents, information or tangible
19 things which would not otherwise be within its scope.

20 4. As used herein, the term "JACOBS" shall mean, and be defined as, Plaintiff Steven
21 C. Jacobs.

22 5. As used herein, the terms "PERSON" and "PERSONS" shall mean, and be defined
23 as, all individuals, natural persons, entities, partnerships, corporations, business entities, joint
24 ventures, firms, associations, organizations, enterprises, institutions, trusts, estates, government
25 agencies, quasi-government agencies, regulatory agencies, foundations, committees, attorneys, law
26 firms, health care providers, and all other legally recognized entities of any type, nature or
27 description.
28

1 6. As used herein, the terms "YOU," "YOUR" and "YOURS" shall mean, and be
2 defined as, JACOBS, and his agents, employees, representatives, and attorneys, and all PERSONS
3 acting on behalf of JACOBS and/or pursuant to JACOBS' direction or instruction.

4 7. As used herein, the term "SCL" shall mean, and be defined as, Sands China Ltd. .

5 8. As used herein, the term "VML" shall mean, and be defined as, Venetian Macau
6 Limited.

7 9. As used herein, the term "LVSC" shall mean, and be defined as, Las Vegas Sands
8 Corp.

9 10. As used herein, the terms "RELATE TO" and "RELATING TO" shall mean, and be
10 defined as, to constitute, or to directly or indirectly refer to, pertain to, allude to, mention, address,
11 reflect, concern, describe, identify, embody, involve, evidence, comprise, discuss, show,
12 demonstrate, analyze, edify, deal with, or have some logical or factual connection to the referenced
13 subject matter.

14 11. As used herein, the terms "DOCUMENT" and "DOCUMENTS" shall mean, and be
15 defined as, all "originals" and "duplicates" of all "writings," "recordings," and "photographs," as
16 those terms are defined in Section 1001 of the Federal Rules of Evidence, and include without
17 limitation all written, printed, typed, photostatic, photographed, recorded, telecopied, photocopied,
18 or graphic materials of any kind, whether comprised of letters, words, numbers, pictures, sounds,
19 symbols, electronic data/recording, computer data/files/code, or any combination thereof. Without
20 limiting the foregoing, the terms "DOCUMENT" and "DOCUMENTS" include all writings, papers,
21 agreements, contracts, correspondence, letters, facsimile transmissions, memoranda, reports, notes,
22 telegrams, telex, envelopes, statements, studies, publications, records, messages, books, pamphlets,
23 leaflets, inter-office and intra-office communications, notebooks, instruments, transcripts, minutes,
24 agendas, indexes, cards, diaries, drafts, revisions, photocopies, calendars, appointment records,
25 disclosures, questionnaires, histories, chronologies, time-lines, medical records and reports, health
26 care records and reports, mental health records and reports, notices, investigation reports and
27 materials, declarations, accountings, evaluations, summaries, valuations, audits, verifications,
28 inventories, appraisals, studies, endorsements, powers of attorney, account statements, receipts,

1 invoices, financial statements, balance sheets, ledgers, books, income statements, expense reports,
2 bills, billing records, checks, canceled checks, check stubs, bank records, bank deposits and
3 withdrawals, wire transfer and receipt records, accounts receivable, accounts payable, tax records,
4 safe deposit records, telephone bills and records, microfilm, electronic mail, microfiches, computer
5 indices, computer printouts, records stored by means of computer or other electronic means,
6 computer files and data, contents of computer hard discs, contents of computer backup tapes and
7 discs, photographs, videotapes, films, motion pictures, video discs, audio recordings and cassettes,
8 transcriptions, drawings, surveys, plans, blueprints, specifications, charts, graphics, notes of oral or
9 telephone communications, other written transfers of information, and other data compilations. The
10 term "other data compilations" includes information stored in, or accessible through, computer or
11 other information retrieval systems, whether or not in hard copy form, together with instructions and
12 all other materials necessary to use or interpret such data compilations. If more than one copy of
13 any DOCUMENT exists, and if as a result of handwritten additions and notations, or for any other
14 reason, the copies are not identical, each non-identical copy is a separate DOCUMENT and should
15 be separately identified. Without limiting the foregoing, the terms "DOCUMENT" and
16 "DOCUMENTS" include all originals (or copies if the original is unavailable), non-identical copies,
17 drafts and revisions.

18 12. As used herein, the term "COMMUNICATIONS" shall mean, and be defined as, all
19 of the following: written communications, verbal communications, electronic communications,
20 computer communications, correspondence, notes, reports, memoranda, facsimile, electronic mail
21 (including distribution lists and acknowledgments of receipt), computer messaging, telex, telegrams,
22 wire communications, inter-office and intra-office communications, handwritten communications,
23 tape-recorded communications, filed/videotaped communications, phone messages and recordings,
24 voice mail, communications via pager, and all other forms of communications.

25 13. As used herein, the term "PORTABLE HARD DRIVE" shall mean, and be defined
26 as, any computer hard drive, portable data storage device and/or other means of storing computer
27 data and files that is not located inside the case of a desk top computer.
28

1 14. As used herein, the term "WORK COMPUTER" shall mean, and be defined as, the
2 desk top computer that was in JACOBS' office in Macau as on July 22, 2010.

3 15. As used herein, the term "DOWNLOADED DOCUMENTS" shall mean, and be
4 defined as, all DOCUMENTS that JACOBS downloaded, transferred and/or copied from his
5 WORK COMPUTER to a PORTABLE HARD DRIVE on or about July 23, 2010, including but not
6 limited to computer data and files, and document images.

7 16. As used herein, the term "WORK DUTY DOCUMENTS" shall mean, and be
8 defined as, all DOCUMENTS that JACOBS acquired possession of during the course of his
9 employment and/or performance of services for the business entity that employed JACOBS as of
10 July 22, 2010, that JACOBS had in his possession, custody or control as of July 24, 2010, including
11 but not limited to computer data and files, and document images.

12 17. As used herein, the term "REVIEW DOCUMENTS" shall mean, and be defined as,
13 all DOCUMENTS that JACOBS and/or his attorneys have, or will be, delivering to Advanced
14 Discovery (the parties' joint ESI vendor), including but not limited to computer data and files, and
15 document images.

16 18. As used herein, the term "SUBJECT DOCUMENTS" shall mean, and be defined as,
17 the DOWNLOADED DOCUMENTS, WORK DUTY DOCUMENTS and REVIEW
18 DOCUMENTS, collectively.

19 19. If and to the extent you decline to produce any DOCUMENTS upon any claim of
20 privilege, please state with particularity the privilege(s) claimed and all foundational facts upon
21 which you base each claim of privilege, including a description of each DOCUMENT, its date,
22 author, recipient or addressee, subject matter and custodian.

23 20. If you contend that only a portion of a DOCUMENT described in this Request for
24 Production of Documents is privileged or otherwise not subject to production, you are instructed to
25 produce a copy of the entire DOCUMENT deleting that portion deemed privileged or otherwise not
26 subject to production. With respect to the deleted portion of any such DOCUMENT, to the extent
27 that the produced portion of the DOCUMENT does not do so, you are instructed to provide the
28 same information that would be provided if the entire DOCUMENT was produced.

1 21. You are instructed to produce all DOCUMENTS described in this Request for
2 Production of Documents that are within your possession, custody or control. For purposes of this
3 Request, a DOCUMENT shall be deemed within your possession, custody or control if: (a) it is in
4 your physical possession or custody; or (b) it is not in your physical possession or custody, but you
5 have the legal right to obtain it.

6 22. These Requests are to be deemed continuing to the extent required by the Nevada
7 Rules of Civil Procedure, so as to require prompt supplementation without further request if further
8 events occur or if further information is obtained, developed or discovered after the time these
9 Requests are first answered.

10 23. As required by law, the responses should supply information (including information
11 contained in writing) available not only to YOU, but to YOUR attorneys, investigators, consultants,
12 agents or other representatives acting on YOUR behalf. The responses should designate which
13 request they pertain to.

14 SECTION II

15 REQUESTS FOR PRODUCTION OF DOCUMENTS

16 REQUEST NO. 1:

17 Please produce all COMMUNICATIONS by and between YOU and any PERSON, at any
18 time after July 22, 2010, RELATING TO the SUBJECT DOCUMENTS, including but not limited
19 to COMMUNICATIONS with Quivx.

20 REQUEST NO. 2:

21 Please produce all contracts, agreements and/or "term sheets" RELATING TO YOUR
22 employment and/or independent contractor relationship with SCL, LVSC and/or VML between
23 January 1, 2009 and July 23, 2010.

24 REQUEST NO. 3:

25 Please produce all DOCUMENTS RELATING TO any contracts, agreements and/or "term
26 sheets" RELATING TO YOUR employment and/or independent contractor relationship with SCL,
27 LVSC and/or VML between January 1, 2009 and July 23, 2010.
28

1 REQUEST NO. 4:

2 Please produce all COMMUNICATIONS by and between YOU and any PERSON
3 RELATING TO VML's confidentiality policy.

4 REQUEST NO. 5:

5 Please produce all COMMUNICATIONS by and between YOU and any PERSON
6 RELATING to the confidentiality clause in the agreement entered into between LVSC and Vagus
7 Consulting Group, Inc. on or about March 14, 2009.

8 REQUEST NO. 6:

9 Please produce all COMMUNICATIONS by and between YOU and any PERSON
10 RELATING to the confidentiality provisions of the agreement entered into between JACOBS and
11 VML on or about June 16, 2009.

12 REQUEST NO. 7:

13 Please produce all COMMUNICATIONS between YOU and any PERSON RELATING TO
14 the confidentiality provision of the July 3, 2009 letter agreement between JACOBS and VML.

15 REQUEST NO. 8:

16 Please produce all DOCUMENTS that YOU contend support YOUR contention that
17 JACOBS was an employee of LVSC.

18 REQUEST NO. 9:

19 Please produce all DOCUMENTS or COMMUNICATIONS in which YOU name, identify,
20 or describe JACOBS' employer or JACOBS' employment title from May 7, 2009 to July 24, 2010,
21 including but not limited to work permit applications, passport applications, and insurance
22 applications.

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1 REQUEST NO. 10:

2 Please produce all COMMUNICATIONS by and between YOU and YOUR wife, at any
3 time prior to July 23, 2010, which included any of the SUBJECT DOCUMENTS as an attachment
4 or enclosure.

5 DATED this 24th day of October, 2011.

6 GLASER WEIL FINK JACOBS
7 HOWARD AVCHEN & SHAPIRO LLP

8 
9 Patricia Glaser, Esq. (Pro Hac Vice Admitted)
10 Stephen Ma, Esq. (Pro Hac Vice Admitted)
11 Andrew D. Sedlock, Esq. (NBN 9183)
12 3763 Howard Hughes Parkway
13 Suite 300
14 Las Vegas, Nevada 89169
15 Telephone: (702) 650-7900
16 Facsimile: (702) 650-7950

17 *Attorneys for Defendant Sands China Ltd.*
18
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27
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EXHIBIT H

Glaser Weil Fink Jacobs
Howard Avchen & Shapiro LLP

INTG

Patricia Glaser, Esq. (Pro Hac Vice Admitted)

Stephen Ma, Esq. (Pro Hac Vice Admitted)

Andrew D. Sedlock, Esq. (NBN 9183)

GLASER WEIL FINK JACOBS

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asedlock@glaserweil.com

Attorneys for Sands China, Ltd.

DISTRICT COURT

CLARK COUNTY NEVADA

STEVEN C. JACOBS,

Plaintiff,

v.

LAS VEGAS SANDS CORP., a Nevada
corporation; SANDS CHINA LTD., a Cayman
Islands corporation; DOES I-X; and ROE
CORPORATIONS I-X,

Defendants.

CASE NO.: A627691-B

DEPT NO.: XI

**DEFENDANT SANDS CHINA LTD.'S
FIRST SET OF INTERROGATORIES TO
PLAINTIFF STEVEN C. JACOBS**

LAS VEGAS SANDS CORP., a Nevada
corporation,

Counterclaimant,

v.

STEVEN C. JACOBS,

Counterdefendant.

TO: STEVEN C. JACOBS.

TO: JAMES J. PISANELLI, ESQ., OF PISANELLI BICE, Plaintiff's attorneys of record.

Pursuant to NRCP 26 and 33, Defendant Sands China Ltd. ("SCL" or "Defendant") hereby

requests that Plaintiff Steven C. Jacobs ("JACOBS" or "Plaintiff") respond to the following

1 Interrogatories (the "Interrogatories") described in Section II. The responses are to be sent to the
2 law offices of Glaser, Weil, Fink, Jacobs, Howard, Avchen & Shapiro, LLP, 3763 Howard Hughes
3 Parkway, Suite 300, Las Vegas, Nevada 89169, not later than thirty (30) days from the date of
4 service of this request.

5 SECTION I

6 DEFINITIONS

7 For purposes of these Interrogatories, the following terms shall have the following meanings:

8 1. As used herein, the terms "or," "and," and "and/or" shall be interpreted both
9 conjunctively and disjunctively, so as to be inclusive rather than exclusive, and each term shall
10 include the other whenever such construction will serve to bring within the scope of a request
11 documents, information or tangible things which would not otherwise be within its scope, and these
12 terms shall not be interpreted to exclude any information, documents or tangible things otherwise
13 within the scope of a request.

14 2. The present tense of any verb shall include the past tense, and vice versa, whenever
15 such construction will serve to bring within the scope of a request documents, information or
16 tangible things which would not otherwise be within its scope.

17 3. The singular noun form shall include the plural, and vice versa, whenever such
18 construction will serve to bring within the scope of a request documents, information or tangible
19 things which would not otherwise be within its scope.

20 4. As used herein, the term "JACOBS" shall mean, and be defined as, Plaintiff Steven
21 C. Jacobs.

22 5. "JACOBS AGENT" means any PERSON acting under the direction, supervision, or
23 control of JACOBS.

24 6. As used herein, the terms "PERSON" and "PERSONS" shall mean, and be defined
25 as, all individuals, natural persons, entities, partnerships, corporations, business entities, joint
26 ventures, firms, associations, organizations, enterprises, institutions, trusts, estates, government
27 agencies, quasi-government agencies, regulatory agencies, foundations, committees, attorneys, law
28

1 firms, health care providers, and all other legally recognized entities of any type, nature or
2 description.

3 7. As used herein, the terms "YOU," "YOUR" and "YOURS" shall mean, and be
4 defined as, JACOBS, and his agents, employees, representatives, and attorneys, and all PERSONS
5 acting on behalf of JACOBS and/or pursuant to JACOBS' direction or instruction.

6 8. As used herein, the term "SCL" shall mean, and be defined as, Sands China Ltd.

7 9. As used herein, the term "VML" shall mean, and be defined as, Venetian Macau
8 Limited.

9 10. As used herein, the term "LVSC" shall mean, and be defined as, Las Vegas Sands
10 Corp.

11 11. As used herein, the terms "RELATE TO" and "RELATING TO" shall mean, and be
12 defined as, to constitute, or to directly or indirectly refer to, pertain to, allude to, mention, address,
13 reflect, concern, describe, identify, embody, involve, evidence, comprise, discuss, show,
14 demonstrate, analyze, edify, deal with, or have some logical or factual connection to the referenced
15 subject matter.

16 12. As used herein, the terms "DOCUMENT" and "DOCUMENTS" shall mean, and be
17 defined as, all "originals" and "duplicates" of all "writings," "recordings," and "photographs," as
18 those terms are defined in Section 1001 of the Federal Rules of Evidence, and include without
19 limitation all written, printed, typed, photostatic, photographed, recorded, telecopied, photocopied,
20 or graphic materials of any kind, whether comprised of letters, words, numbers, pictures, sounds,
21 symbols, electronic data/recording, computer data/files/code, or any combination thereof. Without
22 limiting the foregoing, the terms "DOCUMENT" and "DOCUMENTS" include all writings, papers,
23 agreements, contracts, correspondence, letters, facsimile transmissions, memoranda, reports, notes,
24 telegrams, telex, envelopes, statements, studies, publications, records, messages, books, pamphlets,
25 leaflets, inter-office and intra-office communications, notebooks, instruments, transcripts, minutes,
26 agendas, indexes, cards, diaries, drafts, revisions, photocopies, calendars, appointment records,
27 disclosures, questionnaires, histories, chronologies, time-lines, medical records and reports, health
28 care records and reports, mental health records and reports, notices, investigation reports and

1 materials, declarations, accountings, evaluations, summaries, valuations, audits, verifications,
2 inventories, appraisals, studies, endorsements, powers of attorney, account statements, receipts,
3 invoices, financial statements, balance sheets, ledgers, books, income statements, expense reports,
4 bills, billing records, checks, canceled checks, check stubs, bank records, bank deposits and
5 withdrawals, wire transfer and receipt records, accounts receivable, accounts payable, tax records,
6 safe deposit records, telephone bills and records, microfilm, electronic mail, microfiches, computer
7 indices, computer printouts, records stored by means of computer or other electronic means,
8 computer files and data, contents of computer hard discs, contents of computer backup tapes and
9 discs, photographs, videotapes, films, motion pictures, video discs, audio recordings and cassettes,
10 transcriptions, drawings, surveys, plans, blueprints, specifications, charts, graphics, notes of oral or
11 telephone communications, other written transfers of information, and other data compilations. The
12 term "other data compilations" includes information stored in, or accessible through, computer or
13 other information retrieval systems, whether or not in hard copy form, together with instructions and
14 all other materials necessary to use or interpret such data compilations. If more than one copy of
15 any DOCUMENT exists, and if as a result of handwritten additions and notations, or for any other
16 reason, the copies are not identical, each non-identical copy is a separate DOCUMENT and should
17 be separately identified. Without limiting the foregoing, the terms "DOCUMENT" and
18 "DOCUMENTS" include all originals (or copies if the original is unavailable), non-identical copies,
19 drafts and revisions.

20 13. As used herein, the term "COMMUNICATIONS" shall mean, and be defined as, all
21 of the following: written communications, verbal communications, electronic communications,
22 computer communications, correspondence, notes, reports, memoranda, facsimile, electronic mail
23 (including distribution lists and acknowledgments of receipt), computer messaging, telex, telegrams,
24 wire communications, inter-office and intra-office communications, handwritten communications,
25 tape-recorded communications, filed/videotaped communications, phone messages and recordings,
26 voice mail, communications via pager, and all other forms of communications.
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1 14. As used herein, the term "PORTABLE HARD DRIVE" shall mean, and be defined
2 as, any computer hard drive, portable data storage device and/or other means of storing computer
3 data and files that is not located inside the case of a desk top computer.

4 15. As used herein, the term "WORK COMPUTER" shall mean, and be defined as, the
5 desk top computer that was in JACOBS' office in Macau as on July 22, 2010.

6 16. As used herein, the term "DOWNLOADED DOCUMENTS" shall mean, and be
7 defined as, all DOCUMENTS that JACOBS downloaded, transferred and/or copied from his
8 WORK COMPUTER to a PORTABLE HARD DRIVE on or about July 23, 2010, including but not
9 limited to computer data and files, and document images.

10 17. As used herein, the term "WORK DUTY DOCUMENTS" shall mean, and be
11 defined as, all DOCUMENTS that JACOBS acquired possession of during the course of his
12 employment and/or performance of services for the business entity that employed JACOBS as of
13 July 22, 2010 and that JACOBS had in his possession, custody or control as of July 24, 2010,
14 including but not limited to computer data and files, and document images.

15 18. As used herein, the term "REVIEW DOCUMENTS" shall mean, and be defined as,
16 all DOCUMENTS that JACOBS and/or his attorneys have, or will be, delivering to Advanced
17 Discovery (the parties' joint ESI vendor), including but not limited to computer data and files, and
18 document images.

19 19. As used herein, the term "SUBJECT DOCUMENTS" shall mean, and be defined as,
20 the DOWNLOADED DOCUMENTS, WORK DUTY DOCUMENTS and REVIEW
21 DOCUMENTS, collectively.

22 20. If the identification of any DOCUMENT called for by these interrogatories is
23 withheld under a claim of privilege, list each DOCUMENT together with the following information:
24 the date of the DOCUMENT, the name and job titles of the author and each recipient of the
25 DOCUMENT, the name and job title of all PERSONS to whom copies of the DOCUMENT were
26 furnished, the subject matter of the DOCUMENT, the grounds upon which the privilege is claimed,
27 and the number of the interrogatory to which the DOCUMENT is responsive.

28

1 21. These interrogatories are to be deemed continuing to the extent required by the
2 Nevada Rules of Civil Procedure, so as to require prompt supplementation without further request if
3 further events occur or if further information is obtained, developed or discovered after the time
4 these interrogatories are first answered.

5 22. As required by law, YOUR responses to these interrogatories should supply
6 information (including information contained in writing) available not only to YOU, but also to
7 YOUR attorneys, investigators, consultants, agents or other representatives acting on YOUR behalf.

8 23. If YOU cannot respond fully and completely after exercising due diligence to make
9 inquiry and secure the information requested, please so state and answer to the fullest extent
10 possible, specifying the portion of the question YOU claim YOU are unable to answer fully and
11 completely, and specifying the facts upon which YOU rely to support the contention that YOU are
12 unable to answer it fully and completely, and state what knowledge, information or belief YOU
13 have concerning the unanswered portion.

14 24. With respect to information that YOU contend is privileged or otherwise excludable
15 from discovery, YOU are required to state the basis for the privilege or other grounds for exclusion.

16 SECTION II

17 INTERROGATORIES

18 INTERROGATORY NO. 1:

19 Did JACOBS download, transfer, and/or copy documents and/or computer data files from
20 his WORK COMPUTER to a PORTABLE HARD DRIVE on or about July 23, 2010?

21 INTERROGATORY NO. 2:

22 Please describe in detail the reason(s) why JACOBS downloaded, transferred and/or copied
23 documents and/or computer data files from his WORK COMPUTER to a PORTABLE HARD
24 DRIVE on or about July 23, 2010.

25 INTERROGATORY NO. 3:

26 Please describe in detail the documents and/or computer data that JACOBS downloaded,
27 transferred and/or copied from his WORK COMPUTER to a PORTABLE HARD DRIVE on or
28

1 about July 23, 2010, including but not limited to, the file types, nature of the documents, and the
2 volume of data and documents downloaded, transferred and/or copied.

3 **INTERROGATORY NO. 4:**

4 Did JACOBS perform an internet search on Google or any other search engine on July 23,
5 2010 RELATING TO downloading Outlook files from JACOBS' WORK COMPUTER?

6 **INTERROGATORY NO. 5:**

7 Please list each and every one of the SUBJECT DOCUMENTS that JACOBS has viewed
8 and/or reviewed since July 23, 2010.

9 **INTERROGATORY NO. 6:**

10 Please list each and every one of the SUBJECT DOCUMENTS that any JACOBS' AGENT
11 has viewed and/or reviewed since July 23, 2010, including but not limited to attorneys working for
12 JACOBS.

13 **INTERROGATORY NO. 7:**

14 Please state the name, address and telephone number of each and every PERSON to whom
15 YOU provided and/or disclosed the originals or copies of some or all of the SUBJECT
16 DOCUMENTS at any time since 8:00 am (Macau time) on July 23, 2010.

17 **INTERROGATORY NO. 8:**

18 For each and every PERSON identified in response to the prior interrogatory, please set forth
19 in detail each and every DOCUMENT and/or computer data file provided and/or disclosed to said
20 PERSON.

21 **INTERROGATORY NO. 9:**

22 Please state the name, address and telephone number of each and every PERSON or entity
23 that has viewed and/or reviewed some or all of the SUBJECT DOCUMENTS, with YOUR
24 permission or authority, at any time since 8:00 am (Macau time) on July 23, 2010.

25 **INTERROGATORY NO. 10:**

26 For each and every PERSON identified in response to the prior interrogatory, please set forth
27 in detail each and every DOCUMENT and/or computer data file viewed and/or reviewed by said
28 PERSON.

1 **INTERROGATORY NO. 11:**

2 Please state the name, address and telephone number of each and every PERSON or entity
3 that has had access to and/or possessed some or all of the SUBJECT DOCUMENTS, with YOUR
4 permission, at any time since 8:00 am (Macau time) on July 23, 2010.

5 **INTERROGATORY NO. 12:**

6 For each and every PERSON identified in response to the prior interrogatory, please set forth
7 in detail each and every DOCUMENT and/or computer data file to which said PERSON had access
8 and/or possessed,

9 **INTERROGATORY NO. 13:**

10 For all WORK DUTY DOCUMENTS in YOUR possession as of July 24, 2010, please set
11 forth each and every date when YOU scanned WORK DUTY DOCUMENTS so as to create a PDF
12 image of the DOCUMENT (including DOCUMENTS scanned both before and after July 24, 2010).

13 **INTERROGATORY NO. 14:**

14 For each and every date set forth in response to the preceding interrogatory, please set forth
15 in detail each and every DOCUMENT that you scanned.

16 **INTERROGATORY NO. 15:**

17 Please describe in detail all COMMUNICATIONS by and between YOU and any PERSON,
18 other than your attorneys, since July 23, 2010, RELATING TO some or all of the SUBJECT
19 DOCUMENTS.

20 **INTERROGATORY NO. 16:**

21 Please describe in detail all COMMUNICATIONS by and between YOU and any officer,
22 director, employee and/or representative of LVSC, SCL and/or VML, at any time, RELATING TO
23 YOUR intention, desire and/or right to retain some or all of the SUBJECT DOCUMENTS
24 following the termination of JACOBS' employment on July 23, 2010.

25 **INTERROGATORY NO. 17:**

26 Please state the name of each and every officer, director, employee and/or representative of
27 LVSC, SCL and/or VML who told YOU that YOU may retain some or all of the SUBJECT
28 DOCUMENTS following the cessation of YOUR employment.

1 INTERROGATORY NO. 18:

2 Please describe in detail all COMMUNICATIONS by and between YOU and any officer,
3 director, employee and/or representative of LVSC, SCL and/or VML, on or before July 23, 2010,
4 RELATING TO YOUR intention and/or right to download, transfer and/or copy DOCUMENTS
5 from YOUR WORK COMPUTER on July 23, 2010.

6 INTERROGATORY NO. 19:

7 Please describe in detail all alterations, changes and/or modifications that YOU have made
8 to the metadata and/or computer data/files for any of the SUBJECT DOCUMENTS, at any time
9 since July 22, 2010.

10 INTERROGATORY NO. 20:

11 Please describe in detail all services performed by Quivx on YOUR behalf RELATING TO
12 the SUBJECT DOCUMENTS.

13 INTERROGATORY NO. 21:

14 Please state the name, address and telephone number of all PERSONS who have, at any time
15 since July 22, 2010, had possession of or access to the laptop computer that JACOBS had with him
16 on July 23, 2010, when he left Macau.

17 INTERROGATORY NO. 22:

18 Please state the name, address and phone number of all PERSONS who have, at any time
19 since July 22, 2010, had possession of or access to the thumb drive and/or PORTABLE HARD
20 DRIVE that JACOBS had with him on July 23, 2010, when he left Macau.

21 INTERROGATORY NO. 23:

22 Please state the name of each and every business entity or PERSON for whom JACOBS was
23 an employee as of July 22, 2010.

25 INTERROGATORY NO. 24:

26 Please state the name of each and every business entity or PERSON for whom JACOBS was
27 an employee between May 7, 2009 and July 22, 2010.

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1 INTERROGATORY NO. 25:

2 For each and every business entity and/or PERSON identified in response to the preceding
3 interrogatory, please state the dates and terms of JACOBS' employment.

4 INTERROGATORY NO. 26:

5 Please state the name of each and every business entity or PERSON for whom JACOBS was
6 an independent contractor as of July 22, 2010.

7 INTERROGATORY NO. 27:

8 Please state the name of each and every business entity or PERSON for whom JACOBS was
9 an independent contractor between January 1, 2009 and July 22, 2010.

10 INTERROGATORY NO. 28:

11 For each and every business entity and/or PERSON identified in response to the preceding
12 interrogatory, please state the dates and terms of JACOBS' independent contractor relationship.

13 INTERROGATORY NO. 29:

14 Please describe in detail the form of the computer files and data comprising the SUBJECT
15 DOCUMENTS as they existed on July 24, 2010.

16 INTERROGATORY NO. 30:

17 Please describe in detail the current form of the computer files and data comprising the
18 SUBJECT DOCUMENTS as they currently exist.

19 INTERROGATORY NO. 31:

20 Please describe in detail every COMMUNICATION between JACOBS and any officer,
21 director, employee and/or agent of LVSC, SCL, and/or VML RELATING TO VML's
22 confidentiality policy.

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1 INTERROGATORY NO. 32:

2 Please identify any DOCUMENTS that JACOBS currently possesses that he obtained during
3 the course of performing consulting services in connection with the agreement between LVSC and
4 Vagus Consulting Group, Inc. on or about March 14, 2009.

5
6 DATED this 24th day of October, 2011.

7 GLASER WEIL FINK JACOBS
8 HOWARD AVCHEN & SHAPIRO LLP

9
10 Patricia Glaser, Esq. (Pro Hac Vice Admitted)
11 Stephen Ma, Esq. (Pro Hac Vice Admitted)
12 Andrew D. Sedlock, Esq. (NBN 9183)
13 3763 Howard Hughes Parkway
14 Suite 300
15 Las Vegas, Nevada 89169
16 Telephone: (702) 650-7900
17 Facsimile: (702) 650-7950

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Attorneys for Defendant Sands China Ltd.

EXHIBIT I

From: Debra Spinelli [<mailto:dls@pisanellibice.com>]
Sent: Friday, November 11, 2011 10:55 AM
To: Steve Peek; 'Stephen Ma'; 'Patricia Glaser'; 'Craig Marcus'; Brian Anderson
Cc: James Pisanelli; Todd Bice; Sarah Elsdon; Kimberly Peets
Subject: Jacobs adv. Sands China, et al. - written consents

Counsel –

We've been informed that some of the documents that Mr. Jacobs possesses concern solely VML, VMIS, VOL, Sands China, LVSC, and/or various other affiliated entities or subsidiaries, most of which are not parties to this action. Thus, please confirm in writing that each of these entities consents to the production of documents in this case to Sands China and LVSC. Since we (Jacobs' counsel) are unable to review the documents to ascertain a complete list of the entities, there must also be some written consent on behalf of subsidiaries and affiliated entities not listed herein. In addition, this request includes written consent that Sands China and LVSC each consents to the production of documents that may concern one but not the other.

Thank you,
Debbie

Debra L. Spinelli
Pisanelli Bice PLLC
3883 Howard Hughes Pkwy, Suite 800
Las Vegas, NV 89169
tel 702.214.2100
fax 702.214.2101



Please consider the environment before printing

To ensure compliance with requirements imposed by the IRS, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for purposes of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any transaction or tax-related matter addressed herein.

This transaction and any attachment is attorney privileged and confidential. Any dissemination or copying of this communication is prohibited. If you are not the intended recipient, please notify us immediately by replying and delete the message. Thank you.

DISTRICT COURT
CLARK COUNTY, NEVADA

Business Court

COURT MINUTES

November 22, 2011

A-10-627691-B Steven Jacobs, Plaintiff(s)
vs.
Las Vegas Sands Corp, Defendant(s)

November 22, 2011 10:00 AM Status Conference

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Billie Jo Craig

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Ma, Stephen Attorney
Peek, J. Stephen Attorney
Pisanelli, James J Attorney
Spinelli-Hays, Debra Attorney
L.

JOURNAL ENTRIES

- Attorney Todd Bice also present.

Colloquy regarding status of case. Mr. Ma stated the roadmap of how to proceed. There were four issues: 1) Documents to be transferred to an independent ESI vendor for review. 2) Before review, Jacobs to provide search terms; counsel to meet and confer; then the ESI vendor report results; then counsel again to meet and confer and identify the body of documents that Jacobs identifies as privileged and submit to the Court. 3) After privilege asserted documents identified, they would be segregated from the rest. The remaining documents then go to the independent ESI vendor and then defendant review. Counsel to have 90 days to review those documents. Counsel to submit briefing and then the Court would rule what documents Jacobs not use. 4) Parties cannot agree and there are outstanding disputes and they have returned to Court. Mr. Ma stated the problems that occurred. Arguments by counsel as to what occurred.

Court was concerned documentation was corrupted and there may be a chain of custody documentation that counsel could create that would satisfy the Court. Further discussion. Court

PRINT DATE: 12/05/2011

Page 1 of 2

Minutes Date: November 22, 2011

noted counsel agreed to an ESI vendor, Advance Discovery. Advance Discovery is an independent vendor appointed by the Court. In the next two weeks, Mr. Pisanelli's client to provide to the ESI vendor a mirror of the electronic storage device he had when he left his employment on 7/23/10 or Mr. Pisanelli will file a Motion for Protective Order with Affidavits and supporting documents from the New York counsel so the issue can be addressed. The ESI Vendor to run the search. The Court will do an in camera review and make a determination if some documents to be released to Plaintiff's counsel. Then the Court will make a resolution related to which documents Plaintiff gets. Then defendants can begin their review.

Further discussions. Court asked that Sands China consent to Mr. Jacobs providing the information discussed today to Advance Discovery. Mr. Ma requested Advance Discovery to sign off on the appropriate confidentiality agreement. Court noted Mr. Pisanelli and Mr. Ma share the costs equally related to the review.

As to Request #8, COURT ORDERED, the written discovery as it is currently served is ORDERED STRICKEN. Counsel to re-submit it more narrowly tailored to specifically deal with the jurisdictional issues.

Mr. Peek to prepare the Order.

Ann D. Quinn

CLERK OF THE COURT

ORIGINAL

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

STATUS CONFERENCE

TUESDAY, NOVEMBER 22, 2011

APPEARANCES:

FOR THE PLAINTIFF:

JAMES J. PISANELLI, ESQ.
DEBRA SPINELLI, ESQ.

FOR THE DEFENDANTS:

J. STEPHEN PEEK, ESQ.
STEPHEN MA, ESQ.

COURT RECORDER:

JILL HAWKINS
District Court

TRANSCRIPTION BY:

FLORENCE HOYT
Las Vegas, Nevada 89146

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

RECEIVED

NOV 28 2011

CLERK OF THE COURT

44

1 LAS VEGAS, NEVADA, TUESDAY, NOVEMBER 22, 2011, 11:35 A.M.
2 (Court was called to order)
3 THE COURT: I believe that takes me to the Jacobs
4 case.
5 (Off-record colloquy)
6 MR. PEEK: Your Honor, from a scheduling standpoint,
7 it's now -- I mean, it's past 11:30.
8 THE COURT: It's 11:30.
9 MR. PEEK: I know your staff hasn't had a break.
10 THE COURT: Does anybody need a break?
11 MR. PEEK: I don't want to --
12 THE COURT: They say they don't need a break.
13 MR. PEEK: -- at 12:00 o'clock and then you stop us.
14 That's the only thing I'm worried about.
15 THE COURT: I'm not stopping.
16 MR. PEEK: Okay. That's good for me. I just want
17 to make sure. Because I know this is going to take longer
18 than half an hour.
19 THE COURT: Probably.
20 Can you all identify yourselves for purposes of the
21 record.
22 MR. PISANELLI: James Pisanelli on behalf of the
23 plaintiff, Your Honor.
24 MS. SPINELLI: Debbie Spinelli on behalf of the
25 plaintiff.

1 MR. MA: Your Honor, Steve Ma on behalf of defendant
2 Sands China.

3 MR. PEEK: And Stephen Peek, Your Honor, Holland &
4 Hart, on behalf of Las Vegas Sands Corp.

5 THE COURT: You know, usually when people show up
6 for a status conference I don't get such a wide variety of
7 documents that are presented. But I think it would be fair to
8 say you have significant issues. Is that fair to say?

9 MR. PISANELLI: It is indeed.

10 MR. MA: That is indeed, Your Honor.

11 THE COURT: All right. So it's really Sands China's
12 issue, or at least mostly Sands China's issue. So, Mr. Ma,
13 you're up first.

14 MR. MA: Thank you, Your Honor.

15 Your Honor, the parties were last before you on
16 October 13, and when we walked out of the courtroom on October
17 13 the Court gave us a road map as to how the parties should
18 proceed with regard to the Jacobs documents. And in my mind
19 there are really four issues here. Number one, that the
20 subject documents should be transferred to an independent ESI
21 vendor to all the defendants to review; number two, before the
22 review happens Jacobs is entitled to propose search terms to
23 be provided to the other side so that the parties can meet and
24 confer; once those search terms have been finalized, those
25 search terms would then -- would be given, excuse me, to the

1 ESI vendor without counsel reviewing the documents, and Your
2 Honor made clear what the consequences would be if anybody
3 reviewed those documents. But those search terms would then
4 be given to the independent ESI vendor to run. Once we get a
5 report as to the results of those search terms we will again
6 meet and confer. And then once the parties have identified a
7 body of documents that Jacobs identifies as privileged, they
8 would be, if there were any documents there, submitted for
9 Your Honor.

10 Step three, after those documents where Jacobs
11 asserts privilege has been identified, those documents are
12 then segregated from the rest of the subject documents. The
13 remaining documents would then go to the independent ESI
14 vendor, and then the defendants would begin the review. I
15 think that was the triggering point where we would have
16 90 days to review those documents, and then after the review
17 has completed the parties would then submit briefing,
18 including the issues that we raised in the prior motion in
19 limine, so that we can get a ruling from Your Honor as to what
20 documents Jacobs should not be entitled to use in the course
21 of the jurisdictional hearing to take place and to be
22 rescheduled by the Court.

23 Finally, number four -- and this prompts the hearing
24 today -- to the extent that the parties cannot agree and they
25 have outstanding disputes, they should come back to Your

1 Honor. And, unfortunately, Your Honor has now had --

2 THE COURT: So you're here.

3 MR. MA: -- several issues in front of you, and we
4 appreciate you hearing us. And that is why we're here today.

5 Here's the problem that we've had. After October 13
6 I think both parties reached out and started the meet and
7 confer process almost immediately. And almost immediately
8 obstacles arose, and we did our best to try and resolve them.
9 And at every turn we seem to have a new obstacle. And that's
10 what the problem is here.

11 On October 17, this is just a few days after the
12 October 13 hearing, after the announcement was made that
13 Jacobs's data had been provided to an ESI vendor named QuiVX,
14 we were told on October 17 that QuiVX cannot serve as the
15 joint ESI vendor because plaintiffs had concerns that they had
16 work product communications with QuiVX, and on that basis they
17 said QuiVX cannot be the joint vendor.

18 We expressed some concern. We said, listen, this is
19 the vendor that you in fact identified, but we are here on a
20 meet and confer and we will find an alternative. So I believe
21 the very next day we proposed two alternatives, a company by
22 the name of Advanced Discovery, and another one called Evolved
23 Discovery. And when we made the proposal we said, by the way,
24 we do need to confer with the Court because the Court at the
25 hearing back on October 13 told us that there were some ESI

1 vendors where there may be some potential problems for other
2 cases that have nothing to do with ours, so we want to make
3 sure we get the Court's approval with regard --

4 THE COURT: Yeah. You want to read the CityCenter
5 case.

6 MR. MA: Yes. We've read that.

7 THE COURT: Okay.

8 MR. MA: I suspected that that's what it was.

9 THE COURT: Okay.

10 MR. MA: So that vendor is not involved here.

11 THE COURT: Good.

12 MR. MA: Okay. On October 19 -- I'm sorry. I'm
13 still at October 17. A second issue that came up is that we
14 reiterated the point that we made at the October 13 hearing.
15 We said, we need to make sure we get the raw data with all the
16 metadata, with all the native files that are related to the
17 subject documents. The response from plaintiffs were, I don't
18 know if we're going to be able to do that, we're going to have
19 to discuss it. And we said, let's discuss it because we need
20 to get this resolved.

21 Number three, we had a discussion about search
22 terms. When we walked out of the hearing October 13 our
23 understanding was that those search terms, to the extent they
24 needed to run search terms, would be provided in 48 hours.
25 The response from plaintiffs was, no, we disagree, it's not

1 48 hours, we need more time.

2 So we had further meet and confer discussions on
3 October 19 with regard to the search term issues. They said,
4 we need more time. We said, fine, give us the search terms
5 seven days later, October 26th.

6 With regard to the raw ESI they were asking for they
7 said, why don't we provide you the documents that are sitting
8 on QuiVX's server; and we said, we don't know what's on
9 QuiVX's server, so we need an explanation.

10 One issue that was raised by plaintiff's counsel is
11 how about if some sort of declaration, certificate, affidavit
12 come from QuiVX explaining what the data is and how the data
13 was presented to QuiVX. And we said, look, that is something
14 that we'll think about, but we'd like to take a look at that.
15 And obviously everybody's reserving their rights at this
16 point.

17 October 26 comes and goes and we still don't have
18 the search terms. And I'm not going to rehash what's in our
19 briefs already, and you'll see that there are emails going
20 back now saying, October 26 has come and gone, where are the
21 search terms, where are we; and we get silence in response.

22 And, Your Honor, I remember sitting at my desk, and
23 I thought, what is going on here, we're getting ready to move
24 forward, what's the delay, what's the problem. I soon found
25 out what the problem was. By November 10 we learn for the

1 MR. MA: Right. Obviously, between now
2 and this call or, you know, whatever it is, the
3 status conference, the more we can limit it for the
4 judge, I'm sure she'd be thrilled to have us provide
5 less, you know, issues for her than more.

6 MR. BYCE: Oh, I don't know. She always
7 likes to see me and Steve.

8 MR. PEAK: Just because she likes to
9 badger us from time to time.

10 MR. BYCE: Yeah.

11 MR. PEAK: She likes to kid us. Okay.
12 Well, that -- that's good. So I'd like you --
13 Debbie, I don't know whether folks are working
14 tomorrow, but we got at least Brian, so he's --
15 like, he's going to work tomorrow and then he'll
16 find out whether Quivx is working tomorrow. And if
17 we get that declaration, that's going to, ost
18 helpful. That is really, I think, the key to
19 resolution as what's contained within the body of
20 that.

21 MS. SPINELLI: All right. I will send it
22 as soon as I get it.

23 MR. PEAK: Yeah. I know you will. So
24 let us kind of mull over what -- what you've
25 presented us with and see where -- see when to go

1 forward. But I -- can we at least maybe call, with
2 your permission or a joint call to see if we can
3 just schedule a time, whether it's telephonic or in
4 person, with her sometime next week? Is that
5 something --

6 UNIDENTIFIED SPEAKER: Yeah. I mean, I
7 -- I think that's fine. I -- I wouldn't want to do
8 it -- I mean, I don't mind having to call early next
9 week, Steve, but I would want to have whether we're
10 doing this -- you know, in terms of a scheduling
11 call, I don't mind doing that on Monday. But if
12 we're going to have a substantive call, I would like
13 to hold it later in the week because I want to make
14 sure that, you know, we've gotten you this
15 affidavit.

16 MR. PEAK: Right.

17 UNIDENTIFIED SPEAKER: You -- you
18 understand and we worked out whatever our
19 arrangement is going to be with this over provider.
20 We found out the information about the search terms
21 and how they were conducted so that we can have an
22 intelligent conversation with her. And we can each,
23 you know, if we need to, submit something in writing
24 to her --

25 MR. PEAK: H'm-h'm.

1 UNIDENTIFIED SPEAKER: -- for some matter
2 later in the week that we can just sort of explain
3 here's what our respective positions are.

4 MR. PEAK: I -- I think that makes
5 absolute sense. So we'll try to get to maybe call
6 Dan tomorrow.

7 UNIDENTIFIED SPEAKER: H'm-h'm. I don't
8 think they're open tomorrow, are they?

9 MS. SPINELLI: Yeah. No, they're not
10 open tomorrow.

11 MR. PEAK: Oh, they're not open. They
12 took the day off. Okay. So we'll call Dan on
13 Monday.

14 UNIDENTIFIED SPEAKER: Now -- now, wait a
15 minute. Is it the federal courts that are closed
16 tomorrow?

17 MS. SPINELLI: The federal courts are
18 closed, but remember, Lorraine told us that she's
19 off tomorrow.

20 UNIDENTIFIED SPEAKER: Oh, that's true.
21 Yeah, Judge Denton's clerk, at least said they were
22 closed tomorrow.

23 MS. REPORTER: I'm sorry. But it's --
24 the time is 6:18.

25 MR. PEAK: Okay. We will be done in just

1 a minute. So thank you.

2 So we'll find out tomorrow and --

3 UNIDENTIFIED SPEAKER: Why don't we just
4 see if we can call Dan on Monday and see if we can
5 set something up for later in the week.

6 MR. PEAK: That works for me. Steven,
7 are you okay with that?

8 MR. MA: Yeah. That's fine. And then,
9 everyone look at their calendars and see what time
10 works and we'll just schedule a quick joint call.

11 MS. SPINELLI: That works.

12 UNIDENTIFIED SPEAKER: Okay.

13 MR. PEAK: Okay. So we can get it by
14 e-mail. The court reporter has got to go in a
15 minute or two.

16 UNIDENTIFIED SPEAKER: All right. Great.
17 So we'll look for the Quivx information and the
18 search information. And then, I guess we'll also
19 look for this engagement from the Advanced Discovery
20 people tomorrow.

21 MS. SPINELLI: Okay. Perfect.

22 MR. PEAK: Okay. Thank you.

23 MR. MA: Actually, one more thing. I'm
24 sorry. One more thing, Debbie and Todd, I think in
25 the e-mails I sent on Wednesday, we had included a

1 red line on the proposed order. So if you can take
2 a look at that and give us your thoughts.

3 MS. SPINELLI: I will -- well, I was
4 ready to talk about it, but I'll shoot you an e-mail
5 with my comments. Some of them are addressed
6 already today, but I'll send that to you guys
7 tonight.

8 MR. MA: Great. Thank you.

9 MR. CRAIG: I -- and I -- this is Craig.
10 And I have one other quick comment. We have to
11 decide -- well, at some point, Debbie, you have to
12 let us know your final position vis-à-vis the
13 discovery we propounded. If you don't want to do
14 that during the call now, then if you could do that
15 by e-mail in the next day or two, that would be
16 great. So that we know whether that one of the
17 issues that has to be addressed with the judge.

18 MS. SPINELLI: I thought I did, but I
19 will put it in the e-mail as well. We think that
20 you guys get the deposition of Mr. Jacobs, but not
21 the other stuff. But I'll put that in an e-mail as
22 well, Craig.

23 MR. PEAK: Super.

24 MR. CRAIG: Oh, okay. All right.

25 UNIDENTIFIED SPEAKER: Terrific.

1 UNIDENTIFIED SPEAKER: Thank you very
2 much.

3 MS. SPINELLI: Thank you.

4 MR. PEAK: Thank you very much. And
5 thank you, Ms. Reporter, for reminding us of the
6 time.

7 UNIDENTIFIED SPEAKER: All right.

8 UNIDENTIFIED SPEAKER: And I need to
9 speak to Todd and Debbie, if you could jump off and
10 Craig.

11 MS. SPINELLI: Oh, yeah. Super.

12 (Thereupon, the taking of the deposition
13 concluded at 6:18 p.m.)
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EXHIBIT G

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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; DOES I-X; and ROE
CORPORATIONS I-X,

Defendants.

CASE NO.: A627691-B

DEPT NO.: XI

DEFENDANT SANDS CHINA LTD.'S
FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS TO
PLAINTIFF STEVEN C. JACOBS

LAS VEGAS SANDS CORP., a Nevada
corporation,

Counterclaimant,

v.

STEVEN C. JACOBS,

Counterdefendant.

1 documents. The responses and documents are to be sent to the law offices of Glaser, Weil, Fink,
2 Jacobs, Howard, Avchen & Shapiro, LLP, 3763 Howard Hughes Parkway, Suite 300, Las Vegas,
3 Nevada 89169, not later than thirty (30) days from the date of service of this request.

4 SECTION I

5 DEFINITIONS

6 For purposes of these document Requests, the following terms shall have the following
7 meanings:

8 1. As used herein, the terms "or," "and," and "and/or" shall be interpreted both
9 conjunctively and disjunctively, so as to be inclusive rather than exclusive, and each term shall
10 include the other whenever such construction will serve to bring within the scope of a request
11 documents, information or tangible things which would not otherwise be within its scope, and these
12 terms shall not be interpreted to exclude any information, documents or tangible things otherwise
13 within the scope of a request.

14 2. The present tense of any verb shall include the past tense, and vice versa, whenever
15 such construction will serve to bring within the scope of a request documents, information or
16 tangible things which would not otherwise be within its scope.

17 3. The singular noun form shall include the plural, and vice versa, whenever such
18 construction will serve to bring within the scope of a request documents, information or tangible
19 things which would not otherwise be within its scope.

20 4. As used herein, the term "JACOBS" shall mean, and be defined as, Plaintiff Steven
21 C. Jacobs.

22 5. As used herein, the terms "PERSON" and "PERSONS" shall mean, and be defined
23 as, all individuals, natural persons, entities, partnerships, corporations, business entities, joint
24 ventures, firms, associations, organizations, enterprises, institutions, trusts, estates, government
25 agencies, quasi-government agencies, regulatory agencies, foundations, committees, attorneys, law
26 firms, health care providers, and all other legally recognized entities of any type, nature or
27 description.

1 6. As used herein, the terms "YOU," "YOUR" and "YOURS" shall mean, and be
2 defined as, JACOBS, and his agents, employees, representatives, and attorneys, and all PERSONS
3 acting on behalf of JACOBS and/or pursuant to JACOBS' direction or instruction.

4 7. As used herein, the term "SCL" shall mean, and be defined as, Sands China Ltd. .

5 8. As used herein, the term "VML" shall mean, and be defined as, Venetian Macau
6 Limited.

7 9. As used herein, the term "LVSC" shall mean, and be defined as, Las Vegas Sands
8 Corp.

9 10. As used herein, the terms "RELATE TO" and "RELATING TO" shall mean, and be
10 defined as, to constitute, or to directly or indirectly refer to, pertain to, allude to, mention, address,
11 reflect, concern, describe, identify, embody, involve, evidence, comprise, discuss, show,
12 demonstrate, analyze, edify, deal with, or have some logical or factual connection to the referenced
13 subject matter.

14 11. As used herein, the terms "DOCUMENT" and "DOCUMENTS" shall mean, and be
15 defined as, all "originals" and "duplicates" of all "writings," "recordings," and "photographs," as
16 those terms are defined in Section 1001 of the Federal Rules of Evidence, and include without
17 limitation all written, printed, typed, photostatic, photographed, recorded, telecopied, photocopied,
18 or graphic materials of any kind, whether comprised of letters, words, numbers, pictures, sounds,
19 symbols, electronic data/recording, computer data/files/code, or any combination thereof. Without
20 limiting the foregoing, the terms "DOCUMENT" and "DOCUMENTS" include all writings, papers,
21 agreements, contracts, correspondence, letters, facsimile transmissions, memoranda, reports, notes,
22 telegrams, telex, envelopes, statements, studies, publications, records, messages, books, pamphlets,
23 leaflets, inter-office and intra-office communications, notebooks, instruments, transcripts, minutes,
24 agendas, indexes, cards, diaries, drafts, revisions, photocopies, calendars, appointment records,
25 disclosures, questionnaires, histories, chronologies, time-lines, medical records and reports, health
26 care records and reports, mental health records and reports, notices, investigation reports and
27 materials, declarations, accountings, evaluations, summaries, valuations, audits, verifications,
28 inventories, appraisals, studies, endorsements, powers of attorney, account statements, receipts,

1 invoices, financial statements, balance sheets, ledgers, books, income statements, expense reports,
2 bills, billing records, checks, canceled checks, check stubs, bank records, bank deposits and
3 withdrawals, wire transfer and receipt records, accounts receivable, accounts payable, tax records,
4 safe deposit records, telephone bills and records, microfilm, electronic mail, microfiches, computer
5 indices, computer printouts, records stored by means of computer or other electronic means,
6 computer files and data, contents of computer hard discs, contents of computer backup tapes and
7 discs, photographs, videotapes, films, motion pictures, video discs, audio recordings and cassettes,
8 transcriptions, drawings, surveys, plans, blueprints, specifications, charts, graphics, notes of oral or
9 telephone communications, other written transfers of information, and other data compilations. The
10 term "other data compilations" includes information stored in, or accessible through, computer or
11 other information retrieval systems, whether or not in hard copy form, together with instructions and
12 all other materials necessary to use or interpret such data compilations. If more than one copy of
13 any DOCUMENT exists, and if as a result of handwritten additions and notations, or for any other
14 reason, the copies are not identical, each non-identical copy is a separate DOCUMENT and should
15 be separately identified. Without limiting the foregoing, the terms "DOCUMENT" and
16 "DOCUMENTS" include all originals (or copies if the original is unavailable), non-identical copies,
17 drafts and revisions.

18 12. As used herein, the term "COMMUNICATIONS" shall mean, and be defined as, all
19 of the following: written communications, verbal communications, electronic communications,
20 computer communications, correspondence, notes, reports, memoranda, facsimile, electronic mail
21 (including distribution lists and acknowledgments of receipt), computer messaging, telex, telegrams,
22 wire communications, inter-office and intra-office communications, handwritten communications,
23 tape-recorded communications, filed/videotaped communications, phone messages and recordings,
24 voice mail, communications via pager, and all other forms of communications.

25 13. As used herein, the term "PORTABLE HARD DRIVE" shall mean, and be defined
26 as, any computer hard drive, portable data storage device and/or other means of storing computer
27 data and files that is not located inside the case of a desk top computer.
28

1 14. As used herein, the term "WORK COMPUTER" shall mean, and be defined as, the
2 desk top computer that was in JACOBS' office in Macau as on July 22, 2010.

3 15. As used herein, the term "DOWNLOADED DOCUMENTS" shall mean, and be
4 defined as, all DOCUMENTS that JACOBS downloaded, transferred and/or copied from his
5 WORK COMPUTER to a PORTABLE HARD DRIVE on or about July 23, 2010, including but not
6 limited to computer data and files, and document images.

7 16. As used herein, the term "WORK DUTY DOCUMENTS" shall mean, and be
8 defined as, all DOCUMENTS that JACOBS acquired possession of during the course of his
9 employment and/or performance of services for the business entity that employed JACOBS as of
10 July 22, 2010, that JACOBS had in his possession, custody or control as of July 24, 2010, including
11 but not limited to computer data and files, and document images.

12 17. As used herein, the term "REVIEW DOCUMENTS" shall mean, and be defined as,
13 all DOCUMENTS that JACOBS and/or his attorneys have, or will be, delivering to Advanced
14 Discovery (the parties' joint ESI vendor), including but not limited to computer data and files, and
15 document images.

16 18. As used herein, the term "SUBJECT DOCUMENTS" shall mean, and be defined as,
17 the DOWNLOADED DOCUMENTS, WORK DUTY DOCUMENTS and REVIEW
18 DOCUMENTS, collectively.

19 19. If and to the extent you decline to produce any DOCUMENTS upon any claim of
20 privilege, please state with particularity the privilege(s) claimed and all foundational facts upon
21 which you base each claim of privilege, including a description of each DOCUMENT, its date,
22 author, recipient or addressee, subject matter and custodian.

23 20. If you contend that only a portion of a DOCUMENT described in this Request for
24 Production of Documents is privileged or otherwise not subject to production, you are instructed to
25 produce a copy of the entire DOCUMENT deleting that portion deemed privileged or otherwise not
26 subject to production. With respect to the deleted portion of any such DOCUMENT, to the extent
27 that the produced portion of the DOCUMENT does not do so, you are instructed to provide the
28 same information that would be provided if the entire DOCUMENT was produced.

21. You are instructed to produce all DOCUMENTS described in this Request for Production of Documents that are within your possession, custody or control. For purposes of this Request, a DOCUMENT shall be deemed within your possession, custody or control if: (a) it is in your physical possession or custody; or (b) it is not in your physical possession or custody, but you have the legal right to obtain it.

6 22. These Requests are to be deemed continuing to the extent required by the Nevada
7 Rules of Civil Procedure, so as to require prompt supplementation without further request if further
8 events occur or if further information is obtained, developed or discovered after the time these
9 Requests are first answered.

23. As required by law, the responses should supply information (including information contained in writing) available not only to YOU, but to YOUR attorneys, investigators, consultants, agents or other representatives acting on YOUR behalf. The responses should designate which request they pertain to.

REQUESTS FOR PRODUCTION OF DOCUMENTS

Please produce all COMMUNICATIONS by and between YOU and any PERSON, at any time after July 22, 2010, RELATING TO the SUBJECT DOCUMENTS, including but not limited to COMMUNICATIONS with Quivx.

Please produce all contracts, agreements and/or "term sheets" RELATING TO YOUR employment and/or independent contractor relationship with SCL, LVSC and/or VML between January 1, 2009 and July 23, 2010.

Please produce all DOCUMENTS RELATING TO any contracts, agreements and/or "term sheets" RELATING TO YOUR employment and/or independent contractor relationship with SCL, LVSC and/or VML between January 1, 2009 and July 23, 2010.

1 REQUEST NO. 4:

2 Please produce all COMMUNICATIONS by and between YOU and any PERSON
3 RELATING TO VML's confidentiality policy.

4 REQUEST NO. 5:

5 Please produce all COMMUNICATIONS by and between YOU and any PERSON
6 RELATING to the confidentiality clause in the agreement entered into between LVSC and Vagus
7 Consulting Group, Inc. on or about March 14, 2009.

8 REQUEST NO. 6:

9 Please produce all COMMUNICATIONS by and between YOU and any PERSON
10 RELATING to the confidentiality provisions of the agreement entered into between JACOBS and
11 VML on or about June 16, 2009.

12 REQUEST NO. 7:

13 Please produce all COMMUNICATIONS between YOU and any PERSON RELATING TO
14 the confidentiality provision of the July 3, 2009 letter agreement between JACOBS and VML.

15 REQUEST NO. 8:

16 Please produce all DOCUMENTS that YOU contend support YOUR contention that
17 JACOBS was an employee of LVSC.

18 REQUEST NO. 9:

19 Please produce all DOCUMENTS or COMMUNICATIONS in which YOU name, identify,
20 or describe JACOBS' employer or JACOBS' employment title from May 7, 2009 to July 24, 2010,
21 including but not limited to work permit applications, passport applications, and insurance
22 applications.

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Glaser Weil Fink Jacobs
Howard Avchen & Shapiro

1 REQUEST NO. 10:

2 Please produce all COMMUNICATIONS by and between YOU and YOUR wife, at any
3 time prior to July 23, 2010, which included any of the SUBJECT DOCUMENTS as an attachment
4 or enclosure.

5 DATED this 24th day of October, 2011.

6 GLASER WEIL FINK JACOBS
7 HOWARD AVCHEN & SHAPIRO LLP

8 
9 Patricia Glaser, Esq. (Pro Hac Vice Admitted)
10 Stephen Ma, Esq. (Pro Hac Vice Admitted)
11 Andrew D. Sedlock, Esq. (NBN 9183)
12 3763 Howard Hughes Parkway
13 Suite 300
14 Las Vegas, Nevada 89169
15 Telephone: (702) 650-7900
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17 *Attorneys for Defendant Sands China Ltd.*
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28

EXHIBIT H

Glaser Weil Fink Jacobs
Howard Avchen & Shapiro LLP

INTG

Patricia Glaser, Esq. (Pro Hac Vice Admitted)

Stephen Ma, Esq. (Pro Hac Vice Admitted)

Andrew D. Sedlock, Esq. (NBN 9183)

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Attorneys for Sands China, Ltd.

DISTRICT COURT

CLARK COUNTY NEVADA

STEVEN C. JACOBS,

Plaintiff,

v.

LAS VEGAS SANDS CORP., a Nevada
corporation; SANDS CHINA LTD., a Cayman
Islands corporation; DOES 1-X; and ROE
CORPORATIONS 1-X,

Defendants.

CASE NO.: A627691-B

DEPT NO.: XI

DEFENDANT SANDS CHINA LTD.'S
FIRST SET OF INTERROGATORIES TO
PLAINTIFF STEVEN C. JACOBS

LAS VEGAS SANDS CORP., a Nevada
corporation,

Counterclaimant,

v.

STEVEN C. JACOBS,

Counterdefendant.

TO: STEVEN C. JACOBS.

TO: JAMES J. PISANELLI, ESQ., OF PISANELLI BICE, Plaintiff's attorneys of record.

Pursuant to NRCP 26 and 33, Defendant Sands China Ltd. ("SCL" or "Defendant") hereby
requests that Plaintiff Steven C. Jacobs ("JACOBS" or "Plaintiff") respond to the following

1 Interrogatories (the "Interrogatories") described in Section II. The responses are to be sent to the
2 law offices of Glaser, Weil, Fink, Jacobs, Howard, Avchen & Shapiro, LLP, 3763 Howard Hughes
3 Parkway, Suite 300, Las Vegas, Nevada 89169, not later than thirty (30) days from the date of
4 service of this request.

5 SECTION I

6 DEFINITIONS

7 For purposes of these Interrogatories, the following terms shall have the following meanings:

8 1. As used herein, the terms "or," "and," and "and/or" shall be interpreted both
9 conjunctively and disjunctively, so as to be inclusive rather than exclusive, and each term shall
10 include the other whenever such construction will serve to bring within the scope of a request
11 documents, information or tangible things which would not otherwise be within its scope, and these
12 terms shall not be interpreted to exclude any information, documents or tangible things otherwise
13 within the scope of a request.

14 2. The present tense of any verb shall include the past tense, and vice versa, whenever
15 such construction will serve to bring within the scope of a request documents, information or
16 tangible things which would not otherwise be within its scope.

17 3. The singular noun form shall include the plural, and vice versa, whenever such
18 construction will serve to bring within the scope of a request documents, information or tangible
19 things which would not otherwise be within its scope.

20 4. As used herein, the term "JACOBS" shall mean, and be defined as, Plaintiff Steven
21 C. Jacobs.

22 5. "JACOBS AGENT" means any PERSON acting under the direction, supervision, or
23 control of JACOBS.

24 6. As used herein, the terms "PERSON" and "PERSONS" shall mean, and be defined
25 as, all individuals, natural persons, entities, partnerships, corporations, business entities, joint
26 ventures, firms, associations, organizations, enterprises, institutions, trusts, estates, government
27 agencies, quasi-government agencies, regulatory agencies, foundations, committees, attorneys, law
28

1 firms, health care providers, and all other legally recognized entities of any type, nature or
2 description.

3 7. As used herein, the terms "YOU," "YOUR" and "YOURS" shall mean, and be
4 defined as, JACOBS, and his agents, employees, representatives, and attorneys, and all PERSONS
5 acting on behalf of JACOBS and/or pursuant to JACOBS' direction or instruction.

6 8. As used herein, the term "SCL" shall mean, and be defined as, Sands China Ltd.

7 9. As used herein, the term "VML" shall mean, and be defined as, Venetian Macau
8 Limited.

9 10. As used herein, the term "LVSC" shall mean, and be defined as, Las Vegas Sands
10 Corp.

11 11. As used herein, the terms "RELATE TO" and "RELATING TO" shall mean, and be
12 defined as, to constitute, or to directly or indirectly refer to, pertain to, allude to, mention, address,
13 reflect, concern, describe, identify, embody, involve, evidence, comprise, discuss, show,
14 demonstrate, analyze, edify, deal with, or have some logical or factual connection to the referenced
15 subject matter.

16 12. As used herein, the terms "DOCUMENT" and "DOCUMENTS" shall mean, and be
17 defined as, all "originals" and "duplicates" of all "writings," "recordings," and "photographs," as
18 those terms are defined in Section 1001 of the Federal Rules of Evidence, and include without
19 limitation all written, printed, typed, photostatic, photographed, recorded, telecopied, photocopied,
20 or graphic materials of any kind, whether comprised of letters, words, numbers, pictures, sounds,
21 symbols, electronic data/recording, computer data/files/code, or any combination thereof. Without
22 limiting the foregoing, the terms "DOCUMENT" and "DOCUMENTS" include all writings, papers,
23 agreements, contracts, correspondence, letters, facsimile transmissions, memoranda, reports, notes,
24 telegrams, telex, envelopes, statements, studies, publications, records, messages, books, pamphlets,
25 leaflets, inter-office and intra-office communications, notebooks, instruments, transcripts, minutes,
26 agendas, indexes, cards, diaries, drafts, revisions, photocopies, calendars, appointment records,
27 disclosures, questionnaires, histories, chronologies, time-lines, medical records and reports, health
28 care records and reports, mental health records and reports, notices, investigation reports and

1 materials, declarations, accountings, evaluations, summaries, valuations, audits, verifications,
2 inventories, appraisals, studies, endorsements, powers of attorney, account statements, receipts,
3 invoices, financial statements, balance sheets, ledgers, books, income statements, expense reports,
4 bills, billing records, checks, canceled checks, check stubs, bank records, bank deposits and
5 withdrawals, wire transfer and receipt records, accounts receivable, accounts payable, tax records,
6 safe deposit records, telephone bills and records, microfilm, electronic mail, microfiches, computer
7 indices, computer printouts, records stored by means of computer or other electronic means,
8 computer files and data, contents of computer hard discs, contents of computer backup tapes and
9 discs, photographs, videotapes, films, motion pictures, video discs, audio recordings and cassettes,
10 transcriptions, drawings, surveys, plans, blueprints, specifications, charts, graphics, notes of oral or
11 telephone communications, other written transfers of information, and other data compilations. The
12 term "other data compilations" includes information stored in, or accessible through, computer or
13 other information retrieval systems, whether or not in hard copy form, together with instructions and
14 all other materials necessary to use or interpret such data compilations. If more than one copy of
15 any DOCUMENT exists, and if as a result of handwritten additions and notations, or for any other
16 reason, the copies are not identical, each non-identical copy is a separate DOCUMENT and should
17 be separately identified. Without limiting the foregoing, the terms "DOCUMENT" and
18 "DOCUMENTS" include all originals (or copies if the original is unavailable), non-identical copies,
19 drafts and revisions.

20 13. As used herein, the term "COMMUNICATIONS" shall mean, and be defined as, all
21 of the following: written communications, verbal communications, electronic communications,
22 computer communications, correspondence, notes, reports, memoranda, facsimile, electronic mail
23 (including distribution lists and acknowledgments of receipt), computer messaging, telex, telegrams,
24 wire communications, inter-office and intra-office communications, handwritten communications,
25 tape-recorded communications, filed/videotaped communications, phone messages and recordings,
26 voice mail, communications via pager, and all other forms of communications.
27
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1 14. As used herein, the term "PORTABLE HARD DRIVE" shall mean, and be defined
2 as, any computer hard drive, portable data storage device and/or other means of storing computer
3 data and files that is not located inside the case of a desk top computer.

4 15. As used herein, the term "WORK COMPUTER" shall mean, and be defined as, the
5 desk top computer that was in JACOBS' office in Macau as on July 22, 2010.

6 16. As used herein, the term "DOWNLOADED DOCUMENTS" shall mean, and be
7 defined as, all DOCUMENTS that JACOBS downloaded, transferred and/or copied from his
8 WORK COMPUTER to a PORTABLE HARD DRIVE on or about July 23, 2010, including but not
9 limited to computer data and files, and document images.

10 17. As used herein, the term "WORK DUTY DOCUMENTS" shall mean, and be
11 defined as, all DOCUMENTS that JACOBS acquired possession of during the course of his
12 employment and/or performance of services for the business entity that employed JACOBS as of
13 July 22, 2010 and that JACOBS had in his possession, custody or control as of July 24, 2010,
14 including but not limited to computer data and files, and document images.

15 18. As used herein, the term "REVIEW DOCUMENTS" shall mean, and be defined as,
16 all DOCUMENTS that JACOBS and/or his attorneys have, or will be, delivering to Advanced
17 Discovery (the parties' joint ESI vendor), including but not limited to computer data and files, and
18 document images.

19 19. As used herein, the term "SUBJECT DOCUMENTS" shall mean, and be defined as,
20 the DOWNLOADED DOCUMENTS, WORK DUTY DOCUMENTS and REVIEW
21 DOCUMENTS, collectively.

22 20. If the identification of any DOCUMENT called for by these interrogatories is
23 withheld under a claim of privilege, list each DOCUMENT together with the following information:
24 the date of the DOCUMENT, the name and job titles of the author and each recipient of the
25 DOCUMENT, the name and job title of all PERSONS to whom copies of the DOCUMENT were
26 furnished, the subject matter of the DOCUMENT, the grounds upon which the privilege is claimed,
27 and the number of the interrogatory to which the DOCUMENT is responsive.
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1 21. These interrogatories are to be deemed continuing to the extent required by the
2 Nevada Rules of Civil Procedure, so as to require prompt supplementation without further request if
3 further events occur or if further information is obtained, developed or discovered after the time
4 these interrogatories are first answered.

5 22. As required by law, YOUR responses to these interrogatories should supply
6 information (including information contained in writing) available not only to YOU, but also to
7 YOUR attorneys, investigators, consultants, agents or other representatives acting on YOUR behalf.

8 23. If YOU cannot respond fully and completely after exercising due diligence to make
9 inquiry and secure the information requested, please so state and answer to the fullest extent
10 possible, specifying the portion of the question YOU claim YOU are unable to answer fully and
11 completely, and specifying the facts upon which YOU rely to support the contention that YOU are
12 unable to answer it fully and completely, and state what knowledge, information or belief YOU
13 have concerning the unanswered portion.

14 24. With respect to information that YOU contend is privileged or otherwise excludable
15 from discovery, YOU are required to state the basis for the privilege or other grounds for exclusion.

16 SECTION II

17 INTERROGATORIES

18 INTERROGATORY NO. 1:

19 Did JACOBS download, transfer, and/or copy documents and/or computer data files from
20 his WORK COMPUTER to a PORTABLE HARD DRIVE on or about July 23, 2010?

21 INTERROGATORY NO. 2:

22 Please describe in detail the reason(s) why JACOBS downloaded, transferred and/or copied
23 documents and/or computer data files from his WORK COMPUTER to a PORTABLE HARD
24 DRIVE on or about July 23, 2010.

25 INTERROGATORY NO. 3:

26 Please describe in detail the documents and/or computer data that JACOBS downloaded,
27 transferred and/or copied from his WORK COMPUTER to a PORTABLE HARD DRIVE on or
28

1 about July 23, 2010, including but not limited to, the file types, nature of the documents, and the
2 volume of data and documents downloaded, transferred and/or copied.

3 INTERROGATORY NO. 4:

4 Did JACOBS perform an internet search on Google or any other search engine on July 23,
5 2010 RELATING TO downloading Outlook files from JACOBS' WORK COMPUTER?

6 INTERROGATORY NO. 5:

7 Please list each and every one of the SUBJECT DOCUMENTS that JACOBS has viewed
8 and/or reviewed since July 23, 2010.

9 INTERROGATORY NO. 6:

10 Please list each and every one of the SUBJECT DOCUMENTS that any JACOBS' AGENT
11 has viewed and/or reviewed since July 23, 2010, including but not limited to attorneys forking for
12 JACOBS.

13 INTERROGATORY NO. 7:

14 Please state the name, address and telephone number of each and every PERSON to whom
15 YOU provided and/or disclosed the originals or copies of some or all of the SUBJECT
16 DOCUMENTS at any time since 8:00 am (Macau time) on July 23, 2010.

17 INTERROGATORY NO. 8:

18 For each and every PERSON identified in response to the prior interrogatory, please set forth
19 in detail each and every DOCUMENT and/or computer data file provided and/or disclosed to said
20 PERSON.

21 INTERROGATORY NO. 9:

22 Please state the name, address and telephone number of each and every PERSON or entity
23 that has viewed and/or reviewed some or all of the SUBJECT DOCUMENTS, with YOUR
24 permission or authority, at any time since 8:00 am (Macau time) on July 23, 2010.

25 INTERROGATORY NO. 10:

26 For each and every PERSON identified in response to the prior interrogatory, please set forth
27 in detail each and every DOCUMENT and/or computer data file viewed and/or reviewed by said
28 PERSON.

1 **INTERROGATORY NO. 11:**

2 Please state the name, address and telephone number of each and every PERSON or entity
3 that has had access to and/or possessed some or all of the SUBJECT DOCUMENTS, with YOUR
4 permission, at any time since 8:00 am (Macau time) on July 23, 2010.

5 **INTERROGATORY NO. 12:**

6 For each and every PERSON identified in response to the prior interrogatory, please set forth
7 in detail each and every DOCUMENT and/or computer data file to which said PERSON had access
8 and/or possessed.

9 **INTERROGATORY NO. 13:**

10 For all WORK DUTY DOCUMENTS in YOUR possession as of July 24, 2010, please set
11 forth each and every date when YOU scanned WORK DUTY DOCUMENTS so as to create a PDF
12 image of the DOCUMENT (including DOCUMENTS scanned both before and after July 24, 2010).

13 **INTERROGATORY NO. 14:**

14 For each and every date set forth in response to the preceding interrogatory, please set forth
15 in detail each and every DOCUMENT that you scanned.

16 **INTERROGATORY NO. 15:**

17 Please describe in detail all COMMUNICATIONS by and between YOU and any PERSON,
18 other than your attorneys, since July 23, 2010, RELATING TO some or all of the SUBJECT
19 DOCUMENTS.

20 **INTERROGATORY NO. 16:**

21 Please describe in detail all COMMUNICATIONS by and between YOU and any officer,
22 director, employee and/or representative of LVSC, SCL and/or VML, at any time, RELATING TO
23 YOUR intention, desire and/or right to retain some or all of the SUBJECT DOCUMENTS
24 following the termination of JACOBS' employment on July 23, 2010.

25 **INTERROGATORY NO. 17:**

26 Please state the name of each and every officer, director, employee and/or representative of
27 LVSC, SCL and/or VML who told YOU that YOU may retain some or all of the SUBJECT
28 DOCUMENTS following the cessation of YOUR employment.

1 **INTERROGATORY NO. 18:**

2 Please describe in detail all COMMUNICATIONS by and between YOU and any officer,
3 director, employee and/or representative of LVSC, SCL and/or VML, on or before July 23, 2010,
4 RELATING TO YOUR intention and/or right to download, transfer and/or copy DOCUMENTS
5 from YOUR WORK COMPUTER on July 23, 2010.

6 **INTERROGATORY NO. 19:**

7 Please describe in detail all alterations, changes and/or modifications that YOU have made
8 to the metadata and/or computer data/files for any of the SUBJECT DOCUMENTS, at any time
9 since July 22, 2010.

10 **INTERROGATORY NO. 20:**

11 Please describe in detail all services performed by Quivx on YOUR behalf RELATING TO
12 the SUBJECT DOCUMENTS.

13 **INTERROGATORY NO. 21:**

14 Please state the name, address and telephone number of all PERSONS who have, at any time
15 since July 22, 2010, had possession of or access to the laptop computer that JACOBS had with him
16 on July 23, 2010, when he left Macau.

17 **INTERROGATORY NO. 22:**

18 Please state the name, address and phone number of all PERSONS who have, at any time
19 since July 22, 2010, had possession of or access to the thumb drive and/or PORTABLE HARD
20 DRIVE that JACOBS had with him on July 23, 2010, when he left Macau.

21 **INTERROGATORY NO. 23:**

22 Please state the name of each and every business entity or PERSON for whom JACOBS was
23 an employee as of July 22, 2010.

25 **INTERROGATORY NO. 24:**

26 Please state the name of each and every business entity or PERSON for whom JACOBS was
27 an employee between May 7, 2009 and July 22, 2010.

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1 INTERROGATORY NO. 25:

2 For each and every business entity and/or PERSON identified in response to the preceding
3 interrogatory, please state the dates and terms of JACOBS' employment.

4 INTERROGATORY NO. 26:

5 Please state the name of each and every business entity or PERSON for whom JACOBS was
6 an independent contractor as of July 22, 2010.

7 INTERROGATORY NO. 27:

8 Please state the name of each and every business entity or PERSON for whom JACOBS was
9 an independent contractor between January 1, 2009 and July 22, 2010.

10 INTERROGATORY NO. 28:

11 For each and every business entity and/or PERSON identified in response to the preceding
12 interrogatory, please state the dates and terms of JACOBS' independent contractor relationship.

13 INTERROGATORY NO. 29:

14 Please describe in detail the form of the computer files and data comprising the SUBJECT
15 DOCUMENTS as they existed on July 24, 2010.

16 INTERROGATORY NO. 30:

17 Please describe in detail the current form of the computer files and data comprising the
18 SUBJECT DOCUMENTS as they currently exist.

19 INTERROGATORY NO. 31:

20 Please describe in detail every COMMUNICATION between JACOBS and any officer,
21 director, employee and/or agent of LVSC, SCL, and/or VML RELATING TO VML's
22 confidentiality policy.

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1 INTERROGATORY NO. 32:

2 Please identify any DOCUMENTS that JACOBS currently possesses that he obtained during
3 the course of performing consulting services in connection with the agreement between LVSC and
4 Vagus Consulting Group, Inc. on or about March 14, 2009.

5
6 DATED this 24th day of October, 2011.

7 GLASER WEIL FINK JACOBS
8 HOWARD AVCHEN & SHAPIRO LLP

9
10 Patricia Glaser, Esq. (Pro Hac Vice Admitted)
11 Stephen Ma, Esq. (Pro Hac Vice Admitted)
12 Andrew D. Sedlock, Esq. (NBN 9183)
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17 Facsimile: (702) 650-7950

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Attorneys for Defendant Sands China Ltd.

EXHIBIT I

From: Debra Spinelli [mailto:dls@pisanellibice.com]
Sent: Friday, November 11, 2011 10:55 AM
To: Steve Peek; 'Stephen Ma'; 'Patricia Glaser'; 'Craig Marcus'; Brian Anderson
Cc: James Pisanelli; Todd Bice; Sarah Elsdon; Kimberly Peets
Subject: Jacobs adv. Sands China, et al. - written consents

Counsel –

We've been informed that some of the documents that Mr. Jacobs possesses concern solely VML, VMS, VOL, Sands China, LVSC, and/or various other affiliated entities or subsidiaries, most of which are not parties to this action. Thus, please confirm in writing that each of these entities consents to the production of documents in this case to Sands China and LVSC. Since we (Jacobs' counsel) are unable to review the documents to ascertain a complete list of the entities, there must also be some written consent on behalf of subsidiaries and affiliated entities not listed herein. In addition, this request includes written consent that Sands China and LVSC each consents to the production of documents that may concern one but not the other.

Thank you,
Debbie

Debra L. Spinelli
Pisanelli Bice PLLC
3883 Howard Hughes Pkwy, Suite 800
Las Vegas, NV 89169
tel 702.214.2100
fax 702.214.2101



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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

November 22, 2011

A-10-627691-B Steven Jacobs, Plaintiff(s)
vs.
Las Vegas Sands Corp, Defendant(s)

November 22, 2011 10:00 AM Status Conference

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Billie Jo Craig

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Ma, Stephen Attorney
 Peek, J. Stephen Attorney
 Pisanelli, James J Attorney
 Spinelli-Hays, Debra Attorney
 L.

JOURNAL ENTRIES

- Attorney Todd Bice also present.

Colloquy regarding status of case. Mr. Ma stated the roadmap of how to proceed. There were four issues: 1) Documents to be transferred to an independent ESI vendor for review. 2) Before review, Jacobs to provide search terms; counsel to meet and confer; then the ESI vendor report results; then counsel again to meet and confer and identify the body of documents that Jacobs identifies as privileged and submit to the Court. 3) After privilege asserted documents identified, they would be segregated from the rest. The remaining documents then go to the independent ESI vendor and then defendant review. Counsel to have 90 days to review those documents. Counsel to submit briefing and then the Court would rule what documents Jacobs not use. 4) Parties cannot agree and there are outstanding disputes and they have returned to Court. Mr. Ma stated the problems that occurred. Arguments by counsel as to what occurred.

Court was concerned documentation was corrupted and there may be a chain of custody documentation that counsel could create that would satisfy the Court. Further discussion. Court

PRINT DATE: 12/05/2011

Page 1 of 2

Minutes Date:

November 22, 2011

noted counsel agreed to an ESI vendor, Advance Discovery. Advance Discovery is an independent vendor appointed by the Court. In the next two weeks, Mr. Pisanelli's client to provide to the ESI vendor a mirror of the electronic storage device he had when he left his employment on 7/23/10 or Mr. Pisanelli will file a Motion for Protective Order with Affidavits and supporting documents from the New York counsel so the issue can be addressed. The ESI Vendor to run the search. The Court will do an in camera review and make a determination if some documents to be released to Plaintiff's counsel. Then the Court will make a resolution related to which documents Plaintiff gets. Then defendants can begin their review.

Further discussions. Court asked that Sands China consent to Mr. Jacobs providing the information discussed today to Advance Discovery. Mr. Ma requested Advance Discovery to sign off on the appropriate confidentiality agreement. Court noted Mr. Pisanelli and Mr. Ma share the costs equally related to the review.

As to Request #8, COURT ORDERED, the written discovery as it is currently served is ORDERED STRICKEN. Counsel to re-submit it more narrowly tailored to specifically deal with the jurisdictional issues.

Mr. Peek to prepare the Order.

Alvin L. Quinn
CLERK OF THE COURT

ORIGINAL

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

STATUS CONFERENCE

TUESDAY, NOVEMBER 22, 2011

APPEARANCES:

FOR THE PLAINTIFF:

JAMES J. PISANELLI, ESQ.
DEBRA SPINELLI, ESQ.

FOR THE DEFENDANTS:

J. STEPHEN PEEK, ESQ.
STEPHEN MA, ESQ.

COURT RECORDER:

JILL HAWKINS
District Court

TRANSCRIPTION BY:

FLORENCE HOYT
Las Vegas, Nevada 89146

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

RECEIVED

NOV 28 2011

CLERK OF THE COURT

1 LAS VEGAS, NEVADA, TUESDAY, NOVEMBER 22, 2011, 11:35 A.M.

2 (Court was called to order)

3 THE COURT: I believe that takes me to the Jacobs
4 case.

5 (Off-record colloquy)

6 MR. PEEK: Your Honor, from a scheduling standpoint,
7 it's now -- I mean, it's past 11:30.

8 THE COURT: It's 11:30.

9 MR. PEEK: I know your staff hasn't had a break.

10 THE COURT: Does anybody need a break?

11 MR. PEEK: I don't want to --

12 THE COURT: They say they don't need a break.

13 MR. PEEK: -- at 12:00 o'clock and then you stop us.
14 That's the only thing I'm worried about.

15 THE COURT: I'm not stopping.

16 MR. PEEK: Okay. That's good for me. I just want
17 to make sure. Because I know this is going to take longer
18 than half an hour.

19 THE COURT: Probably.

20 Can you all identify yourselves for purposes of the
21 record.

22 MR. PISANELLI: James Pisanelli on behalf of the
23 plaintiff, Your Honor.

24 MS. SPINELLI: Debbie Spinelli on behalf of the
25 plaintiff.

1 MR. MA: Your Honor, Steve Ma on behalf of defendant
2 Sands China.

3 MR. PEEK: And Stephen Peek, Your Honor, Holland &
4 Hart, on behalf of Las Vegas Sands Corp.

5 THE COURT: You know, usually when people show up
6 for a status conference I don't get such a wide variety of
7 documents that are presented. But I think it would be fair to
8 say you have significant issues. Is that fair to say?

9 MR. PISANELLI: It is indeed.

10 MR. MA: That is indeed, Your Honor.

11 THE COURT: All right. So it's really Sands China's
12 issue, or at least mostly Sands China's issue. So, Mr. Ma,
13 you're up first.

14 MR. MA: Thank you, Your Honor.

15 Your Honor, the parties were last before you on
16 October 13, and when we walked out of the courtroom on October
17 13 the Court gave us a road map as to how the parties should
18 proceed with regard to the Jacobs documents. And in my mind
19 there are really four issues here. Number one, that the
20 subject documents should be transferred to an independent ESI
21 vendor to all the defendants to review; number two, before the
22 review happens Jacobs is entitled to propose search terms to
23 be provided to the other side so that the parties can meet and
24 confer; once those search terms have been finalized, those
25 search terms would then -- would be given, excuse me, to the

1 ESI vendor without counsel reviewing the documents, and Your
2 Honor made clear what the consequences would be if anybody
3 reviewed those documents. But those search terms would then
4 be given to the independent ESI vendor to run. Once we get a
5 report as to the results of those search terms we will again
6 meet and confer. And then once the parties have identified a
7 body of documents that Jacobs identifies as privileged, they
8 would be, if there were any documents there, submitted for
9 Your Honor.

10 Step three, after those documents where Jacobs
11 asserts privilege has been identified, those documents are
12 then segregated from the rest of the subject documents. The
13 remaining documents would then go to the independent ESI
14 vendor, and then the defendants would begin the review. I
15 think that was the triggering point where we would have
16 90 days to review those documents, and then after the review
17 has completed the parties would then submit briefing,
18 including the issues that we raised in the prior motion in
19 limine, so that we can get a ruling from Your Honor as to what
20 documents Jacobs should not be entitled to use in the course
21 of the jurisdictional hearing to take place and to be
22 rescheduled by the Court.

23 Finally, number four -- and this prompts the hearing
24 today -- to the extent that the parties cannot agree and they
25 have outstanding disputes, they should come back to Your

1 Honor. And, unfortunately, Your Honor has now had --

2 THE COURT: So you're here.

3 MR. MA: -- several issues in front of you, and we
4 appreciate you hearing us. And that is why we're here today.

5 Here's the problem that we've had. After October 13
6 I think both parties reached out and started the meet and
7 confer process almost immediately. And almost immediately
8 obstacles arose, and we did our best to try and resolve them.
9 And at every turn we seem to have a new obstacle. And that's
10 what the problem is here.

11 On October 17, this is just a few days after the
12 October 13 hearing, after the announcement was made that
13 Jacobs's data had been provided to an ESI vendor named QuiVX,
14 we were told on October 17 that QuiVX cannot serve as the
15 joint ESI vendor because plaintiffs had concerns that they had
16 work product communications with QuiVX, and on that basis they
17 said QuiVX cannot be the joint vendor.

18 We expressed some concern. We said, listen, this is
19 the vendor that you in fact identified, but we are here on a
20 meet and confer and we will find an alternative. So I believe
21 the very next day we proposed two alternatives, a company by
22 the name of Advanced Discovery, and another one called Evolved
23 Discovery. And when we made the proposal we said, by the way,
24 we do need to confer with the Court because the Court at the
25 hearing back on October 13 told us that there were some ESI

25 together to the clerk and see if we can announce who

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1 the agreement is. I think that should be fine.

2 MR. PISANELLI: Agreed.

3 MR. PEEK: Can we do this by noon tomorrow
4 then as a deadline?

5 MR. PISANELLI: This is Jim. Yeah.

6 MR. PEEK: IS that all right with you?

7 MR. MA: That's fine.

8 The second item I had on my list is to
9 follow up I guess on the timing of the search firms
10 proposed by plaintiffs. I've had an opportunity, I
11 know Steve Peek has had an opportunity as well, to go
12 back and look at the transcript. I wasn't at the
13 hearing but I've had reports, and the transcript seems
14 to bear out the reports that I got in terms of a
15 48-hour time period. That being said, I think we're
16 all agreeable to come to some the sort of reasonable
17 approach to this, because if it is something that
18 needs to be done carefully, and if we still don't have
19 our ESI vendor ready to go, I think we can probably
20 move in parallel tracks. As well as getting our ESI
21 vendor ready to go, I think we can set up some sort of
22 scheduling as to when the search terms will be
23 provided, give us a reasonable amount of time to look
24 at the search terms to see if we can come to an
25 agreement if we have any concerns or questions about

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1 the search terms, and maybe get a final set of search
2 terms ready to go. And if for whatever reason there
3 are some outstanding issues, I just want to talk about

Page 6

4 approaching the judge and some sort of guidance from
5 her.

6 MR. PISANELLI: This is Jim. We don't agree
7 with you on the 48 hours. In particular it doesn't
8 seem, number one, reasonable, and I don't think she
9 expected us to do it so quickly considering that we're
10 going to have a meet and confer and share with you, et
11 cetera.

12 The way we reviewed it, there was an
13 ambiguity in the process that we were going to be
14 finished with our side of the work within 30 days
15 after we agreed to the vendor, but that there was a
16 lack of specificity on how we would break up that 30
17 days in getting the search terms, agree, meet and
18 confer, do the search, agree on what from the product
19 of the search we could and would take in our
20 possession and review and what we would agree to
21 submit in camera. In other words, there was a lot of
22 work to be done in 48 hours.

23 We think that we can give you a proposed set
24 of search terms within a week, probably sooner, but I
25 want to just leave it at a week just in case we need

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1 the extra time in working with Jacobs, our client, in
2 getting his availability. He doesn't live in Nevada,
3 sometimes there is a delay in communication, and just
4 everyone else's schedule. So I think we should be
5 able to get that to you a week from today.

6 MR. PEEK: This is Steve Peek. That's okay
7 with me. Stephen Ma, are you okay with that too?

8 MR. MA: I think that's fine. I'll just
Page 7

9 have to check with other people on my team to make
10 sure that works with the schedule. Not because of
11 that time period in particular, but I think then we
12 would get any responses or questions or concerns about
13 the proposed terms in a week's time after we get it
14 from plaintiffs. Does that sound reasonable?

15 MR. PISANELLI: I didn't follow you on that.

16 MR. MA: Let me see if I can clarify. What
17 I have in mind is if we got the proposed search terms
18 from Jacobs a week from today, I'd like to have the
19 defendants have a week thereafter to get back to you
20 with any questions or concerns or the objections to
21 any of the search terms, because as I understood the
22 procedure that was discussed with the judge at the
23 hearing, was that there would be a meeting and
24 conferring about the search terms before the search
25 terms themselves were done, and that I think the

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1 30-day process that you were talking about, Jim, would
2 really stem from a privileged log that's being put
3 together from some sort of report that's generated by
4 the ESI vendor as opposed to reviewing the documents.
5 I think I'm correct. Am I right?

6 MS. SPINELLI: Yes. This is Debbie. I
7 think what she said, and you can correct me if you
8 have a different idea, is that the 30 days we will get
9 a report from the ESI vendors that tells us what kind
10 of documents that they're saying falls within our
11 privilege search, and then we'll be able to determine
12 or I guess agree or disagree and meet and confer on
13 which documents are privileged and which documents you

14 believe are not privileged, and she'll review those
15 documents if we can't come to an agreement in camera.

16 MR. MARCUS: This is Craig speaking.

17 Debbie, that is not what Steve is referring
18 to. Steve is referring to the meet and confer process
19 regarding the search terms in advance of the search
20 itself being conducted. We need to agree as to the
21 manner in which the search will be conducted, and if
22 we can't agree then seek the Court's assistance of
23 before those search terms are actually applied and a
24 list of documents is generated.

25 MR. PISANELLI: This is Jim. We agree with

11

1 that.

2 MR. MARCUS: what Steve Ma is proposing is
3 that within one week of when you propose your search
4 terms we will get back to you with a written response
5 setting forth that which we agreed to and that which
6 we object to, if anything, and where there are
7 disagreements we will then have a meet and confer
8 about that and see if we can agree, and if we can't
9 agree then we would file some sort of joint brief with
10 the Court and have the Court resolve the issue. I
11 think that's the way this should proceed.

12 MR. PISANELLI: This is Jim. That is our
13 understanding, and we're fine with it. The only
14 question I have is I may have misunderstood you, Steve
15 Ma, but is this something that we're proposing to
16 agree to, or do you still need to check with Patty or
17 other members of your team?

18 MR. MA: I think it's a reasonable one, but

19 I do want to have an opportunity to talk to our client
20 representatives because obviously I have my own client
21 representatives and Steve has his, so just because we
22 need to connect with them I just wanted to make sure
23 that week timing is going to be okay. I don't think
24 it's going to be a problem, but I thought it made
25 sense to connect with the client people.

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1 MR. PISANELLI: With all due respect, we're
2 going to negotiate to put these schedules in place, I
3 would only request that we all have whoever needs to
4 be on the phone to make a decision so that we can get
5 it done rather than now get back on the phone for
6 another meeting, or just in case your client or Patty
7 or whoever else says no, now we have to --

8 MR. PEEK: I would agree with that. I think
9 that -- I think we can commit to the one week to turn
10 this back to him with comments as opposed to having to
11 get approval from the client, that one week is fine.
12 I mean --

13 MR. MA: Jim, that's fine. I think the one
14 week will be just fine.

15 MR. PEEK: I agree with Jim. When we come
16 to these meet and confers, we have to come with
17 authority.

18 MR. MA: Jim, I was being overly cautious
19 about it. I think the one week is just fine. If it
20 turns into an issue, I'll give you a call back and let
21 you know. But again, I was just being overly
22 cautious.

23 MR. PISANELLI: This is Jim. You know,
Page 10

24 Steve, that is a fair remark, and on a moving forward
25 basis what I am hopeful we can all do with one another

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1 is put in a schedule like this. If the one week ends
2 up to be pressing for you and you need more time, just
3 call us and we'll work with you on it.

4 MR. MA: That sounds great.

5 MR. PEEK: This is Stephen Peek again. And
6 I do think that Stephen was actually speaking to the
7 30 days with Debbie and Craig. I know you kind of
8 interrupted and said that maybe there as a mixing
9 there, but I think that Stephen was actually speaking
10 to what happens once the documents have been
11 identified by the ESI vendor and listed, then I think
12 as Debbie said, I think Stephen agreed, is that those
13 documents would be listed out for both of us before
14 anybody took a look at them to determine whether or
15 not either side thought that there was some concern
16 about reviewing them.

17 MR. MARCUS: This is Craig again. I'm sorry
18 if I misunderstood what was going on. As we all
19 discussed in our last meet and confer and Steve put in
20 his e-mail, there is a two-step process and both steps
21 involve an exchange, an agreement and a meet and
22 confer if there is no agreement. The first step, we
23 just discussed, that being regarding the search
24 terms. But, Steve, you're absolutely right, that once
25 the list is generated, there will need to be a meet

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1 and confer as to which of the listed documents

2 plaintiff's counsel can review and which of those
3 documents the defendants object to in a review of, and
4 again if there are areas of disagreement, that will
5 have to be submitted to the Court either by way of a
6 joint brief and/or a joint brief and a request for an
7 in camera inspection, but something along those lines.

8 MR. PEEK: Jim, what do you and Debbie think
9 about that process?

10 MR. PISANELLI: I don't think we disagree
11 with it in theory. I'm skeptical that we'll ever get
12 to a point where we can file a joint brief on
13 anything, but certainly by submitting things to the
14 Court for in camera review where we disagree is an
15 option.

16 MR. PEEK: I think the next question is how
17 long would that process take. First of all, we don't
18 know how long the ESI vendor is going to take to
19 process. It shouldn't be too long, but we don't
20 know. That's part one. Then part two is how long
21 once the outputs are given to us in that list will it
22 take you, Jim, to determine and us on our side to
23 determine what documents we don't want you to review.

24 MR. PISANELLI: If I'm understanding
25 correctly, Steve, it's our expectation that this

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1 30-day window will be the time it will take to pull
2 out our privileged documents and give you the
3 remaining body of documents. If that's what you're
4 asking.

5 MR. PEEK: Well, no, I think there is really
6 again a two or three step process. The first step is

7 just the listing of the documents that come from the
8 search terms of the individuals whose names you give
9 us that we want that we could take a look at, and we
10 have that list along with you and say please don't
11 review the following documents, let's submit them to
12 the judge in camera.

13 MR. PISANELLI: Right.

14 MR. PEEK: And then once that process is
15 completed, then I guess there's one more step where
16 you would actually, if she says you now, Jim, can look
17 at these documents, you and Debbie would look at the
18 documents and tell us whether or not based upon those
19 you have a further claim of privilege and you want to
20 do a privilege log, so we can set that later.

21 MR. PISANELLI: Right.

22 MR. PEEK: That's another stage. I guess
23 where I am going with this is kind of like what are
24 all these time frames, what do you anticipate the
25 first time frame to be for the outputs to come and

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1 us -- I guess it's really us -- to tell you don't look
2 at these, submit them in camera, or meet and confer
3 with you about them. So two weeks from the time we
4 get the list? Is that 30 days from the time we get
5 the list? What do you think about that? And, Stephen
6 Ma and Craig, please jump in there too as well,
7 because I don't know how long it's going to take us to
8 look at the list.

9 MR. PISANELLI: This is Jim. Again, to make
10 sure that I'm following you, Steve, following our
11 agreement on the search terms list we then will do the

12 search, we will get a log or both of them, right?

13 MR. PEEK: Yes.

14 MR. PISANELLI: At that point I suppose

15 we're going to have another meet and confer.

16 MR. PEEK: Yes, sir.

17 MR. PISANELLI: And, by the way, as I'm
18 reciting this process, stop me at each point along the
19 way and let me know where your question comes in in
20 the process of timing. Okay?

21 MR. PEEK: Okay.

22 MR. PISANELLI: And so we will meet and
23 confer on the terms, we'll run the terms, we'll get
24 the log. I don't see why we don't have a meet and
25 confer within seven days after getting the log.

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1 MR. PEEK: Are you okay with the seven days
2 then, Jim? Is that what Debbie was commenting on? I
3 would also ask, Craig and Stephen, are you okay with
4 this proposal which is seven days after we receive the
5 log, then we meet and confer?

6 MR. MA: I want to make sure I understand.
7 This is Steve Ma.

8 After the log is produced, Jim would have
9 seven days to get back to us, or we would go back to
10 him in seven days?

11 MR. PISANELLI: Seven days I'm going to get
12 back to you and tell you of all of the documents
13 listed on the log there is a category or the list of
14 documents which we contend are our privileged
15 documents which we want to pull out of the universe of
16 the documents. So let's just assume for the sake of

17 debate that I say the search terms were brilliantly
18 crafted and we think one hundred percent of the
19 documents that were found should be pulled out and put
20 on our privilege log, I'll let you know that answer
21 within seven days of getting the log and then you tell
22 me how long you will want to move forward, have a meet
23 and confer to talk about the items on the log that you
24 disagree with.

25 MR. MA: Why don't we say this then, why

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1 don't we say after we get the log or letter or
2 whatever it may be from Jim Pisanelli's office, how
3 about the defendants are then given seven days to
4 respond to the log to the ones where we don't have
5 objections, and if we do have objections, we can raise
6 those, and then after our objection are lodged to
7 plaintiff's counsel, then the parties are meeting and
8 conferring if there are any outstanding issues.

9 MR. PISANELLI: The meet and confer will be
10 as soon as possible based upon everyone's schedule,
11 and whatever we cannot agree on will be submitted in
12 camera.

13 MR. PEEK: Let me just recap that.

14 Once we receive the log from the ESI vendor,
15 Pisanelli Bice will have seven days after it receives
16 that log to tell us what it claims from that log are
17 privileged documents and it wants to extract from the
18 ESI and will provide us with that within that seven
19 days. Once the defendants receive Jim's log or list
20 of documents on which it claims a privilege, we will
21 have seven days within which to object, and those

10-19-2011 jacobs v sands ASCII.txt
22 documents on which -- well, then we will meet and
23 confer as soon as possible, and if we cannot reach
24 agreement, then the documents on which we cannot agree
25 that Jim can review and extract will be submitted in

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1 camera to the Court.

2 MR. PISANELLI: This is Jim. Yes.

3 MR. PEEK: Stephen Ma?

4 MR. MA: That sounds right.

5 MR. PISANELLI: And we all agree, I'm sure
6 we're on the same page, this is just to avoid any
7 ambiguity, whenever we make any deadlines, we're
8 talking calendar days?

9 MR. MA: I would assume that.

10 MR. PISANELLI: That was my assumption as
11 well.

12 So then the next part of the deadline would
13 not have a deadline but it would be triggered upon the
14 Court's ruling on the in camera submission, and I
15 suppose that's in anticipation of an in camera
16 submission. So either the earlier of our agreement on
17 all documents that would be pulled out or the Court's
18 ruling on all documents that would be pulled out, we
19 will then do that, pull the documents out and submit
20 the remainder of the documents that would have already
21 been submitted. Yes. So we have X amount of days.
22 How many days, Debbie, will we need to pull our
23 documents out that would then open the door for the
24 defendants to start their review for their purpose?
25 MS. SPINELLI: As soon as we agree to the

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Page 16

1 documents that can be pulled out, I believe it will be
2 separated in the ESI vendor system, so they can be
3 pulled out relatively quickly by the vendor, but it
4 may be that they can be pulled out while are
5 disputed. Steve Peek, I think you have some
6 experience. So if it's not possible, let me know.
7 Depending on what I believe the judge said, I think
8 our ESI vendor, even if we have a dispute over the
9 privileged documents, can pull those documents aside
10 and separate them from the bulk of the documents so
11 that while the judge is reviewing the disputed
12 documents in camera, then China and LVSC people are
13 reviewing undisputed documents.

14 MR. PEEK: I think the answer to your
15 question, Debbie, is yes, the ESI vendor can separate
16 those documents that you had told us you claim a
17 privilege once we all get the list. I don't want to,
18 however, be doing too much simultaneous tracks here,
19 but I would agree that the 90 days, if it's okay with
20 Stephen and Craig, could start after we do the meet
21 and confer on the claim of privilege documents and we
22 could do a simultaneous track. In other words, while
23 the Court is conducting an in camera review, we could
24 also be doing our review of the balance of the
25 documents. I'm assuming we're not going to have that

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1 many that will be extracted.

2 MR. MA: This is Jim. I think that is a key
3 point. I think the second track that will be pulled
4 out for our privilege, even in its entirety, even the
5 ones you're disputing, will be relatively small.

Page 17

6 MR. PEEK: Steve Ma and Craig, are you okay
7 the 90 days will start from the time of the submission
8 of the documents to the Court for in camera review?

9 MR. MA: I think that's right because you
10 would have to let the parties do their meet and
11 confer, and so I think the submission of the documents
12 at issue for in camera review to the judge seems like
13 a reasonable starting point for the 90 days.

14 That being said, I have a separate technical
15 question. Before that happens, I am assuming that all
16 the materials are already going to be loaded with
17 whatever ESI vendor we are agreeable to, correct?

18 MR. PISANELLI: Yes.

19 MR. PEEK: Yes, that happens within 48 hours
20 after we agree on the vendor.

21 MR. MA: I just wanted to make sure I wasn't
22 missing something, because it seems to me there's no
23 reason to wait in terms of having the data sent as
24 soon as possible to the ESI vendor even though we're
25 not going to be doing our substantive review until

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1 after it's submitted to the judge for in camera
2 review.

3 MR. PISANELLI: We're on the same page. The
4 only clarification I would make on the timing of the
5 90 days is that we submit our documents or log in
6 camera -- I expect that this is a relatively simple
7 task for the ESI vendor to pull them out, but we
8 should not prejudice you on the 90 days if you're
9 waiting 1, 2 or 5 days, the 90 should occur upon the
10 completion by the ESI vendor of pulling the documents

Page 18

11 out rather than the submission of the list.

12 MR. PEEK: Good point.

13 MR. PISANELLI: In other words, you get 90
14 days from when they're available for inspection.

15 MR. MA: That sounds fine. This is Steve
16 Ma. That sounds fine. If for whatever reason there
17 is an issue, meaning there is some sort of rolling
18 availability or rolling production, we can address it
19 then. But I think having our 90 days begin at the
20 time in which the ESI vendor pulls out the potentially
21 privileged documents asserted by Jacobs out and has
22 the remaining data available to defendants to review,
23 I think that's probably a reasonable starting date for
24 the 90 days.

25 MR. PISANELLI: An issue going back to your

n

23

1 technical issue. In the submission of the document to
2 the ESI vendor, as you guys know, we already submitted
3 them to QUIVX and QUIVX has not, as I previously said,
4 Bates stamped them, but QUIVX has deduped them, so my
5 question to you is if you have a preference, or what
6 is your preference in relation to the new vendor, for
7 the deduped universe or do you want all duplicates in
8 there and want the deduped process rerun by the new
9 vendor?

10 MR. PEEK: We really want you to give the
11 selected ESI vendor what I'll call all of the raw
12 data, whether it be from a thumb drive, it be from a
13 hard drive, it be from a disk, in whatever media form
14 it exists in Jacobs' possession is the form in which
15 we want it to be given to the ESI vendor.

Page 19

16 MS. SPINELLI: You want duplicates and all,
17 I understand.

18 MR. PEEK: Yeah. More important, we don't
19 want, if you will -- if I understood what you said in
20 court is that there was an outside counsel who was
21 involved with QUIVX, and I don't know what that
22 outside counsel did and I'm not going to expect you to
23 tell me what he did or did not do at this juncture,
24 but I don't want some other third-party to be involved
25 in the process. I want the raw data as it exists in

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1 Jacobs' possession, whether it's as I said, a thumb
2 drive, a DVD, a CD --

3 MR. PISANELLI: As we understand it, that's
4 exactly what has occurred, and in our instruction to
5 QUIVX, that's exactly what you're we going to get.

6 MR. PEEK: Is all the raw data from the
7 original media?

8 MR. PISANELLI: As I said, I don't want to
9 speak out of turn, either I don't know or that is my
10 understanding on this technical stuff. But it is my
11 expectation and understanding that QUIVX has been
12 given all of the raw data, and rather than give the
13 deduped product, I'm going to have QUIVX give the same
14 raw data that it has to the new ESI vendor so that
15 you're starting fresh on the process just like we did
16 with QUIVX.

17 MR. PEEK: Not to quibble about QUIVX, or
18 even with you, Jim, is we don't even want it to be
19 transferred by QUIVX to us, we want the original media
20 to be given to the new vendor, not what QUIVX has from
Page 20

21 the original media.

22 MR. PISANELLI: I don't know that we'll
23 agree to that, but --

24 MR. PEEK: Okay.

25 MR. PISANELLI: -- but I will look into it.

25

1 MR. PEEK: It seems to me -- I'm sure you're
2 concerned about a chain of custody issue here, so we
3 can work through that, but that's at least what our
4 request is. And if we can't agree on it, let us know
5 so that we can at least discuss it with the court.

6 MR. PISANELLI: I understand.

7 MR. PEEK: Okay.

8 Stephen and Craig, I didn't want to speak
9 out of turn for you.

10 MR. MA: We are in agreement with what
11 Mr. Peek just said.

12 MR. PEEK: Okay.

13 MR. MA: There is actually a second related
14 issue, Jim. When we were discussing the issue in
15 front of the judge last week, I think everybody was
16 working with the assumption that QUIVX was going to be
17 the ESI vendor. In light of the fact that we're
18 talking about an alternative ESI vendor, one thing we
19 should talk about is -- -- having gone through the
20 transcript, it looks like it was made clear by the
21 judge that while this process is going on in terms of
22 the defendant's reviewing the materials, that
23 plaintiff and all of his agents and representatives
24 including his lawyers would not be reviewing, would
25 not be using the subject data at issue. I'm assuming
Page 21

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1 that is still the case even though we're using an
2 alternative ESI vendor, all the data that's sitting
3 there on QUIVX, I'm assuming nobody is going to use,
4 distribute, you know, employ in any way, whether it be
5 in this case or anywhere else.

6 MR. PISANELLI: I don't know what you're
7 getting at. We seem to beat this dead horse every
8 time we're talking.

9 The judge has said what her expectations
10 are. I have told the judge what my expectations are
11 and what my plans are. You have had attempts over and
12 over to get injunctions that have been denied. I'm
13 not going to rehash the issues. The Court said what
14 she said. We are going to follow what we think are
15 her instructions and our ethical responsibility. If
16 you want to go forward again for another injunction,
17 then I invite you to do so, but this is what we're
18 doing here today.

19 MR. MA: Jim, my intent is not to rehash
20 stuff, I just want to make sure I understood what your
21 position was, because, again, I'm reading the
22 transcript, I'm on page 83 of the transcript and you
23 can tell me if you have a different reading of this.
24 There was a whole discussion -- well, let me find it
25 here.

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1 MR. PISANELLI: You don't need to find it,
2 Steve, because we are here to talk about protocol and
3 what we're doing with these records, and I told you

4 I'm not going to entertain this discussion again. I
5 understand what the Court said, I think you understand
6 what she said. I understand what the law is, I think
7 you understand what the law is, and we're here to talk
8 about the exchange and review and setting of these
9 records, and that's enough of it.

10 MR. MA: Again, I want to make sure I
11 understand, because I know what your position is, I
12 think, but I want to make sure that what the Court has
13 said in the transcript is in fact both of our
14 understanding, because if it's not, I want -- if we
15 need to get clarification from the judge, let's do
16 it.

17 I'm reading page 83, lines I guess 11
18 through 18, I won't read the whole thing, but there
19 was this whole question about whether the documents
20 should be used or not while we're going through the
21 ESI protocol --

22 MR. PISANELLI: You've already started off
23 wrong. That's not what it says.

24 MR. MA: I'm simply going to read 16 through
25 18. It says, The understanding --

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1 MR. PISANELLI: Even before that page,
2 Steve, because Patty tried to do on the record exactly
3 what you're doing now and I told you already I'm not
4 going to have this discussion with you. I have no
5 ambiguity in my mind of what the Court has
6 instructed. If you do not know what the Court is
7 instructing, then file a motion for clarification, but
8 let's get back to work here. I'm not going to

9 entertain this nonsense.

10 MR. MA: I'm struggling here to figure out
11 why this has turned into a dispute.

12 MR. PEEK: Let me mediate here because --

13 MR. PISANELLI: The ESI protocol and the
14 timing of getting our work finished, isn't that what
15 this meet and confer was supposed to be about?

16 MR. MA: I want to make sure while we're
17 working with the ESI protocol what we understand the
18 data is going to be doing or not doing. In
19 particular, if that data is going to be sitting there
20 with an ESI vendor and protected from anybody using it
21 or reviewing it, I want to make sure we confirm that.
22 And I'm not sure if I'm hearing a confirmation from
23 you, I'm hearing some argument, I suppose, but I need
24 to know what your position is.

25 MR. PISANELLI: You have my confirmation

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1 that I read the transcript and understand it. Now
2 let's move on.

3 MR. PEEK: Stephen, I think what Jim is
4 saying is that, you know, neither you nor he wear the
5 black robe, and it's the judge who wears the black
6 robe, and where we think we have a disagreement, he's
7 just saying we're not going to decide that amongst
8 ourselves in talking about it in this meet and confer
9 and that we don't believe that what we've heard from
10 Jim is satisfactory, we need to go back to the judge
11 and speak to her about it. I think that's fair. I'm
12 not going to sit and argue with Jim either. It is
13 what it is.

14 MR. MA: I don't want to take too much time
15 with this, I just want to let you know my reading of
16 the transcript is pretty clear, that the judge said
17 the understanding is he's not looking at those
18 documents anymore which is why I'm making him use
19 search terms to review the documents. I think that's
20 pretty clear that the Court does not expect anybody to
21 reviewing the actual data and the actual documents
22 while this ESI protocol is moving forward.
23 MR. PISANELLI: I understand your
24 interpretation. Can we move on now?
25 MR. MA: Okay. Anything else?

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1 MR. PEEK: Jim, when can you get back to us
2 about the issue of the original media being given to
3 the ESI vendor within -- let's make sure it's the 48,
4 we're still on that, so that we can resolve that if we
5 need to with the judge.

6 MR. PISANELLI: I don't know the answer to
7 that, Steve, but it will be ASAP. I expect it will be
8 today.

9 MR. PEEK: I am assuming you may not even
10 know what all the original media is and you have to
11 find that out.

12 MR. PISANELLI: I'm going to get right on
13 the issue. If you don't hear from me today, I can't
14 imagine why it will be as late as tomorrow, but I'll
15 get with you, even if I don't have an answer, I will
16 let you know I am working on it and what my time limit
17 is.

18 MR. PEEK: The reason I ask obviously is

19 because in your opposition there is a suggestion there
20 is quite a bit of media on different sources, so
21 that's why I'm concerned about the original media
22 going to the ESI vendor. Anyway, let me know so we
23 can get that worked out.

24 MR. PISANELLI: I will.

25 MR. PEEK: I think we probably should do

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1 some either stip or form of order where we have
2 reached agreement. And maybe we should do both, craft
3 an order from the hearing of last week, of the 13th,
4 actually more than last week, and then do a stip on it
5 going forward.

6 MR. MARCUS: This is Craig speaking.
7 Perhaps what we can do is merge that which the Court
8 ordered with that which the parties have agreed to
9 here today into a single order. That may be the
10 easiest way to go about it so it's a stipulation and
11 order, something along those lines. Or perhaps it's
12 an order as to what the Court ordered, and then it's
13 separately a stipulation in a single document, but a
14 stipulation as to what we agreed to today, and we can
15 create a single document and divide it up accordingly.

16 MR. PISANELLI: This is Jim. Craig, I think
17 that makes sense.

18 MR. PEEK: Who wants to take the first pass
19 at that?

20 MR. MA: We'll go ahead and put a draft
21 together.

22 MS. SPINELLI: That's good because the judge
23 ordered Mr. Peek to.

24 MR. PEEK: You notice how I ducked that one,
25 Debbie?

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1 MR. MA: I missed that. I didn't realize I
2 was taking on Steve Peek's work, so shame on me.

3 MR. PEEK: I was actually going to put it
4 over to Debbie because Debbie and I never seem to
5 agree on forms of order and she always wins when it
6 goes to the judge so I'm like, you know, why do I even
7 bother. All right.

8 MR. MA: In terms of recap, let me see if I
9 can capture agreements about timing, and somebody tell
10 me if I've gotten this wrong.

11 Number one, by noon tomorrow the parties are
12 going to get back to each other about the proposed ESI
13 vendors, and then once we have an agreement we'll
14 schedule a time to make a call to the clerk to
15 announce who the ESI vendor is to make sure the judge
16 doesn't have any concerns.

17 Number two, a week from today, plaintiffs
18 will provide some proposed search terms for the
19 Jacobs' privileged materials. A week after that, set
20 of proposed search terms are provided. Defendants
21 will get back to plaintiffs with any objections that
22 they have to the proposed search terms. And then if
23 there are outstanding issues, the parties will meet
24 and confer to attempt to try and resolve disputes.
25 And if they can't resolve it, they'll submit paperwork

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1 with the judge.

2 I guess after the search terms are in fact
Page 27

3 finalized and then run with the judge for a date that
4 hasn't been set yet, plaintiffs will have seven days
5 to assert -- sorry? I thought somebody was saying
6 something. To continue, after a list is presented by
7 the ESI vendor, plaintiffs will have seven days to
8 assert privilege with respect to some or all the
9 documents on the ESI log. After that search and a
10 privilege is made by plaintiffs, defendants will then
11 have seven days to respond or object. And again, if
12 the parties are not able to resolve their issues about
13 items that are designated to be privileged by
14 plaintiffs, the parties will meet and confer and seek
15 guidance from the Court by motion granting.

16 I guess by today hopefully, if not tomorrow,
17 Jim Pisanelli will get back to us on an answer to
18 Steve Peek's question about whether raw data will be
19 provided to the ESI vendor as opposed to data that's
20 been formatted by QUIVX.

21 I think that captures everything in terms of
22 the scheduling issues. Am I missing anything?

23 MS. SPINELLI: I just have a quick
24 question. This is Debbie. The data that QUIVX has is
25 the raw data, just so there is no misconception. It's

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1 just that it's been uploaded to the QUIVX system.
2 That's what QUIVX would give to our ESI vendor. I
3 don't want us to fight about nothing, that's why I
4 wanted to make that clear. If you still want
5 something else, let me know, but what QUIVX has is the
6 raw data that's been uploaded.

7 MR. PEEK: I probably understood that was
Page 28

8 the case. Because we didn't have access to QUIVX, I
9 just wouldn't be able to confirm exactly how QUIVX
10 loaded it and extracted it, so that's the reason I
11 said that. If I had access to QUIVX and could talk to
12 them and get all those kinds of confirmations from
13 them and understood their processes, then I probably
14 wouldn't have an issue. And I'm not trying to create
15 an issue where there shouldn't be one --

16 MS. SPINELLI: Right.

17 MR. PEEK: So that's why. I respect your
18 work product with QUIVX right now and I'm not asking
19 you to let me talk to them, but that's why I did that.

20 MS. SPINELLI: Okay. That's fair. And it
21 wouldn't be resolved if we could get some sort of
22 certificate of authenticity saying we just uploaded,
23 didn't touch it, this is the data that we just
24 uploaded and didn't touch, because that's what we want
25 to give you, we wouldn't want to give you any of --

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1 MR. PEEK: I think that would suffice, but
2 let me think about it. I would say what you're
3 telling me is that somebody would certify that I
4 received this media and a list of the media received
5 and then I did the following with the media.

6 MS. SPINELLI: Right.

7 MR. PEEK: Sort of a chain of custody. I
8 think that might suffice.

9 MS. SPINELLI: Okay.

10 MR. PEEK: Steve Ma and Craig, would you
11 agree or not?

12 MR. MA: I just don't know enough about the
Page 29

13 IT issues as to whether the raw data once it's given
14 to QUIVX, if that's just handed over to a new ESI
15 vendor, whether or not that's really raw data. I just
16 don't know. I can be corrected by somebody who knows
17 this stuff better than I.

18 MR. PEEK: I will try to find out for all of
19 us.

20 MS. SPINELLI: I can ask QUIVX and find
21 out --

22 MR. PEEK: All right.

23 MS. SPINELLI: -- and give you some sort of
24 a certification or something.

25 MR. PEEK: That's very fair.

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1 MR. PISANELLI: One last issue we haven't
2 discussed, and it's to all of our benefits and
3 interest, is putting the new ESI vendor under contract
4 of confidentiality agreement clauses, et cetera. Does
5 anyone have a form contract agreement that we want to
6 present to the ESI vendor that they want to circulate?

7 MR. PEEK: I do not, Jim, but that is a fair
8 point, and we should have that because we also have
9 Macau data privacy issues as well we may be
10 undertaking with him.

11 MR. MA: Jim, this is Steve Ma. This isn't
12 something I thought about before. Are you
13 contemplating some sort of a joint contract where
14 plaintiffs, defendants and the ESI vendor would all
15 sign up on one document?

16 MR. PISANELLI: Since we all have access to
17 it and will be the only parties to have access to it,
Page 30

18 it seems to make sense, but I'm open to suggestions of
19 other ways to do it.

20 MR. MA: Let me think about it. It does not
21 sound like an unreasonable request, I just don't know
22 if I've done that before so I'm trying to figure out
23 how that would work.

24 MS. SPINELLI: We usually have like a
25 confidentiality agreement that guides the whole case

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1 and then there is like an Exhibit A that we give to
2 third parties, and we could always have the ESI sign
3 the Exhibit A which will make them privy to all the
4 provisions in the agreement, but then that requires us
5 to enter into a separate agreement and all other third
6 parties accordingly. Just a suggestion.

7 MR. PEEK: Debbie, this is Steve Peek. We
8 did not reach agreement with Colby and Don on a
9 stipulated protective order before you guys came into
10 the case, we were still working on that but didn't get
11 it completed. I don't know if you have drafts that we
12 circulated to Colby and Don, but we can kind of go
13 back and visit that issue. That is a separate issue
14 that I think we need to have in place down the road
15 separate and apart from this ESI contract.

16 MS. SPINELLI: I have to tell you honestly I
17 haven't seen it yet, but I haven't reviewed the entire
18 file yet either.

19 MR. PEEK: Oh, come on. You disappoint me,
20 Debbie, you've been in it a month.

21 MR. MARCUS: This is Craig. Let me chime in
22 with one other comment that I think we're all in

23 agreement about but we might as well agree on the
24 record.

25 Once the ESI vendor is selected, each party

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1 will have the right and ability to directly link the
2 ESI vendor without the participation of the other
3 parties, so we call up the ESI vendor directly with
4 any questions we have, and likewise plaintiff's
5 counsel can call up the ESI vendor without including
6 us in the call.

7 Is that agreeable by everyone?

8 MR. PISANELLI: Debbie is making a face.

9 Let us think about it, Craig. I think it will
10 probably be the only -- ultimately the only manageable
11 way to do it, but let us think about it. Yeah, I
12 think the bigger issue is the one I believe Steve Peek
13 was making with the Court that the ESI vendor create a
14 log of who has access to what, when, where, et cetera,
15 by having communications with them.

16 MR. MARCUS: This is Craig again. I'll give
17 you an example. And I agree with you about the
18 logging of users and what they review, but this is a
19 separate issue and I see it coming up unfortunately
20 probably frequently. As we're going through our
21 review and there is some sort of technical glitch, or
22 something like that, or we need to understand how a
23 particular aspect of the software works, we need to be
24 able to call them up on the fly and get issues
25 resolved. And I know that you folks are very busy,

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1 and that's a good thing, but we don't want to have to
2 slow down or bring to a stop our review until we can
3 get one of you on the phone in order to have a joint
4 call.

5 MR. PISANELLI: Craig, the more I think
6 about it, I think the better approach is the
7 opposite. I mean, we can be frank with one another
8 that certainly at the client level there is a very
9 healthy level of distrust, and both sides are
10 presenting they believe to be confidential records
11 that the other side should not be seeing to this
12 vendor, and I think both sides of clients would have
13 more comfort if we treated this vendor very carefully
14 without ex parte communication, because any technical
15 questions we may have, in all likelihood is going to
16 affect the work that you're doing as well, and vice
17 versa, so my instinct is that we just simply agree
18 that we don't have to have an entire team, but at
19 least one representative be involved in all
20 communications with the vendor, one representative
21 from each party be involved, and that we have
22 different layers of protection, we have the agreement,
23 we have the log and we can present that to our clients
24 to give them some assurance that we've given them all
25 the protection we think is available to make sure

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1 their confidential information is not taken.

2 I throw that out there. We'll think about
3 it, but I'm just sharing off the top of my head my
4 instincts on the topic.

5 MR. PEEK: Let's try to work through that

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6 issue then. Once we get those ESI vendors selected
7 we'll see if we can work through that. I think what
8 Craig is talking about are technical issues, and I
9 think, Jim, your point is well taken as that there may
10 be some substantive issues where, as you said, we
11 should both be involved in it and just eliminate that
12 lack of trust that exists between the plaintiff and
13 the defendants probably would be wise.

14 MR. PISANELLI: Stephen, I know I'm being a
15 little redundant, but it is highly unlikely that any
16 technical aspect that affects one side is not going to
17 affect all of us.

18 MR. PEEK: Right.

19 MR. MARCUS: This is Craig again, and my
20 concern, and perhaps we can draw some of sort of line
21 as to what types of ex parte communications are
22 permissible and not, but my concern is that we walk
23 into the office Monday morning to start our document
24 review, and that of course presupposes we actually
25 took the weekend off, but we walk in Monday morning

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1 and we have no connection to their server. We can't
2 connect. For God knows what reason, we can't connect,
3 and the three of you are in deposition all day which
4 is not an unusual phenomena with you folks. And
5 that's a compliment to you, you're a busy firm. But
6 we have to shut down our review for the entire day
7 until we can get one of you on the phone, and based
8 upon past efforts and, again, nothing pejorative, but
9 we have in the past left you a message or sent you an
10 e-mail and it's taken some time for you to get back,

11 again because you're busy, and while we're waiting we
12 could literally be completely shut down, so I need to
13 protect against that.

14 MR. PISANELLI: Craig, I understand your
15 point. I think we can work around it. Knowing that
16 we have an agreement in place that affects timing and
17 work like this, particularly -- I understand your
18 point. I think we can work around it. Our team is
19 going to be more than just me, Todd and Debbie, so
20 you'll have a list of people you can try and
21 communicate with, including cell phone contact.

22 I stepped out of a deposition to have the
23 hearing in front of the judge because it appeared
24 there was an emergency. You're right, there are times
25 you had to wait a while when it did not appear to be

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1 an emergency, or when one of us was away for a while,
2 but if we put this agreement in place, we'll
3 understand that one or more of us are going to be
4 responsive, and I just don't see it as being a
5 problem.

6 Again, we're just sharing our thoughts.
7 Over the next day or so we'll come to an agreement
8 one way or another.

9 MR. PEEK: Anybody else?

10 MR. MA: That's all we have.

11 (Time Noted: 10:20 a.m.)

12 ATTEST: Full, true and accurate
13 transcript of the Proceedings

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15 Donna L. Medenbach, CCR 313

16 10-19-2011 jacobs v sands ASCII.txt

17 Date_____

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EXHIBIT E

From: Debra Spinelli [<mailto:dls@pisanellibice.com>]
Sent: Monday, October 17, 2011 7:25 PM
To: Stephen Ma; Steve Peek; Todd Bice
Cc: James Pisanelli; Patricia Glaser; Andrew Sedlock; Brian Anderson; Craig Marcus
Subject: Jacobs v. Las Vegas Sand et al - ESI process

Counsel –

We just received the transcript from the hearing. It is attached for everyone to review. I did a quick search (rather than a thorough read) to try to find the points we were all discussing earlier today. The main points, which I am sure can and will be refined in the coming days, but so we all know them quickly:

- Decision on a mutually agreeable ESI vendor (today) (we are all looking into potential vendors, as we discussed during today's call);
- 48 hours after agreement on a vendor, Jacobs to provide all data to the chosen vendor for uploading;
- By October 19, Jacobs to confirm whether he will need to run search terms (And, we confirmed today that we do need to run search terms);
- Thereafter, Jacobs has 30 days to select search terms, serve them on all parties to review, so the vendor can run the search for Jacobs' privileged/protected documents; and
- As the Court resolves any disputes related to Jacobs' claims of privilege/protection, Sands will have 90 days to review docs.

We all agreed to a conference call this Wednesday, at 9:00 a.m. In the interim, we each endeavor to provide potential ESI vendors for the other to consider for selection.

Debbie

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EXHIBIT F

MR. MA: Debbie, thanks for your e-mail with the search terms. I thought a combination of the e-mail that Debbie sent today, along with the e-mail that I sent out on Wednesday, I guess 11:04 a.m., works as a decent agenda. And I'm happy to talk about any other issues that come up and maybe we can just kind of work our way through those two e-mails.

MS. REPORTER: I'm sorry, who's talking right now?

MR. MA: Oh. I'm sorry, this is Steve Ma.

MS. REPORTER: Thank you.

MR. PEAK: Debbie, if you could -- Debbie, because we have sort of limited time here potentially, why don't we really go to the first e-mail. This is Steve Peak by the way, Jualitta. Sorry.

Why don't we go to the earlier e-mail Wednesday, which was our request to learn from you, more than anything else, what the declaration from Quivx would like and our request that it look similar in form to what Mr. Ma had asked in his mail of Wednesday.

MS. SPINELLI: Okay. I think this is --

1 you know, just -- I've been trying to get all the
2 information. This is Debbie. Trying to get all the
3 information that you wanted or needed from
4 specific --

5 MR. MA: Debbie, I think you're breaking
6 up.

7 MR. PEAK: We just lost you again,
8 Debbie. Todd, we can't hear you guys. Debbie?
9 Todd?

10 MR. MA: They got to start paying their
11 bill.

12 (A discussion was held off the record.)

13 MR. PEAK: Debbie, you started to say
14 that you had at least made some effort with Quivx to
15 try to get the information Stephen had requested, so
16 let's -- and that's when we lost you.

17 MS. SPINELLI: Okay. That's what I've
18 been trying to do. And it's a little bit -- it's
19 easier to put something in writing than it is to, I
20 guess, following through and do each one. And this
21 is why. Not knowing every single thing about ESI, I
22 don't want to say something and then be told that
23 I'm not doing something correct.

24 I have been speaking with Quivx and I
25 understand that they have a declaration that they

1 can give to me tomorrow, which I'm going to forward
2 on to you guys, I do not have yet that will tell you
3 -- explain everything that they have done to gather
4 the data, to put it together, where they got it
5 from, how they retrieved it, how they forensically
6 saved it. All that type of stuff. And then, how
7 they can get it to us third-party vendor.

8 What -- what we ended up doing is we
9 provided those search terms to you guys and those
10 search terms have actually been already -- the data
11 has already been searched and documents have been
12 pulled out.

13 UNIDENTIFIED SPEAKER: But Debbie, you
14 weren't supposed to do that until we approved your
15 search terms.

16 MS. SPINELLI: I understand that, but
17 this is what I'm talking about the difficulty is
18 because I understand that that's -- what we were
19 trying to do except because this ESI is kind of
20 backwards, we were giving you everything our client
21 has and we're not allowed to search it. We were
22 trying to figure out ways in order to protect him as
23 best as possible and not have to -- I don't know,
24 not have to reveal all of his privileged or
25 confidential information. And it's -- it's actually

1 kind of a difficult process and we have been
2 brainstorming how best to do it.

3 So just hear me out on what was done and
4 what we can give you guys and what we intend to do
5 to make sure that all of your concerns are
6 addressed. We've -- Quivx -- and Quivx -- this will
7 be in Quivx's declaration as well, that they used
8 the search terms we provided. And I will explain to
9 you what those terms mean and the background for
10 those terms.

11 And they pulled out of the -- out of data
12 that is there the subject documents. They pulled
13 out, I think, approximately 1400 pages. And those
14 1400 page, Quivx has, I understand, put on a -- I
15 don't know if it's a disk or CD or something. I
16 have not seen it. I'm not going to look at it.
17 They're transmitting it to me so that I can give it
18 to the judge to look at in camera.

19 All of the other documents which include
20 documents from the beginning whenever Mr. Jacobs
21 started doing work or looking at documents for Mr.
22 Levin, up to and until July 23rd, the day he was
23 terminated. That is all ready and prepared to be
24 transferred. It can be transferred tomorrow morning
25 to a third-party vendor, assuming we get -- or we

1 have an engagement letter. And I guess we'll all
2 talk about that a little bit later.

3 It's ready to go and you guys can look at
4 it without having to wait for a declaration or
5 determination on search terms, whether they're good
6 or not good or whether the documents we have are
7 privileged or unprivileged that you guys get to look
8 at. The Court can already review them right away,
9 including any sort of objection you guys have to the
10 terms that I will explain later.

11 So you guys can start reviewing it right
12 away. And if you see any -- obviously, if you see
13 anything wrong with that data when you start
14 reviewing it, like certain metadata that you guys
15 want in there, then you can raise those objections.
16 My understanding is it's going -- it's all going to
17 be provided in native form. As guys requested, the
18 metadata is all intact for you guys to look at. And
19 if you see any discrepancy or anything, then you can
20 raise that, which is what you guys intended to do,
21 my understanding is, anyway, pursuant to the e-mail
22 that Steve Ma sent on Wednesday.

23 So the only real difference between what
24 I'm saying that we're willing to do tomorrow and we
25 can do tomorrow is that the search terms for

1 privilege have already been done and the documents
2 are already ready for the judge to review in camera.

3 MR. MA: Well -- Debbie, this is Steve.
4 There is a lot of -- Steve Ma. There is a lot of
5 issues there and let me make sure I understand.

6 Number one, I agree with Steve Peak. I
7 think we all understood for the defendants and I
8 think the judge made clear at the transcript -- on
9 the hearing -- excuse me -- is captured by the
10 transcript that the search was only supposed to
11 happen after the parties had an opportunity to meet
12 and confer on the search terms.

13 And I think in the past meet and confers
14 we had, we were going to get search terms from you
15 proposed and then we were going to have seven days
16 to object to it. So I think you've jumped the gun
17 in terms of what the parties have agreed to. So
18 that, in and of itself is a problem.

19 Number two, on the issue of the data
20 being ready to be reviewed, I think an important
21 part of this is going to be what the declaration
22 from Quivx is going to be because if we don't get an
23 explanation as to what the data is and how you got
24 it and -- or how -- excuse me -- how Quivx got it
25 and all the information that we have in our e-mail,

1 we are not sure what the data, you know, available
2 for review is. And that's a problem because as
3 know, the Court talked about having some sort of
4 time limit for us to review the documents.

5 If we don't have a set of documents that
6 we feel are accurate, for the lack of a better word,
7 I mean, if it's a -- if there's a concern that the
8 documents have been altered in any way or incomplete
9 or don't have the metadata there, we don't want to
10 be in a position where we start reviewing documents
11 and, you know, there is a 90-day deadline to review
12 this stuff. I mean, 30 days within the review, if
13 we find out that there is a problem, we're going to
14 have this big fight about whether, you know, we're
15 going to restart the clock or redo work and all this
16 sort of thing.

17 I think just for the sake of being
18 organized, it probably makes sense to get an
19 agreement as to what we're going to get from Quivx
20 by way of a declaration before we can start our
21 review of the documents. But there's -- there is a
22 lot of concerns that I have about what you just told
23 me, Debbie, because it sounds like we're kind of
24 deviating from the agreed protocol that we talked
25 about in the last few meet and confers. So I'm

1 trying to figure out the best way of handling this.

2 MS. SPINELLI: Well, that's why I
3 prefaced it with trying to actually work with these
4 documents and get you what you want so that you can
5 review them to see if your concerns are even -- I'm
6 not saying this in a negative way -- to see even if
7 they're even real concerns. I think that you can --
8 you will be able to best do that as opposed to
9 lawyers going back and forth, you will be able to
10 best do it when the IT people take a look at the
11 data and see that all the metadata is intact.

12 I understand just like, you know, we're
13 trying to work through this process in the
14 beginning, is there something that arises and you
15 guys dispute anything that there is something that
16 has been altered or changed and the metadata is
17 missing so that the information you need isn't
18 there.

19 I absolutely understand that you guys are
20 going to move the court and seek relief. And if
21 that includes going back to square one, which I
22 don't think it will, then I -- I understand that you
23 guys reserve the right to -- to argue that. It
24 wasn't our intent to start the 90 before you guys
25 feel it necessary. We're willing to work with you

1 on that. That is not -- that is not the point at
2 all.

3 I think jumping the gun on the search
4 terms presumes that we have maybe overstepped. And
5 that is why I want to talk to you a little bit about
6 what those search terms are because I think you will
7 think we were -- I think you will believe that we
8 were very narrow in those terms. And if you don't
9 think so, I think it's relatively easy to -- to
10 rectify or remedy. Because I was actually surprised
11 when I got these search term because they're so few
12 and far between.

13 As -- as for the explanation of the data
14 and how Quivx got it and all that, that will -- I
15 can get you that. Again, it's my understanding that
16 I was supposed to get it today. I don't have it
17 today, so -- it was either today or tomorrow. So I
18 understand I will have that tomorrow. And as soon
19 as I have that, I will forward that to you. So
20 immediately, even before you look at the data, you
21 will understand what Quivx did and you guys can
22 raise any objections that you have at that time
23 without even clock -- starting the 90-day clock.

24 I mean, you guys can't start that 90-day
25 clock until we have an engagement letter as

1 discovery anyway. So we're even, you know, giving
2 the documents before you guys can even review them.

3 But we have time to argue about the
4 search terms. If you think we overreached or --
5 actually, I think under reached and we're going have
6 to call back a lot, but I'm not in a position to
7 know that because I can't look at the documents.
8 But I actually don't think we overreached at all in
9 just getting you, you know, what you guys wanted was
10 your access to the documents. And I think, again,
11 when you see them, you -- you'll see that what you
12 guys wanted, all of the terms in the ESI, the
13 metadata that's in there, all of those categories in
14 the June 2011 ESI, they're -- that information is
15 all in there and preserved. And, hopefully, the
16 declaration will give all you guys the information
17 that you want and need. Again, I haven't seen it
18 yet, so...

19 MR. PEAK: Debbie, I -- I think that's
20 fair. I mean, I think you understand our concerns.
21 And I think Steve has articulated them both in his
22 e-mail and even today. And yeah, we're going to
23 have concerns, but I don't think that we need to
24 pick a fight in a vacuum. We don't even know what
25 the declaration says.

1 So as long you understand that we are
2 reserving our right that the 90 days doesn't start
3 until we get this issue resolved. That, you know,
4 at least we're going in the right direction.

5 But we do want to get started as soon as
6 possible. So that is really a lot of Steve's
7 concern and my concern is we want to get the 90 days
8 started and over on this issue.

9 MS. SPINELLI: Understood. Understood.
10 And we're in the same -- we're in the same position.

11 Actually, Steve Ma, when we received your
12 e-mail, I was actually -- I actually think that that
13 was probably a good thing because we're -- I think
14 we're reaching some middle ground with both parties
15 reserving their rights and protecting their clients'
16 respective interest. So I do think that we're
17 closer than we think. Even if it doesn't sound as
18 close to the, you know, the meet and confer we had
19 telephonically a week ago or so. I just think that
20 the reality is a little bit different,
21 unfortunately.

22 MR. MA: Yeah. Debbie, can you -- Steven
23 if I -- may I go ahead move to the search terms?

24 MR. PEAK: You know what, I'll say one
25 thing, I guess. And I want to confirm that so we

1 should be looking for the -- the Quivx declaration,
2 I guess, by tomorrow.

3 MS. SPINELLI: Yeah. I was told I would
4 have it tonight or tomorrow. So I assume -- I'll
5 make a call tomorrow if I don't get it tonight and I
6 will be able to forward it as soon as I get -- as soon
7 as I have it. I do expect it by tomorrow.

8 MR. MA: Okay. And obviously, the
9 defendants reserve their rights and we want to take
10 a look at it, so we know what we're talking about
11 here.

12 UNIDENTIFIED SPEAKER: Sure.

13 MS. SPINELLI: So if there is something
14 missing from there and -- that you're IT people see
15 of your ESI people see, let me know because it
16 doesn't necessarily mean they didn't do it. I just
17 -- maybe I'm not telling them exactly what you guys
18 and all the -- all the specifics that you guys want.
19 And I -- I will use your e-mail as a guide, but I
20 just, you know, please let me know.

21 MR. CRAIG: Okay. I think -- this is
22 Craig. I think you hit the nail on the head. You
23 need to use, if you can, the e-mail as a guide. And
24 the closer the declaration can track e-mail, the
25 more likely it is that it will be workable.

1 MS. SPINELLI: Yeah. Well, I'm -- I'm
2 not drafting it, Quivx is. So hopefully, they'll --
3 hopefully, they'll -- they'll follow the guide, but
4 they're -- they're drafting it and I will forward
5 you what they send. And if either one of us needs
6 to tell them or ask them specific questions, then
7 we'll forward those questions to them in order to do
8 that.

9 MR. PEAK: That's fair.

10 MR. MA: Okay. Yeah. Let's -- let's
11 move to the search terms, please.

12 MR. PEAK: Yeah. I mean, I know who Lori
13 is. I understand that's a spousal privilege.

14 MS. SPINELLI: But --

15 MR. PEAK: I know who the, you know,
16 Adler and the Dewey LeBoeuf folks are, but all the
17 others, I have no clue.

18 MS. SPINELLI: Okay. Jackie and JJ
19 Jacquelin, that's his daughter.

20 MR. PEAK: Okay. And why is there a
21 privilege for a daughter?

22 MS. SPINELLI: This if for the privilege
23 and confidentiality kind of things that we have
24 asserted. I don't -- if you guys are concerned
25 about documents that Sans -- the Sands China

1 allegedly or LVS's documents, communications that he
2 has with his daughter, I don't think that are -- are
3 what you guys were looking at. And I think that
4 they have some confidential sensitive information
5 there that were -- we are guessing and hoping and
6 we'll be willing to argue to the judge that they
7 need to be withheld from you guys. I don't think
8 that's what you guys were looking for.

9 MR. PEAK: So you're really more saying
10 that these wouldn't be necessarily privileged. They
11 more fall in the category of personal confidential
12 stuff like "Dear Jackie, I love you. Signed, Dad"?

13 MS. SPINELLI: Yes.

14 MR. PEAK: Those kind of things as
15 opposed to forwarding Jackie an e-mail from Sheldon
16 Adelson --

17 MS. SPINELLI: Right.

18 MR. PEAK: -- and then claiming that that
19 is a protected communication.

20 MS. SPINELLI: That's right. That's
21 right. Even -- again, we're producing all of the
22 documents that fall within these search terms to the
23 judge. So if the judge sees something like that
24 that, obviously, she will probably compel the
25 production of those. But I -- I can't review them.

1 Otherwise, I would agree with you. I would take
2 those out, but I can't do that. So hopefully, the
3 judge will be able to do that for us if something
4 that like even exists.

5 MR. PEAK: And then, Sophie?

6 MS. SPINELLI: Sophie and then the group
7 below it; Sophie, Heather, David, Carl, they are --
8 the Jacobs had the guardianship of the child while
9 -- while they lived in Hong Kong. And the child's
10 name is Sophie and the parents whom they talked
11 about Sophie and the private issues related to
12 Sophie and the guardianship, those fall within the
13 -- those search terms.

14 MR. PEAK: Okay. That's Sophie. And
15 then, same thing with Heather, David, Carl, those
16 are also focused in there, too?

17 MS. SPINELLI: Yeah. Carl -- Carl is
18 their last name. Sophie is the daughter. Heather
19 and David are the parents. And then, I think
20 (unintelligible) origin is, like, the e-mail address
21 is, like, their company where they corresponded to
22 and from about Sophie.

23 MR. PEAK: Yeah. And then, Crescent
24 Resources.

25 MS. SPINELLI: Crescent Resources -- this

1 a third party. This is completely random and odd,
2 but it's actually a protective measure for Steve.
3 There was a third party who I understand was trying
4 to buy property or a house from Steve, a house in --
5 in the States. And this person at Crescent was the
6 e-mail address, sent Steve his personal financial
7 information. Steve doesn't necessarily want to be
8 held liable or sued for giving that information over
9 to third parties. So that's why that name is in
10 there.

11 I guess if you guys want him to produce
12 it or the Court compels him to produce it, he will,
13 but he just doesn't want to get into some sort of
14 trouble with a third party having -- having nothing
15 to do with this suit and providing his financials.

16 MR. PEAK: And, of course, we get who the
17 Dewey LeBoeuf people are.

18 MS. SPINELLI: Right.

19 MR. PEAK: The thing that concerns be
20 about the Dewey LeBoeuf is that it might be overly
21 inclusive because, obviously, Howard was
22 corresponding with Leslie Klinger --

23 MS. SPINELLI: Okay.

24 MR. PEAK: -- as well. But, you know,
25 that may just be the subject matter of having the

1 judge look at it.

2 MS. SPINELLI: Yeah. She'll --
3 hopefully --

4 MR. PEAK: And when she --

5 MS. SPINELLI: I mean, she'll be able to
6 pull them out or maybe we can order our third-party
7 vendor to, I don't know, to figure out terms. I'm
8 not sure how it works. So that we can better be
9 able to assess if they were the privileged or if
10 they were communications back and forth between
11 Sands and Mr. Adler.

12 UNIDENTIFIED SPEAKER: Debbie --

13 MS. SPINELLI: Without the -- without the
14 benefit of reviewing it, it makes it a little bit
15 challenging.

16 MR. PEAK: I -- I understand.

17 MS. SPINELLI: And we prefer to be
18 overinclusive and not reveal that privilege to you
19 guys and let the judge look at it or a special
20 master or someone, if it needs to happen.

21 MR. PEAK: No, no. I agree with that. I
22 -- I'm not here to fight with you about 1400 pages.

23 MS. SPINELLI: Got it. Got it.

24 MR. MA: Debbie, this is Steve Ma. Just
25 some technical questions. I'd noticed for the

1 searches, you have, like, a word slash word slash.
2 Is it similar to, like, a West Law search where
3 you're doing, for example, for the first one; Lori
4 or Laura or LJ? I'm mean, I'm trying to figure out
5 what you're proposing in terms of the formatting of
6 the search.

7 MS. SPINELLI: You know what, I do not
8 know the answer to that, Steve. So I can find out
9 from you. This is just the terms that I got -- I
10 received and we're performed by Quivx. So I can ask
11 Quivx -- Quivx how they -- how they did it.

12 MR. MA: Yeah. I mean, I'd -- I'd like
13 a --

14 MS. SPINELLI: Like a Boolean search or
15 something.

16 MR. MA: And the reason I ask is because
17 if it is a type of Boolean search, maybe there's a
18 way of carving out, like, exclusions. Like saying,
19 you know, if it's purely a nonrelevant, you know,
20 communication with, you know, his daughter and, you
21 know, we're obviously reserving our rights about the
22 daughter because I don't know if there is a
23 privilege per se. But if there is a way of carving
24 out specific communications where we know that it's
25 not relevant to the case at all, maybe there is a

1 way to exclude that without having to, you know,
2 submit a bunch of documents to a -- to a judge for
3 in camera review.

4 MS. SPINELLI: And I respect that that
5 would be your position. And I'm going to find out
6 how Quivx did it, but I do think for purposes of
7 this odd, kind of backwards ESI production, we
8 prefer to be overinclusive and have a special --
9 special master decide or the judge decide which --
10 you know, whether or not there could be a carve-out
11 of something that's completely irrelevant rather
12 than just, you know, take the chance of giving you
13 guys what could be, you know, marital or -- or other
14 communications, not just a bunch of communications
15 that has nothing to do with it.

16 I mean, it is just 1400 pages, which
17 sounds like a lot, but when we're talking about the
18 production here, I don't really think it is. So I'm
19 going to kind of disagree and agree with you on that
20 point. Just leave it to the -- to the special
21 master. But I will find out from you how that
22 search was performed by Quivx.

23 MR. PEAK: Stephen -- Debbie, this is
24 Steven Peak. I understood from the judge -- maybe
25 you, Debbie, I know you do have a different view and

1 I want to get Stephen Ma's view on this: That you
2 were entitled to actually look at the results of
3 your privilege and confidential search terms and
4 then prepare a log.

5 MR. MA: My recollection, Steve Peak, was
6 that we were supposed to get some sort of log or
7 search results from Quivx without actually producing
8 that documents themselves. But, like, something
9 akin to a privilege log, which identifies, like,
10 dates and who the authors are. That was my rough
11 recollection. I can go back and double check that.

12 MR. PEAK: Well, I'm reading from the
13 transcript right now and we can all go back and look
14 at it. And again, I don't -- I'm not quarrelling
15 with what you're doing, Debbie, because I think that
16 is a very safe approach on your part. It doesn't
17 expose you. And I -- and I get that you don't want
18 to have that risk.

19 So here is what I read from the
20 deposition -- or excuse me -- from the hearing
21 transcript. This is on page 75:

22 "My fear" -- this is the Court -- "My
23 fear is I don't want you looking at all 11 gigabytes
24 of information. I want to the vendor to run a
25 search term using the search terms you've identified

1 that are expansive enough to capture all of the
2 potential documents that may be privileged to Mr.
3 Jacobs. Separate and apart from the other documents
4 that are at issue in this ongoing battle. That is
5 my concern.

6 MR. PISANELLI: I can live with this.

7 THE COURT: I don't want you to go
8 through all the documents.

9 MR. PISANELLI: I don't want to, but I
10 want you to be able to review the documents that
11 this isolated search that you propose the search
12 terms to can identify."

13 And then he goes on, talks about, you
14 know, we'll do it in 30 days.

15 So I don't know, Debbie. Let -- I want
16 to think about this procedure. Again, I get that
17 Quivx ran it versus Advanced Discovery and that
18 certainly is not what we agreed to. I don't know.
19 I want to think about it and talk to Steven whether
20 that really means anything to us.

21 MS. SPINELLI: Sure.

22 MR. PEAK: Because all you're doing, as I
23 understand it, you're -- they have extracted, if you
24 will, those 1400 pages from what they're going to
25 give to Advanced Discovery and they would give us at

1 least some -- something within their declaration
2 that says what they have done so that we have at
3 least the comfort of the protection of those
4 documents and how they extracted them.

5 MS. SPINELLI: Yes.

6 MR. PEAK: So they need to probably put
7 that in their declaration as well so that we don't
8 get in -- I don't -- I don't want to get into a
9 fight with you about Quivx ran it versus Advanced
10 Discovery ran it.

11 MS. SPINELLI: Sure.

12 MR. PEAK: So have them do that. And
13 then, I think we all need to go back and look at
14 transcript. And maybe we need some guidance from
15 the Court because she may say, "You know what, I
16 don't want to look at 1400 pages. I want you to
17 look at those and then you give me a privilege log."

18 And maybe when you look at them, Debbie,
19 it may not be 1400 pages, it may well be only, you
20 know, 400 pages.

21 MS. SPINELLI: Great.

22 MR. PEAK: So that helps all of us if
23 it's only 400 pages and you can do a log of it. I
24 have no interest in looking at his communications
25 with his daughter. But I certainly would want to,

1 if he is, you know -- and that may be a later -- a
2 later fight because, you know, I don't know if he
3 captured these -- this e-mail was off of our server
4 or whether this was off of a different account, so I
5 am assuming from all that I have heard so far is
6 that he was e-mailing Jackie and Lori and -- about
7 Sophie and the Carls and Crescent from the -- the
8 e-mail server. So that is what he captured, that is
9 what he took when he took so -- when he left.

10 Anyway, Steven, I don't if you have any
11 thoughts on that.

12 MR. MA: I don't. I guess we got to go
13 back and look. You know, my recollection -- and I
14 will have to go back and look at the transcript --
15 was that in order to be careful about not having the
16 plaintiffs review any of the documents, my
17 recollection was that -- what I stated before, that
18 we would have some sort of reports spit out from the
19 ESI vendor. So let -- let's go back and revisit
20 that.

21 Two questions then, I guess, Debbie.
22 When do you expect you will be able to get back to
23 us about, you know, what, exactly, Quivx did in
24 terms of this search? I guess, is it like a Boolean
25 search or what it is. Do you think you will be able

1 to get an answer by tomorrow.

2 MS. SPINELLI: I can certainly try. I
3 can give them a call. You know, tomorrow is Day.
4 Some people don't work. I don't think that that's
5 me, unfortunately. I have a depo. But I can try.
6 I will shoot them an e-mail and try to call them
7 tomorrow and stop them a little bit. I have the
8 cell, so I can try to find out that information with
9 my contact there. I don't know if he is the one
10 that did it or some other technician there did it,
11 so -- or engineer or whatever. But I can try to
12 find out as best I can. And I'll keep you updated
13 on -- on what I did. I intend to try to figure that
14 out right away.

15 MR. MA: Yeah, that would be helpful.

16 MS. SPINELLI: And again, I don't to look
17 at those documents either knowing that we performed
18 -- you know, we did the search with the search terms
19 without your -- without your input at this stage. I
20 don't want to look at those documents either unless
21 you guys have some sort of agreement that there's --
22 that you're okay with those search terms.

23 I don't want to -- you know, I don't want
24 to look at your documents at this point. I will get
25 in trouble for that and might -- you know, you guys

1 can make whatever argument you would about that.

2 So understanding that Quivx pulled these
3 out and we didn't talk with the search terms yet,
4 I'm going to look at those documents unless and
5 until anyone, you know, agrees that you want me to
6 or if a search was -- the Boolean search was
7 performed the way you want it to or something like
8 that. You know, we're completely playing it
9 cautious here, just trying to do that best that we
10 could -- the best we can with, you know, how we have
11 these documents and how we can't look at them.

12 So I wanted that to be kind of clear,
13 too.

14 MR. MA: The other one administrative
15 question I had was the third one where it says,
16 "Sophie" -- is Sopherileus?

17 MS. SPINELLI: Must be a nickname.

18 MR. MA: A nickname. Okay. And then,
19 Carl is the last name.

20 MS. SPINELLI: Yes. Carl is the last
21 time. Heather, David and Sophie are the names of
22 the parents and the child.

23 UNIDENTIFIED SPEAKER: Okay.

24 MR. PEAK: Now, was Howard -- let's see.
25 Seth Farber, was that another lawyer that he was

1 using besides Howard Adler?

2 MS. SPINELLI: Yes. Seth Farber and
3 Howard Adler with Dewey LeBoeuf.

4 MR. MA: Okay. It sounds like we need to
5 get more information about how the searches were
6 done and we'll look for the declaration for -- from
7 Quivx, I guess, tomorrow.

8 MS. SPINELLI: Okay.

9 MR. PEAK: Debbie, one more thing.

10 MS. SPINELLI: Sure.

11 MR. PEAK: Paul Chen, just FYI, was
12 apparently an individual at the Dewey LeBoeuf
13 firm -- a lawyer at the Dewey LeBoeuf firm who, from
14 time to time, was copied on those August 2009
15 e-mails from Howard Adler to Leslie Klinger.

16 MS. SPINELLI: Okay.

17 MR. PEAK: I don't want to look at your
18 privileged communication either. And so I'm just
19 throwing that out to you.

20 MS. SPINELLI: That might be an
21 additional term. He might be sucked up in the
22 dl.com term --

23 MR. PEAK: Yeah.

24 MS. SPINELLI: -- but I will do my best
25 to try to find that out. Thank you.

1 MR. PEAK: Or the DeweyLeBoeuf.com,
2 whatever it is that I just -- I just point that out
3 that that was a name that --

4 MS. SPINELLI: I understand.

5 MR. PEAK: -- I recall seeing as well.

6 All right. So I -- I think Steven,
7 unless you have some more comments, we have to
8 really kind of wait on a couple things. One is what
9 the declaration looks like, what the search was.
10 And I don't want to -- I want to kind make those as
11 two separate issues. I'm more interested in seeing
12 the declaration right away from Quivx.

13 UNIDENTIFIED SPEAKER: Right.

14 MR. PEAK: And then, we can work on and
15 discuss the search terms and what the outputs from
16 those search terms are and what the Boolean search
17 was and all of those issues so it's separate and
18 apart because I am interested in getting the
19 documents to the past discovery as soon as we can.

20 MS. SPINELLI: Sure.

21 MR. PEAK: And, Debbie, you may recall,
22 too, that the judge said she wanted to bless whoever
23 if was we hired --

24 MS. SPINELLI: Yes.

25 MR. PEAK: -- if it was Quivx.

1 MS. SPINELLI: Yeah.

2 MR. PEAK: So somewhere along the way, I
3 think we're going to have to probably ask the Court
4 for a status conference to have her bless this. And
5 maybe at that time, if we still have some
6 outstanding issues, we can also discuss whatever
7 lacks -- what other issues we have, we can just
8 discuss with her at that time.

9 MS. SPINELLI: Yeah. I think that's
10 fine. I think that's fine. Do you guys -- have you
11 guys heard anything from Advanced Discovery in
12 response to your e-mail, Steve Ma?

13 MR. MA: No. I never got a response at
14 all, so I don't know if this guy is, you know, in
15 Hawaii somewhere or what. But I have not gotten a
16 response at all.

17 MS. SPINELLI: Fascinating. Okay. I'll
18 try. I'll stalk him.

19 MS. MA: Yeah. Feel free to shoot your
20 own e-mail and CC me and let's see if we can get
21 somebody to respond.

22 MS. SPINELLI: Okay.

23 MR. PEAK: Debbie, I don't want to think
24 of you as a stalker.

25 MS. SPINELLI: I'm not. I'll just send

1 an e-mail.

2 MR. MA: She is.

3 MS. SPINELLI: I have no time for that.

4 MR. PEAK: Well, you keep using the word,
5 so that's why I'm just, like, okay. Well, that is
6 good because somebody has to do that.

7 MR. MA: In terms of a joint call with
8 the judge, I think that's probably a good idea.
9 Should we try to schedule something? I'm assuming
10 that's the easiest thing to do is probably just have
11 joint call with the clerk and ask what her
12 availability is over the next few days.

13 MR. BYCE: Well, what if we -- this is
14 Todd. I guess, so what is the issue that we're
15 having the call with her about? In the next few
16 days, we're going to get you the affidavit and the
17 explanation for the search terms. I guess we need
18 to find out whether this other third-party vendor is
19 going to take the data or Debbie is going to try and
20 run this person down. And we are not opposed to
21 having a call with the judge, but, you know, most
22 judges and especially Judge Gonzalez, want to have a
23 firm understanding of what we're having a call with
24 her about. She's going to want to know what we're
25 asking her to do.

1 MR. PEAK: Well, certainly, the -- the
2 one question that we all had to raise -- on this one
3 issue we had to all raise with her is does she
4 accept Advanced Discovery.

5 UNIDENTIFIED SPEAKER: Okay. That's --
6 you're right, Steve. I wanted -- I wanted to make
7 that clear.

8 UNIDENTIFIED SPEAKER: Yeah.

9 MR. PEAK: I want to bless this -- this
10 vendor.

11 UNIDENTIFIED SPEAKER: Right.

12 MR. PEAK: The second issue would be if
13 we -- if we have an issue about the declaration and
14 how we're going to receive the data and what -- and
15 the -- where it was extracted. All these kinds of
16 things that are subject matters, Steven Ma has
17 e-mail.

18 UNIDENTIFIED SPEAKER: Sure.

19 MR. PEAK: We want it to come in a
20 different form. I would want to discuss that with
21 her because I want to get started, Todd, and I don't
22 want to get started until we have all of these
23 things kind of ironed out. So that is the second
24 issue --

25 UNIDENTIFIED SPEAKER: Okay.

1 MR. PEAK: -- that I want to discuss.

2 And then, the third issue is the search
3 terms that, you know, the -- the form in which we're
4 doing this. I'm not saying I object to having Quivx
5 do it. I just kind of want to get a sense of the
6 judge, are we doing this the right way. In other
7 words, these aren't attorney-client privilege, but I
8 get that we don't -- we are not looking for or do we
9 want, you know, comments that he's making to his
10 daughter. Unless they relate to something to do
11 with his employment. Maybe that doesn't go to this
12 issue now, but we fight it out later and she looks
13 at it. So I want to talk about that.

14 UNIDENTIFIED SPEAKER: Well, that -- and
15 that's fine.

16 MR. PEAK: We got an e-mail from -- by
17 the way -- we just got an e-mail from Advanced, by
18 the way.

19 MS. SPINELLI: Oh, no way.

20 MR. PEAK: We did, just now.

21 UNIDENTIFIED SPEAKER: It is perfect
22 timing.

23 MR. PEAK: I will have something for you
24 tomorrow to review.

25 UNIDENTIFIED SPEAKER: All right. Great.

1 MR. BYCE: So we're not -- Steve, we are
2 a not opposed to that. I just want to make sure
3 that we all have some understanding of when --

4 MR. PEAK: Yeah.

5 MR. BYCE: -- we're going to have a call
6 with her or show up in her courtroom, that we know
7 what we're talk -- that we know what the issues are.

8 MR. PEAK: Yeah. I don't want to -- I
9 don't want to ambush and I'm not trying to ambush
10 you.

11 And -- and the third thing that Steven
12 and I have been talking about is the issue that you
13 guys raised as to the amount of discovery that we
14 were allowed to do. And maybe that got covered by
15 an agreement on the order.

16 MS. SPINELLI: No, I don't think so,
17 Steve. I think we're going to disagree on that.

18 UNIDENTIFIED SPEAKER: Yeah, they --

19 MR. PEAK: Okay. So that may be another
20 -- another thing because, you know, we want to start
21 getting those issues kind of resolved so that we can
22 kind of know on a going-forward basis. But those
23 are the four topics. And Steven and I don't -- I
24 think, have I covered them or -- or are there more
25 or...

1 MR. MA: Oh, no. I think that's right.
2 I think -- what I was going to say was in the
3 proposed order, I think we had it there -- Debbie
4 had stricken the language and said I know Jim and
5 Debbie told us their position, that they didn't
6 think we were entitled to the scope of discovery we
7 thought we were entitled to. So -- I mean, we'll,
8 obviously, try to see if we can come to a
9 resolution. But based on the conversation that we
10 had with Debbie and Jim Lafflin, it sounds like we
11 probably have to get some guidance from the court on
12 that.

13 MS. SPINELLI: Yeah. I -- I believe
14 you're entitled to -- the -- that the transcript is
15 clear that you guys are entitled to depose Mr.
16 Jacob. But the written discovery, I don't think
17 that that -- that the transcript supports it. So I
18 -- that -- that is our position. I think that last
19 time --

20 MR. PEAK: Okay. At least then, we got a
21 deposition that we've taking off the table. That's
22 good.

23 UNIDENTIFIED SPEAKER: I'm sorry?

24 MR. PEAK: We got at least one -- one
25 issue of the amount of discovery taken off, which is

1 the deposition that's taken.

2 MS. SPINELLI: Oh --

3 MR. PEAK: Anyway, those are the four
4 topics, Todd, that we want to do. And I -- I
5 certainly think that if we request the status
6 conference, we ought to at least give her and
7 agenda, what -- what it is we're going to talk
8 about.

9 MR. BYCE: Yeah, I agree.

10 MS. SPINELLI: She might call us in, too,
11 and just do little in conference. She'll have a
12 conference.

13 MR. PEAK: Yeah. We can do it that way.
14 Yeah. Yeah. I think that we should do -- if we do
15 a request for status conference, we ought to lay out
16 what it is we want her to -- we want to discuss with
17 her.

18 UNIDENTIFIED SPEAKER: Right.

19 MR. PEAK: So at least everybody is on
20 the same page.

21 MS. SPINELLI: And, hopefully, we can
22 come to some agreement on some of these issues that
23 we just talked about today, about the ESI. I don't
24 know if we'll be able to meet it.

25 MR. PEAK: Yeah. You'll be --

1 MR. MA: Right. Obviously, between now
2 and this call or, you know, whatever it is, the
3 status conference, the more we can limit it for the
4 judge, I'm sure she'd be thrilled to have us provide
5 less, you know, issues for her than more.

6 MR. BYCE: Oh, I don't know. She always
7 likes to see me and Steve.

8 MR. PEAK: Just because she likes to
9 badger us from time to time.

10 MR. BYCE: Yeah.

11 MR. PEAK: She likes to kid us. Okay.
12 Well, that -- that's good. So I'd like you --
13 Debbie, I don't know whether folks are working
14 tomorrow, but we got at least Brian, so he's --
15 like, he's going to work tomorrow and then he'll
16 find out whether Quivx is working tomorrow. And if
17 we get that declaration, that's going to, ost
18 helpful. That is really, I think, the key to
19 resolution as what's contained within the body of
20 that.

21 MS. SPINELLI: All right. I will send it
22 as soon as I get it.

23 MR. PEAK: Yeah. I know you will. So
24 let us kind of mull over what -- what you've
25 presented us with and see where -- see when to go

1 forward. But I -- can we at least maybe call, with
2 your permission or a joint call to see if we can
3 just schedule a time, whether it's telephonic or in
4 person, with her sometime next week? Is that
5 something --

6 UNIDENTIFIED SPEAKER: Yeah. I mean, I
7 -- I think that's fine. I -- I wouldn't want to do
8 it -- I mean, I don't mind having to call early next
9 week, Steve, but I would want to have whether we're
10 doing this -- you know, in terms of a scheduling
11 call, I don't mind doing that on Monday. But if
12 we're going to have a substantive call, I would like
13 to hold it later in the week because I want to make
14 sure that, you know, we've gotten you this
15 affidavit.

16 MR. PEAK: Right.

17 UNIDENTIFIED SPEAKER: You -- you
18 understand and we worked out whatever our
19 arrangement is going to be with this over provider.
20 We found out the information about the search terms
21 and how they were conducted so that we can have an
22 intelligent conversation with her. And we can each,
23 you know, if we need to, submit something in writing
24 to her --

25 MR. PEAK: H'm-h'm.

1 UNIDENTIFIED SPEAKER: -- for some matter
2 later in the week that we can just sort of explain
3 here's what our respective positions are.

4 MR. PEAK: I -- I think that makes
5 absolute sense. So we'll try to get to maybe call
6 Dan tomorrow.

7 UNIDENTIFIED SPEAKER: H'm-h'm. I don't
8 think they're open tomorrow, are they?

9 MS. SPINELLI: Yeah. No, they're not
10 open tomorrow.

11 MR. PEAK: Oh, they're not open. They
12 took the day off. Okay. So we'll call Dan on
13 Monday.

14 UNIDENTIFIED SPEAKER: Now -- now, wait a
15 minute. Is it the federal courts that are closed
16 tomorrow?

17 MS. SPINELLI: The federal courts are
18 closed, but remember, Lorraine told us that she's
19 off tomorrow.

20 UNIDENTIFIED SPEAKER: Oh, that's true.
21 Yeah, Judge Denton's clerk, at least said they were
22 closed tomorrow.

23 MS. REPORTER: I'm sorry. But it's --
24 the time is 6:18.

25 MR. PEAK: Okay. We will be done in just

1 a minute. So thank you.

2 So we'll find out tomorrow and --

3 UNIDENTIFIED SPEAKER: Why don't we just
4 see if we can call Dan on Monday and see if we can
5 set something up for later in the week.

6 MR. PEAK: That works for me. Steven,
7 are you okay with that?

8 MR. MA: Yeah. That's fine. And then,
9 everyone look at their calendars and see what time
10 works and we'll just schedule a quick joint call.

11 MS. SPINELLI: That works.

12 UNIDENTIFIED SPEAKER: Okay.

13 MR. PEAK: Okay. So we can get it by
14 e-mail. The court reporter has got to go in a
15 minute or two.

16 UNIDENTIFIED SPEAKER: All right. Great.
17 So we'll look for the Quivx information and the
18 search information. And then, I guess we'll also
19 look for this engagement from the Advanced Discovery
20 people tomorrow.

21 MS. SPINELLI: Okay. Perfect.

22 MR. PEAK: Okay. Thank you.

23 MR. MA: Actually, one more thing. I'm
24 sorry. One more thing, Debbie and Todd, I think in
25 the e-mails I sent on Wednesday, we had included a

1 red line on the proposed order. So if you can take
2 a look at that and give us your thoughts.

3 MS. SPINELLI: I will -- well, I was
4 ready to talk about it, but I'll shoot you an e-mail
5 with my comments. Some of them are addressed
6 already today, but I'll send that to you guys
7 tonight.

8 MR. MA: Great. Thank you.

9 MR. CRAIG: I -- and I -- this is Craig.
10 And I have one other quick comment. We have to
11 decide -- well, at some point, Debbie, you have to
12 let us know your final position vis-à-vis the
13 discovery we propounded. If you don't want to do
14 that during the call now, then if you could do that
15 by e-mail in the next day or two, that would be
16 great. So that we know whether that one of the
17 issues that has to be addressed with the judge.

18 MS. SPINELLI: I thought I did, but I
19 will put it in the e-mail as well. We think that
20 you guys get the deposition of Mr. Jacobs, but not
21 the other stuff. But I'll put that in an e-mail as
22 well, Craig.

23 MR. PEAK: Super.

24 MR. CRAIG: Oh, okay. All right.

25 UNIDENTIFIED SPEAKER: Terrific.

1 UNIDENTIFIED SPEAKER: Thank you very
2 much.

3 MS. SPINELLI: Thank you.

4 MR. PEAK: Thank you very much. And
5 thank you, Ms. Reporter, for reminding us of the
6 time.

7 UNIDENTIFIED SPEAKER: All right.

8 UNIDENTIFIED SPEAKER: And I need to
9 speak to Todd and Debbie, if you could jump off and
10 Craig.

11 MS. SPINELLI: Oh, yeah. Super.

12 (Thereupon, the taking of the deposition
13 concluded at 6:18 p.m.)
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PA595

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Jun 24 2013 08:33 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,

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 IN SUPPORT
OF EMERGENCY
PETITION FOR WRIT OF
PROHIBITION OR
MANDAMUS TO
PROTECT PRIVILEGED
DOCUMENTS**

**Volume 3 of 24
(PA451-630)**

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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 IN SUPPORT OF EMERGENCY PETITION FOR WRIT OF PROHIBITION OR MANDAMUS TO PROTECT PRIILEGED DOCUMENTS - VOLUME 3 of 24 (PA451-630)** 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

James J. Pisanelli
Todd L. Bice
Debra Spinelli
Pisanelli Bice
3883 Howard Hughes Parkway, Suite 800
Las Vegas, Nevada 89169

Attorneys for Steven C. Jacobs, Real Party in Interest

DATED this 21st day of June, 2013.

By: /s/Fiona Ingalls

1 okay. The idea was to pick an ESI vendor we both agreed to,
2 to share the cost 50 percent, 50-50, then what happens is the
3 ESI vendor then Bates-stamp numbers everything, plaintiff's
4 counsel is supposed to provide to the ESI -- the ESI vendor
5 all the documents received by Mr. Jacobs that are in his
6 possession, custody, or control that he obtained. And I don't
7 we do not want to get into a debate, because we actually put
8 in the protocol "he obtained as an employee of SCL." We don't
9 care about that. It's just he obtained as an employee,
10 whether it was VML, SCL, Las Vegas Sands, all those documents
11 of which we all concede are well over 11 gigabytes of
12 documents. We want all those given to the ESI vendor. The
13 ESI vendor shall put Bates-stamp numbers on everything so
14 nobody's confused about what was provided, and I mean the
15 originals go, so he doesn't keep anything in his possession,
16 so nobody ever has to worry that somebody is let's just say
17 even inadvertently reviewing trade secret information, more
18 importantly, attorney-client privileged information, and, just
19 as importantly Macau Privacy Act material that should not be
20 reviewed by anybody.

21 After the Bates-stamp numbers are put on, then it's
22 along with searchable -- and I'm a little out of my element,
23 Your Honor, this is above my pay grade, but I'm going to
24 describe what we put in the document, "searchable metadata
25 information where it's available as required to make these

1 documents reasonably usable." And then we literally say,
2 okay, this is what you do with emails, author, recipient, cc,
3 bcc, et cetera; this is what you do with other electronic
4 files, file name, file type or extension, et cetera; and for
5 all documents the custodian, the Bates-stamp numbers beginning
6 and the Bates-stamp numbers ending and the family range
7 beginning and the family range ending; and then .tif images
8 are produce in a monochrome, single-page format at 300 dpi
9 resolution with Group 4, blah, blah. I mean, this is
10 hypertechnical, but it's in an effort to safeguard the
11 documents. And then what happens is effectively we -- they --
12 the -- we go through the documents, our documents, nobody
13 contends they're not --

14 THE COURT: Actually the ESI vendor typically runs a
15 search, given search terms.

16 MS. GLASER: No problem.

17 THE COURT: You then go through the documents that
18 are identified with issues related to the search terms. And
19 then, if there are privileged items or other items I have to
20 rule on, that's where we start.

21 MS. GLASER: That's the way this is set up. And it
22 still takes into account full briefing, Your Honor, on the
23 issue which we have not conceded and which Your Honor says is
24 -- and it clearly is -- the notion that he shouldn't have had
25 any of the documents to begin with and that the right way to

1 deal with this is -- it doesn't take them out -- we don't do
2 anything with the documents, because the ESI vendor has them,
3 but it doesn't take away from the issue that Your Honor still
4 gets full briefing on who -- and maybe after discovery, okay
5 with that, too, who is entitled to these documents, is Mr.
6 Jacobs required to give them all back and do what normal
7 plaintiffs do, file requests for production of documents, and
8 not keep, and not have counsel or anybody else, any third
9 party, review documents that don't belong to him. And the
10 notion if something is privileged and he received it in his
11 capacity as a CEO of the company and it was privileged at the
12 time, he can waive that privilege, that is not true, and
13 that's not the law. The law is quite clear that it's the
14 company's privilege, not his, and the company does not waive
15 that privilege and never has waived an attorney-client
16 privilege. Nobody has conceded that, and no one has suggested
17 that.

18 So what this protocol does -- and it's lengthy, but
19 it's intended to be detailed because we put a lot of thought
20 into it, and we are perfectly willing to meet and confer, if
21 we can get that done, with a court reporter present or
22 whatever present, telephone recording, doesn't matter to me,
23 but we need to get this resolved so that the documents
24 generally can be considered by the Court, should they be used
25 or not in connection with evidentiary hearing, and to the

1 extent that Your Honor somehow disagrees that he doesn't
2 improperly have them and shouldn't return them all, then at
3 least we go document by document and determine what's
4 privileged, what's subject to trade secret, and what is
5 subject to the Macau Privacy Act.

6 THE COURT: You're going to go through all
7 11 gigabytes?

8 MS. GLASER: Yes, ma'am, we are. And we have people
9 set up to do that.

10 THE COURT: Okay.

11 MR. PEEK: We think there may be more than
12 11 gigabytes, though, Your Honor. Because in light of the
13 opposition that we saw from Mr. Pisanelli suggests to me that
14 there's more than 11 gigabytes. I don't know what it is or
15 not, and I'm not trying to put words in his mouth, but the
16 opposition suggests that there's more than 11 gigabytes.

17 MR. PISANELLI: I think there is, but I don't know.

18 THE COURT: Let me ask a question -- let me ask the
19 question more completely. Is it the intention of Sands China
20 to go through all of the documents that are delivered to the
21 ESI vendor and imaged for you to then review to determine if
22 there is a particular issue and then to provide me with an
23 item-by-item description as to your position?

24 MS. GLASER: Yes, ma'am, it is.

25 THE COURT: Okay.

1 MR. PEEK: And, Your Honor, as part of that process,
2 because I'm sort of peripherally involved --

3 THE COURT: Well, Mr. Kay gave an affidavit about
4 it, so yeah.

5 MR. PEEK: Right. Because I'm peripherally
6 involved, there will be an issue, Your Honor, as to whether or
7 not any of the documents can rightfully be used. And that'll
8 be briefed in detail, rightfully be used --

9 THE COURT: Absolutely.

10 MR. PEEK: -- because we'll take depositions, we'll
11 get to the bottom, as Mr. --

12 THE COURT: And you have a motion for protective
13 order that's coming up and a motion to compel return of
14 documents that's coming up. I mean, I've got all sorts of
15 motion practice coming up.

16 MR. PEEK: Yeah. But I just didn't want there to be
17 any question about this, is that, as Mr. Fisanelli wants to
18 take the deposition of the IT folks in Macau, we likewise want
19 to take the deposition of Mr. Jacobs --

20 THE COURT: That's Item Number 4.

21 MR. PEEK: -- as to how he came into possession.

22 THE COURT: I'm not into 4 yet.

23 MR. PEEK: You're right. I thought it was part of
24 the protocols. But you're right, it is.

25 THE COURT: That's depos.

1 MR. PISANELLI: I promise --

2 THE COURT: Mr. Pisanelli.

3 MR. PISANELLI: I promise Mr. Peek not --

4 THE COURT: I have the July 8, 2011, email in front
5 of me, as well as the ESI order that is already in file on
6 this case dated June 23rd, 2011.

7 MR. PISANELLI: Yep. That last paragraph at the
8 bottom of page 1 we are prepared to comply with today. There
9 is a fraction of hyperbole in it, but the point is immediately
10 or nearly immediately we can give them exactly what Mr.
11 Williams said in July. They can have in .tif form, Bates
12 stamped, all of them. There is no reason for delay. We don't
13 need to go through all of this long basically disguised TRO
14 that they presented to you, squeezing in the language that
15 you've rejected time and time again. They want a copy of
16 everything in .tif form, they want it all Bates numbered so
17 that there's identifier of exactly what they're in possession
18 of, I'm telling Your Honor as early as tomorrow I think. And
19 if it's -- if I can't get that done, it's going to be like
20 within days. I'm not talking months, weeks, anything of that
21 sort. We're ready to give it to them and let's get this
22 process underway.

23 I promise Mr. Peek that I will not claim ever to be
24 surprised that either of them are going to argue that all of
25 them should be excluded. I'm very much aware of that

1 position, and I'm very much aware that he's not waived it
2 today and that I will be hearing this argument again. I get
3 it. But our position, like Mr. Williams's, has always been,
4 here, you can have a copy of them, tell us what you think
5 we're not entitled to see or use and keeping in mind that Ms.
6 Glaser once again, in our view, said -- told you the exact
7 opposite of what the law is. That privilege, though they hold
8 it, cannot be asserted against a party like Mr. Jacobs who was
9 entitled to these communications in the course of his work.
10 They cannot assert it, they cannot claim that he doesn't get
11 to see them. She is dead wrong on the law. But we'll debate
12 that another day.

13 So we don't need all of this long disguised issue.

14 THE COURT: Okay. So can --

15 MR. PISANELLI: This is what we'll do.

16 THE COURT: Wait. I need to get clarification from
17 you.

18 MR. PISANELLI: Yes.

19 THE COURT: I assume from your suggestion that the
20 last paragraph of the July 8th, 2011, email, which I'm marking
21 as Court's Exhibit 1 for purposes of today's hearing, that you
22 will transmit an electronic version to the ESI vendor that all
23 of you agree upon. How, then, do you intend to do the review
24 to determine if there is privileged material of Mr. Jacobs
25 separate and apart from any materials that might be for the

1 Sands?

2 MR. PISANELLI: Yeah. We will --

3 THE COURT: How are you going to do that search?

4 MR. PISANELLI: We will -- that's a very good
5 question.

6 THE COURT: It's a search term question, really.

7 MR. PISANELLI: It is a search term. And we will
8 work with our client to determine what possibly could be in
9 there. I remain optimistic and hopeful that that is going to
10 be minimal, but I don't want to give away that issue.

11 THE COURT: Okay. Here is my concern, because I
12 certainly agree that is an appropriate procedure. My fear is
13 I don't want you looking at all 11 gigabytes of information.
14 I want the vendor to run a search using the search terms
15 you've identified that are expansive enough to capture all of
16 the potential documents that may be privileged to Mr. Jacobs
17 separate and apart from the other documents that are at issue
18 in this ongoing battle. That is my concern.

19 MR. PISANELLI: I can live with that.

20 THE COURT: I don't want you to go through all the
21 documents --

22 MR. PISANELLI: I don't want to.

23 THE COURT: -- but I want you to be able to review
24 the documents that this isolated search that you propose the
25 search terms to can identify --

1 MR. PISANELLI: Sure.

2 THE COURT: -- and then you have to do the privilege
3 log and provide that.

4 MR. PISANELLI: That makes perfect sense to me.

5 THE COURT: Then -- then after that happens
6 typically what I would hope is that the rest of the documents,
7 since Sands China has indicated an intention to review all
8 11 gigabytes or more of data, that with the exception of those
9 that you've identified as attorney-client of Mr. Jacobs and
10 which I agree with you, they will then begin document by
11 document reviewing those and making the identification as to
12 whether there is a privilege or it is protected by Macau law
13 or it is a trade secret, which are their three things they've
14 told me are important to them. But I need you to do that
15 review first, since Mr. Williams specifically identified that
16 as an issue in the July email. And I need to know what your
17 position is and your timing related to that, because it will
18 greatly impact the work I have done.

19 I will tell you, I have a case -- and none of you
20 guys are involved in this, luckily -- where it took them six
21 months for the first person to complete the review before the
22 data could be transmitted to the other people. And that's too
23 long. And I get grumpy when people don't do their job in a
24 expeditious fashion.

25 So tell me what your plan is.

1 MR. PISANELLI: My plan would be the following. Of
2 course, go down the path that you described, give me 30 days.
3 Trigger whatever it is you will require of the defendants
4 based upon my production, not the 30 days, so that if I can
5 hypothetically call back and say, Your Honor, I don't need to
6 do that, Mr. Jacobs knows exactly what he possesses and is
7 willing to produce without any redaction, so I'll give it to
8 them immediately. So I don't know that to be the truth. I
9 suspect it's probably not the case. But I think 30 days
10 should work. And if it won't, I will -- the burden will be on
11 me to come back to you and explain why I need more time and
12 how much more time. And then I won't -- I'll reserve comment,
13 but I'll let defendants decide how long they will need.

14 THE COURT: How long do you need to make the
15 determination as to whether you're going to have the search
16 terms run?

17 MR. PISANELLI: That I can let you know by the
18 beginning of the week.

19 MS. GLASER: I'm sorry. I didn't hear that.

20 THE COURT: He said he needs the beginning of next
21 week.

22 MS. GLASER: Fine.

23 THE COURT: How about I give you a couple extra
24 days, because I'm always worried when people tell me they can
25 do things that short, to the 19th.

1 MR. PISANELLI: Okay.

2 THE COURT: And if you decide after communicating
3 with your client that you are not going to need to have the
4 search terms run to make a determination as to whether there
5 are any independent documents protected by attorney-client
6 privilege or a privilege that would be held by Mr. Jacobs, as
7 opposed to Sands China, then you will tell us on October 19th.
8 You're either going to have the search terms available to the
9 ESI vendor who will then run the search in their fashion and
10 give you the results, or you will say, I don't need to have
11 the search run.

12 And then Sands China will have how long to give me
13 your search terms? Oh. No. You want to review them all.

14 MR. PEEK: We want to look at all the documents,
15 Your Honor.

16 MS. GLASER: Believe me, I'm not looking forward to
17 it, Your Honor.

18 THE COURT: Then the ESI vendor will have to post
19 them and make them available on a remote site, and they will
20 keep a log of every document that is reviewed and by whom,
21 which means they have to assign user identification numbers to
22 everyone who is involved in the process.

23 And how long will it take Sands China to review the
24 documents, assuming there's about 11 gigs?

25 MS. GLASER: I need to know --

1 THE COURT: The answer is "longer."

2 MR. PEEK: Yeah. It's longer than 45 days, Your
3 Honor.

4 THE COURT: Do you like how I added that part?

5 MR. PEEK: Yeah, I get that, Your Honor. It's not
6 six months.

7 THE COURT: Mr. Pisanelli, you think if you're doing
8 this you get 30 days' review period if you get to that point?

9 MS. GLASER: Your Honor, we would request 90 days,
10 because it will take that long to do this properly.

11 And I do have a clarification request.

12 THE COURT: Okay. Hold on. Let me finish writing
13 notes here.

14 (Pause in the proceedings)

15 THE COURT: All right. You had a question?

16 MR. PISANELLI: I do, as well.

17 THE COURT: I don't care who goes first.

18 MS. GLASER: I've got a couple of questions, Your
19 Honor. I need to make sure -- I'm being told I need to make
20 sure --

21 THE COURT: We need your people who are IT people
22 and specialists who have done this before to communicate with
23 me. Please feel free -- even if you're not admitted in Nevada
24 or you're not a lawyer, please feel free to come up to the
25 table so that when Ms. Glaser is telling me what you want her

1 to tell me she tells me what you mean. Because I --

2 MS. GLASER: Ninety days. When do we count the 90
3 days from? That's the big issue.

4 THE COURT: We'll count the 90 days from the date
5 either on which you get the notification from Mr. Pisanelli on
6 October 19th that he does not need to run search terms to
7 determine if there's any privileged material on behalf of Mr.
8 Jacobs that would be separate and apart, or, alternatively,
9 upon the time that he gives you the list of privileged
10 material and the ESI vendor can then begin making other
11 materials that are not on his privilege log available to
12 you --

13 MR. PEEK: Your Honor --

14 THE COURT: -- while I am in the process of
15 reviewing the materials that are on the privilege log that Mr.
16 Pisanelli identifies typically through motion practice.

17 Yes..

18 MS. GLASER: Your Honor, we may finish it shorter
19 than 90 days, and we want to be able to move this process
20 along, too.

21 THE COURT: If you finish short of 90 days, you
22 know, you give it to me.

23 MR. PEEK: Well, I -- here's my question.

24 THE COURT: But I doubt you're going to.

25 MR. PEEK: Because the 90 days is starting from the

1 19th of October, I think is what --
2 THE COURT: Not necessarily.
3 MR. PEEK: Okay. That's what I'm trying to get --
4 THE COURT: You have a moving target on when the
5 90 days starts.
6 MR. PEEK: Because we have to -- we have to get the
7 documents loaded, Bates numbered --
8 THE COURT: That's not you. Here's what happens --
9 MR. PEEK: That's my question.
10 THE COURT: Mr. Pisanelli has electronic data.
11 The electronic data within 48 hours of today, which is by --
12 48 judicial hours, which is by Monday, will be given to the
13 ESI vendor, which typically means you upload it to their site.
14 MR. PISANELLI: I think it's already done.
15 THE COURT: All right.
16 MR. PISANELLI: I think it's already Bates numbered,
17 .tif, and it's ready to be produced.
18 THE COURT: So if that's the case and the vendor
19 already has it --
20 MR. PISANELLI: And I believe the vendor to be
21 QUIVX, so outside institutional company --
22 MS. GLASER: Don't we have to agree?
23 MR. PEEK: But the --
24 THE COURT: Wait, wait, wait. Let's --
25 MR. PEEK: The issue that we have -- and I'm not

1 questioning Mr. Pisanelli's assertion here -- is we have a
2 much broader protocol as to what it is that he has in his
3 possession. So when he says --

4 THE COURT: You're asking for exactly the same thing
5 that's already in the ESI protocol that I've signed. Isn't it
6 nice that you were consistent?

7 MS. GLASER: May I --

8 MR. PEEK: Your Honor, there's a broader -- if you
9 looked at our -- if you look in our ESI protocol, which is a
10 broader one of everything that he ever had, that he got during
11 the course of his employment, that's not --

12 THE COURT: I've limited the discovery on these
13 issues to a specific period of time. My recollection, and I
14 will refer to the ESI protocol, since I was wrong the last
15 time I said it, was that time frame ran from January 1st,
16 2009, to October 20th, 2010.

17 MR. PEEK: Right. I agree with that one.

18 MS. GLASER: This is a clarification --

19 MR. PEEK: May I see that, Your Honor, just for a
20 moment.

21 THE COURT: Yes. I just punched it. Max has been
22 very good at going to the --

23 MR. PEEK: Go ahead, Ms. Glaser. I'm sorry.

24 MS. GLASER: Because Your Honor rightfully has not
25 ruled on the appropriateness of Mr. Jacobs having these

1 documents, and I appreciate that, we want a representation,
2 which we will take to Your Honor, from Counsel that there will
3 be nothing done -- our protocol that we had -- the special
4 protocol that we had suggested made everybody turn over all
5 the documents, and the ESI vendor is sort of the neutral who
6 has everything. If he chooses not to do that or Your Honor
7 doesn't order it and we think Your Honor should, then at
8 minimum there should be a representation to the Court that
9 there will be no use of the documents and/or the information
10 in the documents absent further order of the Court.

11 THE COURT: Well, until the process is completed.
12 The process is -- the anticipated path is that the electronic
13 images are provided by Mr. Pisanelli to the ESI vendor, and I
14 haven't determined that the one he's already picked is the
15 one, but we'll have that discussion in a minute. He provides
16 that. The understanding is he's not looking at those
17 documents anymore, which is why I'm making him use search
18 terms to review the documents.

19 MS. GLASER: And I appreciate that.

20 THE COURT: The reason he's having to review search
21 terms is my goal was to keep him from getting further down a
22 path where there may be a document that is protected by the
23 attorney-client privilege, the Macau Privacy Act, or a trade
24 secret that Mr. Jacobs has that I later determine he shouldn't
25 have and I don't get into a position later where I have to

1 disqualify counsel because he was looking at documents when he
2 shouldn't be.

3 MS. GLASER: Understood.

4 THE COURT: I don't want to be in that position,
5 because it will make my case take longer.

6 MS. GLASER: Fair enough.

7 THE COURT: And it also screws things up
8 procedurally.

9 MR. PEEK: And, Your Honor, I apologize. You are
10 correct. Because our protocol did capture this, because it
11 says that, "The parties must accurately identify and produce
12 responsive non-privileged, active ESI stored [unintelligible]
13 that is in their possession, custody, or control
14 notwithstanding its location."

15 THE COURT: True.

16 MR. PEEK: So --

17 THE COURT: And that's already an order I issue,
18 although it's stayed for all purposes except this.

19 MR. PEEK: Yeah. I guess it's really the "identify
20 and produce responsive," but if he's just giving me everything
21 that he has, that's what Mr. Pisanelli is telling me, is that
22 everything that Mr. Jacobs has I'm going to give to the ESI
23 vendor.

24 MS. GLASER: Your Honor --

25 THE COURT: And that's a yes, not just a nod. Come

1 on. Nods don't come out on my record, Mr. Pisanelli. Say
2 yes.

3 MR. PISANELLI: I'm just waiting till he's finished.

4 THE COURT: Well, the nodding was -- say yes.

5 MR. PISANELLI: Yes.

6 THE COURT: Okay. Thank you.

7 MS. GLASER: Your Honor, the other clarification --
8 and we did -- if you looked at -- and I can hand it up to the
9 Court if it's easier. At paragraph 6 we actually --

10 THE COURT: Of yours?

11 MS. GLASER: Of our protocol. Do you want me to
12 hand it up to you?

13 THE COURT: No. I have it.

14 MS. GLASER: Oh. I'm sorry.

15 THE COURT: I have all this stuff. Okay. And I've
16 dealt with ESI issues many times.

17 MS. GLASER: We actually provide a mechanism for
18 what Mr. Jacobs might determine to be his attorney-client
19 privilege, as opposed to --

20 THE COURT: Well, but you understand that what
21 paragraph 6 says is he's giving the search terms. That's what
22 paragraph 6 says. I already told him that.

23 MS. GLASER: Okay. As long as we're in the same
24 boat. Thank you.

25 THE COURT: But the search terms doesn't have to

1 necessarily be only those items that you've identified in 6,
2 because there may be other items that the search terms Mr.
3 Pisanelli believes are appropriate to elicit a response as to
4 a document he believes Mr. Jacobs would hold the attorney-
5 client privilege for may be something which isn't an attorney,
6 but there's a particular subject that is an unrelated legal
7 issue that's captured on there.

8 MS. GLASER: Okay. I'm --

9 THE COURT: Do you understand what I'm saying?

10 MS. GLASER: Fair enough. Fair enough.

11 THE COURT: He hired a lawyer to help him with a
12 special LLC called, for instance, Sagebrush, so he wants to
13 run "Sagebrush" as one of the search terms, so he'll make sure
14 he pulls all that stuff.

15 MS. GLASER: Now, this is my question, because I
16 just need to understand this. He goes through that process
17 just as Your Honor's outlined, and now he identifies -- I'm
18 making up a number -- 10 documents that he feels outside -- he
19 wants to make sure they're protected from his standpoint. How
20 does Your Honor then make the determination whether that's
21 justified?

22 THE COURT: He does a privilege log. You get a copy
23 of the privilege log from him, because he serves it upon you.
24 If you look at it and you think there is a problem, then you
25 talk to him, because that's what Rule 2.34 requires you to do.

1 MS. GLASER: I'm never going to be before Your Honor
2 again --

3 THE COURT: And then --

4 MS. GLASER: -- without doing that.

5 THE COURT: -- after you talk to him -- or you could
6 talk to Ms. Spinelli or Mr. Bice or whoever it is in their
7 office they designate to respond to you, after you've had that
8 communication in good faith to try and resolve the issue on
9 the privilege log, then you're going to file a motion to
10 require the production.

11 MS. GLASER: Understood.

12 THE COURT: And then he's going to say, this is the
13 basis. And what almost always happens, unfortunately, is I
14 then do an in-camera review.

15 MS. GLASER: Understood.

16 THE COURT: Almost always.

17 All right. Yes.

18 MR. PISANELLI: Perhaps -- I have to confess to you
19 I'm a little confused.

20 THE COURT: You've done ESI before. You can't be
21 confused.

22 MR. PISANELLI: I have done it before, and I'm still
23 -- I always get confused.

24 THE COURT: Mr. Peek can be confused, 'cause he's
25 older than us.

1 MR. BICE: On that we concur, Your Honor.

2 MR. PISANELLI: I have --

3 THE COURT: But he brought Mr. Anderson, who
4 understands it.

5 MR. PEEK: I brought Brian with me today, Your
6 Honor, to help me.

7 MR. PISANELLI: I have a body of documents that are
8 stored electronically. And I'm going to do this broad strokes
9 just to make sure I'm where you want me to be on this, okay.
10 I have a body of evidence that is stored electronically. It
11 has been identified by Bates number and whatever .tif means is
12 what it is. I am going to take that body of evidence in
13 electronic form, not hard copies, and I'm going to give it to
14 the defendants. The only thing I expect to extract from that
15 body of evidence is -- are the documents, if any, that I
16 believe they are not entitled to see.

17 THE COURT: Correct.

18 MR. PISANELLI: And that will not be made a secret
19 to them or you or anyone else. They will know by Bates number
20 document, et cetera. In order to determine what of that body
21 of evidence I am not going to give to them, I'm going to give
22 the ESI vendor --

23 THE COURT: Well, not that you're not going to give
24 to them, to which you are making a claim of privilege.

25 MR. PISANELLI: Yes.

1 MR. PEEK: Privilege log.

2 MR. PISANELLI: Yes. Of course. And in order
3 to find them I'm not going to do what they are going to do
4 and read every document and pull them out. I am going to
5 give search terms to the vendor to say, here is the body of
6 evidence, find me documents that have these words. And
7 then --

8 THE COURT: And that search terms, the search terms
9 that are communicated to the vendor get circulated to
10 everyone. So if there is a dispute as to whether the search
11 terms are too broad or they think your search term is going to
12 pull information to which they will claim a privilege, then I
13 have a different issue I have to resolve.

14 MR. PISANELLI: That's actually where I was headed
15 with the confusion. So I'm there.

16 THE COURT: Are we done now?

17 MR. PISANELLI: I think so.

18 THE COURT: Any other questions on my Item Number 3,
19 which was the ESI protocol issue?

20 MR. PEEK: Maybe Number 4 is going to capture it,
21 because I certainly have questions, Your Honor.

22 THE COURT: 4 is my depo issue.

23 MR. PEEK: Yeah. But I even have more questions.
24 What I'm concerned about is are we receiving in native format
25 with metadata attached in those 11 gigabytes that will let us

1 know or give us insight as to when the documents were --

2 THE COURT: Hold on. Let me ask the question for
3 Mr. Pisanelli.

4 How did the documents get converted into their
5 current .tif format with Bates numbering on them?

6 MR. PISANELLI: I didn't do it, so I would be
7 guessing.

8 THE COURT: I don't want you to guess.

9 MR. PISANELLI: I don't know.

10 THE COURT: How do I find out?

11 MR. PISANELLI: That was handled by outside counsel
12 -- by outside I mean out side of me --

13 THE COURT: Correct.

14 MR. PISANELLI: -- and I have kept myself away from
15 the process.

16 THE COURT: Frequently people hire Dennis Kennedy to
17 do that, for some reason, and I have no idea why he's the one
18 who always gets hired.

19 MR. PISANELLI: I did not hire Dennis Kennedy.

20 MR. PEEK: Oh. You're shocking me.

21 MR. PISANELLI: But it was handled by counsel for
22 Mr. Jacobs, and I have maintained distance --

23 THE COURT: Okay.

24 MR. PISANELLI: -- with that process.

25 THE COURT: Here's the question that I need

1 answered. And it may be that the ESI vendor will have to be
2 the one who tells me the answer to this question. If they get
3 information and it appears to them that the .tif files they
4 are receiving are files that were, for lack of a better term,
5 printed and scanned, then I'm going to have a problem.

6 MR. PISANELLI: Okay. I'll find that out.

7 MR. PEEK: Yeah. Because you've seen in our
8 protocol what we talk about is the metadata attached to the
9 .tif file. That's --

10 THE COURT: It's not in -- it's in the order. It's
11 in an order. I assume that the order that is currently in
12 place, dated June 23rd, 2011, was complied with.

13 Here, Mr. Pisanelli. I'm going to give you a copy,
14 because you weren't here then.

15 MR. PISANELLI: And by the way, if it was not
16 complied with, can't even represent to you that this was done
17 before or after this order, but I will do this. I mean, if --
18 if we don't have the metadata, for instance, and that is
19 something you want, then we're just going to have to --

20 THE COURT: Well, no. It's something I ordered.

21 MR. PISANELLI: I'm sorry?

22 THE COURT: It's something I ordered.

23 MR. PISANELLI: Okay.

24 THE COURT: It's not something I want.

25 MR. PISANELLI: My point is, then, maybe money has

1 been wasted and we have to start over.

2 THE COURT: That may be.

3 All right. So next question. The vendors.

4 MR. PISANELLI: All I know is that QUIVX was used,
5 contracted directly with the law firm. I understand there to
6 be a confidentiality obligation in relation to their work.
7 That's all I can represent to you.

8 MR. PEEK: Don't know anything about them, Your
9 Honor. I just want the opportunity to --

10 THE COURT: Other people have used them in other
11 cases.

12 MR. PEEK: They're not familiar to me, and --

13 THE COURT: They aren't one that I've had a problem
14 with yet.

15 MR. PEEK: Oh. That's a good sign, then.

16 MS. GLASER: Are not, or are?

17 THE COURT: Have not yet had a problem with.

18 MS. GLASER: Your Honor, we probably will have no
19 problem, because --

20 THE COURT: But I want you to look and decide if you
21 have a problem.

22 MR. PEEK: We want to check to vet them, that's all.

23 THE COURT: How long do you need? Because I ordered
24 Mr. Pisanelli to give it to them by Monday, and I'm not going
25 to make you give it, since they already have it.

1 MR. PEEK: In an abundance of caution, Your Honor,
2 I'll give him till Tuesday, if it's okay with the Court, so
3 that we can vet them, because it's already Thursday.

4 THE COURT: How long do you need to vet is what I'm
5 trying to find out.

6 MS. GLASER: By the end of the day on Monday we
7 should be able to get back to Mr. Pisanelli, and if you -- if
8 Your Honor wishes, Your Honor, as well.

9 THE COURT: I don't care. But if you don't pick
10 QUIVX, then I need to see you.

11 MR. PEEK: Then we need to pick somebody --

12 THE COURT: Unless you agree, I need to see you.

13 So the 48 hours that I gave you is tolled pending a
14 decision on either they agree to QUIVX or I order a particular
15 person to be your vendor.

16 MS. GLASER: Thank you, Your Honor.

17 MR. PEEK: Thank you, Your Honor.

18 THE COURT: So none of the dates are going to start
19 moving until you hit that, till you know who your vendor is.

20 MS. GLASER: Understood.

21 THE COURT: All right. Does anybody have any
22 questions; including those people who are more technically
23 oriented than the rest of us, about what I have ordered, which
24 are simply modifications to the prior ESI order?

25 MR. PISANELLI: I have a non-technical question on

1 cost.

2 MS. GLASER: We do not, Your Honor.

3 THE COURT: Okay. So Mr. -- your cost question, Mr.
4 Pisanelli?

5 MR. PISANELLI: What do we do about it?

6 THE COURT: I don't know. What's it say in the
7 order?

8 MR. PISANELLI: I don't know. I haven't read it.

9 THE COURT: I gave you my copy. Hold on a second.

10 MR. PISANELLI: I gave it back to you.

11 THE COURT: I think we addressed that in the
12 original order.

13 MR. PEEK: Yeah.

14 THE COURT: "Each party expressly reserves its right
15 to petition the Court to shift the cost of the production of
16 the ESI to the requesting party." That's what it says.

17 MR. PEEK: Yeah. I agree. That's what my
18 recollection was, too, Your Honor.

19 THE COURT: You want it back?

20 MR. PISANELLI: No, we've got one.

21 THE COURT: Anything else?

22 MR. PISANELLI: I don't think so.

23 MS. GLASER: No. Thank you, Your Honor.

24 MR. PEEK: Well, but what do we do in the short run
25 of paying, paying QUIVX? Because certainly we have that cost

1 shifting.

2 THE COURT: He's the producing party.

3 MR. PEEK: So he's paying for it, he can shift it
4 back to me later if he wants?

5 THE COURT: On that part. He can shift it later.

6 MR. PEEK: Okay.

7 THE COURT: But when you then are accessing your
8 however many documents it ends up being, you're paying for all
9 of that and the logging that has to be done. And I will tell
10 you that there have been occasions where I've had to review
11 the log that the ESI vendor keeps to make a determination as
12 to whether anything fishy happened.

13 MR. PEEK: Okay. So, if I understand correctly,
14 what you have suggested as a protocol for review of document
15 by document with SCL is not contained within the body of the
16 protocol, I don't believe, where we keep a log, as you're
17 suggesting --

18 THE COURT: You don't keep a log. That's part of
19 what the ESI vendor does. They issue user names. They
20 typically keep a log of everybody who accesses each document.

21 MR. PEEK: But that -- but we wouldn't have that,
22 for example, Your Honor --

23 THE COURT: You don't get it. We only get it when
24 there's trouble.

25 MR. PEEK: Right.

1 THE COURT: And hopefully we won't have trouble.

2 MR. PEEK: My point is, Your Honor, that I don't
3 recall seeing that in the protocol, that there is, as you say
4 -- because I know, for example, when I'm reviewing the
5 documents right now -- when I reviewed them before the stay
6 and produced them to Jacobs, I had folks reviewing on my
7 system where I had uploaded them. And I would assume that Jim
8 would have done the same thing on his system had we gone
9 through the normal process without this dispute.

10 THE COURT: Hold on.

11 MR. PEEK: So I just want to make -- I just want to
12 have that clarification.

13 THE COURT: You're absolutely right that it is not
14 covered in this order.

15 MR. PEEK: Right. So we just need to -- and I get
16 what you're saying, Your Honor --

17 THE COURT: Typically the ESI vendors keep that.
18 That's why they make you have user names that are independent
19 for everyone who accesses it. I'm trying to see if I can find
20 -- you had a proposal from a vendor that was a contractual
21 document, didn't you?

22 MS. GLASER: No. Ours --

23 MR. PEEK: I don't recall that we did, Your Honor,
24 have a proposal from a vendor.

25 MS. GLASER: No. Our proposal is not from a vendor,

1 it's from a bunch of lawyers.

2 THE COURT: Oh. Okay.

3 MS. GLASER: I can hand that up to Your Honor if you
4 don't have a copy.

5 MR. PEEK: Because I -- you know, we have to have a
6 protocol about, okay, you're going to keep this log, but I
7 don't --

8 THE COURT: They keep the log.

9 MR. PEEK: They keep a log. If I access Bate range
10 of --

11 MS. GLASER: They know.

12 MR. PEEK: -- they know how long I'm there, what I
13 do. I'm okay with --

14 THE COURT: They don't typically know how long
15 you're there. They know if you reviewed it or if you
16 downloaded it. That's typically the things that are recorded
17 on those logs.

18 MR. PEEK: And we are going to be downloading --

19 THE COURT: Some.

20 MR. PEEK: -- some. So I'm going to just look on
21 the screen. Okay.

22 THE COURT: Depends whether you hire a hundred law
23 students to help you with your 11-gig review like some of the
24 people do.

25 MR. PEEK: I know. To get it done in the 90 days.

1 Okay.

2 MS. GLASER: Thank you, Your Honor.

3 MR. PEEK: So we'll have to -- we'll have to put
4 that into place somehow, Your Honor. We'll put that protocol
5 into place.

6 THE COURT: That needs to be in whatever order we
7 use adopting and approving the ESI vendor.

8 MR. PEEK: We'll work on that, Your Honor.

9 THE COURT: Okay. Because there will have to be
10 either a stip and order for the ESI vendor for their
11 protection, as well as yours, or, if it's a contested issue,
12 we'll issue an order from me.

13 MR. PEEK: And I'll work with Mr. Pisanelli on
14 getting that work -- on getting that done, Your Honor.

15 THE COURT: Anything else?

16 MR. PISANELLI: On this topic, or others?

17 THE COURT: On the ESI protocol issues.

18 MR. PISANELLI: No.

19 THE COURT: All right. My next topic listed on mine
20 is depositions of IT folks, depositions of Jacobs, requests for
21 productions of documents.

22 MR. PISANELLI: That's my actual -- that was the
23 question I had for you. While we are doing this process I'd
24 like to be productive, right. I'm going to have an argument
25 coming our way about whether we have an entitlement to any of

1 them. We're going to have that big global debate again. And
2 so I would like to conduct discovery and take Ms. Glaser up on
3 her offer of their IT folks and find out what exactly they
4 know about what they've been doing, et cetera, et cetera, et
5 cetera.

6 THE COURT: Okay. Since we are stayed and limited
7 to purely discovery related to this jurisdictional issue which
8 the Supreme Court has given me a writ ordering me to do
9 certain things, I am not going to compel what would typically
10 be Rule 16 disclosures related to that. I am going to require
11 you to serve an interrogatory to identify those folks, or,
12 alternatively, you may identify them through a 30(b)(6)
13 deposition notice.

14 MR. PISANELLI: Will do.

15 THE COURT: Next?

16 MR. PEEK: Well, similarly, Your Honor, there's the
17 corresponding -- I don't know whether Las Vegas Sands is
18 entitled to be involved in this process, because --

19 THE COURT: I'm not clear, either.

20 MR. PEEK: Yeah. But certainly I'll speak for Las
21 Vegas Sands, and Ms. Glaser can speak for herself, and it may
22 get to the same point, is that we would want to take the
23 deposition of Mr. Jacobs for that discrete subject matter
24 related to when he -- what he came into possession, how he
25 came into possession of it, when he came into possession of

1 it, what he did with it, where did it get stored, what thumb
2 drive.

3 THE COURT: How about I say it this way? I believe
4 Mr. Jacobs should be deposed if you think it's appropriate, or
5 Ms. Glaser did, related to all issues that are the subject of
6 the issues that are currently not stayed, rather than deposing
7 him on four separate occasions on sub issues. And that would
8 be the same for every witness. I would prefer to have each
9 individual not inconvenienced overly and to try and
10 consolidate all of the issues for their deposition at one
11 time, because it's just polite and well-mannered practice.

12 MR. PEEK: The only reason I would -- I would agree
13 with that under normal circumstances. Why I have a little bit
14 of a concern here is that the issue of a substantive
15 deposition of Mr. Jacobs on jurisdiction would normally follow
16 after the review of all of the documents. One would want, I
17 think perhaps -- and I'm not saying this is what Ms. Glaser
18 will do -- that the issues of how he came into possession of
19 those might be taken -- or learned or discovered earlier than
20 that substantive deposition. And I'm not trying to take two
21 depositions. I agree with the Court. I don't want to
22 inconvenience Mr. Jacobs. But we'll --

23 THE COURT: I understand what you're saying, but I
24 really don't think Mr. Jacobs's testimony is relevant to the
25 privileges that are going to be asserted after those folks

1 review the 11 gigs or so of documents. There's going to be
2 somebody who says that the document violates the Macau Privacy
3 Act by it being removed from Macau, there's going to be an
4 objection that says it might be attorney work product, there
5 might be an objection that says it's an accountant-client
6 privilege, it might be an attorney-client privilege, or it
7 might be a trade secret. I think that's the entire universe
8 of --

9 MR. PEEK: No. There's one more, Your Honor.

10 THE COURT: What is it?

11 MR. PEEK: You came into the possession of them
12 wrongfully.

13 THE COURT: That's the broader issue.

14 MR. PEEK: That's the broader issue, and it's
15 certainly --

16 THE COURT: I am merely at this point in time on the
17 11 gigs looking for the privilege issues.

18 MR. PEEK: Correct. But in order to get to that
19 last, much broader issue of did you come into possession of
20 them in a manner that I don't consider proper, that would be
21 the subject of, as I said, how, when, what, where did you get
22 -- come into the possession.

23 THE COURT: I am not seeing -- that discussion,
24 which I certainly understand we will have, I do not see that
25 at the same time as my decision on the what I'm characterizing

1 as privilege issues. You understand what I'm saying?

2 MR. PEEK: I do. I do.

3 THE COURT: I intend to resolve the privilege issues
4 first, and then I know you're going to argue that there's a
5 lot more that aren't on that list that you claim he shouldn't
6 have.

7 MR. PEEK: Correct.

8 THE COURT: And we're going to have a discussion
9 about it after you take his depo.

10 MR. PEEK: Okay. After I take his depo.

11 MS. GLASER: So, if I'm understanding Your Honor,
12 because this is important to us, we obviously have to depose
13 him on all the privilege issues, but we also have to depose
14 him on jurisdictional issues, not just privilege issues.

15 THE COURT: You don't have to. You can.

16 MS. GLASER: But we -- yes. But, Your Honor, we are
17 -- he's taken the position that he's not subject to our
18 confidentiality and return document --

19 THE COURT: He is taking that position.

20 MS. GLASER: Yeah. I heard that loud and clear,
21 read it loud and clear. We need to --

22 THE COURT: That doesn't mean he's right.

23 MS. GLASER: I understand that.

24 THE COURT: It's a factual issue I will make a
25 determination on at some point in time.

1 MS. GLASER: That's one issue that is pre before you
2 get to the evidentiary hearing on jurisdiction.

3 THE COURT: Absolutely. I will make that
4 determination I assume when you renew your motion in limine
5 after having a conference under 2.47 and after you've taken
6 his deposition and after I've ruled on the privilege issues.

7 MS. GLASER: I have memorized now -- if I haven't, I
8 will memorize 2.47.

9 THE COURT: You should read the whole bunch of local
10 rules. Some of them will actually amuse you, because they're
11 funny.

12 MS. GLASER: Last thing, the two issues that sort of
13 pre -- are before Your Honor determines jurisdiction are going
14 to be his claim that he's not subject to the policies, which
15 we've just articulated, and, two, how he came into possession
16 of what we believe to be greater than 11 gigabytes of
17 documents. I'm not saying that that deposition -- I haven't
18 thought it through, honestly, but there can be all one
19 deposition, but it might be two. And we're going to try as
20 best we can not to inconvenience Mr. Jacobs for sake of
21 inconvenience, because it inconveniences everyone.

22 THE COURT: How's this? I bet if you ask for -- if
23 you don't to it all in the first depo, you're going to get a
24 fight on whether you get the second depo. So I'd be really
25 careful.

1 MS. GLASER: I'm not -- I'm not arguing with you.
2 We're going to think that through carefully.

3 THE COURT: Okay. Here's what I'm trying to make
4 sure we all understand. There's going to be an ESI
5 production, there's going to be an ESI search, there's going
6 to be reviews of documents that are separate and apart,
7 there's going to be a ruling on any privilege issues related
8 to particular documents, you're going to take depositions,
9 some may be going on during this process, some may occur after
10 the process. You are then going to, if you want, file a
11 motion in limine again to prevent the use of the documents at
12 the evidentiary hearing. But we will now have a framework
13 which I had hoped we would be able to have through a different
14 process than we're doing now on which documents would be used
15 at the evidentiary hearing. Does that make sense?

16 MS. GLASER: It totally makes sense. And it's
17 appreciated. And I, for one, would represent to the Court and
18 to Mr. Pisanelli that I'm hopeful that we can work things out.
19 I don't want to be in a position, nor do I think he does, of
20 me being concerned that he's not -- he's saying one thing to
21 the Court and one thing to me and vice versa. And we hope to
22 avoid that at all costs, and I'm sure I can speak for both of
23 us in that regard, Your Honor.

24 THE COURT: I certainly hope I don't get in the
25 middle of those things.

1 Anything else you want to tell me, Mr. Peek?

2 MR. PEEK: The only thing I have, Your Honor, is
3 that the hearings for next week --

4 THE COURT: On October 18th at 9:00 a.m., motion for
5 leave to file an amended counterclaim, motion for protective
6 order, and motion to compel. The last two probably are
7 premature, but I'm happy to deal with them if you want, and
8 I'll --

9 MR. PEEK: I think that those were all --

10 THE COURT: -- probably say they're premature.

11 MR. PEEK: -- those are all the ones that the Court
12 asked us to withdraw.

13 THE COURT: Are they?

14 MR. PEEK: Yes.

15 THE COURT: Are you going to file an amended
16 counterclaim, though?

17 MR. PEEK: I would love to. But I -- but that was
18 one of the motions that you said to us that we couldn't go
19 forward on that.

20 THE COURT: I can't rule on that. I can't rule on
21 it. I'm stayed.

22 MR. PEEK: Right. So you asked us to withdraw those
23 motions. So the fact that there's a hearing still on calendar
24 for those withdrawn motions --

25 THE COURT: Can you vacate those hearings.

1 THE CLERK: I can do that, Judge.

2 MR. PEEK: And I think we've actually done that,
3 Your Honor, by a pleading.

4 THE COURT: But the Clerk's Office doesn't vacate
5 them. I have to tell them.

6 MR. PEEK: I know. So I wanted to just have it here
7 clear that --

8 THE COURT: All right.

9 MR. PEEK: -- those are the ones you asked us to
10 withdraw and we did withdraw.

11 THE COURT: What else can I do to help you, since I
12 am now through my four agenda items and it's 11:25?

13 MR. PISANELLI: I feel -- I feel compelled only to
14 make a reservation on the record, you don't have to rule on
15 it, that if the decision after thought, as we heard, is to
16 depose Mr. Jacobs before we have gotten through this ESI
17 exchange and before I can and will go through and start
18 studying it myself, I will reserve the right to come back to
19 you for a protective order, because I do I think it --

20 THE COURT: Sure. I'm not stopping anybody --

21 MR. PISANELLI: -- will be inherently unfair to have
22 him deposed --

23 THE COURT: -- from filing motions for protective
24 order or anything. I assume you will file whatever is
25 appropriate if you think it's appropriate. I just have a

1 general policy that it is appreciated by witnesses to only
2 have to be deposed once. And if you can finish him in one
3 sitting, great. If it takes more than one sitting and you're
4 doing your best and not harassing him, okay, we all understand
5 and we try and work together.

6 I also really like it when counsel can work
7 together, although I know that doesn't always happen.

8 Anything else?

9 MR. PEEK: I was just going to say we agree with Mr.
10 Pisanelli that we all are going to reserve whatever we have.
11 So it goes without saying. We'll work on this.

12 MS. GLASER: Thank you for your time, Your Honor.

13 THE COURT: Anything else?

14 MR. PISANELLI: Nope.

15 THE COURT: All right.

16 (Off-record colloquy)

17 THE PROCEEDINGS CONCLUDED AT 11:27 A.M.

18 * * * * *

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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

10/17/11

FLORENCE HOYT, TRANSCRIBER

DATE

EXHIBIT C



Date: 11/14/2011
From: Michael Holpuch, CTO QUIVX
Case Number: A-10-627691-C
Steven Jacobs v. Las Vegas Sands

1.0 Case Brief

As requested by Campbell & Williams, QUIVX was retained to provide Electronic Discovery Services and to oversee identified Electronically Stored Information in the Steven Jacobs v. Las Vegas Sands matter.

Electronic Discovery services performed in this matter are as follows:

- A. **Electronically Stored Information (ESI) Acquisition:**
 - i. Acquire external hard drives and additional data from one (1) designated custodian.
- B. **Electronic Discovery Analysis:**
 - i. Ingest Native File Export formulating data for search term analysis.
 - ii. Capture Metadata¹.
 - iii. Apply Keyword Search terms pursuant to Court Order.
 - iv. Process Responsive Data per Review Platform Requirements.

¹ Metadata is data associated with a file or email that describes the content and context of the file. In an email, this includes the fields: subject, date sent, from, to, etc.



2.0 Case Summary

Section 2.1

Data from the custodian was located in multiple geographical locations including: Las Vegas, Nevada and Atlanta, Georgia.

Section 2.2

The initial acquisitions were scheduled through Scott Martell, Account Manager at QUIVX, and Colby Williams, the original attorney representing the custodian

Section 2.3

Scott Martell coordinated the acquisition with Kyle Goins, IT Manager at QUIVX. The ESI data was collected using industry standard recognized hardware and software and transported to QUIVX for processing, analysis and storage of the ESI data.

Section 2.4

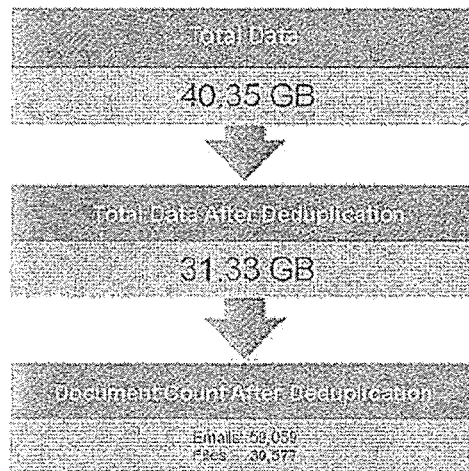
A total of 4 devices, of which two individual were external hard drives and two were flash drives, were acquired. The devices were labeled sequentially as HDD1 to HDD4.

Section 2.5

Total data acquired was approximately 40.35 Gigabytes (GB) in 74,421 documents.

Of the 40 GB, 17.75 GB were email files (e.g. .msg; .pst; .ost; .eml; .edb; .nsf), and 22.6 GB were loose files (e.g. .doc; .pdf; .xls; or any other non-email files).

From the 40.35 GB, the documents were de-duplicated and reduced to 31.33 GB in 89,636 documents (see Appendix – Section 4.1):





3.0 Case Log

Section 3.1

On 8/24/2011, Scott Martell and Kyle Goins of QUIVX received an external hard drive (S/N: HD2SE7WH; from now on referred to as HDD2; see Appendix – Section 4.4 for drive details) from Steve Jacobs' attorney, Campbell and Williams. At the office of Campbell and Williams, Scott Martell and Kyle Goins were informed that one email container file (.pst file) could not be copied to HDD2. It is Kyle's belief that the email container file could not be copied to HDD2 because HDD2 was formatted to the FAT32 file format which only supports files less than 4 GB. The email container file is over 11 GB.

Section 3.2

On 8/25/2011, Scott Martell and Kyle Goins of QUIVX returned to Campbell and Williams with a new external hard drive (S/N: WX31AA088263; from now on referred to as HDD1; see Appendix – Section 4.3 for drive details) and transferred the email container file (.pst) to HDD1 using Robocopy².

Upon returning to QUIVX, Kyle Goins of QUIVX began transferring the contents of the two hard drives (HDD2 and HDD1) to QUIVX servers using FastCopy v. 2.02³.

Section 3.3

On 08/25/2011 at approx. 4:50 PM, the files finished transferring to QUIVX servers.

Section 3.4

On 08/25/2011 at 4:57 PM, Arien Llamas of QUIVX, under direction of Michael Holpuch, began the discovery jobs⁴ for HDD2 and HDD1 using eCapture v. 5.5.4.0 by IPRO.

Section 3.5

On 08/25/2011 at 5:26 PM, the discovery job for HDD1 completed. At 11:49 PM, the discovery job for HDD2 completed.

Section 3.6

On 08/26/2011 at 9:31 AM, Arien Llamas of QUIVX began the data extraction jobs⁵ for HDD2 and HDD1 using eCapture v. 5.5.4.0.

² Robocopy (Windows Robust File Copy), is a DOS based Windows utility provided by Microsoft that allows the efficient transfer of data without modifying any system fields or metadata in the process.

³ FastCopy preserves all metadata (e.g. Date Created, Date Modified, Author, etc.) when copying files.

⁴ The discovery process identifies files that can be processed using IPRO's eCapture and performs basic validation of the files to determine if they are corrupted. For email container files, the individual emails are organized for the next step (processing).

⁵ During the Processing step, items are de-duplicated and prepared for export to a review platform.



Section 3.7

On 08/26/2011 at 3:10 PM, the data extraction job for HDD2 completed. At 5:52 PM, the data extraction job for HDD1 completed.

Section 3.8

On 08/29/2011 at 1:05 PM, Arien Llamas of QUIVX began the production export job for HDD2 and HDD1 using eCapture v. 5.5.4.0. Data was exported in native format⁶.

Section 3.9

On 08/29/2011 at 1:46 PM, the production export job completed for HDD2 and HDD1.

Section 3.10

On 10/14/2011 at 9:48 AM, QUIVX received a UPS package (UPS Tracking #: 1Z1798030100157335) from Steve Jacobs containing a thumb drive (S/N: 0013729B6F4BEB111562009D; from now on referred to as HDD3; see Appendix – Section 4.5 for drive information).

Section 3.11

On 10/14/2011, Steve Jacobs emailed 10 scanned pdf documents to Jim Holpuch of QUIVX, and per Steve Jacobs request, Jim Holpuch of QUIVX added the documents to HDD3 under the folder "LVS Scanned Docs".

Section 3.12

On 11/01/2011 at approx 9:00 AM, Michael Holpuch of QUIVX began transferring the contents of HDD3 to QUIVX servers using FastCopy v. 2.02.

Section 3.13

On 11/02/2011 at 11:19 AM, Arien Llamas of QUIVX began the discovery job for HDD3 using eCapture v. 5.5.4.0.

Section 3.14

On 11/02/2011 at 12:31 PM, the discovery job for HDD3 completed.

Section 3.15

On 11/02/2011 at 12:38 PM, Arien Llamas of QUIVX began the data extraction job for HDD3 using eCapture v. 5.5.4.0.

Section 3.16

On 11/02/2011 at 4:10 PM, Arien Llamas of QUIVX reported to Michael Holpuch of QUIVX that one email container file (.pst file) was corrupted and needs to be repaired. The corrupted file was found at:

<case data>\HDD3\Files From Flash Drive\James Young Disc\asdlpt029\james.yeung\Local Settings\Application Data\Microsoft\Outlook\archive.pst

⁶ For an export in native format, documents are kept in their original file format and metadata is recorded in a database for later review by legal professionals. For this case, documents were exported for review in Concordance v. 10 by LexisNexis.



Section 3.17

On 11/02/2011 at 4:18 PM, Michael Holpuch of QUIVX repaired the corrupted email container file using ScanPST.exe⁷, a tool provided by Microsoft for repairing .pst files.

As part of the repair process, Michael Holpuch copied the .pst file over to:
<case data>\Repaired Files\

Section 3.18

On 11/03/2011 at 9:35 AM, Arien Llamas of QUIVX began the discovery job for the repaired email container file located at <case data>\Repaired Files\ using eCapture v. 5.5.4.0.

Section 3.19

On 11/03/2011 at 9:47 AM, the discovery job for the repaired email container file located at <case data>\Repaired Files\ completed.

Section 3.20

On 11/03/2011 at 9:48 AM, Arien Llamas of QUIVX began the data extraction job for the repaired email container file located at <case data>\Repaired Files\ using eCapture v. 5.5.4.0.

Section 3.21

On 11/03/2011 at 10:15 AM, the data extraction job for the repaired email container file located at <case data>\Repaired Files\ completed.

Section 3.22

On 11/03/2011 at 11:49 AM, Arien Llamas of QUIVX began the export job for all data extracted from HDD3, including the repaired email container (.pst) file.

Section 3.23

On 11/03/2011 at 11:52 AM, the export job for HDD3 completed successfully.

Section 3.24

On 11/03/2011 at approximately 12:00 PM, Arien Llamas of QUIVX added the review data from the export job of HDD3 to the Concordance database containing data from HDD1 and HDD2. This put all data to date related to this case in one review platform.

Section 3.25

On 11/04/2011 at 1:15 PM, Jim Holpuch of QUIVX received the search terms from Steve Jacobs.

Section 3.26

On 11/04/2011 at 1:30 PM, Michael Holpuch of QUIVX began filtering the documents based on the search terms (see Appendix – Section 4.2) provided by Steve Jacobs. 1,384 unique documents were returned.

⁷ The ScanPST.exe file included with Microsoft Outlook 2003 was used to repair the email container file.



Section 3.27

On 11/04/2011 at 4:30 PM, Michael Holpuch of QUIVX completed the filtering of documents.

Section 3.28

On 11/08/2011, at Steve Jacobs' request, it was discovered that 125 documents were not processed successfully, and were missing metadata. Of those 125, 113 could be reprocessed using Stellant processing, part of IPRO's eCapture processing options.

Of the remaining twelve (12), eleven (11) were in password protected container files (.zip files) attached to emails. The passwords to the container files were found within the parent emails and were extracted manually. The eleven (11) manually extracted files have the following Item IDs:

Item ID	File Name
11325	DM Mar 2010 Offer Matrix Revised.xls
11326	SJ Approval Mar 2010 Birthday Version.pdf
11327	SJ Approval Mar 2010 Bounceback Version.pdf
11328	SJ Approval Mar 2010 Generic Version.pdf
05311	DM Jun 2010 Offer Matrix Final.xls
05312	June DM Hong Kong Generic Envelope.pdf
05313	June DM Hong Kong Generic.pdf
11498	DM Mar 2010 Offer Matrix Revised.xls
11499	SJ Approval Mar 2010 Birthday Version.pdf
11500	SJ Approval Mar 2010 Bounceback Version.pdf
11501	SJ Approval Mar 2010 Generic Version.pdf

The last document of the twelve (12) that could not be processed was found in a container file (.zip file), but contained an invalid file name and could not be extracted from the container file using Microsoft Windows operating systems. Instead, the document was extracted using Ubuntu v. 10.04.3 linux and transferred to QUIVX servers. The last document has the following Item ID:

Item ID	File Name
68918	0906__tñ_ñ__awñ__zñ_ñU_0701---awñ__ñ_ñu@awñ__ñu½h.doc

Section 3.29

On 11/09/2011 at 3:30 PM, Steve Jacobs emailed Jim Holpuch of QUIVX and sent him additional documents to produce. The documents were sent via box.net and were transferred to a flash drive (S/N: 00137299805ECB6175970A08; from now on referred to as HDD4; see Appendix – Section 4.6 for drive information). The data from HDD4 was transferred to QUIVX servers and then the drive was placed into secure storage.



Section 3.30

On 11/10/2011 at 9:38 AM, Michael Holpuch of QUIVX began the discovery process on the data from HDD4 using eCapture v. 5.5.4.0.

Section 3.31

On 11/10/2011 at 9:40 AM, the discovery step for HDD4 completed successfully.

Section 3.32

On 11/10/2011 at 9:42 AM, Michael Holpuch of QUIVX began the data extraction process on the data from HDD4 using eCapture v. 5.5.4.0.

Section 3.33

On 11/10/2011 at 10:08 AM, Arien Llamas of QUIVX began the export job for all data extracted from HDD4.

Section 3.34

On 11/10/2011 at 10:09 AM, the export job for HDD4 completed successfully.

Section 3.35

On 11/10 at approximately 11:00 AM, Arien Llamas of QUIVX began producing the documents from the Concordance database to an external hard drive (S/N: 2GJT6155; from now on referred to as PD1; see Appendix – Section 4.7 for drive information). This volume is referred to as VOL01 on PD1.

A total of 88,027 documents were produced in VOL01.

Section 3.36

On 11/14/2011 at approximately 8:30 AM, Michael Holpuch of QUIVX determined that 7 documents from HDD3 were not produced in VOL01 because the created dates on these files are after 7/23/2010 11:00 AM. These documents have a created date after 7/23/2010 because they are documents that were scanned to PDF at some time after 7/23/2010, and should be produced. Michael Holpuch exported the 7 documents to VOL02 on PD1 (see Section 3.37).

Section 3.37

On 11/14/2011 at 9:44 AM, Michael Holpuch of QUIVX verified that the export job for HDD4 contained all documents (108 documents) and created a Concordance Load (.dat) file for the documents. The documents and the Concordance load file were produced as VOL02 on PD1. In addition to the 108 documents from HDD4, 7 documents from HDD3 were included in the production (see Section 3.36).

Section 3.38

On 11/14/2011 at 2:10 PM, it was determined that the Privileged search term for ("Jackie" adj "Jacobs") or ("Jacqueline" adj "Jacobs") or ("jjplaytime*") was hitting on results not related to Jacqueline Jacobs. Twenty-two (22) documents were matching because the recipients were listed as "Wu, Jacqueline; Jacobs, Steve". The search term was subsequently modified to exclude ""Jacqueline adj Jacobs", and is now ("Jackie" adj "Jacobs") or ("jjplaytime*").



QUIVX e-Discovery & Document Solutions
www.quivx.com
702-384-3840

The additional twenty-two (22) documents were added to the production for VOL02 and re-produced.

A total of 137 documents were produced in VOL02.

Across both VOL01 and VOL02, this gives a total of 88,164 documents produced.

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PA500



4.0 Appendix

Section 4.1

Document Counts

Table represents the number of document counts Discovered and Extracted after De-Duplication.

Description	Email Count	File Count	Total Count	Email Size	File Size	Size (bytes)	Size (GB)
HD 1 Discovery Totals	37,384	21,899	59,283	12,335,339,132	10,760,251,167	23,095,590,299	21.51
HD 2 Discovery Totals	15,213	8,919	24,132	3,700,938,364	7,366,057,335	11,066,995,699	10.31
HD 3 Discovery Totals	11,824	9,363	31,187	3,032,988,739	5,918,992,851	8,951,981,590	8.34
HD 4 Discovery Totals	0	109	109	0	227,121,944	227,121,944	0.21
Discovery Totals	74,421	40,290	114,711	19,069,266,235	24,272,423,297	43,341,689,532	40.37

Description	Email Count	File Count	Total Count	Email Size	File Size	Size (bytes)	Size (GB)
HD 1 Data Extraction Totals	25,371	14,796	40,167	8,644,297,728	7,494,990,909	16,139,288,637	15.03
HD 2 Data Extraction Totals	12,356	7,706	20,062	3,224,877,180	6,303,248,761	9,528,125,941	8.87
HD 3 Data Extraction Totals	21,332	7,967	29,299	3,032,988,739	4,715,130,193	7,748,118,932	7.22
HD 4 Data Extraction Totals	0	108	108	0	227,101,976	227,101,976	0.21
Data Extraction Totals	59,059	30,577	89,636	14,902,163,647	18,740,471,839	33,642,635,486	31.36

Difference (Discovery - Data Extraction)	Email Count	File Count	Total Count	Email Size	File Size	Size (bytes)	Size (GB)
	15,362	9,714	25,075	4,167,102,588	5,531,951,458	9,699,054,046	9.03

Reasons for Difference	Total Count
HD 1 Filtered Items	652
HD 1 Deduplicated Items	18,464
HD 2 Filtered Items	369
HD 2 Deduplicated Items	3,700
HD 2 No Effective Rule	1
HD 3 Filtered Items	989
HD 3 Deduplicated Items	899
HD 4 Filtered Items	1
HD 4 Deduplicated Items	0
Total	25,075

Total Filtered	2,011
Total Deduplicated	23,063
Total No Effective Rule	1



Section 4.2

Privileged Rule Hit Summary

Search Term	Number of Hits	Number of Documents
laura or "laurie" or "l1113@yanoo.com"	4,937	979
"Jackie" adj "Jacobs"	126	13
jplaytime"	255	16
Sophie adj "Karl"	182	31
leather adj "Karl"	80	9
David adj "Karl"	62	9
Atos adj "Origin"	504	21
Atos adj "Consulting"	168	21
Crescent adj "Resources"	26	4
Riverclub adj "House"	0	0
Seth adj "Farber"	42	12
howard adj "adler"	58	13
jewey near25("associates" or "partners" or "assistants")	18	3
Lebeouf	0	0
dj.com	52	17
USFS	63	9
TOTAL	6,573	1,157

Attachments to Search Terms:

362

Total Unique Documents:

1,384

Section 4.3

HDD2 Hard Drive Details

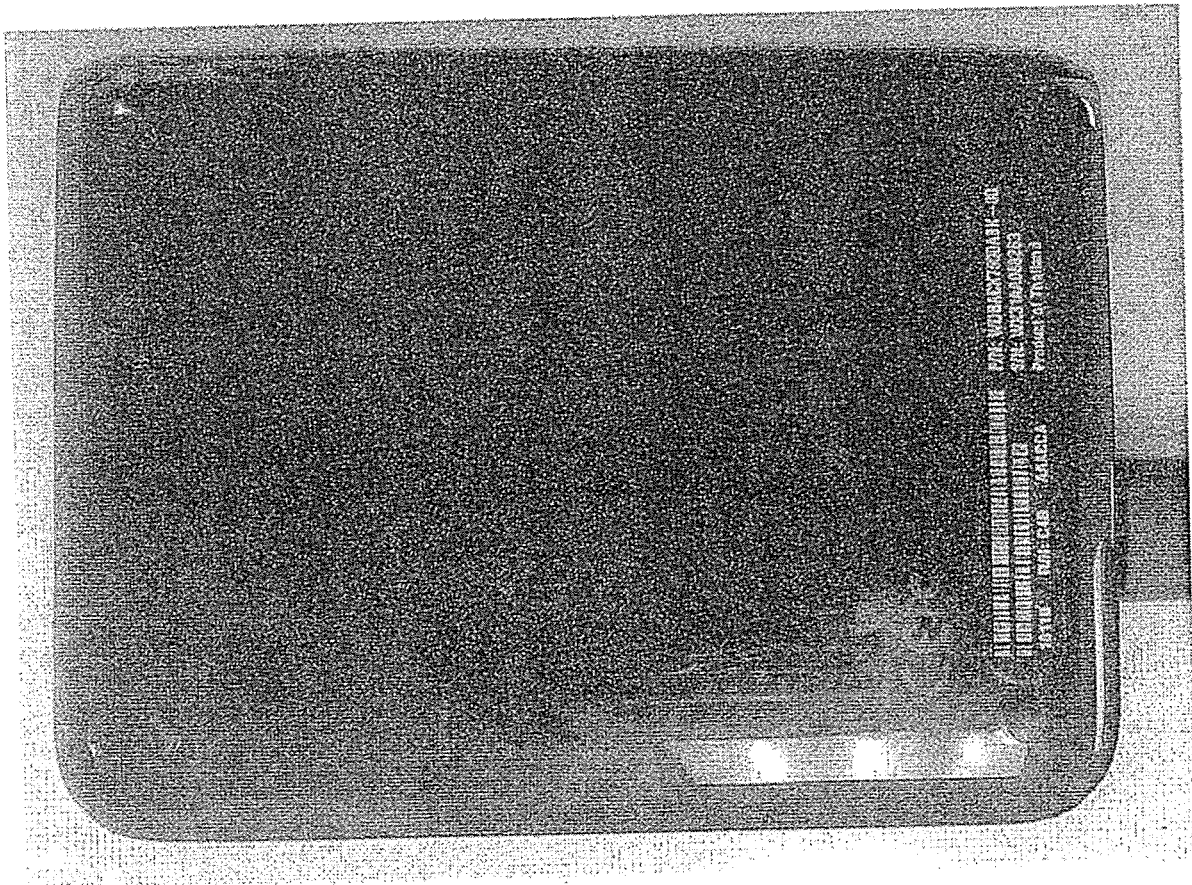
Description: External Hard Drive containing a .pst file copied from J. Colby Williams PC that contains emails from Steve Jacobs.

Make: WD

Model: My Passport

S/N: WX31AA088263

Released into custody: 08/26/2011



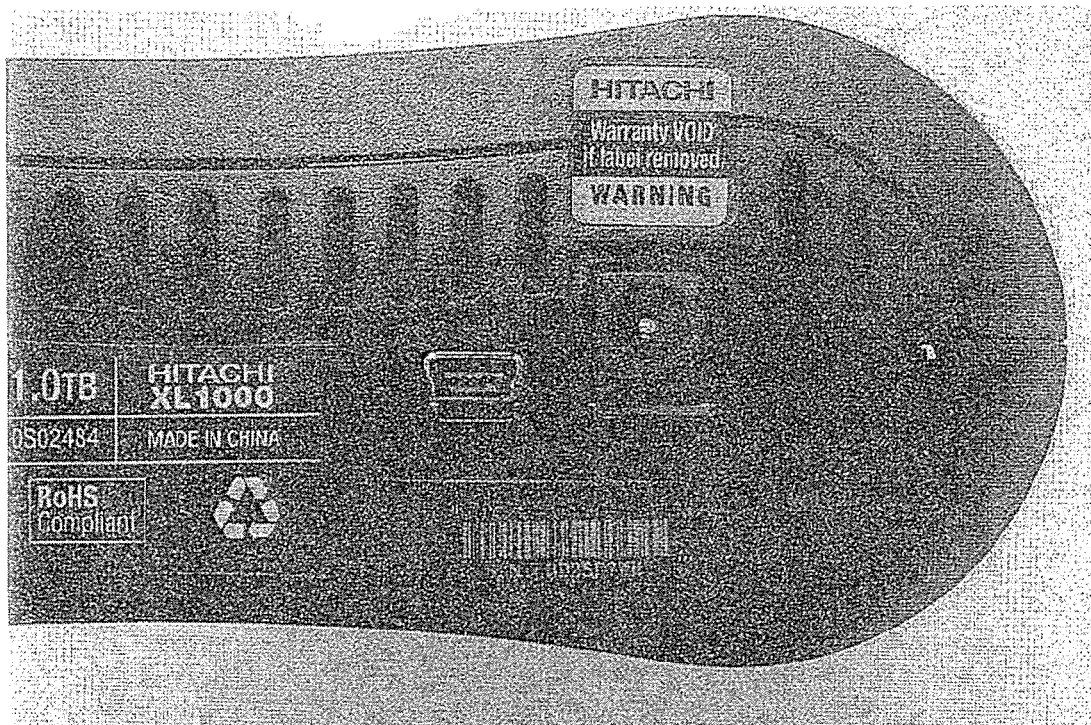
- Image 4.3.1 — Photograph of hard drive HDD1 showing S/N.

Section 4.4

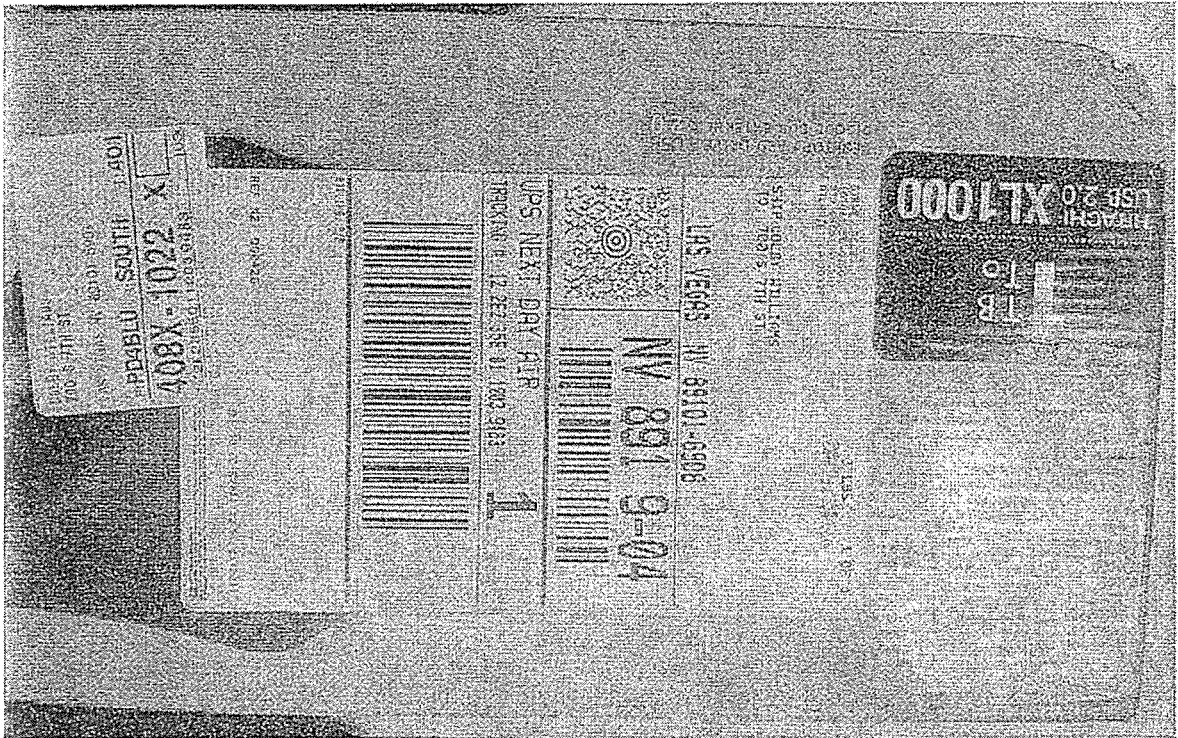
HDD2 Hard Drive Details

Description: External Hard Drive containing Steve Jacobs' data received from Campbell Williams.
Make: Hitachi
Model: XL1000
S/N: HD2SE7WH

Released into custody: 08/26/2011



- Image 4.4.1 -- Photograph of hard drive HDD2 showing S/N.



- Image 4.4.2 – Photograph of box HDD2 was shipped in to Campbell & Williams.



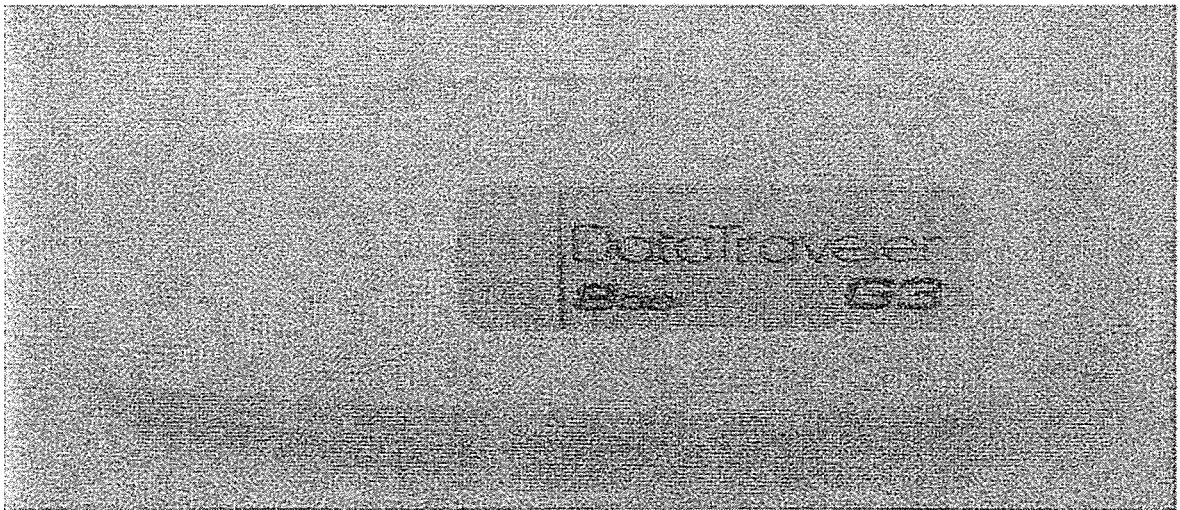
Section 4.5

HDD3 Hard Drive Details

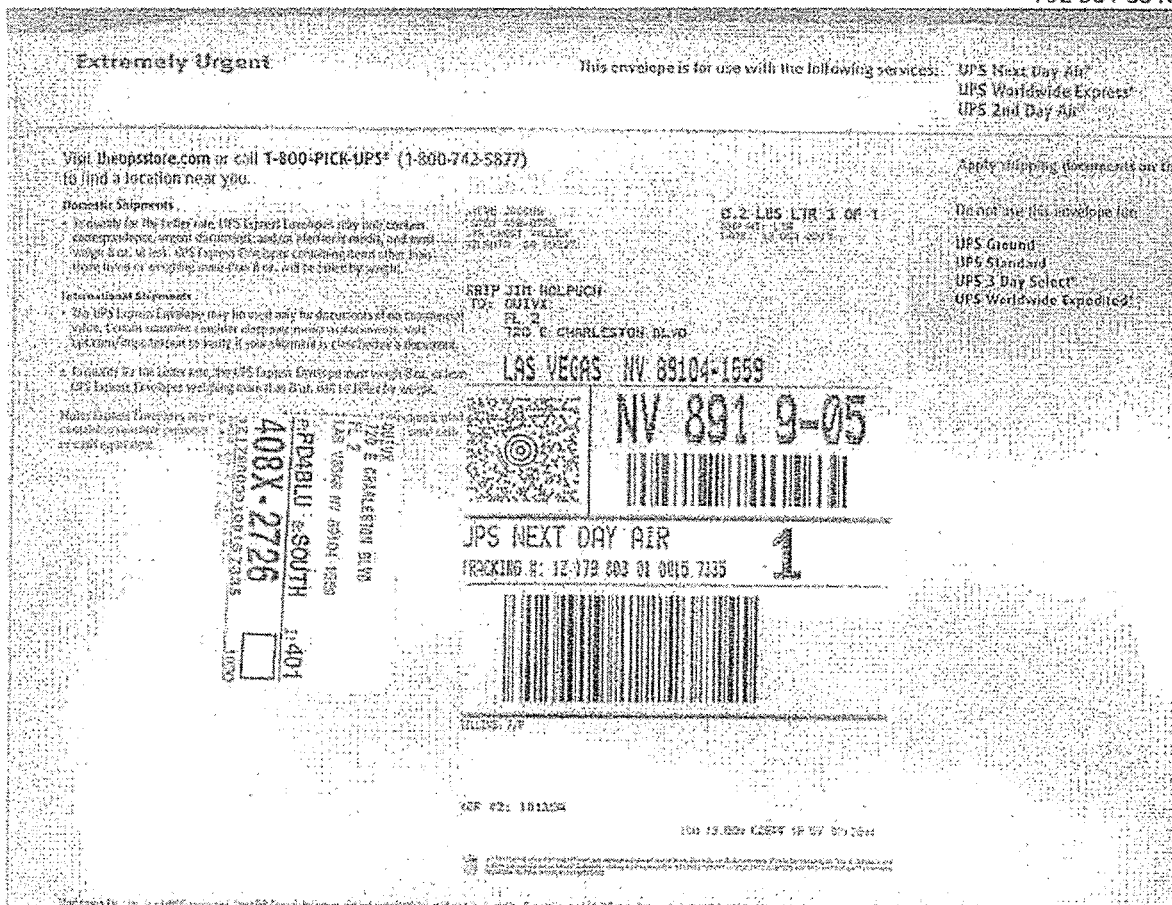
Description: Thumb Drive containing files sent from Steve Jacobs.
Make: Kingston
Model: DataTraveler G3
S/N: 0013729B6F4BEB111562009D

Released into custody: 10/14/2011

UPS Tracking #: 1Z1798030100157335



- Image 4.5.1 – Photograph of flash drive HDD3.



- Image 4.5.2 – Photograph of envelope HDD3 was shipped in to QUIVX.

Section 4.6

HDD4 Hard Drive Details

Description: Thumb Drive containing files sent from Steve Jacobs via box.net.
Make: Kingston
Model: DataTraveler G3
S/N: 00137299805ECB6175970A0B

Released into custody: 11/09/2011

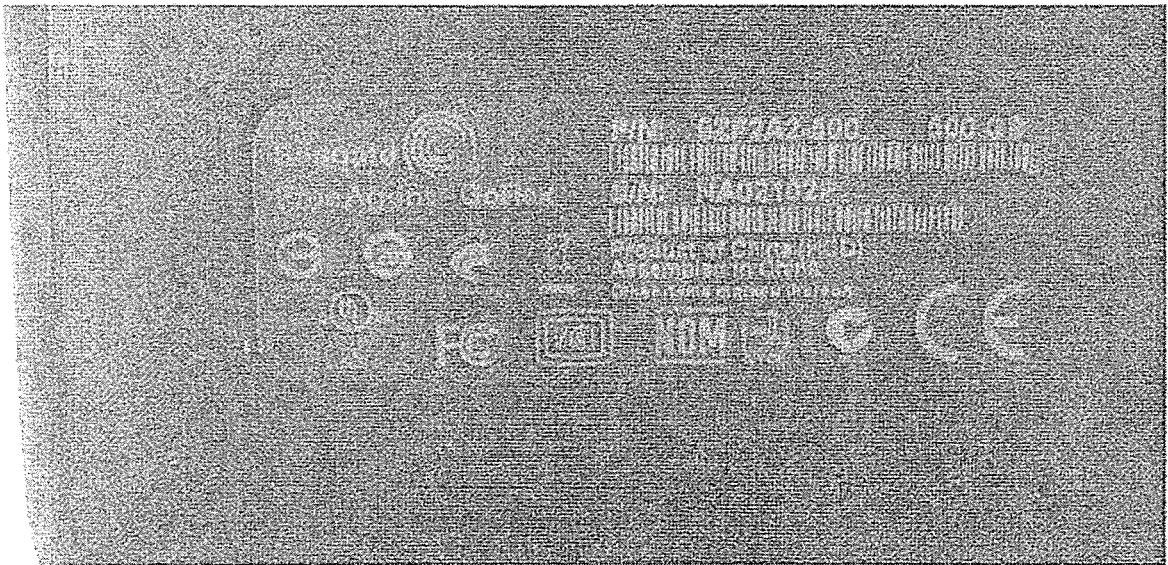


- Image 4.6.1 – Photograph of flash drive HDD3.

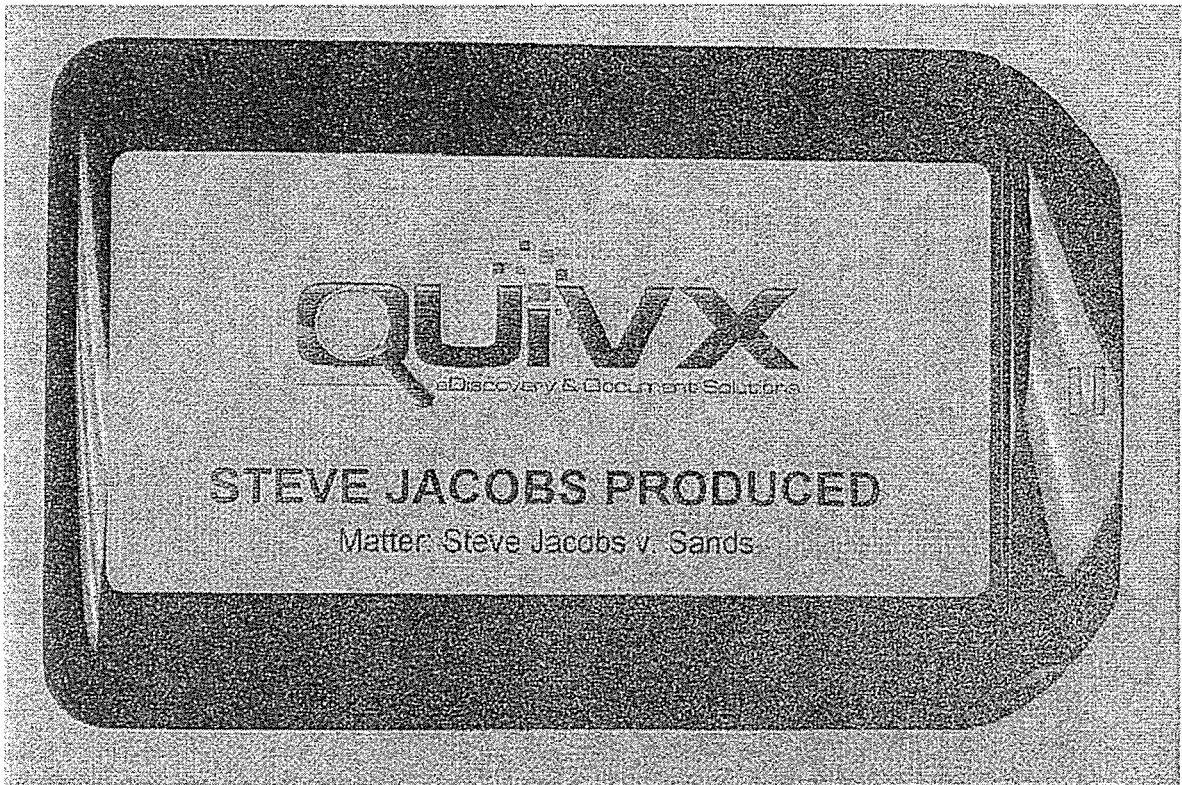
Section 4.7

PD1 Hard Drive Details

Description: External Hard Drive containing Steve Jacobs' data to produce.
Make: Seagate
Model: FreeAgent GoFlex
S/N: 2GJT61S5



- Image 4.7.1 – Photograph of hard drive PD3 showing S/N.



- Image 4.7.2 – Photograph of front of hard drive PD1.



5.0 Report Summary

In conclusion, over the course of several months from August 25th, 2011 through November 2011, QUIVX acquired and processed data for Steve Jacobs related to the Steven Jacobs v. Las Vegas Sands Matter.

The computer files/data and hard document scans were extracted by QUIVX from the original media supplied by Steve Jacobs to QUIVX, and are identical to the computer files/data and document scans that were on the original media provided by Steve Jacobs to QUIVX.

The metadata provided was extracted by QUIVX from the original media supplied by Steve Jacobs to QUIVX, the metadata has not been altered or modified in any way since extracted by QUIVX, and the metadata supplied identical to the metadata that was on the original media provided by Jacobs to QUIVX.

The following document counts were determined:

Description	Document Count
Produced Documents with Dates 7/23/2010 11:00 AM and Earlier (in VOL01 and VOL02)	88,164
Privileged Documents with Dates 7/23/2010 11:00 AM	1,384
Total Documents	89,548 ⁹

Executed under penalty of perjury.

Michael Holpuch
Chief Technology Officer, QUIVX

⁹ The total document count (89,548) does not match the total documents extracted (89,636) because the produced date range only includes documents with a "Date Sent" or "Created Date" from July 23, 2010 at 11:00 AM and earlier.

EXHIBIT D

1 DISTRICT COURT
2 CLARK COUNTY, NEVADA
3

4 STEVEN C. JACOBS,
5 Plaintiff,
6 vs.
7 LAS VEGAS SANDS CORP., a
8 Nevada corporation; SANDS
9 CHINA LTD., a Cayman Islands
10 corporation; DOES I-X; and ROE
11 CORPORATIONS I-X,
12 Defendants.

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

11 LAS VEGAS SANDS CORP., a Nevada
12 corporation,
13 Counterclaimant,
14 vs.
15 STEVEN C. JACOBS,
16 Counterdefendant.

17
18 TELEPHONIC MEET AND CONFER
19

20 October 19, 2011
21 9:23 a.m.
22
23
24

25 Reported by: Donna L. Medenbach, CCR # 313

1 TELEPHONIC APPEARANCES:
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1 MR. MA: We have Donna our court reporter
2 transcribing our meet and confer today because we
3 thought it was a good idea, and I think both Jim and
4 us agreed -- and Debbie, I don't mean to leave Debbie
5 out -- that trying to stay organized and have a
6 record -- we'll probably have multiple meet and
7 confers going forward on the ESI protocol -- and we
8 thought it made sense to have a record. So if any
9 sort of issues arrive down the road instead of having

Page 2

10 to go back and scour our notes, I thought we would
11 have an organized transcript. So thank you, Donna,
12 for being here today.

13 THE REPORTER: You're welcome.

14 MR. MA: Going back and looking at my
15 notes, I've got a couple of items I want to cover
16 today, and I'll certainly open it up for anybody else
17 with new issues or any follow-up questions, and let
18 me know if I missed something.

19 The first is the idea of an alternative ESI
20 vendor in light of the issues raised by plaintiff's
21 counsel in our last call on Monday with concerns
22 about work product information that's been given to
23 the vendor QUIVX. In light of that we've sent over
24 an e-mail with two proposals, and I know Debbie sent
25 an e-mail this morning, or maybe it was last night,

4

1 excuse me, with a proposal of their own.

2 Steve Peek and we want an opportunity to do
3 a little more research on the company. We just
4 jumped on their web site and it looks like that they
5 do work with the Relativity and the Clearwell
6 platforms which is helpful to us, so we're going to
7 do a little bit more investigation on that and get
8 back to you.

9 Jim and Debbie, do you have any thoughts on
10 Advanced Discovery and the Evolve Discovery company
11 that we proposed?

12 MR. PISANELLI: We have done some
13 preliminary due diligence on both of them. Debbie
14 and I were just speaking before we got on the phone

15 and we think we should have an opinion to share with
16 you by the end of the day today. I think we've
17 talked with one of them but not the other yet. Like
18 you, we looked at their web pages. But between these
19 three, we're enthusiastic that we'll be able to agree
20 on one of them. They all look pretty good.

21 Debbie, anything you want to add?

22 MS. SPINELLI: We've looked at two out of
23 the three that we all kind of thought about, none of
24 us have experience personally with any of them and we
25 really do like the Advanced Discovery one so far, so

5

1 I think we'll be able to come to an agreement on any
2 one of the three, but we like that one so far and I
3 just want to let you know.

4 MR. MA: Okay. That's great. So how about
5 if we do this, let's say toward the end of the day
6 today, if both of us follow up with our respective
7 thoughts on the proposals and then let's see if we
8 could come to some sort of agreement by tomorrow if
9 possible.

10 MR. PEEK: Jim and Debbie, did you come away
11 from reading the transcript the same as I did, is that
12 the judge wants to know who is going to be, and that
13 she is going to want to put her approval stamp on it,
14 or did you think she was just being a little facetious
15 when she said that?

16 MR. PISANELLI: This is Jim. Steve, I can't
17 tell you -- Debbie has read the transcript more
18 closely than I have, I read portions of it last
19 night. I can tell you just by memory is that your

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20 statement was accurate. I thought when she was
21 talking about having had trouble in the past with
22 others, that was suggestive to me that she wants to
23 make sure she's okay with it. As I'm speaking, I can
24 tell you Debbie is making a bitter beer face, so I'm
25 not sure that she agrees.

6

1 MS. SPINELLI: I found in the transcript
2 where she says that unless we all agree, I need to see
3 you. She said that the 48 hours for us to provide the
4 data to the ESI vendor is to hold pending a decision
5 on either our agreement to QUIVX or an order -- per
6 order for a particular person to be our vendor.

7 I think that's assuming we can't agree.

8 MR. PEEK: I took it as even if we agreed,
9 that she still wanted to know who that vendor was
10 because she talked about having had difficulty with
11 other vendors.

12 MR. PISANELLI: Why don't we do this, Steve.
13 When we agree, why don't one or both of us just get on
14 the phone with the clerk, pose the question to her law
15 clerks if she cares, so long as we're in agreement. I
16 suspect we'll get the message back, no, it's okay. At
17 least we've taken a conservative approach.

18 MR. PEEK: That works for me.

19 MR. MA: I think that's reasonable.

20 MR. PISANELLI: I'm being overly optimistic
21 that we will agree, but that way we won't have any
22 reason to believe that we don't.

23 MR. MA: Great. Let's see if we can come to
24 an agreement by tomorrow and then maybe we'll call