

EXHIBIT 2

EXHIBIT 2

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. Malone*
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.

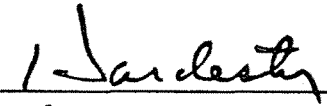
On June 7, 2012, this court entered a temporary stay in Docket No. 60015 and directed that any opposition to the emergency stay motion filed in that matter be filed on an expedited basis. Real party in interest filed its opposition, as directed, on June 11, 2012, and petitioners filed a reply on June 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.


Pickering, J.


Hardesty, J.

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.

EXHIBIT 1

EXHIBIT 1

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8 Attorneys for Plaintiff Steven C. Jacobs

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10
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
19 AND RELATED CLAIMS

■
■
Case No.: A-10-627691
Dept. No.: XI

■
Hearing Date: June 16, 2015

Hearing Time: 8:30 a.m.

20
21 Before the Court is Defendants' Motion To Stay All Proceedings And Deadlines Pending
22 Defendants' Petitions For Writ Of Prohibition Or Mandamus (the "Motion"). J. Randall Jones,
23 Esq. appeared on behalf of Defendant Sands China Ltd. ("SCL"), Robert J. Cassity, Esq. of the
24 law firm Holland & Hart LLP appeared on behalf of Defendants Las Vegas Sands Corp. and
25 SCL. Steve Morris, Esq. of the law firm Morris Law Group appeared on behalf of Defendant
26 Sheldon G. Adelson and James J. Pisanelli, Esq. and Jordan T. Smith, Esq. of the law firm
27 PISANELLI BICE PLLC appeared on behalf of Plaintiff Steven C. Jacobs ("Jacobs"). The Court
28

1 having considered the briefing on the Motion as well as argument DENIES the Motion for the
2 following reasons:

3 1. Defendants provide no basis for the entry of the stay. They face no irreparable
4 harm from having to participate in discovery and the preservation of evidence. To the contrary,
5 the Defendants claim that there is substantial discovery to be conducted. There is no basis for
6 delaying discovery even if the Nevada Supreme Court provides that this case need not proceed to
7 trial at the presently set trial date of October 14, 2015.

8 2. The Nevada Supreme Court's Order Directing Answer and Entering Stay, filed
9 June 23, 2015, stayed only this Court's Amended Decision and Order filed May 28, 2015. It does
10 not provide for any other stay, including discovery.

11 3. Whatever the outcome of Defendants' arguments related to NRCP 41(e) and when
12 this case must proceed to trial, Defendants provide no basis to halt preparation for trial and
13 preservation of evidence.

14 IT IS SO ORDERED.

15
16 DATED: _____

THE HONORABLE ELIZABETH GONZALEZ
EIGHTH JUDICIAL DISTRICT COURT

17
18 Respectfully submitted by:

19 PISANELLI BICE PLLC

20 By: _____
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25
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28

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 07 2015 01:10 p.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.

**REPLY IN SUPPORT OF 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 June 23, 2015, the Court entered its "Order Directing Answer and Entering Stay" in response to Sands China, Ltd.'s ("SCL") writ petition challenging the district court[']s order determining jurisdiction" over SCL. The text of the Order concludes, "Further, we stay the district court's order at issue pending further order of this court." Order, at 1–2, on file herein. SCL *and* the district court took the Court at its word; "stay" means "stay." Unless and until the Court denies SCL's petition challenging the district court's jurisdictional order, it should not be treated as an active party that must participate in discovery and get ready for trial on the merits. This would not prejudice Jacobs in any respect. His core claim is breach of an alleged employment contract with Las Vegas Sands Corp., a party that is unquestionably subject to jurisdiction and does not seek a stay.¹ Under these circumstances, Jacobs's shrill and meritless opposition that "Petitioners have already improperly sabotaged the case . . . by concealment of discoverable information and deception of the district court" should be dismissed as an inappropriate screed. Opp. at 3.

SCL asks only that it not be subject to the burden, dislocation, and potential prejudice of litigation on the merits until the Court decides

¹ These facts distinguish this case and confirmation of the stay granted SCL on June 23 from *Hansen v. Eighth Jud. Dist. Ct.*, 116 Nev. 650, 6 P.3d 982 (2000), in which the Court declined a stay where the district court "has made only a preliminary determination as to personal jurisdiction," unlike here, *and* "Hansen has not demonstrated that its writ petition raises a substantial legal question as to personal jurisdiction" 116 Nev. at ___, 6 P.3d at 987. Moreover, *Hansen* did not involve a foreign national that did no business in Nevada, as is the case with SCL. Given that the Court ordered an answer to SCL's writ petition *and* ordered a stay *only for SCL* while personal jurisdiction is determined, it is condemnable hysteria for Jacobs to intemperately posit that the brief stay SCL seeks to *confirm* really seeks to prevent "actual facts and law com[ing] to light." Opp. at 1.

whether this Macau-based company that has no business or operations of any sort in Nevada may be constitutionally subjected to jurisdiction in light of *Daimler AG v. Bauman*, ___ U.S. ___, 134 S. Ct. 746 (2014), which is the principal authority for SCL's writ petition in Docket No. 68265 which Jacobs has been ordered to answer. By asking the Court to clarify that it's July 1, 2015, Order did not *sub silentio* vacate its June 23 stay order, SCL is not also asking the Court to enter an indefinite stay or to prevent discovery of particular individuals, as the petitioners sought in *Aspen Financial Services v. Eighth Jud. Dist. Ct.*, 128 Nev. ___, 289 P.3d 201, 210 (2012) ("It is worth reiterating that because no indictments have been issued, a stay here would have an indefinite, and likely protracted, duration . . . it would all but grind this case to a halt").²

Here, SCL has presented substantial constitutional jurisdictional issues in Docket No. 68265 that may be resolved in its favor. If so, in the meantime, it should not have to devote time, personnel, and resources to litigating the merits half a world away from its home jurisdiction, where Jacobs lived and worked, alongside the question of personal jurisdiction. If not, Jacobs will not have been deprived of getting ready for his day in court. He will have access to discovery and deposition opportunities aplenty from parties and witnesses who are not seeking immunity from discovery or to delay Jacobs's access to justice.

² Jacobs contends that SCL "erroneously led the district court into the belief that this Court had somehow ordered a merits stay as to Sands China with its June 23 Order," as if SCL "secretly" and improperly dealt with the court. What he fails to tell the Court, however, is that the district court *rejected his view of the June 23 Order* when she entered her order on July 1 staying all proceedings against SCL. Proposed Order of Jacobs (rejected), Ex. 1 hereto.

This motion to clarify should be granted and proceedings against SCL stayed "until further order of this Court" under the writ petition in Docket No. 68265, which would be faithfully consistent with the Court's treatment of foreign nationals who challenged jurisdiction in *Viega GmbH v. Eighth Jud. Dist. Ct.*, 130 Nev. ___, 328 P.3d 1152, 1161–62 and n. 5 (2014); Ex. 2 hereto, Order Granting Motions for Stay, Docket Nos. 59976 and 60015, June 13, 2012, in *Viega* (stay as to petitioning German corporations only – "nothing in this stay precludes further proceedings and trial ... as to persons other than petitioners").

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Sands China Ltd.

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 on this date I electronically filed the following document: **REPLY IN SUPPORT OF 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** with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing system (Eflex). Participants in the case who are registered with Eflex as users will be served by the Eflex system as follows:

James J. Pisanelli
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Attorneys for Steven C. Jacobs, Real Party in Interest

Pursuant to Nev. R. App. P. 25(b), I further certify that I caused the same document to be hand delivered in a sealed envelope, on the date and to the addressee(s) shown below:

VIA HAND DELIVERY ON 7/7/2015

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

DATED this 7th day of July, 2015.

By: /s/ FIONA INGALLS