

**FILED**

Electronically

11-08-2013:08:59:19 AM

Joey Orduna Hastings

Clerk of the Court

Transaction # 4123138

1 **Code 1350**

2

3

4

5

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

6

**IN AND FOR THE COUNTY OF WASHOE**

7

8 **GOLDEN ROAD MOTOR INN, INC., a Nevada**  
9 **Corporation d/b/a ATLANTIS CASINO RESORT**  
10 **SPA,**

**Case No. CV12-01171**

11

**Plaintiff,**

**Dept. No. B7**

12

**vs.**

13

14 **SUMONA ISLAM, an individual; MEI-GSR HOLDINGS**  
15 **LLC d/b/a GRAND SIERRA RESORT; ET AL,**

16

**Defendants.**

17

18

**CERTIFICATE OF CLERK AND TRANSMITTAL –NRAP 3(g)(1)(B)**

19

20 I certify that I am an employee of the Second Judicial District Court of the State of  
21 Nevada, County of Washoe. On the 30th day of October, 2013, I electronically filed to the  
22 Supreme Court the Notice of Appeal.

23

24 The Corrected Minutes of July 26, 2013 is transmitted pursuant to NRAP 3(g)(1)(B).

25

26 I further certify that the transmitted record is a copy of the original pleadings on file  
27 with the Second Judicial District Court.

28

Dated this 8th day of November, 2013.

JOEY ORDUNA HASTINGS  
CLERK OF THE COURT

By /s/Annie Smith  
Annie Smith  
Deputy Clerk

FILED

Electronically

07-26-2013:12:15:52 PM

Joey Orduna Hastings

Clerk of the Court

Transaction # 3882047

CASE NO. CV12-01171 GOLDEN ROAD MOTOR VS. SUMONA ISLAM, ET AL

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

Electronically Filed  
Nov 12 2013 09:41 a.m.  
~~Tracie K. Lindeman~~  
Clerk of Supreme Court

7/1/13

BENCH TRIAL - DAY 1

HONORABLE  
PATRICK  
FLANAGAN  
DEPT. NO. 7  
J. Krush  
(Clerk)  
S. Koetting  
(Reporter)

Robert Dotson, Esq. was present on behalf of Plaintiff, Golden Road Motor, Inn, Inc., with Debbie Robinson, Esq., General Counsel for Atlantis/Monarch Casino, acting as client representative. John Farahi, Chairman and CEO of Atlantis, was also present. Mark Wray, Esq. was present on behalf of Defendant, Sumona Islam, who was also present.

Stan Johnson, Esq. and Steve Cohen, Esq. were present on behalf of Defendant, GSR Enterprises, LLC, along with Steve Rosen, President of GSR.

*Exhibits 1 – 81 were pre-marked on June 25, 2013 with the Clerk.*

9:35 a.m. – Court convened with Court, counsel and respective parties present.

The COURT addressed Counsel and outlined the motion and objections pending before the Court.

Counsel Dotson addressed the Court and argued in support of Plaintiff's Motion to Strike the Motion for Partial Summary Judgment filed by GSR on June 3, 2013.

Counsel Johnson addressed the Court and argued in opposition.

**COURT ORDERED:** The Court finds that the filing is untimely pursuant to the pre-trial order; therefore, Plaintiff's Motion to Strike is GRANTED.

Counsel Dotson further advised the Court that he doesn't anticipate that Special Agent Sitts will testify during this trial.

**COURT ORDERED:** Defendant GSR's objection with respect to Special Agent Sitts is GRANTED and Defendant GSR's objection with respect to Brandon McNeely is DENIED.

**COURT FURTHER ORDERED:** Defendant GSR's objection(s) to the following exhibits are disposed as follows: Exhibit 53 is GRANTED; Exhibit 57 objection SUSTAINED; Exhibit 59 objection SUSTAINED; Exhibit 60 objection SUSTAINED; Exhibit 83 is DENIED and will be admissible; Exhibit 85 objection SUSTAINED; Exhibits 90, 91 and 92 objections SUSTAINED; Exhibits 7, 8 and 9 objections SUSTAINED; Exhibits 49, 50, 51, 52, and 53 objections SUSTAINED and Exhibits 67 and 68 objections SUSTAINED.

**COURT FURTHER ORDERED:** The Court withholds ruling on any of the deposition transcripts at this time. If the transcripts are used they will be admitted, and if not used they won't be admitted.

Counsel Wray addressed the Court and moved to invoke the Rule of Exclusion; no objection(s) stated; SO ORDERED.

Counsel Dotson presented opening statement.

Counsel Wray presented opening statement.

Counsel Johnson presented opening statement.

**Counsel Dotson called Steven Ringkob.** He was sworn and testified on direct examination.

11:07 a.m. – Court recessed for morning break.

11:29 a.m. – Court reconvened with Court, counsel and respective parties present.

CV12-01171  
DC-9900050873-001  
GOLDEN ROAD MOTOR VS. SUMON 22 Pages  
District Court 07/26/2013 12:15 PM  
Washoe County  
MTR  
mcmlivay

Witness Ringkob resumed the stand, heretofore sworn, and continued on direct examination.

*Exhibit 61 was offered and ADMITTED over objection.*

12:00 p.m. – Court recessed for lunch.

1:31 p.m. – Court reconvened with Court, counsel and respective parties present. Witness Ringkob resumed the stand, heretofore sworn, and continued on direct examination.

*Exhibits 1 – 58; 62 – 73; 75 – 78; and 81 were ADMITTED by stipulation.*

Counsel Wray conducted cross-examination.

*Exhibit 82 was marked, offered and ADMITTED without objection.*

3:15 p.m. – Court recessed for afternoon break.

3:37 p.m. – Court reconvened with Court, counsel and respective parties present. Witness Ringkob resumed the stand, heretofore sworn, and continued on cross-examination by Counsel Wray. Further cross-examination conducted by Counsel Johnson and re-direct examined. Witness excused.

4:57 p.m. – Court stood in recess. Parties ordered to return tomorrow, July 2, 2013, at 9:00 a.m.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

---

7/2/13  
HONORABLE  
PATRICK  
FLANAGAN  
DEPT. NO. 7  
J. Krush  
(Clerk)  
S. Koetting  
(Reporter)

BENCH TRIAL - DAY 2

Robert Dotson, Esq. was present on behalf of Plaintiff, Golden Road Motor, Inn, Inc., with Debra Robinson, Esq., General Counsel for Atlantis/Monarch Casino, acting as client representative.

Mark Wray, Esq. was present on behalf of Defendant, Sumona Islam, who was also present.

Stan Johnson, Esq. and Steven Cohen, Esq. were present on behalf of Defendant, GSR Enterprises, LLC, along with Steve Rosen, President of GSR.

9:01 a.m. – Court convened with Court, counsel and respective parties present.  
**Counsel Dotson called Frank DeCarlo.** He was sworn and testified on direct examination.

10:19 a.m. – Court recessed for morning break.

10:21 a.m. – Court reconvened with Court, counsel and respective parties present.  
Witness DeCarlo resumed the stand, heretofore sworn, and continued on direct examination.

*Exhibit 59 was offered and ADMITTED over objection.*

11:51 a.m. – Court recessed for lunch.

1:32 p.m. – Court reconvened with Court, counsel and respective parties present.  
Counsel Wray addressed the Court and moved for Court to recess at 4:40 p.m. tomorrow (July 3, 2013) as counsel from Las Vegas have a 6:00 p.m. flight; no objection(s) stated; **SO ORDERED.**

Witness DeCarlo resumed the stand, heretofore sworn, and cross-examination conducted by Counsel Wray.

Counsel Dotson addressed the Court and moved that the provisions in the previously entered Stipulated Protective Order be extended and applied in these proceedings.

**COURT ORDERED:** The Stipulated Protective Order filed on August 27, 2012 will be extended to these proceedings.

3:19 p.m. – Court recessed for afternoon break.

3:39 p.m. – Court reconvened with Court, counsel and respective parties present.  
Witness DeCarlo resumed the stand, heretofore sworn, and cross-examination conducted by Counsel Johnson.

*Exhibit 59a was marked, offered and ADMITTED without objection.*

Witness DeCarlo further testified on re-direct examination and re-cross examination conducted by Counsel Wray. Witness excused.

5:50 p.m. – Court stood in recess. Parties ordered to return tomorrow, July 3, 2013, at 1:30 p.m.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

---

7/3/13  
HONORABLE  
PATRICK  
FLANAGAN  
DEPT. NO. 7  
J. Krush  
(Clerk)  
S. Koetting  
(Reporter)

BENCH TRIAL - DAY 3

Robert Dotson, Esq. was present on behalf of Plaintiff, Golden Road Motor, Inn, Inc., with Debra Robinson, Esq., General Counsel for Atlantis/Monarch Casino, acting as client representative. John Farahi, Chairman and CEO of Atlantis, was also present. Mark Wray, Esq. was present on behalf of Defendant, Sumona Islam, who was also present.

Stan Johnson, Esq. and Steven Cohen, Esq. were present on behalf of Defendant, GSR Enterprises, LLC, along with Steve Rosen, President of GSR.

1:35 p.m. – Court convened with Court, counsel and respective parties present.

**Counsel Dotson called Sumona Islam.** She was sworn and testified on direct examination.

3:14 p.m. – Court recessed for afternoon break.

3:31 p.m. – Court reconvened with Court, counsel and respective parties present.

Witness Islam resumed the stand, heretofore sworn, and continued on direct examination.

Deposition of Sumona Islam, dated July 23, 2012, was opened and published.

General discussions were had with Court and counsel regarding the remaining trial schedule. Counsel Dotson advised the Court he anticipates that Witness Sumona Islam will be finished on Monday, July 8<sup>th</sup>, and he has 3 witnesses scheduled for Tuesday, July 9<sup>th</sup>. Counsel Wray advised he has 2 witnesses, which may take 20 minutes each.

Counsel Johnson advised that his expert witness is not available until Friday, July 12<sup>th</sup>, and he doesn't anticipate re-calling any of the prior witnesses.

The COURT advised the parties that he will do whatever he can to accommodate the trial schedule.

Counsel Dotson addressed the Court and requested that Ms. Islam bring a list of the "players" from January 2012 at GSR that she added to the 5 spiral notebooks.

Counsel Wray addressed and advised the Court that he will provide Mr. Dotson with whatever information he wants on Friday, July 5, 2013.

4:33 p.m. – Court stood in recess. Parties ordered to return Monday, July 8, 2013, at 9:30 a.m.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

---

07/08/13  
HONORABLE  
PATRICK  
FLANAGAN  
DEPT. NO. 7  
M. Conway  
(Clerk)  
S. Koetting  
(Reporter)

BENCH TRIAL – DAY 4

Rob Dotson, Esq. was present in Court on behalf of Plaintiff, Golden Road Motor Inn, Inc. with Debbie Robinson Esq., General Counsel for Atlantis/Monarch Casino, acting as client representative.

Mark Wray, Esq. was present in Court on behalf of Defendant Sumona Islam, who was present. Stan Johnson, Esq. and Steven Cohen were present in Court on behalf of Defendant GSR Enterprises, LLC, with GSR President Steve Rosen present.

9:30 a.m. – Court convened.

The Court reviewed with the parties the remaining trial schedule. In addition, Court advised counsel that several months ago he had accepted a speaking engagement at the Atlantis Hotel, regarding campaign donations. The Court further advised that he had no input into where the speaking engagement was scheduled.

**Sumona Islam** resumed the stand, heretofore sworn, and continued testifying under direct examination.

Counsel Dotson marked for identification exhibit 80. Counsel Dotson marked for identification exhibit 83 (contains documents for exhibit 19 and 80). Exhibit 83 ADMITTED.

10:49 a.m. – Recess taken.

11:00 a.m. – Court reconvened, all parties present.

**Sumona Islam** resumed the stand, heretofore sworn, and continued testifying under direct examination. During testimony regarding customer names and gaming information, Counsel Dotson requested that the transcript be sealed. SO ORDERED.

11:58 a.m. – Recess taken.

1:30 p.m. – Court reconvened with all parties present.

**Sumona Islam** resumed the stand, heretofore sworn, and continued testifying under direct examination.

2:55 p.m. – Recess taken.

3:15 p.m. – Court reconvened with all parties present.

**Sumona Islam** resumed the stand, heretofore sworn, and testified under cross examination by Counsel Wray.

4:55 p.m. - Court stood in recess, to resume at 9:00 a.m. on July 9, 2013.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

---

07/09/13  
HONORABLE  
PATRICK  
FLANAGAN  
DEPT. NO. 7  
M. Conway  
(Clerk)  
S. Koetting  
(Reporter)

BENCH TRIAL – DAY 5

Rob Dotson, Esq. was present in Court on behalf of Plaintiff, Golden Road Motor Inn, Inc. with Debbie Robinson Esq., General Counsel for Atlantis/Monarch Casino, acting as client representative.

Mark Wray, Esq. was present in Court on behalf of Defendant Sumona Islam, who was present. Stan Johnson, Esq. and Steven Cohen, Esq. were present in Court on behalf of Defendant GSR Enterprises, LLC, with GSR President Steve Rosen present.

9:03 a.m. – Court convened.

**Sumona Islam** resumed the stand, heretofore sworn, and continued testifying under cross-examination by Counsel Wray.

Counsel Johnson conducted cross-examination of the witness.

Counsel Dotson conducted re-direct examination. The witness was released.

10:05 a.m. – Recess taken.

10:32 a.m. – Court reconvened with all parties present.

Counsel Dotson called **Shelly Hadley**, who was sworn and testified under direct examination.

11:25 a.m. – Lunch recess taken.

1:47 p.m. – Court reconvened with all parties present.

**Shelly Hadley**, resumed the stand, heretofore sworn, and direct examination continued.

***Deposition of Shelly Hadley, dated August 13, 2012, Opened and Published.***

Counsel Johnson conducted cross-examination.

Counsel Dotson conducted re-direct examination. The witness was released.

3:00 p.m. – Recess taken.

3:20 p.m. – Court reconvened with all parties present.

Counsel Dotson called **Michael Sterling Lundgren**, who was sworn and testified under direct examination.

Counsel Wray conducted cross-examination. The witness was released.

Counsel Dotson called **Robert Thomas Woods**, who was sworn and testified under direct examination.

Counsel Wray conducted cross-examination.

Counsel Johnson conducted cross-examination.

Counsel Dotson conducted re-direct examination. The witness was released.

The Court and counsel discussed which witnesses counsel anticipates calling and the remaining trial schedule. The Court advised counsel that trial will resume at 11:00 a.m. tomorrow.

5:10 p.m. – Court stood in recess.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

---

07/10/13  
HONORABLE  
PATRICK  
FLANAGAN  
DEPT. NO. 7  
M. Conway  
(Clerk)  
S. Koetting  
(Reporter)

BENCH TRIAL – DAY 6

Rob Dotson, Esq. was present in Court on behalf of Plaintiff, Golden Road Motor Inn, Inc. with Debbie Robinson Esq., General Counsel for Atlantis/Monarch Casino, acting as client representative.

Mark Wray, Esq. was present in Court on behalf of Defendant Sumona Islam, who was present. Stan Johnson, Esq. and Steven Cohen, Esq. were present in Court on behalf of Defendant GSR Enterprises, LLC, with GSR President Steve Rosen present.

11:00 a.m. – Court convened.

Counsel Dotson called **Susan Moreno**, who was sworn and testified under direct examination.

Counsel Wray conducted cross-examination.

Counsel Johnson conducted cross-examination.

Counsel Dotson conducted re-direct examination. The witness was released.

12:05 p.m. – Lunch recess taken.

1:59 p.m. – Court reconvened with all parties present. John Farahi, CEO and president of Monarch Resort & Casino was also present.

Counsel Dotson called **Donna Nunez**, who was sworn and testified under direct examination.

Counsel Wray conducted cross-examination.

Counsel Johnson conducted cross-examination.

Counsel Dotson conducted re-direct examination. The witness was released.

Counsel Dotson called **Tom Flaherty**, who was sworn and testified under direct examination.

***Deposition of Tom Flaherty, dated July 24, 2012, opened and published.***

3:30 p.m. – Recess taken.

3:50 p.m. – Court reconvened with all parties present.

**Tom Flaherty** resumed the stand, heretofore sworn, and direct examination continued.

Counsel Johnson conducted cross-examination.

Counsel Dotson conducted re-direct examination. The witness was released.

Counsel Dotson called **Lilia Santos**, who was sworn and testified under direct examination.

Counsel Wray conducted cross-examination.

Counsel Johnson conducted cross-examination. The witness was released.

The Court and counsel discussed the trial schedule for the remaining week.

5:00 p.m. – Court stood in recess, to resume on July 11, 2013 at 1:30 p.m.



DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

---

07/11/13  
HONORABLE  
PATRICK  
FLANAGAN  
DEPT. NO. 7  
M. Conway  
(Clerk)  
S. Koetting  
(Reporter)

BENCH TRIAL – DAY 7

Rob Dotson, Esq. was present in Court on behalf of Plaintiff, Golden Road Motor Inn, Inc. with Debbie Robinson Esq., General Counsel for Atlantis/Monarch Casino, acting as client representative.

Mark Wray, Esq. was present in Court on behalf of Defendant Sumona Islam, who was present. Stan Johnson, Esq. and Steven Cohen, Esq. were present in Court on behalf of Defendant GSR Enterprises, LLC, with GSR President Steve Rosen present.

1:35 p.m. – Court convened.

Counsel Dotson called **Brandon McNeely**, who was sworn and testified under direct examination.

Counsel Dotson moved to admit exhibit 60; no objection(s).

**COURT ORDERED:** Exhibit 60 ADMITTED.

Counsel Johnson stated his objections to the testimony of Brandon McNeely arguing hearsay.

Counsel Wray joined in this objection. SO NOTED.

A discussion was had between the Court and counsel regarding sealing testimony relating to gaming patrons, their personal information, and gaming habits.

The Court advised the parties that the transcript would be sealed as to all references to gaming patrons, their gaming habits, and their personal information. The Court further advised that counsel are subject to the terms and conditions of the protective order.

Counsel Johnson conducted cross-examination.

3:40 p.m. – Recess.

4:02 p.m. – Court reconvened with all parties present.

**Brandon McNeely** resumed the stand, heretofore sworn, and cross-examination by Counsel Johnson continued.

Counsel Wray conducted cross-examination.

Counsel Dotson conducted re-direct examination.

Counsel Johnson conducted re-cross examination. The witness was released.

The Court advised the parties that this matter would resume at 10:00 a.m. on July 12, 2013.

5:50 p.m. – Court stood in recess.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

---

07/12/13  
HONORABLE  
PATRICK  
FLANAGAN  
DEPT. NO. 7  
M. Conway  
(Clerk)  
S. Koetting  
(Reporter)

BENCH TRIAL – DAY 8

Rob Dotson, Esq. was present in Court on behalf of Plaintiff, Golden Road Motor Inn, Inc. with Debbie Robinson Esq., General Counsel for Atlantis/Monarch Casino, acting as client representative.

Mark Wray, Esq. was present in Court on behalf of Defendant Sumona Islam, who was present.

Stan Johnson, Esq. and Steven Cohen, Esq. were present in Court on behalf of Defendant GSR Enterprises, LLC, with GSR President Steve Rosen present.

10:32 a.m. – Court convened.

Counsel Dotson called **Christian Ambrose**, who was sworn and testified under direct examination.

Counsel Dotson marked for identification and moved for the admission of exhibit 84, no objection(s).

**COURT ORDERED:** Exhibit 84 ADMITTED.

Counsel Wray addressed the Court and advised that a witness will need to be taken out of order.

Counsel Dotson had no objection.

11:45 a.m. - Recess.

1:35 p.m. - Court convened.

Christian Ambrose, heretofore sworn, resumed the stand, and direct examination continued.

No cross examination conducted. The witness was released.

Counsel Wray called **Maria Maldonado**, who was sworn and testified under direct examination.

Cross examination conducted by Counsel Dotson, re-direct examination conducted. The witness was released.

Counsel Wray called **Maura Navarro**, who was sworn and testified under direct examination.

Counsel Dotson conducted cross examination and the witness was released.

Counsel Dotson called **Jeremy Aguero**, who was sworn and testified under direct examination.

3:13 p.m. - Recess.

3:38 p.m. - Court reconvened.

**Jeremy Aguero** resumed the stand, heretofore sworn and direct examination continued.

Counsel Johnson conducted cross examination.

Counsel Wray addressed the Court and advised that in lieu of cross examination he would direct the Court to the report of Jeremy Aguero, which is exhibit 32 and further referenced the introduction, pages 1-4 and advised the actual conclusion is stated on page 3.

Counsel Dotson conducted redirect examination.

Counsel Johnson conducted re-cross examination.

Counsel Wray requested that Sumona Islam be excused, indicating that she is flying out on Tuesday for a family matter. Counsel Johnson advised the Court that he has a funeral he needs to attend on Monday. Respective counsel had no objections to releasing Sumona Islam and beginning trial on the following Tuesday, July 16, 2013.

The Court and counsel discussed the remaining trial schedule.

Counsel Dotson addressed the sealing of the protected information in the transcripts.

**COURT ORDERED:** The entire transcript containing protected information will be sealed.

4:54 p.m. - Court stood in recess, to resume on July 16, 2013 at 9:00 a.m.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

---

07/16/13  
HONORABLE  
PATRICK  
FLANAGAN  
DEPT. NO. 7  
M. Conway  
(Clerk)  
S. Koetting  
(Reporter)

BENCH TRIAL – DAY 9

Rob Dotson, Esq. was present in Court on behalf of Plaintiff, Golden Road Motor Inn, Inc. with Debbie Robinson Esq., General Counsel for Atlantis/Monarch Casino, acting as client representative.

Mark Wray, Esq. was present in Court on behalf of Defendant Sumona Islam, who was present. Stan Johnson, Esq. and Steven Cohen, Esq. were present in Court on behalf of Defendant GSR Enterprises, LLC, with GSR President Steve Rosen present.

9:00 a.m. – Court convened.

Counsel Dotson called **Debra Robinson**, who was sworn and testified under direct examination. Counsel Wray conducted cross-examination.

Counsel Wray recalled **Sumona Islam**, heretofore sworn and conducted direct examination.

Counsel Wray marked for identification exhibit 85 and moved for its admission. Counsel Dotson stated his objections to the admission of exhibit 85. Counsel Wray responded.

**COURT ORDERED:** Exhibit 85 ADMITTED, over objections.

Counsel Dotson conducted cross examination.

Counsel Johnson conducted cross examination.

The Court questioned the witness and requested clarification regarding the coding method used in exhibit 85. Counsel Wray conducted further direct examination.

Counsel Wray indicated he had no further questions of witness Debra Robinson.

10:32 a.m. - Recess.

10:52 a.m. - Court reconvened.

Debra Robinson resumed the stand, heretofore sworn, and cross examination was conducted by Counsel Johnson.

Counsel Dotson rested the Plaintiff's case-in-chief.

Counsel Wray and Counsel Johnson advised the Court that they had no further witnesses.

The Court and counsel discussed closing arguments with the Court requesting counsel provide actual damages to the Court.

12:00 p.m. - Court stood in recess, to resume on July 17, 2013 at 2:00 p.m.

CASE NO. CV12-01171

GOLDEN ROAD MOTOR INN, INC.

vs.

SUMONA ISLAM et al.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

---

07/18/13  
HONORABLE  
PATRICK  
FLANAGAN  
DEPT. NO. 7  
M. Conway  
(Clerk)  
S. Koetting  
(Reporter)

BENCH TRIAL – DAY 11

Rob Dotson, Esq. was present in Court on behalf of Plaintiff, Golden Road Motor Inn, Inc. with Debra Robinson Esq., General Counsel for Atlantis/Monarch Casino, acting as client representative. John Farahi, CEO and president of Monarch Resort & Casino was also present.

Mark Wray, Esq. was present in Court on behalf of Defendant Sumona Islam, who was not present.

Stan Johnson, Esq. and Steven Cohen, Esq. were present in Court on behalf of Defendant GSR Enterprises, LLC, with GSR President Steve Rosen present.

2:36 p.m. - Court convened.

Counsel Dotson presented closing arguments.

Counsel Wray presented closing arguments.

4:48 p.m. - Recess.

5:04 p.m. - Court reconvened.

Counsel Johnson presented closing arguments.

5:52 p.m. - Court stood in recess, to resume on July 18, 2013 at 9:00 a.m.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

---

07/18/13  
HONORABLE  
PATRICK  
FLANAGAN  
DEPT. NO. 7  
M. Conway  
(Clerk)  
S. Koetting  
(Reporter)

BENCH TRIAL – DAY 11

Rob Dotson, Esq. was present in Court on behalf of Plaintiff, Golden Road Motor Inn, Inc. with Debra Robinson Esq., General Counsel for Atlantis/Monarch Casino, acting as client representative. John Farahi, CEO and President of Monarch Resort & Casino was also present. Mark Wray, Esq. was present in Court on behalf of Defendant Sumona Islam, who was not present.

Stan Johnson, Esq. and Steven Cohen, Esq. were present in Court on behalf of Defendant GSR Enterprises, LLC, with GSR President Steve Rosen present.

9:51 a.m. – Court convened.

Counsel Johnson presented closing arguments.

Counsel Dotson presented further closing argument, including rebuttal argument.

Counsel Wray presented further comments.

**COURT ORDERED:** Exhibits 6,7,8,9,31-34, 35-42, 48,50,51,59, 59A,61,63,65-68, 75,77,79,80,83,84 are placed under seal and cannot be viewed unless by Order of the Court.

11:29 a.m. – Recess.

12:05 p.m. – Court reconvened with all parties present with the exception of Defendant Islam and GSR President Steve Rosen.

**COURT FINDS:** As to the first cause of action, breach of contract, that the user agreement, business ethics policy and code of conduct agreement and the trade secret agreement were valid contacts signed by the Defendant and representative of the Plaintiff.

**COURT FINDS:** The Defendant breached these agreements.

**COURT FINDS:** That when the Defendant was hired by the Atlantis from Harrah’s she was under a contractual obligation to her former employer, Harrah’s.

**COURT FINDS:** The Atlantis honored the obligation to Harrah’s by placing the Defendant in the hotel side of operations.

**COURT FINDS:** The Defendant intentionally downloaded proprietary information from the Atlantis Casino, therefore,

**COURT FINDS:** Breach of Contract has been proved, and further, Atlantis has suffered damages as a result.

**COURT FINDS:** That a one (1) year period on the non-compete agreement is reasonable with a term of one hundred fifty (150) miles.

**COURT FINDS:** Total exclusion of employment is unreasonable.

**COURT FINDS:** The non-compete contact unenforceable and dismisses the second cause of action.

**COURT ORDERED:** Second cause of action: DISMISSED

**COURT FINDS:** The evidence shows, as to the third cause of action, conversion of property, the interference with the property was not severe, that the information, although altered, was not lost and easily restored. Therefore, the Plaintiff has failed to establish the elements of conversion.

**COURT ORDERED:** Third cause of action is DISMISSED.

CASE NO. CV12-01171

GOLDEN ROAD MOTOR INN, INC.

vs.

SUMONA ISLAM et al.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

---

07/18/13  
HONORABLE  
PATRICK  
FLANAGAN  
DEPT. NO. 7  
M. Conway  
(Clerk)  
S. Koetting  
(Reporter)

BENCH TRIAL – DAY 11

**COURT ORDERED:** Third cause of action is DISMISSED.

**COURT FINDS:** That as to the fourth cause of action, that this information is not known outside of the business, that this information is confidential within the Atlantis, and that this information is a trade secret.

**COURT FINDS:** The Defendant violated the terms of her contract and committed a violation of the uniform trade secrets act.

As to the sixth cause of action, Declaratory Relief;

**COURT ORDERED:** GRANTED IN PART/DENIED IN PART.

**COURT ORDERED:** As to compensatory damages, as to Defendant Islam, as to the first count for Breach of Contract, the Plaintiff is awarded Ten Thousand Nine Hundred Forty-One Dollars (\$10,941.00) with an additional Two Thousand One Hundred Nineteen Dollars (\$2,119.00).

**COURT ORDERED:** As to the violation of the Trade Secrets Act, judgment against the Defendant and in favor of the Plaintiff in the amount of Ten Thousand Eight Hundred Fourteen Dollars (\$10,814.00).

**COURT FINDS:** Punitive damages are warranted in this case.

**COURT ORDERED:** Punitive damages are awarded to the Plaintiff in the amount of Twenty Thousand Dollars (\$20,000.00).

**COURT ORDERED:** Having found in favor of the Plaintiff, the Court awards attorney's fees and litigation costs. These fees will be awarded after the appropriate affidavit of fees and memorandum of costs are timely submitted. Judge in favor of the Atlantis against Defendant Islam.

**COURT FINDS:** The testimony of Mr. Flaherty credible and that he told Ms. Islam not to bring anything from the GSR. Further, the testimony of both Ms. Hadley and Mr. Flaherty that they did not see the spiral notebooks is credible.

**COURT FINDS:** The non-compete agreement overbroad and unenforceable, therefore is was reasonable for GSR to rely upon the advice of counsel in offering employment to Ms. Islam.

**COURT FINDS:** The Plaintiff has failed to prove that the GSR has misappropriated trade secrets, therefore the claim against GSR is dismissed.

**COURT ORDERED:** Judgment in favor of GSR, against the Plaintiff, and GSR is awarded attorney fees and costs of litigation.

**COURT ORDERED:** Counsel Dotson shall prepare the Order.

1:00 p.m. - Court stood in recess.

## Exhibits – Bench Trial

Title: **GOLDEN ROAD MOTOR VS. SUMONA ISLAM, ET AL**

PLTF: **Golden Road Motor**

PATY: **Robert Dotson, Esq.**

DEFT: **Sumona Islam**

DATY: **Mark Wray, Esq.**

DEFT: **Grand Sierra Resort (GSR)**

DATY: **Stan Johnson, Esq. and Steven Cohen, Esq.**

Case No: **CV12-01171** Dept. No: **7** Clerks: **J. Krush/M. Conway** Date: **July 1-18, 2013**

Exhibit No.	Party	Description	Marked	Offered	Admitted
1	PLTF	Online System User Agreement (ATL 0001 – 0004)	6/25/13	STIPULATED	7/1/13
2	PLTF	Business Ethics Policy and Code of Conduct Acknowledgement and Conflicts of Interest Statement (ATL 0005 – 0018)	6/25/13	STIPULATED	7/1/13
3	PLTF	Company Policy regarding Company Property, Proprietary Information, and Trade Secrets (ATL 0019 – 0021)	6/25/13	STIPULATED	7/1/13
4	PLTF	Non-Compete/Non-Solicitation Agreement (ATL 0022)	6/25/13	STIPULATED	7/1/13
5	PLTF	April 6, 2012 and April 18 <sup>th</sup> letters (ATL 0023 – 0034)	6/25/13	STIPULATED	7/1/13
6	PLTF	Handwritten guest list produced by Sumona Islam, first and last page of each of the five books ISLAM 1, 57, 58, 128, 129, 203, 204, 258, 259, 276	6/25/13	STIPULATED *SEALED*	7/1/13
7	PLTF	Summary of modifications to customer database by Sumona Islam in days leading up to her resignation (ATL 0041 – 0043)	6/25/13	STIPULATED *SEALED*	7/1/13

## Exhibits – Bench Trial

Title: **GOLDEN ROAD MOTOR VS. SUMONA ISLAM, ET AL**

PLTF: **Golden Road Motor**

PATY: **Robert Dotson, Esq.**

DEFT: **Sumona Islam**

DATY: **Mark Wray, Esq.**

DEFT: **Grand Sierra Resort (GSR)**

DATY: **Stan Johnson, Esq. and Steven Cohen, Esq.**

Case No: **CV12-01171** Dept. No: **7** Clerks: **J. Krush/M. Conway** Date: **July 1-18, 2013**

Exhibit No.	Party	Description	Marked	Offered	Admitted
8	PLTF	Audit History (redacted) of the modifications made by Ms. Islam to the customer database (ATL 0044 – 0048)	6/25/13	STIPULATED *SEALED*	7/1/13
9	PLTF	Audit History (unredacted) of the modifications made by Ms. Islam to the customer database (Note: This document is designated highly confidential – attorneys’ eyes only and subject to the Stipulated Protective Order.) (ATL 0044a – 0048a)	6/25/13	STIPULATED *SEALED*	7/1/13
10	PLTF	Example of GSR solicitations (ATL 0049)	6/25/13	STIPULATED	7/1/13
11	PLTF	Example of GSR solicitations (ATL 0050)	6/25/13	STIPULATED	7/1/13
12	PLTF	Example of GSR solicitations (ATL 0051)	6/25/13	STIPULATED	7/1/13
13	PLTF	Example of GSR solicitations (ATL 0052)	6/25/13	STIPULATED	7/1/13
14	PLTF	Offer letter and draft offer letter (GSR 00026 - 00027 and GSR 0007 - 0008)	6/25/13	STIPULATED	7/1/13
15	PLTF	GSR Confidentiality and Non-Disclosure Agreement (GSR 00004)	6/25/13	STIPULATED	7/1/13
16	PLTF	GSR Database Agreement (GSR 00005)	6/25/13	STIPULATED	7/1/13



## Exhibits – Bench Trial

Title: **GOLDEN ROAD MOTOR VS. SUMONA ISLAM, ET AL**

PLTF: **Golden Road Motor**

PATY: **Robert Dotson, Esq.**

DEFT: **Sumona Islam**

DATY: **Mark Wray, Esq.**

DEFT: **Grand Sierra Resort (GSR)**

DATY: **Stan Johnson, Esq. and Steven Cohen, Esq.**

Case No: **CV12-01171** Dept. No: **7** Clerks: **J. Krush/M. Conway** Date: **July 1-18, 2013**

Exhibit No.	Party	Description	Marked	Offered	Admitted
17	PLTF	Remainder of employment file of Sumona Islam (GSR 00001 – 00003, 00006, 00009 – 00025, 00028 - 00029)	6/25/13	STIPULATED	7/1/13
18	PLTF	Order Granting Golden Road Motor Inn, Inc's Motion For Temporary Restraining Order Against Defendant Sumona Islam and Agreement Between Defendant Nav-Reno-GS, LLC dba Grand Sierra Resort and Golden Road Motor Inn Inc, entered on July 5, 2012	6/25/13	STIPULATED	7/1/13
19	PLTF	GSR list of guests coded to Islam at GSR (GSR 00740-00752)	6/25/13	STIPULATED	7/1/13
20	PLTF	Atlantis' job description for Executive Casino Host (ATL 0284 – 0285)	6/25/13	STIPULATED	7/1/13
21	PLTF	Atlantis' job description for Concierge Manager (ATL 0286)	6/25/13	STIPULATED	7/1/13
22	PLTF	Emails to / from Rackenberg/ DeCarlo (ATL 0592)	6/25/13	STIPULATED	7/1/13
23	PLTF	Email regarding the hiring of Sumona Islam (ATL 0210)	6/25/13	STIPULATED	7/1/13

## Exhibits – Bench Trial

Title: **GOLDEN ROAD MOTOR VS. SUMONA ISLAM, ET AL**

PLTF: **Golden Road Motor**

PATY: **Robert Dotson, Esq.**

DEFT: **Sumona Islam**

DATY: **Mark Wray, Esq.**

DEFT: **Grand Sierra Resort (GSR)**

DATY: **Stan Johnson, Esq. and Steven Cohen, Esq.**

Case No: **CV12-01171**

Dept. No: **7**

Clerks: **J. Krush/M. Conway**

Date: **July 1-18, 2013**

Exhibit No.	Party	Description	Marked	Offered	Admitted
24	PLTF	Frank DeCarlo's sent email (ATL 0564)	6/25/13	STIPULATED	7/1/13
25	PLTF	Frank DeCarlo's sent email (ATL 0492)	6/25/13	STIPULATED	7/1/13
26	PLTF	Frank DeCarlo's deleted email (ATL 0321)	6/25/13	STIPULATED	7/1/13
27	PLTF	Frank DeCarlo's sent email (ATL 0462)	6/25/13	STIPULATED	7/1/13
28	PLTF	Frank DeCarlo's deleted email (ATL 0298)	6/25/13	STIPULATED	7/1/13
29	PLTF	Frank DeCarlo's deleted email (ATL 0347)	6/25/13	STIPULATED	7/1/13
30	PLTF	Frank DeCarlo's deleted email (ATL 0339)	6/25/13	STIPULATED	7/1/13
31	PLTF	GSR Rated Players of Sumona Islam prepared by The Financial Planning and Analysis Group and GSR Guest Reports regarding Sumona Islam (ATL 1001 – 1004)	6/25/13	STIPULATED *SEALED*	7/1/13
32	PLTF	Expert report and CV of Jeremy A. Aguero	6/25/13	STIPULATED *SEALED*	7/1/13
33	PLTF	Spreadsheet for offer dated April 1-23 (GSR-AMBROSE 0052-0061)	6/25/13	STIPULATED *SEALED*	7/1/13

34	PLTF	Spreadsheet for offer dated April 24-May 23 (GSR-AMBROSE 0001-0015)	6/25/13	STIPULATED *SEALED*	7/1/13
35	PLTF	Spreadsheet for offer dated April 24- May 23 Non-Locals Duplicates (GSR-AMBROSE 0016-0018)	6/25/13	STIPULATED *SEALED*	7/1/13
36	PLTF	Spreadsheet for offer dated May 24 – June 19 Non-locals (GSR-AMBROSE 0092-0121)	6/25/13	STIPULATED *SEALED*	7/1/13
37	PLTF	Spreadsheet for offer dated June20 – July17 Non-Locals (GSR-AMBROSE 0062-0091)	6/25/13	STIPULATED *SEALED*	7/1/13
38	PLTF	Spreadsheet for offer dated April 1- 23 Locals (GSR-AMBROSE 0032-0051)	6/25/13	STIPULATED *SEALED*	7/1/13
39	PLTF	Spreadsheet for offer dated April 24- May 23 (GSR-AMBROSE 0019-0026)	6/25/13	STIPULATED *SEALED*	7/1/13
40	PLTF	Spreadsheet for offer dated May 24 – Jun 19 Locals (GSR-AMBROSE 0027-0031)	6/25/13	STIPULATED *SEALED*	7/1/13
41	PLTF	Ambrose Emails (GSR-AMBROSE 0122-0159)	6/25/13	STIPULATED *SEALED*	7/1/13
42	PLTF	Revenue Spreadsheets (GSR-Singh 0001-0007)	6/25/13	STIPULATED *SEALED*	7/1/13
43	PLTF	Harrah's June 26, 2008 letter to Islam (ATL 0266 – 0279)	6/25/13	STIPULATED	7/1/13
44	PLTF	Harrah's October 22, 2009 letter to Islam (ATL 0280, ATL 0283 and ATL 0283a)	6/25/13	STIPULATED	7/1/13
45	PLTF	Email from Tomelden 1/19/12 and from DeCarlo to Finn 1/20/12 and privileged emails (ATL 0281 – 0282)	6/25/13	STIPULATED	7/1/13

46	PLTF	Correspondence between Atlantis and counsel for Fitzgeralds related to Chau non-compete (ATL 0604-0625)	6/25/13	STIPULATED	7/1/13
47	PLTF	Harrah's Employment Agreement provided to Atlantis by Sumona Islam (ATL 0628-0638)	6/25/13	STIPULATED	7/1/13
48	PLTF	Emails between Shelly Hadley to Sumona Islam, (GSR 01932 - 01934)	6/25/13	STIPULATED *SEALED*	7/1/13
49	PLTF	GSR Free Play Adjustments and Comps GSR 1935 - 1981	6/25/13	STIPULATED	7/1/13
50	PLTF	Hadley emails GSR 2029 - 2033	6/25/13	STIPULATED *SEALED*	7/1/13
51	PLTF	Hadley emails GSR 1982 - 2028	6/25/13	STIPULATED *SEALED*	7/1/13
52	PLTF	Grand Sierra Resort Employee Handbook (GSR 02034 - 2064)	6/25/13	STIPULATED	7/1/13
53	PLTF	Resume of Abraham Pearson	6/25/13	STIPULATED	7/1/13
54	PLTF	Concierge Lounge Schedules (ATL 0137 - 0151)	6/25/13	STIPULATED	7/1/13
55	PLTF	March 12, 2010 memo re Host Internet Access Agreement (ATL 0153)	6/25/13	STIPULATED	7/1/13
56	PLTF	Network Access Requests signed by Sumona Islam (ATL 0154-0165)	6/25/13	STIPULATED	7/1/13
57	PLTF	Online System User Agreement signed by Sumona Islam (ATL 0166 - 0169)	6/25/13	STIPULATED	7/1/13
58	PLTF	Grand Sierra Flyer (ATL 0626 - 0627)	6/25/13	STIPULATED	7/1/13

59	PLTF	Plaintiff's Seventeenth Supplemental NRCP 16.1 Disclosure	6/25/13	OBJECTION OVER-RULED *SEALED*	7/2/13
59a	DEF GSR	Enlarged copy of "Supporting Data For Summary Sheet"	7/2/13	NO OBJECTION *SEALED*	7/2/13
60	PLTF	Resume of Brandon C. McNeely, bates numbered ATL 0992 – 0994	6/25/13	NO OBJECTION	7/11/13
61	PLTF	Atlantis Customer Lifetime Value calculations and Harvard Business Review case study, bates numbered (ATL 0973 – 0990)	6/25/13	OBJECTIONS OVER-RULED *SEALED*	7/1/13
62	PLTF	Black's Law Dictionary and Webster's Dictionary definition of "sabotage" (ATL 0995 – 1000)	6/25/13	STIPULATED	7/1/13
63	PLTF	Guest contact list prepared by Frank DeCarlo at the direction of Debra Robinson (ATL 1609)	6/25/13	STIPULATED *SEALED*	7/1/13
64	PLTF	Email string dated 4/5/12 regarding guest Arsenault (ATL 1617 – 1618)	6/25/13	STIPULATED	7/1/13
65	PLTF	Email string dated 4/10/12 regarding guest Davidson (ATL 1619 – 1620)	6/25/13	STIPULATED *SEALED*	7/1/13
66	PLTF	Email dated 4/17/12 regarding guest Scheider (ATL 1621)	6/25/13	STIPULATED *SEALED*	7/1/13
67	PLTF	Portions of David Law's personnel file, redacted as to Social Security number (ATL 1667 – 1681)	6/25/13	STIPULATED *SEALED*	7/1/13
68	PLTF	Portions of Lilia Santos' personnel file, redacted as to Social Security number (ATL 1682 – 1695)	6/25/13	STIPULATED *SEALED*	7/1/13

69	PLTF	Concierge Desk Schedules (ATL 1740 – 1766)	6/25/13	STIPULATED	7/1/13
70	PLTF	Emails regarding Ramon Mondragon (ATL 1776 – 1785)	6/25/13	STIPULATED	7/1/13
71	PLTF	IT Help Desk Notes for Frank DeCarlo's email (ATL 1786 – 1798)	6/25/13	STIPULATED	7/1/13
72	PLTF	Internet Authorization Form signed by Sumona Islam (ATL 0152)	6/25/13	STIPULATED	7/1/13
73	PLTF	Transcript of May 3, 2012 GSR Investigatory Interview Recording with Sumona Islam (GSR02130 – GSR02133)	6/25/13	STIPULATED	7/1/13
74	DEF ISLAM	Demonstrative exhibit - List of emails prepared by Mark Wray (Depo exhibit 53)	6/25/13		
75	PLTF	Islam's Book of Trade produced to Atlantis with notes from Atlantis. These documents are designated confidential and subject to the Stipulated Protective Order (ATL 0213 – 0265)	6/25/13	STIPULATED *SEALED*	7/1/13
76	DEF ISLAM	Sumona Islam's Hallmark card	6/25/13	STIPULATED	7/1/13
77		Compilation of GSR/Islam Emails in chronological order	6/25/13	STIPULATED *SEALED*	7/1/13
78		Additional signature pages to Trade Secret Agreement and Business Ethics policy and Code of Conduct Agreement (ATL 0100 - 0101, 0103, 0128 - 0130)	6/25/13	STIPULATED	7/1/13

79	DEF ISLAM	Frank DeCarlo's emails (Note: All confidential guest information has been redacted from these emails. Many of these documents contain proprietary and/or confidential information and have been designated as being subject to the Stipulated Protective Order (ATL 0296 - 0591) Not printed at this time.	NOT MARKED		
80	PLTF	Full handwritten client list produced by Islam (ISLAM 1- 276)	7/8/13	*SEALED*	
81	DEF ISLAM	Letter to Mark Wray, Esq. from Angela Bader, Esq. dated 10/15/12	6/25/13	STIPULATED	7/1/13
82	DEF ISLAM	Email from Frank DeCarlo filed 12/22/11 and Declining Player Report as of 12/21/11	7/1/13	NO OBJECTION	7/1/13
83	PLTF	Copy of handwritten client list produced by Islam with notations made during review on July 6-7, 2013	7/8/13	NO OBJECTION *SEALED*	7/8/13
84	PLTF	Defendant's Responses to Plaintiff's First Set of Request for Admission to Deendant Nav-Reno-GS, LLC DBA Grand Sierra Resort	7/12/13	NO OBJECTION *SEALED*	7/12/13
85	DEF ISLAM	Handwritten note of Lilia Santos	7/16/13	OBJECTION OVER- RULED	7/16/13
86					
87					
88					
89					
90					
91					