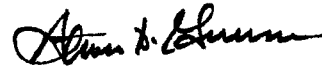


EXHIBIT G

EXHIBIT G


CLERK OF THE COURT

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19 9555 Hillwood Drive, 2nd Floor
20 Las Vegas, Nevada 89134
21 Attorneys for Las Vegas Sands Corp.
22 and Sands China, Ltd.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

15 STEVEN C. JACOBS,

16 Plaintiff,

17 v.

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

24 Defendants.

25 AND ALL RELATED MATTERS.

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

**MOTION TO STAY COURT'S JUNE
16, 2015, ORDER THAT HONG KONG
RESIDENT DAVID TURNBULL
APPEAR IN HAWAII FOR
DEPOSITION PENDING
DEFENDANT'S PETITION FOR WRIT
OF PROHIBITION OR MANDAMUS**

**EX PARTE APPLICATION FOR
ORDER SHORTENING TIME AND
ORDER THEREON**

**DATE:
TIME:**

26 Sands China Ltd. ("SCL") respectfully asks the Court to stay implementation of its
27 decision and order today, June 16, 2015, that directs SCL to produce Hong Kong resident and
28 SCL Independent Non-Executive Director, David Turnbull, for deposition in Hawaii on 5-days

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Seventeenth Floor
Las Vegas, Nevada 89169
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1 notice. This stay is requested on shortened time to permit SCL to seek review of the Court's
2 order by writ of mandamus from the Nevada Supreme Court prior to Mr. Turnbull's deposition,
3 which has been scheduled by an "amended notice" in Honolulu, Hawaii, on June 25, 2015. A
4 copy of the amended notice is appended as Exhibit A.

5 SCL requests that this motion be heard on Thursday, June 18, 2015, at the same time the
6 Court considers Jacobs's motion to file a fourth amended complaint.

7 DATED this 12th day of June, 2015.

8
9 /s/ J. Randall Jones
J. Randall Jones, Esq.
Mark M. Jones, Esq.
Kemp, Jones & Coulthard, LLP
3800 Howard Hughes Pkwy., 17th Floor
Las Vegas, Nevada 89169
Attorneys for Sands China, Ltd.

12
13 J. Stephen Peek, Esq.
Robert J. Cassity, Esq.
Holland & Hart LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134
Attorneys for Las Vegas Sands Corp. and Sands China,
16 Ltd.

17 **DECLARATION OF J. RANDALL JONES**
18 **IN SUPPORT OF APPLICATION FOR**
19 **ORDER SHORTENING TIME**

20 1. I am one of the attorneys for Defendant Sands China Ltd. in this action. I make
21 this Declaration in support of Defendants' Ex Parte Application for an Order Shortening Time
22 for hearing on the instant Motion to Stay. I have personal knowledge of the facts stated herein,
23 except those facts stated upon information and belief, and as to those facts, I believe them to be
true. I am competent to testify to the matters stated herein.

24 2. This morning the Court overruled SCL's objection to the notice of deposition of
25 David Turnbull in Las Vegas and denied its motion for a protective order on the same subject.
26 In doing so, the Court ordered SCL to produce Mr. Turnbull for deposition in Hawaii on 5-days
27 notice. This afternoon SCL received an Amended Notice of Deposition for Mr. Turnbull
28 scheduling his deposition in Honolulu, Hawaii, for June 25, 2015. Exhibit A.

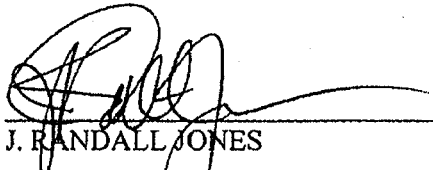
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kjc@kempjones.com

1 3. Good cause exists to hear this Motion on an order shortening time because SCL
2 intends to seek review of the Court's order compelling Mr. Turnbull's deposition in Hawaii by
3 writ of mandamus in the Nevada Supreme Court to overturn the Court's order regarding the
4 venue for Mr. Turnbull's deposition outside of his place of residence. In the event the Court
5 declines the stay requested by this motion, SCL will seek a stay of his deposition from the
6 Supreme Court until the Supreme Court can determine the whether this Court exceeded its
7 authority in ordering SCL to produce Mr. Turnbull for deposition outside of Hong Kong.

8 4. I make this request for an order shortening time in good faith and not for any
9 improper purpose.

10 5. I declare under penalty of perjury that the foregoing is true and correct.

11 Executed on June 16, 2015, in Las Vegas, Nevada.

12
13 
14 J. RANDALL JONES
15


16 **ORDER SHORTENING TIME**

17 Having reviewed the Defendants' Ex Parte Application for Order Shortening Time, and
18 good cause appearing:

19 IT IS HEREBY ORDERED that the MOTION TO STAY COURT'S JUNE 16, 2015,
20 ORDER THAT HONG KONG RESIDENT DAVID TURNBULL APPEAR IN HAWAII FOR
21 DEPOSITION PENDING DEFENDANT'S PETITION FOR WRIT OF PROHIBITION OR
22 MANDAMUS shall be, and it hereby is, shortened. The same shall be heard on

23 19 June, 2015, at the hour of 830 a.m.

24 DATED: June 17th, 2015

25 
26 DISTRICT COURT JUDGE

27 **MEMORANDUM OF POINTS AND AUTHORITIES**

28 Nevada Rule of Appellate Procedure 8(a)(1)(A) requires SCL to "move first in the
district court for . . . a stay of . . . [the] order of . . . [the] district court pending . . . resolution of
a petition to the Supreme Court for an extraordinary writ[.]".

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kjc@kempjones.com

1 DATED this 16th day of June, 2015.

2
3 /s/ J. Randall Jones
4 J. Randall Jones, Esq.
5 Mark M. Jones, Esq.
6 Kemp, Jones & Coulthard, LLP
7 3800 Howard Hughes Pkwy., 17th Floor
8 Las Vegas, Nevada 89169
9 *Attorneys for Sands China, Ltd.*

10
11 J. Stephen Peek, Esq.
12 Robert J. Cassity, Esq.
13 Holland & Hart LLP
14 9555 Hillwood Drive, 2nd Floor
15 Las Vegas, Nevada 89134
16 *Attorneys for Las Vegas Sands Corp. and Sands China,*
17 *Ltd.*
18
19
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kjc@kembjones.com

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June, 2015, the foregoing **MOTION TO STAY COURT'S JUNE 16, 2015, ORDER THAT HONG KONG RESIDENT DAVID TURNBULL APPEAR IN HAWAII FOR DEPOSITION PENDING DEFENDANT'S PETITION FOR WRIT OF PROHIBITION OR MANDAMUS** was served on the following parties through the Court's electronic filing system:

ALL PARTIES ON THE E-SERVICE LIST

/s/ PATRICIA FERRUGIA
An employee of Morris Law Group

EXHIBIT A

EXHIBIT A

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

1 **NOTC**

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3 TLB@pisanellibice.com

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

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Jordan T. Smith, Esq., Bar No. 12097

5 JTS@pisanellibice.com

PISANELLI BICE PLLC

6 400 South 7th Street, Suite 300

Las Vegas, Nevada 89101

7 Telephone: (702) 214-2100

8 Facsimile: (702) 214-2101

9 Attorneys for Plaintiff Steven C. Jacobs

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 **STEVEN C. JACOBS,**

13 Plaintiff,

14 v.

15 **LAS VEGAS SANDS CORP.,** a Nevada
16 corporation; **SANDS CHINA LTD.,** a
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

**AMENDED NOTICE OF VIDEOTAPED
DEPOSITION OF DAVID TURNBULL**

Date: June 25, 2015

Time: 8:30 a.m.

21 PLEASE TAKE NOTICE that at 8:30 a.m. (11:30 a.m. PST) on June 25, 2015, at Regus
22 located at 7 Waterfront Plaza, 500 Ala Moana Blvd., Suite 400, Honolulu, Hawaii 96813,
23 Plaintiff Steven C. Jacobs ("Jacobs"), by and through his undersigned counsel of record, will take
24 the **videotaped deposition of David Turnbull** upon oral examination, pursuant to Rules 26 and
25 30 of the Nevada Rules of Civil Procedure, before a Notary Public or before some other officer
26 authorized by law to administer oaths.

1 Oral examination will continue from day to day until completed. You are invited to
2 attend and cross examine.

3 DATED this 16th day of June, 2015.

4 PISANELLI BICE PLLC

5
6 By: /s/ Todd L. Bice
7 James J. Pisanelli, Esq., Bar No. 4027
8 Todd L. Bice, Esq., Bar No. 4534
9 Debra L. Spinelli, Esq., Bar No. 9695
Jordan T. Smith, Esq., Bar No. 12097
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101

10 Attorneys for Plaintiff Steven C. Jacobs

11
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PISANELLO BICE PLLC
400 SOUTH 7TH STREET, SUITE 300
LAS VEGAS, NEVADA 89101

RECEIPT OF COPY

I HEREBY CERTIFY that a true and correct copy of AMENDED NOTICE OF
VIDEOTAPED DEPOSITION OF DAVID TURNBULL was received via hand delivery:

HOLLAND & HART

Date: 6/16/15 @ 1:01 pm

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

Attorneys for Defendant Las Vegas Sands Corp.

KEMP, JONES & COULTHARD

Date: 6/16/15 @ 1:29 pm

By: J. Randall Jones / BJ
J. Randall Jones, Esq.
Mark M. Jones, Esq.
3800 Howard Hughes Parkway, 11th Floor
Las Vegas, NV 89169

MORRIS LAW GROUP

Date: _____

By: _____
Steve Morris, Esq.
Rosa Solis-Rainey, Esq.
900 Bank of America Plaza
300 South Fourth Street
Las Vegas, NV 89101

RECEIPT OF COPY

I HEREBY CERTIFY that a true and correct copy of **AMENDED NOTICE OF VIDEOTAPED DEPOSITION OF DAVID TURNBULL** was received via hand delivery:

HOLLAND & HART

Date: _____

By: _____

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

Attorneys for Defendant Las Vegas Sands Corp.

KEMP, JONES & COULTHARD

Date: _____

By: _____

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

MORRIS LAW GROUP

Date: 6/6/07

By: Steve Morris

Steve Morris, Esq.
Rosa Solis-Rainey, Esq.
900 Bank of America Plaza
300 South Fourth Street
Las Vegas, NV 89101

EXHIBIT F

EXHIBIT F

1 **NOTC**

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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
corporation; SANDS CHINA LTD., a
15 Cayman Islands corporation; DOES I
through X; and ROE CORPORATIONS
16 I through X,

17 Defendants.

18 AND RELATED CLAIMS
19

Case No.: A-10-627691

Dept. No.: XI

**AMENDED NOTICE OF VIDEOTAPED
DEPOSITION OF DAVID TURNBULL**

Date: June 25, 2015

Time: 8:30 a.m.

20
21 PLEASE TAKE NOTICE that at 8:30 a.m. (11:30 a.m. PST) on June 25, 2015, at Regus
22 located at 7 Waterfront Plaza, 500 Ala Moana Blvd., Suite 400, Honolulu, Hawaii 96813,
23 Plaintiff Steven C. Jacobs ("Jacobs"), by and through his undersigned counsel of record, will take
24 the **videotaped deposition of David Turnbull** upon oral examination, pursuant to Rules 26 and
25 30 of the Nevada Rules of Civil Procedure, before a Notary Public or before some other officer
26 authorized by law to administer oaths.
27
28

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

1 Oral examination will continue from day to day until completed. You are invited to
2 attend and cross examine.

3 DATED this 16th day of June, 2015.

4 PISANELLI BICE PLLC

5 By: /s/ Todd L. Bice

6 James J. Pisanelli, Esq., Bar No. 4027
7 Todd L. Bice, Esq., Bar No. 4534
8 Debra L. Spinelli, Esq., Bar No. 9695
9 Jordan T. Smith, Esq., Bar No. 12097
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Las Vegas, Nevada 89101

10 Attorneys for Plaintiff Steven C. Jacobs

RECEIPT OF COPY

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HOLLAND & HART

Date: 6/16/15 @ 1:01 pm

By: J. Stephen Peek / RD

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

Attorneys for Defendant Las Vegas Sands Corp.

KEMP, JONES & COULTHARD

Date: 6/16/15 @ 1:29 pm

By: J. Randall Jones / BJ

J. Randall Jones, Esq.
Mark M. Jones, Esq.
3800 Howard Hughes Parkway, 11th Floor
Las Vegas, NV 89169

MORRIS LAW GROUP

Date: _____

By: _____

Steve Morris, Esq.
Rosa Solis-Rainey, Esq.
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300 South Fourth Street
Las Vegas, NV 89101

RECEIPT OF COPY

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HOLLAND & HART

Date: _____

By: _____
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Robert J. Cassity, Esq.
9555 Hillwood Drive, Second Floor
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Attorneys for Defendant Las Vegas Sands Corp.

KEMP, JONES & COULTHARD

Date: _____

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

MORRIS LAW GROUP

Date: 6/16/15 @ 153pm

By: Steve Morris, Esq.
Steve Morris, Esq.
Rosa Solis-Rainey, Esq.
900 Bank of America Plaza
300 South Fourth Street
Las Vegas, NV 89101

EXHIBIT E

EXHIBIT E

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

STEVEN JACOBS

Plaintiff

vs.

LAS VEGAS SANDS CORP., et al..

Defendants
.....

CASE NO. A-627691

DEPT. NO. XI

**Transcript of
Proceedings**

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

**HEARING ON SANDS CHINA'S OBJECTION TO NOTICE OF TURNBULL
DEPOSITION AND MOTION FOR PROTECTIVE ORDER**

TUESDAY, JUNE 16, 2015

APPEARANCES:

FOR THE PLAINTIFF:

JAMES J. PISANELLI, ESQ.
TODD BICE, ESQ.
JORDAN T. SMITH, ESQ.

FOR THE DEFENDANTS:

J. STEPHEN PEEK, ESQ.
JON RANDALL JONES, ESQ.
STEVE L. MORRIS, ESQ.

COURT RECORDER:

PATRICIA SLATTERY
District Court

TRANSCRIPTION BY:

FLORENCE HOYT
Las Vegas, Nevada 89146

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

1 LAS VEGAS, NEVADA, TUESDAY, JUNE 16, 2015, 8:34 A.M.

2 (Court was called to order)

3 THE COURT: I got the reply brief and I had a chance
4 to review it.

5 Can we get Mr. Peek back.

6 THE LAW CLERK: Are we going to use timers?

7 THE COURT: Oh, yeah. We're using timers today, the
8 Steve Peek Honorary Timers.

9 (Pause in the proceedings)

10 THE COURT: While Kevin's trying to get Mr. Peek
11 back on the phone could I have Mr. Pisanelli and Mr. Morris at
12 the bench. And turn on my white noise.

13 (Off-record bench conference)

14 THE COURT: Did we find Mr. Peek?

15 THE MARSHALL: We did.

16 THE COURT: Can you put Mr. Peek on the podium.

17 MR. PEEK: Good morning, Your Honor.

18 THE COURT: Good morning, Mr. Peek.

19 All right. Mr. Morris, it's your motion.

20 MR. MORRIS: It's Mr. Jones's motion. I was helping
21 him out.

22 THE COURT: Mr. Jones, it's your motion.

23 MR. RANDALL JONES: 'Morning, Your Honor.

24 THE COURT: 'Morning.

25 MR. RANDALL JONES: I know you've read the briefs,

1 so I'll try to be brief myself. I think a couple of points I
2 just want to emphasize. One is the affidavit of -- or the
3 declaration of Mr. Turnbull. As the Court knows, he is a non-
4 executive director, so he is -- and I understand that he's
5 still a director, but he still has less ties with the company
6 than the executive directors, who are all in the United
7 States. So he has a more distant relationship and greater
8 independence than the other parties. And, as you saw from his
9 declaration, he has not even travelled to the United States in
10 five years, he's never been to the state of Nevada. He's
11 indicated what a substantial burden this would be on him.
12 It's 7,000 miles one way. He would have to be here probably
13 for a week because of the travel time we're talking about --
14 or he'd have to be gone from his employment for a week. So it
15 is a substantial burden.

16 So, with that said, I believe the caselaw we've
17 cited stands for the proposition that ordinarily you would
18 take the deposition of a -- even of a director in the
19 principal place of business of the company, especially when
20 you're dealing with a corporate defendant, as opposed to the
21 plaintiff. And we believe that the plaintiff has the burden
22 of demonstrating peculiar circumstances in this case, that
23 there are no peculiar circumstances that militate in favor of
24 making Mr. Turnbull come all the way to the United States for
25 this deposition.

1 The other point I would make is that the Delphi case
2 that was cited by counsel as authority for the proposition
3 that Mr. Turnbull should be forced to come here is
4 distinguishable on its facts. In that case Delphi was -- in
5 fact, the court decided right in the case that Delphi was
6 doing business in the United States --

7 (Pause in the proceedings)

8 THE COURT: Keep going.

9 MR. RANDALL JONES: Anyway, in the Delphi case that
10 they rely upon you have a situation where the court
11 specifically cited the fact that Delphi was doing business in
12 the United States and taking advantage of the federal rules of
13 discovery in that case, and the court cited other cases that
14 stood for the proposition where the company is doing business
15 in the United States or taking advantage of the laws of the
16 United States then they might be compelled to have their
17 directors come here.

18 In this case, as you know, Sands China does not do
19 any kind of business in the United States, has never done
20 business in the United States, derives no revenue whatsoever
21 from any operations in the United States. Not only is its
22 principal place of business in Macau and Hong Kong, it, as I
23 said, derives no revenue whatsoever from the United States or
24 any jurisdiction in the United States. Do you have any
25 questions, Your Honor?

1 THE COURT: Thank you. Nope.

2 Mr. Bice.

3 MR. BICE: Yes, Your Honor. Mr. Turnbull says, Your
4 Honor, that, "I have had no contacts or a relationship with
5 any person or entity in Nevada or elsewhere in the United
6 States" that would require him to travel. Mr. Turnbull is a
7 director of Sands China, which is by their own admission a
8 70 percent entity controlled by Las Vegas Sands Corporation.
9 We saw all of the evidence that came out during the
10 jurisdictional hearing of email strings which Mr. Turnbull was
11 on referring to management being in Las Vegas -- or, again,
12 referring to Mr. -- as the Court will recall, Mr. Leven being,
13 quote, unquote, "management" of Sands China.

14 Thus, to claim that he's not -- first of all, their
15 motion said he wasn't subject to just notice because he wasn't
16 an officer or an agent. That's just wrong, number one, on the
17 law. So now they've shifted again to the focus of, well, he's
18 now an independent director, as though that somehow carries
19 any legal significance whatsoever in terms of for purposes of
20 Rule 30. Which it doesn't. We've properly noticed his
21 deposition. And I would submit to the Court this is why I
22 asked that the Court -- and I understand the Court said it was
23 premature at the time -- to shorten the time frame for
24 notices. Because here's exactly what we now face. They
25 waited until the last -- his deposition is tomorrow. It was

1 noticed back on the 1st. They wait until the last possible
2 minute and now are going to take the attitude of, well, it's
3 just a foregone conclusion he can't be here, Your Honor, we
4 have a motion for protective order pending. So they just buy
5 a delay by the mere filing of this motion when they filed it.
6 And I don't believe that that was an accident, Your Honor.
7 That's why we'd asked before that these time frames be
8 shortened so we could get these maneuvering -- this
9 maneuvering out of the way. But, nonetheless, here we are.
10 And instead we cite -- and they don't address this in their
11 reply, you'll notice -- we cite legions of cases where courts
12 have recognized that depositions occurring on U.S. soil is
13 preferable because it avoids controversies about foreign
14 sovereignty and foreign law, which is interesting in this
15 case, to say the least, in light of the position that the
16 defendants have taken.

17 In actuality, Your Honor, as we cite the caselaw to
18 you, this so-called presumption is merely a rule of decision
19 -- as the Federal Courts say, it is merely a rule of decision
20 when there are no other factors favoring one location over the
21 other. That's all it is. And here for the defendants to
22 claim that there are no factors favoring the United States is,
23 with all due respect, an absurdity. They took the position
24 that Macau law precludes even the uttering of names when
25 people are subject to deposition. And they took that position

1 -- it didn't matter whether they were in Macau or they were in
2 Hong Kong; that was the position that these defendants took.
3 So to claim that, well, there's nothing unique about the facts
4 or circumstances of this case that warrant -- that favor
5 taking these depositions on U.S. soil in light of the numerous
6 cases that we have cited that establish that proposition is
7 just not tenable. That was the position that they took.

8 Again, they are the parties that repeated that
9 position, said that they couldn't even answer questions if
10 they were in Hong Kong or Macau. That factor alone, Your
11 Honor, under the caselaw that the Federal Courts have applied
12 said that reason alone is enough to compel the depositions to
13 be on U.S. soil. And for Mr. Turnbull to say, well, I didn't
14 reasonably foresee that I would have to be giving testimony in
15 the United States, when he's on the board of Sands China,
16 refers to management as being in Las Vegas, knew that the
17 contract, that the term sheet had been negotiated and agreed
18 to in Las Vegas, knew all of those factors, it is not unfair
19 or inappropriate for him to be in the United States on U.S.
20 soil to be subject to that deposition, Your Honor.

21 Lastly, Your Honor, the other point that the courts
22 make is when you have a contentious case, and I think
23 everybody can agree that this is a contentious case, it is
24 preferable and in fact the rule favors that the deposition
25 should occur in the same time zone or in the forum so that the

1 court can intervene if necessary. You recall, I don't need to
2 repeat, how many times we were on the phone with the Court on
3 just the jurisdictional depositions. There was -- it was the
4 exception that the Court did not have to intervene in the
5 depositions and required to either sustain objections or
6 overrule objects and compel the witnesses to answer. In light
7 of that history, as the Federal Courts say in the cases we
8 cite, that again counsels towards holding the depositions in
9 the same area where the Court is located, because otherwise
10 the Court won't be in a position to intervene, especially in
11 Asia, which is 15 hours difference. I thank the Court.

12 THE COURT: Thank you.

13 Mr. Jones, you have 6 minutes left.

14 MR. RANDALL JONES: Thank you.

15 Judge, Mr. Bice continues to harp on these cases
16 that he cited. Every case he cites is a case where the
17 company did business in the United States. And his comment
18 that the fact that Sands China is 70 percent owned by a U.S.
19 company is irrelevant to the inquiry. That doesn't have
20 anything to do with where the company does business. The
21 company does not do business in the United States, and
22 certainly has never done any business in Nevada. So all these
23 emails that he's talking about, he can put his spin on the
24 emails all he wants. Mr. Turnbull had communications with Mr.
25 Leven. Mr. Turnbull was always in Hong Kong or Asia when he

1 was writing his emails. That's where he lives, that's where
2 he works, that's where he does business. And that's where the
3 company does business. So, no, there's no caselaw that Mr.
4 Bice cites that stands for the proposition that he's trying to
5 put forth here, and in fact this is just another way for them
6 to try to impose sanctions on my client because of what they
7 contend to be a history of issues.

8 THE COURT: Well, there has been a history of
9 issues.

10 MR. RANDALL JONES: Well, Your Honor, with respect
11 to his supposition or speculation about what may happen in a
12 future deposition is not grounds in this case to demonstrate
13 that Mr. Turnbull, an independent director, whether he likes
14 it or not -- and by the way, we did mention the fact that he
15 was an independent director in the original motion that we
16 filed. And his comment about delay, they've always got some
17 argument they're making about -- to try to drive or push the
18 sanctions argument or issue. Yeah, there's a delay in getting
19 this motion filed, because it was very difficult logistically
20 to get with Mr. Turnbull, get the declaration, and get it back
21 here so we could file the motion. That just demonstrates the
22 very point we're making here. Even getting his declaration
23 was not an easy task.

24 And I should correct myself. As Mr. Morris pointed
25 out, Shin Wah was the company that was doing business in the

1 Delphi case, not Delphi, which is an American company.

2 But at the end of the day there is no caselaw they
3 have cited that stands for the proposition they're pushing in
4 this case that a company that does no business in the United
5 States, let alone the state of Nevada, where the plaintiff,
6 who doesn't even reside here, either, and has really no
7 connection to this state other than he wants to sue here, is
8 trying to force an independent director to come 7,000 miles
9 for a week of his time to have his deposition taken here.
10 There's no caselaw that supports that proposition.

11 THE COURT: Before you sit down, do you have a
12 fallback position?

13 MR. RANDALL JONES: Well, Your Honor, the fallback
14 position that I would offer to the Court is, which we did in
15 this very case, is a video of Mr. Fleming. And by the way,
16 Mr. Fleming's testimony is not Mr. Turnbull's testimony, so we
17 don't know what Mr. Turnbull's going to say about MPDP or
18 anything -- MPDPA or anything else. But, be that as it may,
19 my firm has taken many depositions of principals, including
20 directors, in cases involving foreign companies by video
21 conference. At most that would be a manner in which the
22 deposition could go forth, we can figure out the timing so
23 that the Court could be available, assuming Mr. Bice thinks
24 that there's an issue there that needs to be addressed. But
25 that is a much more reasonable and fair way to address this

1 issue.

2 THE COURT: Do you have any other fallback
3 positions, or is that your only one?

4 MR. RANDALL JONES: That is the only one I have,
5 Your Honor.

6 MR. MORRIS: Other than notice the deposition in
7 Hong Kong?

8 THE COURT: That is what your original position is,
9 which is what I asked for a fallback position.

10 Anything else?

11 MR. RANDALL JONES: No, Your Honor.

12 THE COURT: Okay. The deposition will occur in
13 Hawaii. It will be noticed on five days' notice.

14 MR. MORRIS: Will the cost of that -- as the Delphi
15 case which you're relying on here, will the cost of that be
16 split between the parties?

17 THE COURT: No.

18 MR. MORRIS: Okay.

19 MR. RANDALL JONES: So that'll be all borne by the
20 plaintiff, then?

21 THE COURT: No. It'll all be borne by the
22 defendant. The transportation costs to get him there.

23 MR. BICE: Thank you, Your Honor.

24 MR. MORRIS: All right.

25 MR. PEEK: Your Honor, my apologies. I couldn't

1 hear the ruling.

2 THE COURT: I denied the motion, ordered the
3 deposition to occur on five days' notice on American soil in
4 Hawaii.

5 MR. PEEK: Okay.

6 THE COURT: 'Bye.

7 MR. PEEK: 'Bye, Your Honor.

8 THE COURT: Have a nice day.

9 THE PROCEEDINGS CONCLUDED AT 8:50 A.M.

10 * * * * *

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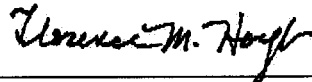
CERTIFICATION

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.

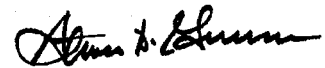
**FLORENCE HOYT
Las Vegas, Nevada 89146**



FLORENCE M. HOYT, TRANSCRIBER

EXHIBIT D

EXHIBIT D


CLERK OF THE COURT

OBJ

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Rosa Solis-Rainey, Bar No. 7921
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*Attorneys for Las Vegas Sands Corp.
and Sands China, Ltd.*

DISTRICT COURT
CLARK COUNTY, NEVADA

FILE WITH
MASTER CALENDAR

STEVEN C. JACOBS,	) CASE NO. A627691-B
)
Plaintiff,	) DEPT NO: XI
)
v.)
	) OBJECTION TO NOTICE OF
LAS VEGAS SANDS CORP., a Nevada	) DEPOSITION OF DAVID
corporation; SANDS CHINA LTD., a	) TURNBULL AND MOTION
Cayman Islands corporation, et al.,	) FOR PROTECTIVE ORDER
	) AND APPLICATION FOR
	) ORDER SHORTENING
Defendants.	) TIME
)
	) DATE: 06/16/15
AND ALL RELATED MATTERS.	) TIME: 8:30
)

MORRIS LAW GROUP

900 BANK OF AMERICA PLAZA · 300 SOUTH FOURTH STREET · LAS VEGAS, NEVADA 89101
702/474-9400 · FAX 702/474-9422

Sands China, Ltd. ("SCL"), through defendant Sheldon Adelson and his counsel, for itself and on behalf of David Turnbull, an independent Non-Executive Director of SCL, objects to the Notice of Deposition of Mr. Turnbull in Las Vegas on June 15, 2015, and moves for a protective order in accordance with NRCP 26(c) to vacate the notice and confirm that he is not subject to deposition in Nevada in this case. Jacob's counsel was invited to stipulate to vacating the deposition, but the invitation was declined.

DATED this 12th day of June, 2015.

MORRIS LAW GROUP

By: /s/ STEVE MORRIS
Steve Morris, Bar No. 1543
Rosa Solis-Rainey, Bar No. 7912
Morris Law Group
900 Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101
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Attorneys for Sands China, Ltd.

J. Stephen Peek, Esq.
Robert J. Cassity, Esq.
Holland & Hart LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134
*Attorneys for Las Vegas Sands Corp. and
Sands China, Ltd.*

MORRIS LAW GROUP

1. I am an attorney with Morris Law Group, counsel for defendant Sheldon Adelson. I have personal knowledge of the facts stated in this declaration. I would be competent to testify to them if called upon to do so.

2. Plaintiff has improperly noticed a deposition of David Turnbull, a British citizen and resident of Hong Kong in Las Vegas for June 15, 2015. Mr. Turnbull is not a party, has not been subpoenaed, and is not available for or subject to deposition in Nevada.

3. I asked Todd Bice to stipulate to vacating notice of Mr. Turnbull's deposition in Las Vegas but he declined to do so.

4. This objection and motion for protective order on shortened time has been served through Wiznet to all counsel of record.

Dated: June 12, 2015

/s/ STEVE MORRIS
STEVE MORRIS

On application of Steve Morris, counsel for defendant Sheldon Adelson and good cause appearing,

IT IS HEREBY ORDERED that the time for notice and hearing of this Objection and Motion for Protective Order regarding the deposition of David Turnbull on Shortened Time shall be, and it hereby is, shortened. The same shall be heard on 16th day of June, 2015, at the hour of 8:30 A.m.

DATED: June 12, 2015

Elizabeth M. Hays
DISTRICT COURT JUDGE

1 **MEMORANDUM OF POINTS AND AUTHORITIES**2 **I. INTRODUCTION**

3 David Turnbull is British citizen who works and permanently
4 resides in Hong Kong. He is the Chairman and Executive Chairman,
5 respectively, of two Hong Kong companies. Since November 2009,
6 Mr. Turnbull has also been an Independent Non-Executive Director
7 ("INED") of SCL under the rules of the Hong Kong Stock Exchange. Since he
8 became an INED, Mr. Turnbull has not been in the United States; he has
9 never been in Nevada. He has no plans to be in this country in the
10 foreseeable future. During his tenure as an INED, his work in that capacity
11 for SCL has been in Hong Kong and nearby Macau. He is not now—nor has
12 he ever been—involved in litigation in Las Vegas or elsewhere in the United
13 States.¹

14 For the foregoing reasons, Mr. Turnbull objects to being noticed
15 for a deposition in Las Vegas, Nevada, on June 17, 2015, or any date
16 thereafter. Travelling to and from Las Vegas for a deposition
17 (approximately 14,000 air miles) would require approximately a week's
18 time, which would work a disruptive and unreasonable hardship on
19 Mr. Turnbull. *Id.* at 2. The notice of his deposition by Steven Jacobs should
20 be vacated and his deposition cancelled.

21 **II. ARGUMENT**22 **GOOD CAUSE EXISTS FOR VACATING THE NOTICE AND**
23 **CANCELLING THE DEPOSITION OF DAVID TURNBULL**

24 SCL is a Cayman Islands corporation whose operations through
25 non-U.S. affiliates are exclusively in Hong Kong and Macau. Neither SCL
26 nor its affiliates do business in Las Vegas or elsewhere in the United States,
27

28 ¹ Declaration of David Turnbull, 06/08/15, appended as Exhibit A.

1 nor have they—or any one of them—done so in the past. They, like David
2 Turnbull, are foreign citizens who reside in and do business only in Asia.
3 Thus, David Turnbull is not subject to deposition in Las Vegas. *See* 8A
4 Wright, Miller & Marcus § 2112, at 533 (2010) ("The deposition of a
5 corporation by its agents and officers should ordinarily be taken at its
6 principal place of business"); *accord*, *Thomas v. Int'l Bus. Machines*, 48 F. 3d
7 478, 483 (10th Cir. 1995);² *Societe National Industrielle Aerospatiale v. U.S. Dist.*
8 *Ct. of Iowa*, 482 U.S. 522, 546 (1987) (when a foreign defendant is involved,
9 the presumption against a deposition in the forum is stronger).

10 Although the Court has discretion to determine the appropriate
11 place for deposition, the exercise of that discretion must be guided by "the
12 presumption that 'the deposition of corporation by its agents and officers
13 should ordinarily be taken at its principal place of business' especially when
14 the corporation is a defendant." *Salter v. Upjohn Co.*, 593 F. 2d 649, 651 (5th
15 Cir. 1979), *as cited and applied in Tailift USA, Inc. v. Tailift Co. Ltd.*, 2004 WL
16 722244 (N.D. Texas), at *1 (holding that defendant's corporate representative
17 would have to be deposed at the defendant's principal place of business in
18 Taiwan).

19 This presumption satisfies the "good cause" requirement for a
20 Rule 26(c) protective order. *See, e.g., Chris-Craft Indust. Prod. Inc. v. Kuraray*
21 *Co. Ltd.*, 184 F.R.D. 605, 607 (N.D. Ill. 1999); *Tailift USA, supra*. The

22 ² It is not clear that Mr. Turnbull may be regarded as an "agent" of SCL. It is
23 clear, however, that he never has been in the forum. He is certainly not an
24 "officer" of the corporation. Even if he were regarded as being subject to the
25 "control" of SCL, that would not require SCL to "produce" Mr. Turnbull in
26 Las Vegas for deposition. *See Newmarkets Partners, LLC v. Sal Oppenheim, Jr.*
27 *& CIE S.C.A.*, 2009 WL 1447504, at 1 n. 1 (S.D.N.Y. May 22, 2009); *see also In*
28 *re Ski Train Fire*, 2006 WL 1328259, at *9 (S.D.N.Y. May 16, 2006) ("If the
person sought for deposition is not within the subpoena power of a United
States court, then procedures according to international treaty must be
followed").

1 presumption has been recognized and applied in Nevada by the United
2 States District Court in *SEC v. Banc de Binary*, 2014 WL 1030862 #3 n. 7, in
3 which the court pointed out that the presumption applies to a natural
4 person, such as Mr. Turnbull, who "should be deposed in the district of his
5 or her residence." *See also Fausto v. Credigy Serv. Corp.*, 251 F.R.D. 427, 429
6 (N.D. Cal. 2008) ("There is a general presumption that the deposition of a
7 defendant should be conducted in the district of his residence . . .).

8 Here, the case against deposing Mr. Turnbull is stronger than the
9 proposed deponents' cases in the cited authorities. He is not a defendant or
10 an officer or agent of a defendant. Mr. Turnbull is a foreign person the
11 plaintiff wishes to annoy and inconvenience by hauling him to Las Vegas for
12 a deposition as a witness by mere "notice," without legal authority to do so.
13 The plaintiff chose this forum; he could have brought his suit in Macau or
14 Hong Kong where Mr. Turnbull resides. Having elected this forum, Steven
15 Jacobs did not also establish "good cause" to notice and require Macau or
16 Hong Kong directors of SCL to come to Las Vegas to testify for his
17 convenience. *See Morin v. Nationwide Fed. Cr. Union*, 229 F.R.D. 362, 363 (D.
18 Conn. 2005) (plaintiff who elects the forum may not depose the defendant at
19 a location other than the defendant's place of business without
20 demonstrating "peculiar" circumstances to justify the court in ordering
21 depositions at an alternate location).

22 Jacobs, not Mr. Turnbull or SCL, must "bear any reasonable
23 burdens of inconvenience that the action represents, *Fed. Deposit Ins. Co. v.*
24 *Antillana*, 1990 WL 155727, at *4, which includes subordinating any
25 inconvenience to counsel to the hardship to the foreign witness of appearing
26 deposition in the forum. *Devlin v. Transp. Communication Int'l Union*, 2000
27 WL 28173, at 3-4; Turnbull Decl. at 2, Ex. A hereto.

1 III. CONCLUSION

2 For the foregoing reasons this motion should be granted and the
3 notice of deposition of David Turnbull vacated.

4 DATED this 12th day of June, 2015.

5 MORRIS LAW GROUP

6
7 By: /s/ STEVE MORRIS
8 Steve Morris, Bar No. 1543
9 Rosa Solis-Rainey, Bar No. 7912
10 Morris Law Group
11 900 Bank of America Plaza
12 300 South Fourth Street
13 Las Vegas, Nevada 89101
14 *Attorneys for Sheldon G. Adelson*

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16 Mark M. Jones, Esq.
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18 3800 Howard Hughes Pkwy., 17th Floor
19 Las Vegas, Nevada 89169
20 *Attorneys for Sands China, Ltd.*

21 J. Stephen Peek, Esq.
22 Robert J. Cassity, Esq.
23 Holland & Hart LLP
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25 Las Vegas, Nevada 89134
26 *Attorneys for Las Vegas Sands Corp. and*
27 *Sands China, Ltd.*
28

MORRIS LAW GROUP

900 BANK OF AMERICA PLAZA · 300 SOUTH FOURTH STREET · LAS VEGAS, NEVADA 89101
702/474-9400 · FAX 702/474-9422

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P.5(b)(2)(D) and B.D.C.R. 8.05, I certify that I am an employee of MORRIS LAW GROUP and that on the date below, I cause the following document(s) to be served via the Court's Odyssey E-Filing System: **OBJECTION TO NOTICE OF DEPOSITION OF DAVID TURNBULL AND MOTION FOR PROTECTIVE ORDER AND APPLICATION FOR ORDER SHORTENING TIME** The date and time of the electronic proof of service is in place of the date and place of deposit in the mail.

TO:

James J. Pisanelli
Todd L. Bice
Debra L. Spinelli
Jordan Smith
PISANELLI BICE PLLC
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101

Attorneys for Plaintiff Steven C. Jacobs

DATED this 12th day of June, 2015.

By: 

EXHIBIT A

EXHIBIT A

DECLARATION OF DAVID TURNBULL

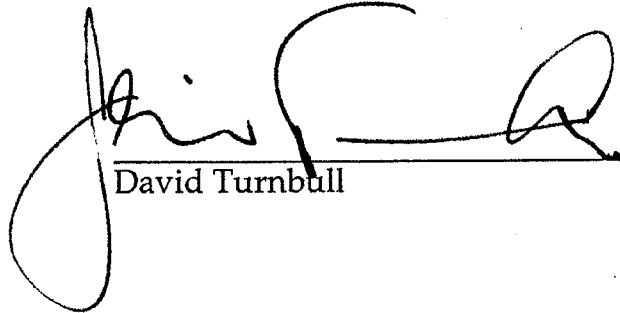
1. I am a British citizen permanently residing in Hong Kong, China. I have lived and worked in Hong Kong for more than 25 years.
2. I am Chairman of Seabury Asia, an advisory and investment banking company. I am also Executive Chairman of Pacific Basin Shipping, a shipping company. Prior to joining these companies in 2008, I was with the Swire Group for almost 30 years where I was last chairman of Cathay Pacific Airways Ltd. All of these companies are headquartered in Hong Kong.
3. In November 2009 I became an independent Non-Executive Director ("INED") of Sands China Ltd ("Sands China"), a publicly traded company in Hong Kong, in accordance with the rules of the Hong Kong Stock Exchange, which require listed companies to have independent board members. I hold this position today.
4. Since July 2005 through today I have been in the United States on only two occasions. I was last in the United States more than five years ago, in New York City, on business. I have not been to the United States since becoming an INED for Sands China and I have never been in the United States on behalf of or at the invitation of Sands China Ltd. or Las Vegas Sands Corp. I have never been in Nevada.
5. My work as an INED for Sands China has been primarily performed in Hong Kong and Macau.
6. I have never been involved in litigation in the United States. I have no plans to visit or other reason to be in the United States in the foreseeable future.

7. My home is in Hong Kong, which is more than 7000 air miles and two days travel from Las Vegas. It would be a profoundly disruptive and unreasonable hardship for me to travel to Las Vegas for a deposition.

8. I have not had contacts or a relationship with any person or entity in Nevada or elsewhere in the United States that would, in my opinion, justify the extraordinary request that I travel to Las Vegas for deposition there on June 17, 2015, or any date thereafter, in the lawsuit known as *Steven Jacobs v. Las Vegas Sands Corp.* and others, pending in the Clark County District Court.

9. I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on June 8, 2015.



David Turnbull

EXHIBIT C

EXHIBIT C

NOTC

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

JJP@pisanellibice.com

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

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400 South 7th Street, Suite 300

Las Vegas, Nevada 89101

Telephone: (702) 214-2100

Facsimile: (702) 214-2101

Attorneys for Plaintiff Steven C. Jacobs

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
through X; and ROE CORPORATIONS
I through X,

Defendants.

AND RELATED CLAIMS

Case No.: A-10-627691

Dept. No.: XI

**NOTICE OF VIDEOTAPED
DEPOSITION OF DAVID TURNBULL**

Date: June 17, 2015

Time: 9:00 a.m.

PLEASE TAKE NOTICE that at 9:00 a.m. on June 17, 2015, at the law office of PISANELLI BICE PLLC, located at 400 South 7th Street, Suite 300, Las Vegas, Nevada 89101, Plaintiff Steven C. Jacobs ("Jacobs"), by and through his undersigned counsel of record, will take the videotaped deposition of David Turnbull upon oral examination, pursuant to Rules 26 and 30 of the Nevada Rules of Civil Procedure, before a Notary Public or before some other officer authorized by law to administer oaths.

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

1 Oral examination will continue from day to day until completed. You are invited to
2 attend and cross examine.

3 DATED this 1st day of June, 2015.

4 PISANELLI BICE PLLC

5 By: /s/ Todd L. Bice

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

10 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 1st day of June, 2015, I caused to be sent via electronic mail and United States Mail, postage prepaid, a true and correct copy of the above and foregoing **NOTICE OF VIDEOTAPED DEPOSITION OF DAVID TURNBULL** properly addressed to the following:

J. Stephen Peek, Esq.
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Las Vegas, NV 89134
speek@hollandhart.com
rcassity@hollandhart.com

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sm@morrislawgroup.com
rsr@morrislawgroup.com

/s/ Kimberly Peets
An employee of PISANELLI BICE PLLC

EXHIBIT B

EXHIBIT B

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

STEVEN JACOBS

Plaintiff

vs.

LAS VEGAS SANDS CORP., et al..

Defendants
.....

CASE NO. A-627691

DEPT. NO. XI

**Transcript of
Proceedings**

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

**HEARING ON SANDS CHINA'S MOTION TO STAY COURT'S
JUNE 16, 2015, ORDER TO TAKE DEPOSITION
PENDING DEFENDANT'S PETITION FOR WRIT OF
PROHIBITION OR MANDAMUS**

FRIDAY, JUNE 19, 2015

APPEARANCES:

FOR THE PLAINTIFF:

TODD BICE, ESQ.

FOR THE DEFENDANTS:

J. STEPHEN PEEK, ESQ.
JON RANDALL JONES, ESQ.
STEVE L. MORRIS, ESQ.

COURT RECORDER:

TRANSCRIPTION BY:

JILL HAWKINS
District Court

FLORENCE HOYT
Las Vegas, Nevada 89146

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

1 LAS VEGAS, NEVADA, FRIDAY, JUNE 19, 2015, 8:55 A.M.

2 (Court was called to order)

3 THE COURT: I have drafted an order of my own,
4 because I didn't really like either of the orders you
5 submitted related to Mr. Turnbull. It'll be filed and served
6 later this morning. Laura has pointed out a couple of
7 typographical and punctuation issues, so you will have your
8 order before noon.

9 MR. RANDALL JONES: Thank you.

10 MR. BICE: Thank you.

11 THE COURT: It's your motion.

12 MR. RANDALL JONES: Your Honor, similar to I guess
13 it was just yesterday.

14 THE COURT: Yes. This is your third day this week.

15 MR. RANDALL JONES: I don't have a whole lot to add.
16 I think that our point is pretty obvious and straightforward,
17 and this is of a significant enough concern to the client and
18 to Mr. Turnbull that we are asking this Court for a stay and
19 for the stated reasons.

20 THE COURT: Thank you.

21 MR. RANDALL JONES: Thank you.

22 MR. RANDALL JONES: I don't know if anybody else had
23 anything to add.

24 MR. MORRIS: Nothing other than that the coffee was
25 very good. It was hot, and I thank you for it.

1 THE COURT: We aim to serve.

2 MR. PEEK: Nothing --

3 THE COURT: You may not always agree with my
4 rulings, but we're always hospitable in this department.

5 Mr. Bice, I did get your opposition, and I had an
6 opportunity to read it.

7 MR. BICE: Thank you, Your Honor. I mean, our
8 position is as straightforward as theirs. This is not a
9 matter that is reviewable by way of writ, and, even if it
10 were, there is no showing that had been made, and in fact my
11 client is the one at risk here of harm should this witness
12 become, quote, "unavailable" in the near future. Thank you.

13 THE COURT: Thank you.

14 Anything else, Mr. Jones?

15 MR. JOHNSON: Not that I can think of at the moment,
16 Your Honor.

17 THE COURT: This is a discovery issue, and discovery
18 issues are typically discretionary with the Court. The
19 standard on the writ for a discovery issue is an abuse of
20 discretion standard. In this case I do not believe I've
21 abused my discretion, and for that reason your motion for stay
22 is denied.

23 MR. PEEK: Thank you, Your Honor.

24 THE COURT: What am I supposed to say?

25 THE PROCEEDINGS CONCLUDED AT 8:57 A.M.

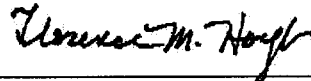
CERTIFICATION

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

AFFIRMATION

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

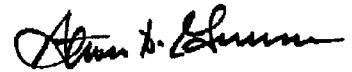
**FLORENCE HOYT
Las Vegas, Nevada 89146**

A handwritten signature in cursive script, appearing to read "Florence M. Hoyt", written over a horizontal line.

FLORENCE M. HOYT, TRANSCRIBER

EXHIBIT A

EXHIBIT A



CLERK OF THE COURT

1 **ORDR**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5 STEVEN C. JACOBS,

6 Plaintiff,

7 v.

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

11 Defendants.

12
13 **AND RELATED CLAIMS**

Case No.: A-10-627691

Dept. No.: XI

**ORDER OVERRULING OBJECTION
TO NOTICE OF DEPOSITION OF
DAVID TURNBULL AND DENYING
MOTION FOR PROTECTIVE ORDER**

Hearing Date: June 16, 2015

Hearing Time: 8:30 a.m.

14
15 Defendants' Objection to Notice of Deposition of David Turnbull and Motion for
16 Protective Order and Application for Order Shortening Time came on for hearing on June 16,
17 2015. James J. Pisanelli, Esq., Todd L. Bice, Esq. and Jordan T. Smith, Esq. appeared on behalf
18 of Plaintiff Steven C. Jacobs ("Jacobs"); J. Randall Jones, Esq., appeared on behalf of
19 Defendants Sands China, Ltd. ("SCL"); J. Stephen Peek, Esq. and Robert Cassidy, Esq. appeared
20 on behalf of Las Vegas Sands Corp. ("LVSC") as well as SCL; and, Steve Morris, Esq. appeared
21 on behalf of Defendant Sheldon G. Adelson ("Adelson"). The Court having considered the
22 briefing on the Motion as well as argument overrules the Objection and denies the Motion for the
23 following reasons:

24 1. Jacobs served a notice of deposition on Defendants on June 1, 2015, setting the
25 deposition of Mr. Turnbull for June 17, 2015. Mr. Turnbull is a Director of SCL. As he is within
26 the control of SCL, his deposition may be taken by way of notice and a subpoena is not required.

27 2. In Club Vista Fin. Servs. v. Dist. Ct., 128 Nev. Adv. Op. 21, 276 P.3d 246, 249
28 (2012) the Nevada Supreme Court noted district courts have discretion in handling discovery:

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CLERK OF THE COURT

1 Discovery matters are within the district court's sound discretion, and we will not disturb
2 a district court's ruling regarding discovery unless the court has clearly abused its
3 discretion. (citation omitted). Thus, we generally will not exercise our discretion to
4 review discovery orders through petitions for extraordinary relief, unless the challenged
5 discovery order is one that is likely to cause irreparable harm, such as a blanket discovery
6 order, issued without regard to the relevance of the information sought, or an order that
7 requires disclosure of privileged information. (citation omitted)

8 3. No issue of relevance or privilege is raised in the Objection or Motion with respect
9 to the deposition of Mr. Turnbull.

10 4. Based upon the Court's long experience in this action,¹ other factors besides the
11 location of the party associated witness weigh heavily in requiring the deposition to occur on U.S.
12 soil.

13 5. Defendants have failed to establish good cause to hold Mr. Turnbull's deposition
14 in Macau or Hong Kong, as they request.

15 6. Based upon the facts and history of this action, the Court exercises its discretion
16 and determines that Mr. Turnbull's deposition should be conducted on U.S. soil and under
17 circumstances where the Court can actively supervise a discovery dispute, if necessary.

18 7. Given Mr. Turnbull's claim in his declaration that traveling to Nevada would be a
19 burden on his schedule, the Court will order that the deposition be conducted at an area more
20 proximate to his residence.

21 8. The Court recognizes the hardship of travel for those located in the Far East and
22 balances that against the importance of the full and complete depositions of the employees,²
23 officers and directors being conducted in a location where the laws of the U.S. will bind those
24 providing testimony. The State of Hawaii is a location which accommodates the travel
25 challenges for all involved and permits protection and assurances necessary for this litigation.

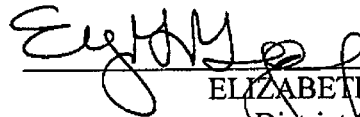
26 9. Jacobs first noticed this deposition on June 1 and the Defendants first raised an
27 objection on June 12, filing their Motion for Protective Order, the Court will permit Jacobs to

28 ¹ This has included video testimony from Hong Kong in which general counsel of SCL
 Fleming, claimed he could not provide names of those involved in tasks at issue in this case.

² It remains unclear to the Court after the jurisdictional hearing who is employed by SCL.

1 reset the deposition in Hawaii on an additional five-day's notice, as the Defendants and
2 Mr. Turnbull were previously provided over 15 days' notice for the first setting.³

3 Dated this 28th day of May, 2015.

4 

5 ELIZABETH GONZALEZ
6 District Court Judge

7 Certificate of Service

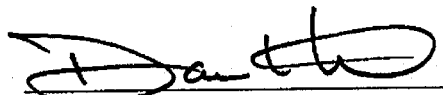
8 I hereby certify, that on the date filed, this Order was served on the parties identified on
9 Wiznet's e-service list.

10 J. Stephen Peek, Esq. (Holland & Hart)

11 Randall Jones (Kemp Jones Coulthard)

12 Steve Morris (Morris Law)

13 James J. Pisanelli, Esq. (Pisanelli Bice)

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15 Dan Kufinac

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27 ³ Additionally, based upon testimony previously given by Sheldon Adelson, Jacobs has
28 raised concerns about Mr. Turnbull's future accessibility for discovery, a concern which
Defendants do not address.

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Jun 23 2015 09:35 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

SANDS CHINA LTD.,
a Cayman Islands corporation,

Petitioner,

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

**EMERGENCY MOTION TO
STAY UNDER NRAP 27(e)—
IMMEDIATE RELIEF
REQUIRED**

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Sands China Ltd.

I. INTRODUCTION

Petitioner Sands China Ltd., a foreign corporation ("SCL"), submits this *Emergency* Motion for Stay of the district court's Order Overruling Objection to Notice of Deposition of David Turnbull and Denying Motion for Protective Order, dated June 19, 2015 (the "Order"). A copy of the Order is attached hereto as Exhibit A. The Order compels SCL, a company incorporated in the Cayman Islands and listed on the Hong Kong stock exchange with its primary operations in Macau, to produce one of its independent non-executive directors, who is a resident of Hong Kong, for deposition on five days notice on Thursday, June 25, 2015, in Hawaii—two days from now. The director is David Turnbull, a British citizen, who lives and works in Hong Kong. He has not had any contact with this forum, and he has never been in Nevada.

If the Order is not stayed before this Court has an opportunity to consider and decide SCL's petition for writ of prohibition or mandamus, filed concurrently, then SCL and Mr. Turnbull will be subjected to unreasonable and uncontested hardship and inconvenience because the Order compels SCL to produce him, and requires him to travel for several days and 11,000+ miles to sit for a deposition in Hawaii, a place where neither he nor SCL resides or transacts business. This exceptional burden and inconvenience is particularly unreasonable given the general rule followed in other state and federal courts, that the deposition of a corporation by its agents and officers should ordinarily be taken at its principal place of business absent a showing of "peculiar" circumstances to justify the district court's Order compelling Mr. Turnbull to travel to Hawaii for deposition when SCL offered to produce him in Hong Kong for deposition live or by video.

II. THE DISTRICT COURT DECLINED THE STAY REQUESTED BY THIS MOTION

As required by Nevada Rule of Appellate Procedure 8, SCL asked the district court to stay its June 19, 2015 Order to permit SCL to seek review in this Court by writ. The district court considered and denied SCL's motion to stay on June 19, 2015. Ex. B, Tr. of Hearing on Sands China's Motion to Stay Court's June 16, 2015 Order to Take Deposition Pending Defendant's Petition for Writ of Prohibition or Mandamus at 2:15–19, 3:17–22.

SCL now respectfully asks this Court to stay the district court's Order a pending disposition of SCL's concurrent petition for writ of prohibition or mandamus so that this Court can determine an important issue of law involving public policy that will aid judicial economy and the administration of justice, namely: whether the district court may order a foreign corporation headquartered in Macau that has had no contacts with the State and seeks no relief in the underlying lawsuit, to produce a corporate representative residing in Hong Kong for deposition merely because the district court thinks the deposition should be taken on "American soil," without due regard for the uncontested hardship and inconvenience that several days and 11,000+ miles of travel will impose on the foreign deponent.

III. THE DISPUTE UNDERLYING THIS MOTION AND WRIT

On June 1, 2015, plaintiff served a notice of deposition setting the deposition of David Turnbull for June 17, 2015 in Las Vegas Nevada. Ex. C, Notice of Deposition.

On June 12, 2015, SCL objected to the notice of deposition and moved for a protective order based on the general rule that the deposition of a corporation by its agents and officers should ordinarily be taken at is

principal place of business, and because there are no peculiar or unusual circumstances that would justify the district court compelling Mr. Turnbull, who undisputedly resides in Hong Kong, conducts business in Hong Kong and Macau, has never been to Nevada, and has never been in the United States on behalf of or at the invitation of SCL or Las Vegas Sands Corp., to travel thousands of miles from his home over several days to Hawaii for a seven hour deposition. Ex. D, Objection to Notice of Deposition of David Turnbull and Motion for Protective Order.

On June 16, 2015, the district court held a hearing on SCL's objection and motion. Ex. E, Tr. of Hearing on Sands China's Objection to Notice of Turnbull Deposition and Motion for Protective Order. At the hearing, the district court overruled SCL's objection, denied its motion for protective order, and ordered Mr. Turnbull's deposition will occur in Hawaii on five days' notice. *Id.* at 11–12; *see also* Ex. A, Order.

That same day, and before the district court entered a written order, plaintiff served an amended notice of deposition setting the deposition of David Turnbull for June 25, 2015 in Honolulu, Hawaii. Ex. F, Amended Notice of Deposition of David Turnbull.

Thereafter, SCL moved the district court to stay the Order pending this Court's consideration of SCL's forthcoming petition for writ of prohibition or mandamus. Ex. G, Mot. to Stay, filed June 17, 2015.

The district court considered and denied SCL's motion to stay on June 19, 2015. Ex. B, Tr. of Hearing on Sands China's Motion to Stay; Ex. A, Order.

IV. ARGUMENT

In deciding whether to issue a stay, the Court "will generally consider the following factors: (1) whether the object of the appeal or writ

petition will be defeated if the stay or injunction is denied; (2) whether appellant/petitioner will suffer irreparable or serious injury if the stay or injunction is denied; (3) whether respondent/real party in interest will suffer irreparable or serious injury if the stay or injunction is granted; and (4) whether appellant/petitioner is likely to prevail on the merits in the appeal or writ petition. Nev. R. App. P. 8(c). Each of these factors militates in favor of granting a stay pending this Court's consideration of SCL's writ.

First, the object of SCL's writ—whether the district court abused its discretion by ordering Mr. Turnbull to travel from Hong Kong to sit for deposition in Hawaii—will be defeated without a stay because Mr. Turnbull will be required to travel to Hawaii over the next several days or SCL will face the consequences of Mr. Turnbull's inability to travel to Hawaii for the deposition.

Second, as established in his declaration, Mr. Turnbull will suffer substantial hardship if he is required to travel 11,000+ miles, which will cause him to miss approximately a week of work in Hong Kong where he is in the service of two Hong Kong companies (Seabury Asia, an advisory and investment banking company, and Pacific Basin Shipping, a shipping company). Mr. Turnbull's declaration is attached as Exhibit A to Ex. D of this Emergency Motion.

Third, Jacobs will not suffer any injury if the district court's Order is stayed pending this Court's review of the writ petition. The absence of any injury to him is confirmed by the fact that Jacobs rejected SCL's offer to produce Mr. Turnbull for deposition via video, which would have obviated the need for this emergency motion and SCL's accompanying writ petition.

Finally, SCL is likely to prevail on the merits of its writ petition because the writ petition (and this emergency motion) arises out of an unprecedented order that is not a reasonable exercise of judicial discretion. As set forth more fully in the writ petition, Jacobs is required by the authorities—state and federal—to show good cause to overcome the presumption "that the defendant will be examined at his residence or place of business or employment." *Farquhar v. Sheldon*, 116 F.R.D. 70, 72 (E.D. Mich. 1987); *Fortune Ins. Co. v. Santelli*, 621 So.2d 546, 547 (Fla. App. 1993) ("Under federal law, the deposition of a representative of a corporate defendant is ordinarily taken at the corporation's principal place of business unless justice requires otherwise. We find this consistent with the rules of discovery under Florida law and hold that the Petitioner should be required to produce the corporate representative in Dade County").

Moreover, the presumption that Mr. Turnbull (and any other directors or officers who reside and work in Asia) should be, absent "special," "unusual," or "peculiar" circumstances not found here, deposed in Macau or nearby Hong Kong is supported by almost all courts that have addressed the subject. A leading exemplary case put it this way:

[I]nsofar as a foreign defendant may be more inconvenienced by having to travel to the U.S. than a defendant who merely resides in another state or in another judicial district, the presumption that the deposition should occur at a foreign defendants' place of residence may even stronger.

In re Outsidewall Tire Litig., 267 F.R.D. 466, 471 (E.D. Va. 2010); accord, *Tailift USA v. Tailiff Co. Ltd.*, 2004 WL 722244 (N.D. Tex. Mar. 26, 2004) at *1, 4 (presumption not overcome that foreign "defendants corporate representative should be deposed at its principal place of business in Taiwan"); *Societe Nationale Industrielle Aerospatiale v. U.S. Dist. Ct. S.D. Iowa*, 482 U.S. 522, 546 (1987) (presumption stronger for foreign defendants); see

Fausto v. Credigy Serv. Corp., 251 F.R.D. 427, 429 (N.D. Cal. 2008) (a natural-person defendant should be deposed in the district of his or her residence); *Louis Vuitton*, 2006 WL 3476735 at *16 ("no compelling reason to alter that presumption, and accordingly we direct that any deposition of Mr. Nottoli," a resident of Italy who was unlikely to be in the forum before discovery closed, "be taken in Italy").

This is not a run-of-the-mill discovery dispute. The foreign witness plaintiff seeks to haul out of Asia for deposition in Las Vegas or Hawaii for no reason other than the district court wants Mr. Turnbull deposed "on U.S. soil" without regard to his citizenship or place of residence. This is not an exercise of the district court's sound discretion, as referred to in *Club Vista Financial Servs. v. Eighth Jud. Dist. Ct.*, 128 Nev. ___, 276 P. 3d 246, 249 (2012); the order regarding Mr. Turnbull is arbitrary and unnecessary. SCL offered to produce him in Hong Kong for a live video deposition, which plaintiff and the district court rejected. Ex. E, Tr. of Hearing on Sands China's Objection to Notice of Turnbull Deposition and Motion for Protective Order at 11–12. In addition to disregarding the legion of cases calling for his deposition to be taken in Macau or Hong Kong where he lives, the district court did not consider the foreign deponent's convenience in requiring him to leave Hong Kong on five days' notice to travel for four days to provide not more than seven hours of deposition testimony. If ordering a foreign witness to the United States just so he can touch American soil were the touchstone for decision, then no deposition of foreign witnesses would ever be taken in their place of residence or principal place of business. And cases such as *Six West Retail Acq. v. Sony Theater Mgmt. Corp.*, 203 F. R. D. 98, 108 (S.D.N.Y. 2001) would be meaningless. There, the court recognized that "hardship to the

witnesses" must be considered and ordered depositions of Japanese executives of one of the defendants be taken in Japan because "the convenience factors favor taking depositions in Japan." *Compare Devlin v. Trans. Comm. Int'l Union*, 2000 WL 28173, at *4 (S.D.N.Y. Jan. 14, 2000) ("the convenience of counsel is less compelling than any hardship to with witnesses").

Here, there has been no showing by the plaintiff that David Turnbull could not be adequately and conveniently deposed in Hong Kong where he resides and works, in person or by video, as SCL has offered in this transnational litigation. The district court's unprecedented punitive and arbitrary order also runs counter to the United States Supreme Court admonition about the "risks to international comity" that "exorbitant exercises of all-purpose jurisdiction" pose. *Daimler AG v. Bauman*, 571 U.S. ___, 134 S. Ct. 746, 762–63 (2014). The district court's Order of June 19 is such an "exorbitant exercise" of discretion in light of the rule that absent "special circumstance" not shown here, "a party seeking discovery must go where the desired witnesses are normally located." *Farquhar*, 116 F.R.D. at 72; see *Salter v. Upjohn*, 593 F.2d 649, 562 (5th Cir. 1979) (the deposition of a corporation by its agents and officers should be taken at its principal place of business, especially when, as in this case, the corporation is the defendant"). When the plaintiff has selected the forum, as Jacobs did, the defendants "are not before the court by choice." Thus, courts have held that plaintiffs normally cannot complain if they are required to take discovery at great distances from the forum. *Farquhar*, 116 F.R.D. at 72. Therefore, SCL is likely to prevail on the merits of its writ petition, which justifies granting the stay sought by this motion.

V. CONCLUSION

SCL respectfully asks this Court to grant this emergency motion and stay the district court's June 19, 2015 Order Overruling Objection to Notice of Deposition of David Turnbull and Denying Motion for Protective Order until the Order can be reviewed by the Court.

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By: /s/ STEVE MORRIS

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Attorneys for Petitioner
Sands China Ltd.

Verification and NRAP 27(e) Certificate of Need for Emergency Relief

I, Steve Morris, declare as follows:

1. I am a lawyer with Morris Law Group, counsel of record for Sheldon G. Adelson, one of the defendants in the district court action, and SCL for proceedings in this Court.

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

3. I certify emergency relief is needed. The district court's June 19, 2015 Order compels SCL, a company which does business exclusively in Macau, to produce one of its independent non-executive directors, David Turnbull, who is a resident of Hong Kong, in Hawaii for deposition on Thursday, June 25, 2015, two business days from today.

4. The district court considered and denied SCL's request to stay the June 19, 2015 order pending this Court's consideration of the writ petition, which is being filed contemporaneously with this emergency motion.

5. To avoid irreparable harm and unreasonable burden and inconvenience on Mr. Turnbull, this Court must decide the instant emergency motion on or before June 25, 2015, the date of Mr. Turnbull's deposition.

6. The names, telephone numbers, and office addresses of the attorneys for the other parties is a follows: The contact information (including telephone number) for the other attorneys in this case is James J. Pisanelli, Todd L. Bice, and Debra Spinelli, PISANELLI BICE PLLC, 400

South 7th Street, Las Vegas, NV 89101, (702) 214-2100, attorneys for Steven C. Jacobs, Real Party in Interest.

7. The attorneys in the preceding paragraph were given notice of this motion in SCL's Motion to Stay Court's June 16, 2015, Order that Hong Kong Resident David Turnbull Appear in Hawaii for Deposition Pending Defendant's Petition for Writ of Prohibition or Mandamus, at the hearing on SCL's on June 19, 2015 in the district court, and will be hand-served with a copy of this motion as soon as it is filed.

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

Signed this 22nd day of June, 2015.

/s/ STEVE MORRIS

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 **EMERGENCY MOTION TO STAY UNDER NRAP 27(e)—IMMEDIATE RELIEF REQUIRED** to be delivered, in a sealed envelope, on the date and to the addressee(s) shown below **(as indicated below)**:

VIA HAND DELIVERY

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

Respondent

VIA ELECTRONIC AND U.S. MAIL

James J. Pisanelli
Todd L. Bice
Debra Spinelli
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Las Vegas, NV 89101

Attorneys for Steven C. Jacobs, Real Party in Interest

DATED this 22nd day of June, 2015.

By: /s/ PATRICIA CANNON