

IN THE SUPREME COURT OF THE STATE OF NEVADA

SANDS CHINA LTD.,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELIZABETH GOFF GONZALEZ,
DISTRICT JUDGE,

Respondents,

and

STEVEN C. JACOBS,

Real Party in Interest.

SANDS CHINA LTD., A CAYMAN
ISLANDS CORPORATION,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELIZABETH GOFF GONZALEZ,
DISTRICT JUDGE,

Respondents,

and

STEVEN C. JACOBS,

Real Party in Interest.

LAS VEGAS SANDS CORP., A
NEVADA CORPORATION; SANDS
CHINA LTD., A CAYMAN ISLANDS
CORPORATION; AND SHELDON G.
ADELSON, AN INDIVIDUAL,

Petitioners,

vs.

Case Number: 68265

Electronically Filed
Jul 06 2015 10:07 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

Case No. 68275

Case No. 68309

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELIZABETH GOFF GONZALEZ,
DISTRICT JUDGE,

Respondents,

and

STEVEN C. JACOBS,

Real Party in Interest.

**EMERGENCY MOTION TO CLARIFY JULY 01, 2015 ORDER
IMMEDIATE RELIEF NEEDED TO PREVENT PREJUDICE TO SANDS
CHINA LTD. AND TO FACILITATE PRETRIAL PROCEEDINGS IN
DISTRICT COURT**

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Attorneys for Petitioner,
Sands China Ltd.

On July 01, the Court ordered consolidation of these three original writ petitions. 7/1/15 Order, at 2, Ex. 1 hereto. In doing so, the Court also granted, in part, petitioners' motion to stay all proceedings in the district court pending resolution of the consolidated writs. With one exception, to accommodate a stay of deposition in Docket No. 68275, the Court said, "discovery is otherwise *not* stayed and may continue as to all parties." *Id.* Read literally, this means discovery on the merits may continue as to Sands China Ltd. ("SCL"), even though the Court appeared to have stayed all merits proceedings against SCL on June 23, 2015, by its "Order Directing Answer and Entering Stay" in Docket No. 68265 "until further order of this Court." 6/23/15 Order 1–2, Ex. 2 hereto.

The Court's Order of July 1, 2015, Ex. 1, does not reference the stay in favor of SCL while the Court determines whether this Macau-based defendant is subject to jurisdiction in Nevada. Thus, it would appear that the Court has overlooked the stay regarding SCL that was entered on June 23.¹

Granting this motion to clarify to confirm the SCL stay until the writ petition in Docket No. 68265 regarding jurisdiction is resolved would confirm the Court's stay order of June 23, and the district court's implementation of it on July 1. Clarification would also confirm the Court's own standard procedure of staying proceedings against a foreign

¹ The district court considered *all* proceedings against SCL stayed under the Court's June 23 Order in Docket No. 68265 (filed on June 22). Based on the June 23 Order, the district court entered its own order staying proceedings against SCL, also on July 1, declaring that "All proceedings against SCL shall be stayed until the Nevada Supreme Court makes a final decision on SCL's June 22, 2015 writ petition [Docket No. 68265]." Order Granting in Part and Denying in Part Defendant's Motion to Stay All Proceedings, July 01, 2015, Ex. 3 hereto.

defendant while jurisdiction over it is being determined, but allowing litigation to proceed against the defendants who do not contest jurisdiction. *See Viega GMBH v. Eighth Jud. Dist. Ct.*, 328 P.3d 1152, 1161 n. 5 (Nev. 2014). In *Viega*, the court stayed all proceedings against the German Viega companies while jurisdiction over those companies was being considered under their writ petitions. The Court said, "[n]othing in this stay order precludes further proceedings and trial . . . as to persons other than petitioners." *Id.* and Order Granting Motions for Stay, cited in n. 5, Ex. 4 hereto.

To ensure fidelity to the Court's June 23 stay order, as applied by the district court, and maintain consistency with this Court's precedent, this motion should be granted and the Court's July 1 Order clarified to make clear that discovery may continue as to all parties, *except* SCL.²

MORRIS LAW GROUP

By: /s/ STEVE MORRIS
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² One other point of clarification is needed. In footnote 1 to its July 1 Order, at 3, the Court said, Petitioners "may file a reply in support of the petition in Docket No. 68265 within 11 days of this order." The Court meant to say, within 11 days from the date of *filing of the answer* ordered by the Court to the petition. Filing a reply within 11 days of this July 1 order would precede the answer.

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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 CLARIFY JULY 01, 2015 ORDER IMMEDIATE RELIEF NEEDED TO PREVENT PREJUDICE TO SANDS CHINA LTD. AND TO FACILITATE PRETRIAL PROCEEDINGS IN DISTRICT COURT**; 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 to protect this foreign defendant from being unfairly burdened with merits discovery while the Court reviews whether this foreign corporation is even subject to jurisdiction in the State of Nevada.

4. The names, telephone numbers, and office addresses of the attorneys for the other parties is as 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.

5. The attorneys in the preceding paragraph were given notice of this motion on July 2, 2015 hearing before the district court, and will be hand-served with a copy of this motion as soon as it is filed.

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

Signed this 6th day of July, 2015.

/s/ STEVE MORRIS

CERTIFICATE OF SERVICE

Pursuant to Nev. R. App. P. 25(b) and NEFR 9(f), I hereby certify that I am an employee of Morris Law Group, that I caused the following document to be hand delivered in a sealed envelope, on the date and to the addressee(s) shown below: **EMERGENCY MOTION TO CLARIFY JULY 01, 2015 ORDER IMMEDIATE RELIEF NEEDED TO PREVENT PREJUDICE TO SANDS CHINA LTD. AND TO FACILITATE PRETRIAL PROCEEDINGS IN DISTRICT COURT**

James J. Pisanelli
Todd L. Bice
Debra Spinelli
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PISANELLI BICE PLLC
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Attorneys for Steven C. Jacobs, Real Party in Interest

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

Respondent

DATED this 6th day of July, 2015.

By: /s/ PATRICIA FERRUGIA

EXHIBIT 1

EXHIBIT 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

SANDS CHINA LTD.,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF

CLARK; AND THE HONORABLE

ELIZABETH GOFF GONZALEZ,

DISTRICT JUDGE,

Respondents,

and

STEVEN C. JACOBS,

Real Party in Interest.

No. 68265

FILED

JUL 01 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

SANDS CHINA LTD., A CAYMAN

ISLANDS CORPORATION,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF

CLARK; AND THE HONORABLE

ELIZABETH GOFF GONZALEZ,

DISTRICT JUDGE,

Respondents,

and

STEVEN C. JACOBS,

Real Party in Interest.

No. 68275

LAS VEGAS SANDS CORP., A NEVADA

CORPORATION; SANDS CHINA LTD.,

A CAYMAN ISLANDS CORPORATION;

AND SHELDON G. ADELSON, AN

INDIVIDUAL,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF

CLARK; AND THE HONORABLE

No. 68309

ELIZABETH GOFF GONZALEZ,
DISTRICT JUDGE,
Respondents,
and
STEVEN C. JACOBS,
Real Party in Interest.

ORDER

These original petitions for writs of mandamus or prohibition challenge district court orders arising from the same case and involving the same parties. In the interest of judicial efficiency, we consolidate these matters in this court.

The petition in Docket No. 68309 challenges a district court order scheduling a trial date and related pretrial matters. Petitioners have filed a motion to stay *all* proceedings in the district court pending this court's resolution of these writ proceedings. In determining whether to grant a stay pending resolution of a writ petition, this court considers: (1) whether the object of the writ petition will be defeated if the stay is not granted, (2) whether petitioner will suffer irreparable or serious injury if the stay is denied, (3) whether real party in interest will suffer irreparable or serious injury if the stay is granted, and (4) whether petitioner is likely to prevail on the merits on the writ petition. NRAP 8(c); *Fritz Hansen A/S v. Eighth Judicial Dist. Court*, 116 Nev. 650, 657, 6 P.3d 982, 986 (2000). Having considered petitioners' motion, as well as the real party in interest's opposition and petitioners' reply, we grant the motion to the following extent: The trial date is stayed and vacated, as are the portions of the district court's order that pertain to pretrial motions. However, with the exception of the stay entered in Docket No. 68275 on June 23, 2015, of the deposition of David Turnbull, discovery is otherwise *not* stayed and may continue as to all parties. We note that the stays entered

in these matters toll the five-year period set forth in NRCP 41(e). *Boren v. City of North Las Vegas*, 95 Nev. 5, 6, 638 P.2d 404, 405 (1982) ("Any period during which the parties are prevented from bringing an action to trial by reason on a stay order shall not be computed in determining the five-year period of [NRCP] 41(e).")

Further, our review of the petition in Docket No. 68309 indicates that petitioners have set forth issues of arguable merit and that they may have no plain, speedy, and adequate remedy at law. Therefore, real party in interest, on behalf of respondents, shall have 20 days from the date of this order within which to file and serve an answer, including authorities, against issuance of the requested writ. NRAP 21(b)(1). Petitioners may file a reply within 11 days of the answer being served.

It is so ORDERED.¹

Hardesty, C.J.
Hardesty

Douglas, J.
Douglas

Saitta, J.
Saitta

Cherry, J.
Cherry

Gibbons, J.
Gibbons

¹In the motion for stay, petitioners also note that when this court entered an order in Docket No. 68265 directing the real party in interest to file an answer, "it did not specify that [petitioner Sands China Ltd.] would have an opportunity to file a reply," and requests this court clarify that it may file such a reply. Petitioners may file a reply in support of the petition in Docket No. 68265 within 11 days from the date of this order.

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Kemp, Jones & Coulthard, LLP
Holland & Hart LLP/Las Vegas
Morris Law Group
Pisanelli Bice, PLLC
Alan M. Dershowitz
Eighth District Court Clerk

EXHIBIT 2

EXHIBIT 2

702-474-4547

An unpublished order shall not be regarded as precedent and shall not be cited as legal authority. SCR 123.

IN THE SUPREME COURT OF THE STATE OF NEVADA

SANDS CHINA LTD.,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELIZABETH GOFF GONZALEZ,
DISTRICT JUDGE,

Respondents,

and

STEVEN C. JACOBS,
Real Party in Interest.

No. 68265

FILED

JUN 23 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Shaccagno*
DEPUTY CLERK

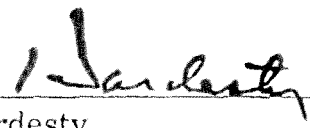
ORDER DIRECTING ANSWER AND ENTERING STAY

This is a petition for a writ of prohibition or mandamus challenging a district court order determining jurisdiction. Having reviewed the petition, it appears that petitioner has set forth issues of arguable merit and that petitioner may have no plain, speedy, and adequate remedy at law. Therefore, real party in interest, on behalf of respondents, shall have 20 days from the date of this order within which to file and serve an answer, including authorities, against issuance of the

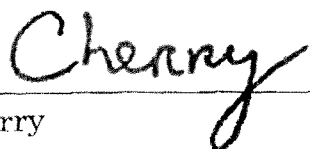
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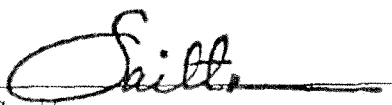
requested writ. NRAP 21(b)(1). Further, we stay the district court's order at issue pending further order of this court.

It is so ORDERED.¹

, C.J.
Hardesty

, J.
Douglas

, J.
Cherry

, J.
Saitta

, J.
Gibbons

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Alan M. Dershowitz
Kemp, Jones & Coulthard, LLP
Holland & Hart LLP/Las Vegas
Morris Law Group
Pisanelli Bice, PLLC
Eighth District Court Clerk

¹We grant petitioner's motion for leave to file a modified appendix in support of the petition and direct petitioner to file it immediately.

EXHIBIT 3

EXHIBIT 3

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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.

23 AND ALL RELATED MATTERS.

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CLERK OF THE COURT

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

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
MOTION TO STAY ALL
PROCEEDINGS AND DEADLINES
PENDING DEFENDANTS'
PETITIONS FOR WRIT OF
PROHIBITION OR MANDAMUS**

25 Before the Court is Defendants' Motion To Stay All Proceedings And Deadlines
26 Pending Defendants' Petitions For Writ Of Prohibition Or Mandamus (the "Motion"). J.
27 Randall Jones, Esq. appeared on behalf of Defendant Sands China Ltd. ("SCL"), Robert J.
28 Cassity, Esq. of the law firm Holland & Hart LLP appeared on behalf of Defendants Las Vegas

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1 Sands Corp. and SCL. Steve Morris, Esq. of the law firm Morris Law Group appeared on
2 behalf of Defendant Sheldon G. Adelson and James J. Pisanelli, Esq. and Jordan T. Smith, Esq.
3 of the law firm Pisanelli Bice PLLC appeared on behalf of Plaintiff Steven C. Jacobs
4 ("Jacobs"). Having considered the papers filed on behalf of the parties, oral argument of
5 counsel, and being fully informed with good cause appearing:

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants' Motion
7 to Stay Proceedings is granted as to Defendant SCL. All proceedings against SCL shall be
8 stayed until the Nevada Supreme Court makes a final decision on SCL's June 22, 2015 writ
9 petition.

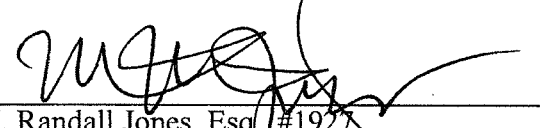
10 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that
11 Defendants' Motion to Stay Proceedings is denied as to Defendants Las Vegas Sands Corp.
12 and Sheldon G. Adelson.

13 DATED this 30th day of June, 2015

14 
15 THE HONORABLE ELIZABETH GONZALEZ
16 EIGHTH JUDICIAL DISTRICT COURT

17 Respectfully submitted by:

18 KEMP, JONES & COULTHARD, LLP

19 
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23 Las Vegas, Nevada 89169
24 Attorneys for Sands China Ltd.

25 HOLLAND & HART LLP
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Attorneys for Las Vegas Sands Corp.
and Sands China, Ltd.

EXHIBIT 4

EXHIBIT 4

IN THE SUPREME COURT OF THE STATE OF NEVADA

UPONOR CORPORATION,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF CLARK; AND
THE HONORABLE SUSAN JOHNSON,
DISTRICT JUDGE,

Respondents,

and

AVENTINE-TRAMONTI HOMEOWNERS
ASSOCIATION, A NEVADA NON-PROFIT
CORPORATION,

Real Party in Interest.

VIEGA GMBH; AND VIEGA
INTERNATIONAL GMBH,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF CLARK; AND
THE HONORABLE SUSAN JOHNSON,
DISTRICT JUDGE,

Respondents,

and

AVENTINE-TRAMONTI HOMEOWNERS
ASSOCIATION,

Real Party in Interest.

No. 59673

FILED

JUN 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malm
DEPUTY CLERK

No. 59976 ✓

VIEGA GMBH; AND VIEGA
INTERNATIONAL GMBH,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF CLARK; AND
THE HONORABLE SUSAN JOHNSON,
DISTRICT JUDGE,
Respondents,
and
LA PALOMA HOMEOWNERS
ASSOCIATION,
Real Party in Interest.

No. 60015

ORDER GRANTING MOTIONS FOR STAY

Currently before this court are motions for stay filed in each of these unconsolidated original petitions for extraordinary relief. Real parties in interest have opposed each of these motions.

On June 7, 2012, this court entered a temporary stay in Docket No. 60015 and directed that any opposition to the emergency stay motion filed in that matter be filed on an expedited basis. Real party in interest filed its opposition, as directed, on June 11, 2012, and petitioners filed a reply on June 12, 2012. Having considered the motions, oppositions, and replies filed in each of these original proceedings along with the subsequent requests for emergency relief filed in Docket Nos. 59673 and 59976, we conclude that petitioners' motions should be granted. Accordingly, we stay all further proceedings in Eighth Judicial District Court Case Nos. A555328 and A606039 as to petitioners only. Nothing in this stay order precludes further proceedings and trial, as scheduled, as to

persons other than petitioners. This stay shall remain in place pending further order of this court.

It is so ORDERED.¹

Saitta, J.
Saitta

Pickering, J.
Pickering

Hardesty, J.
Hardesty

cc: Hon. Susan Johnson, District Judge
Bremer Whyte Brown & O'Meara, LLP
Canepa Riedy & Rubino
Lynch, Hopper & Salzano, LLP
Kemp, Jones & Coulthard, LLP
Carraway & Associates
Robert C. Maddox & Associates/Reno
Lincoln, Gustafson & Cercos
Fennemore Craig, P.C./Phoenix
Fennemore Craig, P.C./Las Vegas
Carroll, Burdick & McDonough, LLP
Eighth District Court Clerk

¹The requests for security or other consideration if a stay is granted, which is contained in the oppositions to the stay motions filed by real parties in interest, are denied. Additionally, in light of this order, petitioners' motion to strike certain documents attached to the opposition to their stay motion, which was contained in the reply filed in Docket No. 60015, is denied as moot.