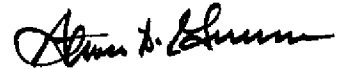


# **EXHIBIT 1**



CLERK OF THE COURT

1 **MOT**

James J. Pisanelli, Esq., Bar No. 4027

2 JJP@pisanellibice.com

Todd L. Bice, Esq., Bar No. No. 4534

3 TLB@pisanellibice.com

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**PISANELLI BICE PLLC**

6 400 South 7th Street, Suite 300

Las Vegas, Nevada 89101

7 Telephone: (702) 214-2100

Facsimile: (702) 214-2101

8 Attorneys for Plaintiff Steven C. Jacobs

9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 STEVEN C. JACOBS,

12 Plaintiff,

13 v.

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

17 Defendants.

18 AND RELATED CLAIMS

Case No.: A-10-627691

Dept. No.: XI

**EXPEDITED MOTION FOR  
CLARIFICATION AND LIMITED  
ADDED JURISDICTIONAL  
DISCOVERY; ON ORDER  
SHORTENING TIME**

Hearing Date:

Hearing Time:

19  
20  
21 Plaintiff Steven C. Jacobs ("Jacobs") moves this Court for clarification and a limited  
22 addition of the scope of permissible deposition topics at the renewed depositions that this Court  
23 has authorized. This Court recently allowed Jacobs to retake any previously-taken depositions so  
24 as to permit him to examine those witnesses based upon an additional search of documents this  
25 Court ordered. However, Jacobs seeks to clarify that should he retake depositions, he would also  
26 be permitted to examine the witnesses concerning any documents that were later produced in an  
27 unredacted form, not just those yet to be produced. Recall, Sands China acknowledged that it had  
28 produced nearly all of the so-called replacement images – the documents that had been redacted

PISANELLI BICE PLLC  
400 SOUTH 7TH STREET, SUITE 300  
LAS VEGAS, NEVADA 89101

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1 in Macau but duplicates later located in the United States – at a time after they could be used in  
2 the jurisdictional depositions. Jacobs asks this Court to explicitly allow the use of any  
3 replacement images at the renewed depositions.<sup>1</sup> Similarly, Jacobs seeks this Court's  
4 authorization to use any document over which Sands China had previously improperly withheld  
5 as privileged. As the Court should vividly remember, Sands China previously claimed thousands  
6 of documents were privileged and withheld them where they could not even be examined by  
7 Jacobs' counsel. When this Court announced that it was going review each of these documents,  
8 Sands China was forced to concede (begrudgingly) that some 70% of the documents for which it  
9 claimed privilege had no legal support. Thus, Sands China released those document for the first  
10 time to Jacobs' counsel in October of 2014, nearly two years after the depositions were taken.  
11 Accordingly, Jacobs should also be permitted to use any documents of which his counsel was  
12 deprived due to Sands China's improper – admittedly so – claims of privilege. This is particularly  
13 so given that two of the deponents – Mike Levin and Ken Kay – are no longer residing in the  
14 jurisdiction (according to Defendants) and they refuse to make them available to be examined at  
15 the April 20, 2015 jurisdictional hearing.

16 Additionally, because these prior depositions were taken before reinstatement of the  
17 defamation claim against Sands China, as well as the recent amendments adding claims for  
18 conspiracy and aiding and abetting against Sands China, Jacobs should further be allowed to  
19 conduct jurisdictional discovery relative to those claims at the renewed depositions. After all,  
20 Sands China contends that it is not subject to personal jurisdiction in Nevada even for those  
21 claims. Because those claims give rise to additional grounds for personal jurisdiction, and  
22 Sands China contests personal jurisdiction for them, Jacobs should be permitted to develop the  
23 evidentiary basis for personal jurisdiction relating to those claims as well.

24 Finally, because Sands China disputes personal jurisdiction even over the defamation  
25 claim – false statements published in Nevada by Sands China's Nevada-based chairman – Jacobs  
26 seeks to take the deposition of Ron Reese and obtain limited documentary evidence concerning

27  
28 <sup>1</sup> Of course, this does not eliminate the prejudice that this Court has already found relative to the  
redactions because nearly 8,000 of the documents which Sands China flagged for jurisdictional  
discovery remain redacted to this very day.

1 that claim. As this Court should recall, Reese serves as Adelson's spokesman and media handler.  
2 Jacobs reasonably believes that Reese was intimately involved in the creation, dissemination and  
3 publication of the defamatory statement. Because Reese would have undertaken those activities  
4 on behalf of Sands China in Nevada, the evidence as to his involvement and those activities goes  
5 directly to the question of personal jurisdiction.

6 Because the Court has scheduled the evidentiary hearing on jurisdiction for April 20,  
7 2015, Jacobs requests that this Court consider this motion on an order shortening time.

8 DATED this 16<sup>th</sup> day of March, 2015.

9 PISANELLI BICE PLLC

10 By: 

11 James J. Pisanelli, Esq., #4027  
12 Todd L. Bice, Esq., #4534  
13 Debra L. Spinelli, Esq., #9695  
14 Jordan T. Smith, Esq., #12097  
15 400 South 7th Street, Suite 300  
16 Las Vegas, Nevada 89101

17 *Attorneys for Plaintiff Steven C. Jacobs*  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER SHORTENING TIME**

Before this Court is the Request for an Order Shortening Time accompanied by the Declaration of counsel. Good cause appearing, the undersigned counsel will appear at Clark County Regional Justice Center, Eighth Judicial District Court, Las Vegas, Nevada, on the 19<sup>th</sup> day of March, 2015, at 8:30 a.m., in Department XI, or as soon thereafter as counsel may be heard, to bring this **PLAINTIFF STEVEN C. JACOBS' EXPEDITED MOTION FOR LIMITED EXPANSION OF JURISDICTIONAL DISCOVERY** on for hearing.

DATED: MARCH 17, 2015

  
DISTRICT COURT JUDGE

Respectfully submitted by:

~~PISANELLI-BICE PLLC~~

By: 

James J. Pisanelli, Esq., Bar No. 4027  
Todd L. Bice, Esq., Bar No. 4534  
Debra L. Spinelli, Esq., Bar No. 9695  
Jordan T. Smith, Esq., Bar No. 12097  
400 South 7th Street, Suite 300  
Las Vegas, Nevada 89101

*Attorneys for Plaintiff Steven C. Jacobs*

PISANELLI-BICE PLLC  
400 SOUTH 7TH STREET, SUITE 300  
LAS VEGAS, NEVADA 89101

**DECLARATION OF TODD L. BICE, ESQ**

I, TODD L. BICE, Esq., being first duly sworn, hereby declare as follows:

1. I am one of the attorneys representing Plaintiff Steven C. Jacobs ("Jacobs") in the action styled *Steven C. Jacobs v. Las Vegas Sands Corp., et al.*, Case No. A656710, pending before this Court. I make this Declaration in support of Plaintiff Steven C. Jacobs' Expedited Motion for Clarification and Limited Additional Jurisdiction Discovery on Order Shortening Time (the "Motion"). I have personal knowledge of the facts stated herein and I am competent to testify to those facts.

2. This Court recently authorized Jacobs to retake any previously-taken depositions so as to permit him to examine those witnesses based upon an additional search of documents this Court ordered from the data that Sands China had long ago brought to the United States.

3. Jacobs seeks to clarify that should he chose to retake depositions, he would also be permitted to examine the witnesses concerning any documents that were later produced in an unredacted form. Recall, Sands China acknowledged that it had produced substantially all of the so-called replacement images – the documents that had been redacted in Macau but later located in the United States – at a time that they could not be used at those depositions. The same is true with respect to the documents which Sands China deprived Jacobs' counsel of even reviewing with erroneous claims of privilege. As the Court knows, Sands China was recently forced to concede that it had withheld thousands of documents from Jacobs' counsel's review with claims of privilege that were not well founded. Jacobs' council could not even know the contents of these documents in preparation for the jurisdictional depositions until they were finally produced in October 2014, long after the depositions were taken.

4. Furthermore, because those depositions were taken before reinstatement of the defamation claim against Sands China, as well as the addition of Jacobs' claims for conspiracy and aiding and abetting against Sands China, Jacobs should be allowed to conduct jurisdictional discovery relative to those claims at the renewed depositions. Sands China contends that it is not subject to personal jurisdiction in Nevada even for those claims. Because those claims give rise to additional grounds for personal jurisdiction, and Sands China disputes jurisdiction, Jacobs

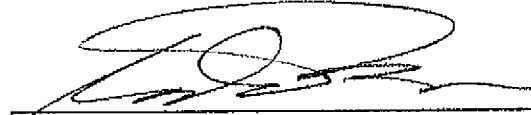
1 requests leave to develop the evidentiary basis for personal jurisdiction relating to those claims as  
2 well.

3 5. Finally, as Sands China continues to dispute personal jurisdiction even over the  
4 defamation claim – false statements published in Nevada by Sands China's Nevada-based  
5 chairman – Jacobs seeks to take the deposition of Ron Reese and obtain limited documentary  
6 evidence concerning that claim. As this Court should recall, Reese serves as Adelson's  
7 spokesman and media handler. Jacobs reasonably believes that Reese was intimately involved in  
8 the creation, dissemination and publication of the defamatory statement. Because Reese would  
9 have undertaken those activities on behalf of Sands China in Nevada, the evidence as to his  
10 involvement and activities goes directly to the debate over personal jurisdiction.

11 6. Because the Court has scheduled the evidentiary hearing on jurisdiction for  
12 April 20, 2015, Jacobs requests that this Court consider this motion on an order shortening time.

13 7. I certify that the foregoing Motion is not brought for any improper purpose.

14 Dated this 16<sup>th</sup> day of March, 2015.

15   
16 \_\_\_\_\_  
TODD L. BICE, ESQ.

**MEMORANDUM OF POINTS AND AUTHORITIES**

As set forth in the Declaration of counsel, Jacobs seeks this Court's authorization to use not only documents that are to be produced pursuant to this Court's March 6, 2015 Order (the "March 2015 Order") at any retaken depositions, but also any replacement image documents and documents improperly withheld as privilege prior to those depositions occurring. Also, Jacobs seeks to question those witnesses concerning the jurisdictional facts relating to the now-reinstated defamation claim as well as the new claims for conspiracy and aiding and abetting. As those claims give rise to additional bases for this Court's jurisdiction over Sands China, discovery should be permitted.

For the same reason, Jacobs should also be permitted to now depose Ron Reese. As a spokesman for Adelson, Reese likely had extensive involvement in the facts and circumstances giving rise to Jacobs' claim for defamation. As the plaintiff, Jacobs has a legal right to conduct jurisdictional discovery since Sands China is disputing jurisdiction on these recently-reinstated and added claims. *Toys 'R' Us, Inc. v. Step Two, S.A.*, 318 F.3d 446, 456 (3d Cir. 2003) (reversing district court's failure to permit jurisdictional discovery where it had determined that the plaintiff's claims were not frivolous). Jacobs' proposed request for production of documents – for which he proposes only two additional requests – are attached hereto as Exhibit 1 for the Court's advance review and approval.

DATED this 16<sup>th</sup> day of March, 2015.

PISANELLI BICE PLLC

By: 

James J. Pisanelli, Esq., #4027

Todd L. Bice, Esq., #4534

Debra L. Spinelli, Esq., #9695

Jordan T. Smith, Esq., #12097

400 South 7th Street, Suite 300

Las Vegas, Nevada 89101

*Attorneys for Plaintiff Steven C. Jacobs*



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 17th day of March, 2015, I caused to be served via the Court's E-Filing system, true and correct copies of the above and foregoing **EXPEDITED MOTION FOR CLARIFICATION AND LIMITED ADDED JURISDICTION DISCOVERY; ON ORDER SHORTENING TIME** properly addressed to the following:

J. Stephen Peek, Esq.  
Robert J. Cassity, Esq.  
HOLLAND & HART  
9555 Hillwood Drive, Second Floor  
Las Vegas, NV 89134  
[speek@hollandhart.com](mailto:speek@hollandhart.com)  
[rcassity@hollandhart.com](mailto:rcassity@hollandhart.com)

Michael E. Lackey, Jr., Esq.  
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Washington, DC 20006  
[mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com)

J. Randall Jones, Esq.  
Mark M. Jones, Esq.  
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An employee of PISANELLI BICE PLLC

# **EXHIBIT 1**

1 **RPD**

James J. Pisanelli, Esq., Bar No. 4027

2 JJP@pisanellibice.com

Todd L. Bice, Esq., Bar No. 4534

3 TLB@pisanellibice.com

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6 400 South 7th Street, Suite 300

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7 Telephone: (702) 214-2100

Facsimile: (702) 214-2101

8 Attorneys for Plaintiff Steven C. Jacobs

9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 **STEVEN C. JACOBS,**

12 **Plaintiff,**

13 **v.**

14 **LAS VEGAS SANDS CORP.,** a Nevada  
15 **corporation; SANDS CHINA LTD.,** a  
16 **Cayman Islands corporation; DOES I**  
**through X; and ROE CORPORATIONS**  
**I through X,**

17 **Defendants.**

18 **AND RELATED CLAIMS**

Case No.: A-10-627691

Dept. No.: XI

**PLAINTIFF'S SECOND REQUEST FOR  
PRODUCTION OF DOCUMENTS TO  
SANDS CHINA, LTD. (Nos. 25-26)**

20 **TO: DEFENDANT SANDS CHINA, LTD.; and**

21 **TO: KEMP, JONES & COULTHARD, LLP and HOLLAND & HART LLP, its**  
22 **Attorneys**

23 Pursuant to Rule 34 of the Nevada Rules of Civil Procedure, Plaintiff Steven C. Jacobs  
24 ("Jacobs" and/or "Plaintiff") requests that Defendant Sands China Ltd. produce for inspection and  
25 copying the documents described in these papers. Production shall occur within thirty (30) days of  
26 service hereof, at the offices of PISANELLI BICE PLLC, 400 South 7th Street, Suite 300,  
27 Las Vegas, Nevada, 89101.

## DEFINITIONS AND INSTRUCTIONS

### A. Definitions

1. Communication. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

2. Document. The term "document" is defined to be synonymous in meaning and equal in scope to the usage of this term in Rule 34(a) of the Nevada Rules of Civil Procedure. This term encompasses any written or paper material in Sands China Ltd.'s possession, under its control, available at the request of any of its agents or attorneys and includes without limitation any written or graphic matter of every kind or description, however produced or reproduced, whether in draft, in final, original or reproduction, signed or unsigned, and regardless of whether approved, sent, received, redrafted or executed, including but not limited to written communications, letters, correspondence, memoranda, notes, records, business records, photographs, tape or sound recordings, contracts, agreements, notations of telephone conversations or personal conversations, diaries, desk calendars, reports, computer records, data compilations of any type or kind, or materials similar to any of the foregoing, however denominated and to whomever addressed. "Document" shall exclude exact duplicates when originals are available, but shall include all copies made different from originals by virtue of any writings, notations, symbols, characters, impressions or any marks thereon.

3. Person. The term "person" is defined as any natural person or business, legal or governmental entity or association.

4. The terms "concerning," "related to," and "relating to" include "refer to," "summarize," "reflect," "constitute," "contain," "embody," "mention," "show," "compromise," "evidence," "discuss," "describe," "pertaining to" or "comment upon."

5. All/Each. The terms "all" and "each" shall be construed as all and each.

6. And/Or. The connectives "and/or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery requests all responses that might otherwise be construed to be outside of its scope.

1           7.     Number. The use of the singular form of any word includes the plural and vice  
2 versa.

3           8.     You, Your, and/or Sands China. The terms "You," "Your," and "Sands China" are  
4 synonymous and mean "Sands China, Ltd.," a defendant in this Action, and/or any of its  
5 pre-incorporation, pre-spin-off, pre-IPO identities (e.g., LISTCO, NEWCO), subsidiary entities  
6 and/or any other affiliated entities, as well as its owners, shareholders, officers, employees,  
7 attorneys, accountants, agents, investigators, and/or anyone else acting on its behalf and/or its  
8 direction and instruction.

9           9.     Action. The term "Action" refers to the above-captioned matter entitled *Steven C.*  
10 *Jacobs v. Las Vegas Sands Corp., et al.*, commenced in the Eighth Judicial District Court, Clark  
11 County, Nevada, Case No. A-10-627691.

12           10.    Parcels 5 and 6. The term "Parcels 5 and 6" refers to parcels of property owned by  
13 Sands China located on the Cotai Strip.

14 B.     Instructions.

15           1.     If You contend that any document responsive to these requests is privileged or  
16 otherwise beyond the scope of Rule 26 of the Nevada Rules of Civil Procedure, please identify the  
17 document with the following information:

- 18           a.     The type of document (e.g., report, letter, notes, notice, contract, etc.);
- 19           b.     The number of pages it comprises;
- 20           c.     The name of the person(s) who prepared or authored the document;
- 21           d.     The name of the person(s) to whom the document was addressed, distributed,  
22 and/or shown;
- 23           e.     The date on the document purporting to reflect the date the document was  
24 prepared or transmitted;
- 25           f.     The general description of the subject matter of the document; and, if  
26 applicable,
- 27           g.     The name of the person(s) who asked that the document be prepared.
- 28

1           2.     If You contend that only a portion of any document responsive to these requests is  
2 privileged or otherwise not subject to production, please produce a copy of the document redacting  
3 the privileged or objectionable portion. With respect to the redacted portion, to the extent that the  
4 produced portion of the document does not do so, You should provide the same information which  
5 would be provided if the entire document were withheld as privileged.

6           3.     These requests reach all documents that are within Your possession, custody or  
7 control if You have the legal right to obtain it, whether or not You now have physical possession  
8 of it. Thus, You must obtain and produce all documents within the possession or custody of people  
9 or entities over which You have control, such as attorneys, agents or others. If You have knowledge  
10 of the existence of documents responsive to these requests but contend that they are not within Your  
11 possession, custody or control, please provide the following information:

- 12               a.     A description of the documents, including in the description as much detail  
13 as possible;
- 14               b.     The identity of the person or entity, including his, her or its address, believed  
15 by You to have possession or custody of the document or any copies of them  
16 at this time; and
- 17               c.     A description of the efforts, if any, You have made to obtain possession or  
18 custody of the documents.

19           4.     These requests to produce shall be deemed to be continuing, and any additional  
20 documents relating in any way to these requests to produce or Your original responses that are  
21 acquired subsequent to the date of responding to these requests, up to and including the time of  
22 trial, shall be furnished to Plaintiff promptly after such documents are acquired as supplemental  
23 responses to these requests to produce.

#### 24                               REQUESTS

##### 25           REQUEST NO. 25:

26               Identify and produce all documents and/or communications since October 18, 2010, where  
27 Ron Reese is either the author or a recipient that concerns or references Jacobs.  
28

1 **REQUEST NO. 26:**

2 Identify and produce all documents and/or communications from October 18, 2010, to or  
3 from any reporter, media representative or media consultant that references or concerns Jacobs  
4 and/or the Action.

5 DATED this \_\_\_\_ day of March, 2015.

6 PISANELLI BICE PLLC

7 By: \_\_\_\_\_

8 James J. Pisanelli, Esq., Bar No. 4027  
9 Todd L. Bice, Esq., Bar No. 4534  
10 Debra L. Spinelli, Esq., Bar No. 9695  
11 Jordan T. Smith, Esq., Bar No. 12097  
12 400 South 7th Street, Suite 300  
13 Las Vegas, Nevada 89101

14 *Attorneys for Plaintiff Steven C. Jacobs*  
15  
16  
17  
18  
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**RECEIPT OF COPY**

RECEIPT OF COPY of the above and foregoing **PLAINTIFF'S SECOND REQUEST**  
**FOR PRODUCTION OF DOCUMENTS TO SANDS CHINA, LTD.** (Nos. 25-26) is hereby  
acknowledged this \_\_\_\_\_ day of March, 2015, by:

HOLLAND & HART

By: \_\_\_\_\_  
J. Stephen Peek, Esq.  
Robert J. Cassity, Esq.  
9555 Hillwood Drive, Second Floor  
Las Vegas, NV 89134

KEMP, JONES & COULTHARD, LLP

By: \_\_\_\_\_  
J. Randall Jones, Esq.  
Mark M. Jones, Esq.  
3800 Howard Hughes Parkway, 17th Floor  
Las Vegas, NV 89169



1 **RPD**

James J. Pisanelli, Esq., Bar No. 4027

2 JJP@pisanellibice.com

Todd L. Bice, Esq., Bar No. 4534

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Debra L. Spinelli, Esq., Bar No. 9695

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6 400 South 7th Street, Suite 300

Las Vegas, Nevada 89101

7 Telephone: (702) 214-2100

Facsimile: (702) 214-2101

8 Attorneys for Plaintiff Steven C. Jacobs

9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 STEVEN C. JACOBS,

12 Plaintiff,

13 v.

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

17 Defendants.

18 AND RELATED CLAIMS  
19

Case No.: A-10-627691

Dept. No.: XI

**PLAINTIFF'S THIRD REQUEST FOR  
PRODUCTION OF DOCUMENTS TO  
LAS VEGAS SANDS CORP. (Nos. 26-27)**

20 TO: DEFENDANT LAS VEGAS SANDS CORP.; and

21 TO: J. Stephen Peck, Esq. and Robert J. Cassity, Esq., HOLLAND & HART, its Attorneys

22 Pursuant to Rule 34 of the Nevada Rules of Civil Procedure, Plaintiff Steven C. Jacobs  
23 ("Jacobs" and/or "Plaintiff") requests that Defendant Las Vegas Sands Corp. ("LVSC") produce  
24 for inspection and copying the documents described in these papers. Production shall occur  
25 within thirty (30) days of service hereof, at the offices of PISANELLI BICE PLLC,  
26 400 South 7th Street, Suite 300, Las Vegas, Nevada, 89101.  
27  
28

## DEFINITIONS AND INSTRUCTIONS

### A. Definitions

1. Communication. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

2. Document. The term "document" is defined to be synonymous in meaning and equal in scope to the usage of this term in Rule 34(a) of the Nevada Rules of Civil Procedure. This term encompasses any written or paper material in LVSC's possession, under its control, available at the request of any of its agents or attorneys and includes without limitation any written or graphic matter of every kind or description, however produced or reproduced, whether in draft, in final, original or reproduction, signed or unsigned, and regardless of whether approved, sent, received, redrafted or executed, including but not limited to written communications, letters, correspondence, memoranda, notes, records, business records, photographs, tape or sound recordings, contracts, agreements, notations of telephone conversations or personal conversations, diaries, desk calendars, reports, computer records, data compilations of any type or kind, or materials similar to any of the foregoing, however denominated and to whomever addressed. "Document" shall exclude exact duplicates when originals are available, but shall include all copies made different from originals by virtue of any writings, notations, symbols, characters, impressions or any marks thereon.

3. Person. The term "person" is defined as any natural person or business, legal or governmental entity or association.

4. The terms "concerning," "related to," and "relating to" include "refer to," "summarize," "reflect," "constitute," "contain," "embody," "mention," "show," "compromise," "evidence," "discuss," "describe," "pertaining to" or "comment upon."

5. All/Each. The terms "all" and "each" shall be construed as all and each.

6. And/Or. The connectives "and/or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery requests all responses that might otherwise be construed to be outside of its scope.

1           7.     Number. The use of the singular form of any word includes the plural and vice  
2     versa.

3           8.     You or Your. The terms "You" and/or "Your" are synonymous and mean  
4     "Las Vegas Sands Corp." and/or "LVSC," a defendant in this Action, and/or any of its subsidiary  
5     entities and/or any other affiliated entities, as well as its owners, shareholders, officers,  
6     employees, attorneys, accountants, agents, investigators, and/or anyone else acting on its behalf  
7     and/or its direction and instruction.

8           9.     Sands China. The term "Sands China" means "Sands China, Ltd.," a defendant in  
9     this Action, and/or any of its pre-incorporation, pre-spin-off, pre-IPO identities (e.g., LISTCO,  
10    NEWCO), subsidiary entities and/or any other affiliated entities, as well as its owners,  
11    shareholders, officers, employees, attorneys, accountants, agents, investigators, and/or anyone  
12    else acting on its behalf and/or its direction and instruction.

13          10.    Action. The term "Action" refers to the above-captioned matter entitled *Steven C.*  
14    *Jacobs v. Las Vegas Sands Corp., et al.*, commenced in the Eighth Judicial District Court, Clark  
15    County, Nevada, Case No. A-10-627691.

16          11.    Parcels 5 and 6. The term "Parcels 5 and 6" refers to parcels of property owned by  
17    Sands China located on the Cotai Strip.

18    B.     Instructions.

19          1.     If You contend that any document responsive to these requests is privileged or  
20    otherwise beyond the scope of Rule 26 of the Nevada Rules of Civil Procedure, please identify  
21    the document with the following information:

- 22           a.     The type of document (e.g., report, letter, notes, notice, contract, etc.);
- 23           b.     The number of pages it comprises;
- 24           c.     The name of the person(s) who prepared or authored the document;
- 25           d.     The name of the person(s) to whom the document was addressed,  
26                 distributed, and/or shown;
- 27           e.     The date on the document purporting to reflect the date the document was  
28                 prepared or transmitted;

1 f. The general description of the subject matter of the document; and, if  
2 applicable,

3 g. The name of the person(s) who asked that the document be prepared.

4 2. If You contend that only a portion of any document responsive to these requests is  
5 privileged or otherwise not subject to production, please produce a copy of the document  
6 redacting the privileged or objectionable portion. With respect to the redacted portion, to the  
7 extent that the produced portion of the document does not do so, You should provide the same  
8 information which would be provided if the entire document were withheld as privileged.

9 3. These requests reach all documents that are within Your possession, custody or  
10 control if You have the legal right to obtain it, whether or not You now have physical possession  
11 of it. Thus, You must obtain and produce all documents within the possession or custody of  
12 people or entities over which You have control, such as attorneys, agents or others. If You have  
13 knowledge of the existence of documents responsive to these requests but contend that they are  
14 not within Your possession, custody or control, please provide the following information:

15 a. A description of the documents, including in the description as much detail  
16 as possible;

17 b. The identity of the person or entity, including his, her or its address,  
18 believed by You to have possession or custody of the document or any  
19 copies of them at this time; and

20 c. A description of the efforts, if any, You have made to obtain possession or  
21 custody of the documents.

22 4. These requests to produce shall be deemed to be continuing, and any additional  
23 documents relating in any way to these requests to produce or Your original responses that are  
24 acquired subsequent to the date of responding to these requests, up to and including the time of  
25 trial, shall be furnished to Plaintiff promptly after such documents are acquired as supplemental  
26 responses to these requests to produce.

1 REQUESTS

2 REQUEST NO. 26:

3 Identify and produce all documents and/or communications since October 18, 2010, where  
4 Ron Reese is either the author or a recipient that concerns or references Jacobs.

5 REQUEST NO. 27:

6 Identify and produce all documents and/or communications from October 18, 2010, to or  
7 from any reporter, media representative or media consultant that references or concerns Jacobs  
8 and/or the Action.

9 DATED this \_\_\_\_ day of March, 2015.

10 PISANELLI BICE PLLC

11 By: \_\_\_\_\_

12 James J. Pisanelli, Esq., Bar No. 4027  
13 Todd L. Bice, Esq., Bar No. 4534  
14 Debra L. Spinelli, Esq., Bar No. 9695  
15 Jordan T. Smith, Esq., Bar No. 12097  
16 400 South 7th Street, Suite 300  
17 Las Vegas, Nevada 89101

18 Attorneys for Plaintiff Steven C. Jacobs  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**RECEIPT OF COPY**

RECEIPT OF COPY of the above and foregoing **PLAINTIFF'S THIRD REQUEST**  
**FOR PRODUCTION OF DOCUMENTS TO LAS VEGAS SANDS CORP. (Nos. 26-27)** is  
hereby acknowledged this \_\_\_\_\_ day of March, 2015, by:

HOLLAND & HART

By: \_\_\_\_\_  
J. Stephen Peck, Esq.  
Robert J. Cassity, Esq.  
9555 Hillwood Drive, Second Floor  
Las Vegas, NV 89134

IN THE SUPREME COURT OF THE STATE OF NEVADA

\*\*\*\*\*

LAS VEGAS SANDS CORP., A  
NEVADA CORPORATION, AND  
SANDS CHINA LTD., A CAYMAN  
ISLANDS CORPORATION

Petitioners,

v.

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

Respondents,

and

STEVEN C. JACOBS,

Real Party in Interest.

Case No.: 67576

Electronically Filed  
Mar 18 2015 02:18 p.m.

Tracie K. Lindeman  
Clerk of Supreme Court  
**EMERGENCY MOTION TO  
IMMEDIATELY LIFT AND/OR  
MODIFY PARTIAL STAY UNDER  
NRAP 27(e)**

**RELIEF REQUESTED BY MARCH  
19, 2015**

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*Attorneys for Real Party in Interest  
Steven C. Jacobs*

Real Party in Interest, Steven C. Jacobs ("Jacobs") moves this Court to immediately lift or modify the temporary stay granted to Petitioners -- one issued on less than 24 hours' notice to Jacobs and with no opportunity to be heard. This stay issued despite the lack of any writ petition satisfying the requirements of NRAP 21(a) even being filed so as to invoke this Court's original jurisdiction. As far as the undersigned can ascertain in the time allotted, such an injunction -- without first enlisting this Court's jurisdiction by way of a filed notice of appeal or writ petition -- is incompatible with this Court's published and unpublished dispositions of such matters.

The unevenness of such a process -- no opportunity to be heard concerning a stay and the apparent presumption that a yet-to-be filed writ petition will have sufficient merit to warrant compelling an answer in advance -- is stark. These Petitioners had more than adequate time to file a genuine petition if it had merit to enlist this Court's jurisdiction. It is not Petitioners' due process rights that are at stake. As the District Court found, after a lengthy multi-day evidentiary hearing, Sands China has engaged in a pattern of misconduct that has stalled this case for years and continues to cause the permanent loss of evidence: "[t]he violation of the September 2012 order appears to the Court to be an attempt by [Sands China] to further stall the jurisdictional discovery in these proceedings." (Petitioners' Ex. 2 at ¶ 114.) Sands China has made "a concerted effort at continued delay and



obstruction." (*Id.* ¶ 139.) The violation of the September 2012 Order "was knowingly, willful, and intentional conduct with an intent to prevent [Jacobs'] access to information discoverable for the jurisdictional proceedings. . . ." (*Id.* ¶ 154(a).)

The District Court found that this improper conduct "has inflicted severe prejudice on Jacobs. He has been denied access to proof, he is unable to determine if he has received all of the discovery to which he is entitled, important witnesses have died or become unavailable, and his day in Court has been interminably delayed." (*Id.* ¶ 140.) "The result of the delay has been the permanent loss of evidence in this case. . . ." (*Id.* ¶ 90.) And, that conduct "has effectively destroyed the evidentiary value of all of the redacted documents, particularly emails, through its willful violation of [the District] Court's September 2012 Order." (*Id.* ¶ 102.) The granting of a stay, even if temporary, only exacerbates the prejudice and rewards those that have obstructed the fair and timely resolution of claims.

At a minimum, this Court should modify its temporary stay. As presently crafted, it interferes with the preparation for the April 20, 2015 hearing. Part of what the District Court learned at the evidentiary hearing is that Petitioners had not even conducted searches of documents that had been brought from Macau concerning jurisdictional discovery. Petitioners had long ago been obligated to conduct those searches and failed to present any evidence to the District Court that

it had been done. With that, the District Court ordered those searches to be completed within 10 days. The District Court also recognized that Jacobs should be permitted to reopen depositions where he had been deprived of access to evidence. There is no irreparable injury even possible for conducting searches for documents as the District Court has ordered. Nor is there any irreparable injury from completing depositions in preparation for the April 20 hearing.

In fact, before this Court entered its temporary stay, Jacobs had a motion pending -- which is set to be heard by the District Court on March 19, 2015, -- to confirm the permissible scope of those renewed depositions (Ex. 1 hereto). There is no basis for putting depositions on hold, as preserving evidence can hardly cause irreparable harm to Petitioners. Accordingly, the temporary stay should be modified so as to not interfere with the fair preparation for the April 20 hearing, including the fact that Petitioners had long failed to satisfy their discovery obligations.

///

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So as to obtain the additional documents and complete the discovery in preparation for the April 20 hearing, Jacobs asks that this Court to immediately modify its temporary stay. Petitioners otherwise will attempt to enlist this Court's temporary stay to obstruct further factual preparation for the April 20 hearing.

DATED this 18<sup>th</sup> day of March, 2015.

PISANELLI BICE PLLC

By: /s/ Todd L. Bice  
James J. Pisanelli, Esq., Bar No. 4027  
Todd L. Bice, Esq., Bar No. 4534  
Debra L. Spinelli, Esq., Bar No. 9695  
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400 South 7th Street, Suite 300  
Las Vegas, Nevada 89101

*Attorneys for Real Party in Interest*  
*Steven C. Jacobs*

**CERTIFICATE OF NEED FOR EMERGENCY  
RELIEF UNDER NRAP 27(e)**

I, Todd Bice, declare as follows:

1. I am an attorney with Pisanelli Bice, PLLC, counsel of record for Real Party in Interest, Stephen C. Jacobs ("Jacobs").

2. I verify that I have read the foregoing Emergency Motion to Lift and/or Modify Stay Under NRAP 27(e), and that the same is true to my own knowledge, except for those matters therein stated on information and belief, and to those matters, I believe them to be true.

3. I certify emergency relief is needed and warranted in this case. This Court's temporary stay was issued without any petition invoking this Court's original jurisdiction and was issued in less than 24 hours without proper notice or an opportunity to be heard by Jacobs. I am unaware of any notice of appeal which would invoke this Court's jurisdiction.

4. Although Jacobs does not believe that any Request for Stay under NRAP 8 is available absent this Court's jurisdiction being actually invoked, the temporary stay is also unwarranted because it interferes with the timely and efficient preparation for the April 20, 2015 evidentiary hearing that this Court has declined to stay.

5. One of the District Court's findings is that the Petitioners had failed to conduct actual searches of documents that it was long ago required to search.

Not only had they not searched those documents and produced them in a manner to be used at long-ago depositions, they produced thousands of documents after those depositions. Pending before the District Court, even before this Court entered its temporary stay, was a motion to clarify the scope of those renewed depositions, which the District Court ordered. A true and correct copy is attached to this Motion as Exhibit 1.

6. The Petitioners cannot face irreparable harm by having to do searches which should have long ago been conducted or appear at deposition concerning documents that were previously not produced in compliance with the District Court's order. However, the prejudice to Jacobs is apparent. This Court's temporary stay invites the Petitioners to try and avoid those obligations and interferes with Jacobs' preparation and gathering of evidence for the April 20, 2015 hearing.

7. Thus, if this Court will not vacate the temporary stay due to lack of jurisdiction, Jacobs, at a minimum, requests that the stay be modified so as to allow for the further preservation of evidence for use at the long-scheduled April 20 hearing.

...

...

...

8. The names, telephone numbers and office address of the attorneys for the other parties is as follows:

J. Stephen Peek, Esq.  
Robert J. Cassity, Esq.  
HOLLAND & HART  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, NV 89134  
702-669-4600

J. Randall Jones, Esq.  
Mark M. Jones, Esq.  
KEMP, JONES & COULTHARD  
3800 Howard Hughes Parkway, 17th Floor  
Las Vegas, NV 89169  
702-385-6000

Steve Morris, Esq.  
Rosa Solis-Rainey, Esq.  
MORRIS LAW GROUP  
300 South Fourth Street, Suite 900  
Las Vegas, NV 89101  
702-474-9400

9. The contact information (including telephone numbers) for other attorneys in this case are:

Michael E. Lackey, Jr., Esq.  
MAYER BROWN LLP  
1999 K Street, N.W.  
Washington, DC 20006  
202-263-3000

10. The attorneys in the preceding paragraph were given notice of this motion by email prior to its filing.

...

I declare the foregoing under the penalty of perjury of the laws in the State of Nevada.

DATED this 18<sup>th</sup> day of March, 2015.

\_\_\_\_\_  
/s/ Todd L. Bice  
TODD L. BICE

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 18<sup>th</sup> day of March, 2015, I electronically filed and served a true and correct copy of the above and foregoing **EMERGENCY MOTION TO IMMEDIATELY LIFT AND/OR MODIFY PARTIAL STAY UNDER NRAP 27(e)** properly addressed to the following:

J. Stephen Peek, Esq.  
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Judge Elizabeth Gonzalez  
Eighth Judicial District Court  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155

\_\_\_\_\_  
/s/ Shannon Thomas  
An employee of PISANELLI BICE PLLC