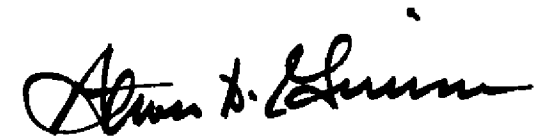


# EXHIBIT 9

# EXHIBIT 9



CLERK OF THE COURT

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 PLAINTIFF'S MOTION TO COMPEL PRODUCTION  
OF DISCOVERABLE DOCUMENTS**

THURSDAY, AUGUST 6, 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:

JILL HAWKINS  
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, THURSDAY, AUGUST 6, 2015, 8:40 A.M.

2 (Court was called to order)

3 THE COURT: My only other case on this morning is  
4 Jacobs versus Sands. You have a total of 17 minutes among you  
5 to use. You can have a little more, Mr. Peek, if you need it.

6 MR. PEEK: You saw that shock, Your Honor?

7 THE COURT: I was here on time.

8 MR. RANDALL JONES: I noted that you said that with  
9 a smile on your face. Is that some humor [inaudible]?

10 MR. PEEK: Mr. Peek can get more time if he needs  
11 it. I have a jury trial that I need to start back up at 9:30.  
12 I've got to settle jury instructions as soon after I finish  
13 with you as possible. You know, I'm doing multiple things all  
14 the time.

15 MR. RANDALL JONES: Understood.

16 THE COURT: Mr. Jones, will you come up here before  
17 you leave and come up in the witness box. Laura has something  
18 you want to take with you.

19 MR. RANDALL JONES: Yes, Your Honor. I heard about  
20 that yesterday when we were in the deposition. The only  
21 concern is --

22 THE COURT: Just take it first so that it's not part  
23 of my record, because I'd never really had it. And then we  
24 can talk about what you do with it next.

25 MR. PEEK: Recycle bin's a good spot.

1 THE COURT: No, I think he needs to do something  
2 else. But that's for him to do.

3 MR. MORRIS: So what is the something else he should  
4 do?

5 THE COURT: These are the documents that he wanted  
6 sealed that were part of the offer of proof. They haven't  
7 been filed, they haven't been offered through the exhibit  
8 process, and I don't have them. So what I think needs to  
9 happen, since in my minute order denying without prejudice the  
10 motion, is a more specific motion needs to be filed related to  
11 those, and then he needs to file them under seal. The risk  
12 with that is if I rule that many of those documents are not  
13 appropriate to be sealed, then they're in the public realm.  
14 But I'll let you guys make that judgment call.

15 MR. MORRIS: We probably will come back on that with  
16 an appropriate motion.

17 THE COURT: Yeah. Absolutely. And I anticipated  
18 that. That's why we've given them back to you so you don't  
19 have to regather them and -- those are the offer of proof  
20 documents that were under seal that he never filed.

21 MR. BICE: It's all of them. Oh. Okay.

22 THE COURT: They were never filed.

23 MR. BICE: Got it. Okay.

24 THE COURT: He handed them to I think Laura, maybe  
25 Dulce, and said. here's the motion with it. And then we



1 stayed it while we had that confusing order from the Supreme  
2 Court. And so --

3 MR. RANDALL JONES: Mr. Bice had this. We filed a  
4 copy of what we gave him. But I will make another copy of the  
5 index and the receipt that I got from Laura and give him  
6 [inaudible].

7 THE COURT: Laura's going to go do that right now so  
8 nobody's got to wait.

9 (Pause in the proceedings)

10 THE COURT: Mr. Bice, this is your motion.

11 MR. BICE: Thank you, Your Honor. I know you are  
12 pressed for time, so I will try and expedite.

13 Your Honor, this is a motion to compel. I have a  
14 couple of problems with the opposition that we got yesterday.  
15 Number one, I think it confirms some of our grievance that the  
16 2.34 process is being used as a delay mechanism, not as a  
17 legitimate attempt to resolve issues. And let me tell you why  
18 that is the case and why I'm asking the Court's permission to  
19 make sure that in the future that we record these  
20 communications. Because here is exactly what we filed. We  
21 filed a motion to compel limiting it to the requests that LVSC  
22 told us they would not answer. They told us that in their  
23 written responses, and they told us that at the 2.34  
24 conference. There were a few other ones that they said they  
25 would reconsider or think about their objections. That was on

1 July 10 when I was told that they were going to think about  
2 their objections and get back to us. It's now nearly August  
3 the 10th, and, of course, I have received crickets on those --  
4 what I've heard are crickets on those other ones where they  
5 said they would think about and get back to us on their  
6 objections.

7           So our only motion here is limited to the ones they  
8 told us they would not answer. Then they file an opposition,  
9 representing to you that we jumped the gun on this because  
10 these -- they're going to respond to these at some  
11 unidentified future point. That's why, Your Honor, we need to  
12 record these, because this is -- what is in this opposition is  
13 opposite of what they represented to us at this 2.34  
14 conference. So I have an issue with that, number one.

15           Number two, then let's go to some of the just  
16 general objections. First they tell you that it's improper --  
17 all of our discovery requests are improper because we asked  
18 them to identify and respond with all responsive documents and  
19 information. They claim it's inappropriate to send discovery  
20 requests that -- those are just completely overbroad. I would  
21 ask the Court or invite the Court to look at Exhibit 5, which  
22 are their discovery requests to us, which are worded the exact  
23 same of what they are now representing to the Court are so  
24 inappropriate about our discovery requests. So that obviously  
25 -- they obviously don't believe that, unless they're telling

1 you, well, we sent -- we, LVSC, sent a whole bunch of  
2 inappropriate discovery requests.

3           Next sort of general complaint that they have is  
4 they try to use the ESI protocol to now limit the scope of all  
5 discovery in this case, and that, of course, has become a  
6 complete impropriety, Your Honor. Again, to prove the point,  
7 the ESI protocol, Your Honor, has Section 13 in it that  
8 specifically talks about how this ESI protocol -- because  
9 remember what this was about. They were supposed -- this is  
10 before the stay went into effect. This was --

11           THE COURT: The first stay.

12           MR. BICE: The first stay. They were obligated to  
13 be searching for discoverable information right out of the  
14 chute, without any requests for production from anybody. And,  
15 as we now know, they didn't do any of that at all. And if  
16 they did, they certainly haven't identified what they did or  
17 what the search terms supposedly were. But here's what  
18 Section 13 of it says. It specifically says, "This is not  
19 intended to create any precedent for or constitute a waiver or  
20 relinquishment of any party's objections or arguments  
21 pertaining to particular search terms or custodians or any  
22 potential ESI productions or phases of ESI discovery.

23           So, again, they're now trying to convert this ESI  
24 protocol that was entered into for the first phases of this,  
25 they're now trying to convert that into a wholesale limitation

1 on the scope of discovery of this case. And as further proof,  
2 Your Honor, that they know that's not true, look at their own  
3 discovery request to us, which is Exhibit Number 5. They  
4 don't limit their requests to what they're now saying the ESI  
5 protocol limits them to producing. They don't in any way,  
6 shape, or form live up to the very standards and the very  
7 arguments that they are making to you in this opposition.

8 That then brings us finally, Your Honor, around to  
9 -- let's look at the specific objections that they have.

10 One other broad sort of objection they make is, if  
11 you don't allege specific facts in the complaint about every  
12 issue you can't do discovery in the case. Of course, that is  
13 completely inconsistent with Rule 8, which says that a  
14 complaint is supposed to be a short and plain statement of the  
15 claim. They're trying to convert that into, if you now don't  
16 allege every name or every person in the complaint that could  
17 have any impact on this they're not relevant to discovery.

18 So let's deal with the requests, Your Honor.  
19 Request Number --

20 THE COURT: And that's Exhibit 2.

21 MR. BICE: That's Exhibit Number 2.

22 Exhibit Number 29, Your Honor, they now say, well,  
23 we'll produce some of these requests, after previously telling  
24 us they weren't going to produce any. And, of course, these  
25 responses were due at the end of June.

1 Request Number 33, Your Honor, they again now try  
2 to limit the discovery to just the issues -- 33. They say  
3 they're going to answer it, but only with respect to a  
4 particular time frame, which is, again, not what this case is  
5 about.

6 Number 34, Your Honor, they claim that they can't  
7 respond to this because they do not know. Well, that's  
8 interesting, because all these same names are in their own  
9 discovery request to us about communications that Mr. Adelson  
10 had. So they obviously do know and they obviously are just  
11 simply trying to stifle us.

12 Number 34, Your Honor. Broken Tooth. They know who  
13 he is. He was in prison, he was a junket representative, and  
14 he got out of prison, and they know precisely who he is. And  
15 they know precisely why they were dealing with him.

16 Number 39, Your Honor, they say, well, they'll  
17 produce, but only with respect to documents that existed in  
18 the time frame in which Mr. Jacobs was there. Your Honor, 39  
19 deals with defamation. These people are claiming -- Mr.  
20 Jacobs has sued them for defamation. And they've also filed a  
21 counterclaim for business disparagement. We are entitled to  
22 show anytime that they have claimed or threatened defamation  
23 against people that they are claiming they know the value of  
24 reputation and they are willing to smear Mr. Jacobs. And that  
25 again goes to demonstrate their malice. And it also goes to

1 undercut their claims that they were damaged by Mr. Jacobs's  
2 statements when in fact they're accusing other people of  
3 defamation.

4           Number 40, Your Honor. Again, they have asked us  
5 for this exact same information when they are claiming that  
6 they shouldn't have to produce it. And then they're trying to  
7 limit it to just a very narrow time frame that is only while  
8 Mr. Jacobs was there, nothing after and during the last five  
9 years this case has been going on.

10           Number 49, Your Honor. Again, they're now saying  
11 they're going to produce them, but only with respect to that  
12 very narrow time frame, even though they previously told us  
13 they wouldn't.

14           Number 50. Again, they don't want to produce --  
15 they acknowledge they should have to produce some, but just  
16 not all these, even though these are the same requests for  
17 Number 50 that they effectively sent to us. They try and  
18 claim that, well, our request was only with respect to  
19 communications with Mr. Adelson involving all these same  
20 people, so that somehow is distinguishing. Obviously you  
21 think that all these people are relevant or all these entities  
22 are relevant, because you're seeking discovery on them  
23 yourself.

24           Number 51. Again, Your Honor, they claim it's not  
25 relevant in this case and all that you know about it to know

1 whether or not they were having complimentaries, granting  
2 gaming credit and the like to Chinese Government and military  
3 officials. They know precisely why that is relevant in this  
4 case, and it has been discussed extensively.

5           With respect to WDR, Your Honor, WDR was an entity  
6 they now -- previously told us, we won't produce anything on  
7 that. They now say, well, we will, but only with respect to a  
8 very narrow time frame, because they're trying to say they  
9 know that the entity didn't do anything exactly during that  
10 time frame, it was created before and dissolved after, so  
11 they're going to come back and magically tell us how they  
12 don't have to produce anything.

13           Then on the CDC case, Your Honor, which is Number  
14 54, again Mr. Jacobs has specifically pointed out how that is  
15 relevant to this case, because that is the basis for the  
16 claim, and Mr. Leven during the jurisdictional hearing even  
17 admitted that they claim that there was some agreement with  
18 the chief executive officer of Macau about the sale of those  
19 apartment hotels. And, as Mr. Jacobs has claimed  
20 specifically, it's the alleged settlement of the CDC case that  
21 was supposedly the consideration for that agreement, at least  
22 per Mr. Adelson's position.

23           Number 59. They claim, well, they'll get around to  
24 producing -- oh. They claim that there are no responsive  
25 documents to this request with respect to their position.

1 That's odd, Your Honor, because they previously told us they  
2 weren't going to answer that request, and they haven't  
3 produced any accounting information as to whether or not that  
4 is true or not.

5 And then lastly, Your Honor, is Number 86. And  
6 again on Number 86, Your Honor, they claim they shouldn't be  
7 required to produce this because it's overbroad. As Your  
8 Honor knows, our point here is very simple. You have the  
9 standard language in your agreement, you know what it means,  
10 we want to demonstrate that you have manufactured this for-  
11 cause standard as to Mr. Jacobs that is completely  
12 inconsistent with how you have applied it to everybody else in  
13 the past and the fact that you make up claims after the fact.  
14 Thank you, Your Honor.

15 THE COURT: Thank you.

16 Mr. Peek.

17 MR. PEEK: I'm pleased to report, Your Honor, that  
18 we agree with Mr. Bice that our 2.34 conferences should be  
19 recorded. In fact, I mentioned that to them last Tuesday --  
20 or no, last Thursday when we were here.

21 THE COURT: I think that was the practice while I  
22 was still an attorney.

23 MR. PEEK: To record them?

24 THE COURT: In many cases, unfortunately.

25 MR. PEEK: Yeah. And we actually started that in



1 this matter, Your Honor, early on, when Ms. Glaser was a part  
2 of this. But, in any event, what Mr. Bice does not point out  
3 to you is that, one, I was on vacation, I was just getting  
4 back from vacation when the letter came in about the  
5 objections, I was not able to deal with it until I got back  
6 into the office on I believe it was the 6th of July. And so I  
7 certainly wasn't idly sitting by, not addressing this issue.

8           With respect to the 2.34 conferences what he fails  
9 to mention to you is that we continued the 2.34 conference of  
10 July 10th to July 13th, and we had another hour, plus or  
11 minus, conference at the conclusion of that conference. We  
12 expected, because we were told we'd be receiving a letter  
13 confirming exactly what the position was about narrowing. So  
14 that deals with the 2.34. And I'm surprised that Mr. Bice  
15 left out the fact that we did actually continue that  
16 conference to the 13th.

17           With respect to the fact that our RFPs are the same  
18 remember that at the time that we were submitting our RFPs we  
19 were faced with an August 6th deadline for close of discovery.  
20 And so in an abundance of caution, because we didn't know what  
21 the Court's ruling would be on the time frame, we certainly  
22 did send mirror images to them. Because, had we not done that  
23 and the Court was going to rule against us on the time frame,  
24 we certainly wanted to preserve it.

25           But let me go to the ESI protocol, because that is

1 exactly something which Mr. Bice nor Mr. Pisanelli were  
2 involved in the negotiations of that. I negotiated that with  
3 Mr. Campbell and Mr. Williams, and we agreed that the protocol  
4 and the time frame for the litigation and the search and  
5 collection was for the period of January 2009 up to and  
6 including the time of the filing of the complaint. I  
7 negotiated that. There's been no request for relief from that  
8 on their part, and now they just come in and say, oh, well, we  
9 didn't waive it so now we're going to expand it just because  
10 we want to, not because the parties have agreed to it. And I  
11 think that's something that needs to be addressed to the  
12 Court. Certainly it may or may not be addressed here today,  
13 but I think that's something, Your Honor, that needs to be  
14 addressed to the Court, and we should be heard on that.

15 That ESI protocol is an order of the Court, it does  
16 say January 1, 2009, and it does end in October. We addressed  
17 this issue with the Court during the evidentiary hearing on  
18 jurisdiction with respect to documents to be produced by Mr.  
19 Reese. And remember that we talked then, Your Honor, you said  
20 all the way to the present, and we asked the Court to at least  
21 back down a little bit on that and they did, and did say  
22 March. Although the defamation occurred in March of 2011,  
23 they extended the time frame to June 30th -- or they limited  
24 the time frame to June 30 of 2011.

25 So I think that, Your Honor, with respect to the

1 time frame it is when Mr. Jacobs would have come on in May,  
2 March, April, May period, all the way up to and including the  
3 time when he filed his complaint, and not many years  
4 beforehand. For example, the AML is something that happened  
5 in 2006 on the anti money laundering. Now they want to go all  
6 the way back to 2006 and say, oh, well, let's talk about the  
7 anti money laundering issues that occurred at time when there  
8 was no Sands China Limited and at a time that had nothing to  
9 do with Sands China Limited or VML even.

10 So those are the reasons, Your Honor, that we think  
11 the time frames should be enforced here and they should not be  
12 allowed broad discovery both before and after the litigation  
13 period.

14 Let me now address, Your Honor, some of the RFPs.  
15 I'll lump triads certainly. We have said with respect to  
16 triads that we will certainly produce some documents with  
17 respect to some of those triads, for example -- so-called  
18 triads -- and, again, I'm not sure I know exactly what a triad  
19 is. Counsel seems to know it and Mr. Jacobs seems to know it.  
20 So with respect to triads we are saying that that was not  
21 something that was ever raised or framed by the complaint. It  
22 still is not. There certainly were issues regarding Cheung  
23 Chi Tai, there are issues regarding Charles Heung, and I think  
24 there was one other individual Lee Ching Ming, that was also  
25 involved in that claim of theirs. So, yes, we've agreed to

1 produce those documents that relate to those individuals, but  
2 not just a broad search of all of the dealings we had with  
3 triads at a time when Mr. Jacobs was the president and CEO of  
4 Sands China Limited. He's not presented any evidence that he  
5 knows or that he is familiar with or he had some dealings with  
6 a triad for which he complained to the management of the  
7 company or the counsel of the company about whether or not  
8 there were dealings with so-called triads. Now he just wants  
9 to go on some fishing expedition to see how we did or did not  
10 deal with so-called triads and so-called junkets.

11 Junkets, again, as I said, relate to Cheung Chi Tai  
12 and others, but not just so-called -- first they say key  
13 junkets. It's not defined. I don't know what key junkets  
14 are. There certainly are names. And what do those junkets or  
15 dealings with those junkets have to do with the case other  
16 than those related to defined individuals that they have  
17 outlined in paragraph 31 and 32 of their complaint? They  
18 don't relate to a so-called wrongful termination on the part  
19 -- kind of a whistleblower-type relief, and he hasn't said,  
20 well, I called to the attention of the company during the time  
21 I was there that they were doing business with certain junkets  
22 and the Gaming Commission in Macau is not doing their job, I'm  
23 concerned about how it might impact my business here. Nothing  
24 was said. Now all of a sudden we want to come back and look  
25 at every junket for a long period of time and how you did

1 business with them. So that deals with 34.

2 35. Now I'm hearing for the first time that -- and  
3 I didn't hear this during the meet and confer, nor did I see  
4 it in their papers, that Broken Tooth was somebody who was a  
5 convicted individual who then came later to have a junket  
6 operation in the Venetian Macau, something if they'd known  
7 about it -- they're now on their fourth amended complaint. If  
8 they'd known about it and had called it to our attention and  
9 said, you ignored it and that is a reason for my termination,  
10 we should have seen that. If they know it now, they knew it  
11 then, because the fourth amended complaint is a very recent  
12 filing on their part and we're now, what, three months after  
13 the filing or two months after the filing of the fourth  
14 amended complaint. They would have and could have mentioned  
15 Broken Tooth. But they didn't. This is another one of their  
16 fishing expeditions that they want to talk about.

17 I've talked about Tracy and Sisk. What relevance is  
18 there about Tracy's and David Sisk's employment after August  
19 of 2010 or even in the period past October of 2010 that would  
20 relate to a wrongful termination or so-called whistleblower  
21 activities of Mr. Jacobs? There is nothing.

22 Then they get into lawsuits with the defamation.  
23 What is it that that has to do with anything other than  
24 through that period of January 1st, 2009, through June 30th of  
25 2011? I picked the date June 30, 2011, because that's the

1 date the Court ordered that it could be extended to with  
2 respect to Mr. Reese. So that was addressed in the  
3 jurisdictional hearing.

4 Surveillance of Jacobs or any other witness, we said  
5 we would produce that during that period of time of January 1  
6 through October 2010. And it's surveillance specifically  
7 targeting Jacobs. Your Honor, that is something that, you  
8 know, what does it have to do now with this case? What if we  
9 did in fact surveil Mr. Jacobs after 2010? What does that  
10 have to do with this lawsuit here?

11 We've said we would produce nonprivileged, publicly  
12 available documents with respect to compensation of  
13 individuals.

14 And then RFP 50, documents concerning witnesses. We  
15 said we would produce documents during that time frame  
16 reflecting communications between Sheldon Adelson, Cheung Chi  
17 Tai, Leonel Alves, Charles Heung, and Lee Ching Ming, and/or  
18 Sheldon Adelson's emails concerning so-called Chairmans Club.  
19 Again, for that time period and for those discrete  
20 individuals, because those are the individuals that we've  
21 heard about during both the sanctions hearing, as well as the  
22 evidentiary hearing. And those are the individuals to which  
23 Mr. Adelson and Mr. Leven testified.

24 They now talk about gaming credit or comp of Chinese  
25 Government -- Chinese Macau officials. Again, that is

1 something, Your Honor, that is one -- I'm not sure I even  
2 recognize who a Chinese Government official is, nor is it  
3 anything that they mentioned or brought up in their first  
4 amended complaint. They're just on a fishing expedition to  
5 see if they could maybe turn over some information related to  
6 the granting of credit. So what does the granting of credit  
7 have to do with this case at all? Is there something that  
8 they say is a violation of the law, is there something that  
9 they would say, that is not only a violation of the law but I  
10 called it to your attention? Neither of those are framed nor  
11 part of their first amended complaint.

12 CDC, Your Honor, that's a new one on me, too. I  
13 didn't hear it from Mr. Adelson, I didn't hear it from Mr.  
14 Leven that there was a promise made by Edmond Ho that if we  
15 settled the CDC lawsuit that we would get strata title. So  
16 that's all brand new on their part.

17 I'll rely, Your Honor, on my objections in the  
18 pleadings with respect to --

19 THE COURT: Thanks.

20 MR. PEEK: -- 59 and 86.

21 THE COURT: Thank you.

22 The motion is granted in part. The limitation that  
23 is in the ESI protocol is the limitation that the parties  
24 agreed to at the outset of the case for the search of  
25 electronically stored information. To the extent that

1 information is not in an electronically stored format that  
2 limitation does not apply. But I am not going to force you to  
3 re-search those custodians within excess limitation without a  
4 further showing.

5 With respect to 29 the motion is granted with the  
6 limitation on the time that is included in the ESI protocol  
7 for that information that is electronically stored.

8 For Number 33 the same ruling.

9 Number 34, can we give a better definition of "key  
10 junket." And then we will also have that for five years prior  
11 to Mr. Jacobs's termination.

12 With respect --

13 MR. PEEK: How many, Your Honor? Five?

14 THE COURT: Five. Five years prior to his  
15 termination.

16 MR. PEEK: On ESI, or just --

17 THE COURT: No. Not on ESI. On other stuff. I  
18 anticipate there are other documents, not just ESI. But I'm  
19 not going to make you redo the ESI searches, because those  
20 custodians have already been searched.

21 With respect to 35, that one will be responded to.

22 With respect to 39, that would be limited to within  
23 10 years of today.

24 Number 40 will be responded to.

25 Number 49 will be responded to for the period that



1 is identified in the ESI protocol for electronic exhibits and  
2 for a period not to exceed five years for the others.

3 With respect to 50 those items will be produced for  
4 a period of five years unless they're electronically stored.

5 Number 51 the objection is sustained. There will  
6 have to be a further showing as to why this information would  
7 be relevant. Based upon what I currently have, I don't have  
8 it. It's without prejudice for you to renew it after you do  
9 some additional discovery.

10 With respect to 52, that is granted with a period of  
11 -- it's never been subject to the ESI protocol, so for a  
12 period of five years prior to Mr. Jacobs's termination.

13 MR. PEEK: I'm sorry, Your Honor. On that one  
14 again?

15 THE COURT: 52. That's the WDR. Five years prior  
16 to the termination.

17 CDC --

18 MR. PEEK: Did you say it wasn't part of the ESI  
19 protocol, or it's only hard documents?

20 THE COURT: WDR does not appear to be part of the  
21 ESI protocol. So a search does not appear to have been  
22 previously run under those custodians that would relate to WDR  
23 from my review.

24 The same for CDC.

25 I am sustaining --

1 MR. PEEK: What do you mean same for CDC?

2 THE COURT: The same time period. That does not  
3 appear to be part of what was previously searched.

4 MR. PEEK: Nor does it appear to be part of the  
5 complaint, Your Honor. So how would I be able to negotiate --  
6 respectfully, how would I be able --

7 THE COURT: Here's the problem, Mr. Peek. I sort of  
8 having a moving target that I heard about in the evidentiary  
9 hearing as to what the reasons are for the termination. At  
10 some point in time I've got to know what those reasons are,  
11 and your client's going to tell us what all those reasons were  
12 and we're going to hear about it in substantive discovery. I  
13 may be in a better position then to limit some of the  
14 responses, but based upon what I've heard so far I don't think  
15 so.

16 And I am sustaining your objections on 59 and 86  
17 because at this time this does not appear to be any  
18 potentially relevant material that will be elicited as a  
19 result of discovery.

20 Anything else?

21 MR. PEEK: Your Honor, with respect to 54 on the CDC  
22 case --

23 THE COURT: Yes.

24 MR. PEEK: -- certainly there would have been  
25 communications with Campbell and Williams, who were opposing

1 counsel on the settlement. And I want to just make sure that  
2 it's not an overly broad request that would require me to get  
3 into anything other than perhaps communications with Mr. Ho or  
4 any other -- let me just check for sure.

5 Yeah. It's, "Produce all documents and  
6 communications that concern, reference, or relate to  
7 settlement of the CDC case."

8 THE COURT: Yes.

9 MR. PEEK: Since the allegation in the relevancy  
10 argument is that strata title was promised as a result of the  
11 settlement of the CDC case, if you settle the CDC case we'll  
12 give you strata title. That would relate really not to just  
13 all general communications. This is overbroad, Your Honor,  
14 and should be limited --

15 THE COURT: I understand what you said. I overruled  
16 your objection.

17 MR. PEEK: So even our correspondence with Mr.  
18 Williams and Mr. Campbell and others related to that for a  
19 period -- I think you said, what --

20 THE COURT: Five years prior to termination.

21 MR. PEEK: -- five years before that?

22 THE COURT: I don't know when -- I don't know when  
23 the case was settled, so that, you know, makes it a little  
24 hard for me.

25 MR. BICE: Settled as part of the IPO.

1 THE COURT: Okay.

2 MR. PEEK: No. I understand that there's a period  
3 of time. But now we're talking about -- if the allegation,  
4 Your Honor, and the relevance -- and I know I'm arguing again  
5 with the Court about relevancy. But if the issue is we had  
6 communications with anybody at the Chinese Government or the  
7 Macau Government related to the settlement, saying that, if  
8 you settle this case then we will give you strata title, it  
9 should only be limited to those communications, if any exist  
10 whatsoever, with any Chinese Government official or any Macau  
11 Government official.

12 THE COURT: I disagree with you. But I did agree  
13 with you on 51.

14 MR. PEEK: Okay.

15 THE COURT: Anything else?

16 MR. PEEK: That's going to be a broad, broad, broad  
17 brush, Your Honor.

18 THE COURT: It may be.

19 MR. PEEK: And I don't even know what -- I mean, if  
20 I --

21 THE COURT: It may be.

22 MR. BICE: Your Honor, I just want to be clear on  
23 something, because I think that this ESI protocol is --

24 THE COURT: I'm having the criminal lawyers come in  
25 to put pressure on you.

1 MR. BICE: Understood, Your Honor.

2 I think this ESI protocol is being misused. I just  
3 want to be clear. You're not saying we cannot come to you  
4 consistent with the express reservation under Section 13 that  
5 specifically --

6 THE COURT: Absolutely not. I'm not precluding you  
7 from doing that. But based upon the ESI protocol as it  
8 currently exists and the language in that I'm not going to  
9 require them at this stage to do additional searches of those  
10 folks who were already identified as custodians given that  
11 there was an agreed-upon time frame. That's not saying that  
12 you might not come up with something, Judge, look what we  
13 found, we now need to do some additional discovery and have  
14 some additional searches run. But you're going to have to  
15 convince me of that.

16 MR. BICE: Understood. Because there are documents  
17 we --

18 THE COURT: And they have to have the opportunity to  
19 brief it.

20 MR. BICE: We will bring those documents and the  
21 bases for this to your attention, because these -- several of  
22 the events obviously -- let me just give you the following  
23 example. They claim that they shouldn't be required to  
24 produce any evidence of surveillance of Mr. Jacobs after the  
25 date --

1 THE COURT: I overruled that objection.

2 MR. BICE: I understand. But that's just an  
3 example, Your Honor. Communications that Ron Reese or other  
4 people were having admitting after Mr. Jacobs had filed the  
5 suit, for example, acknowledging that this matter that he was  
6 owed the money, as an example, that would be evidence of an  
7 admission or board communications after the date of him filing  
8 the complaint would serve as an admission. That's why we  
9 think that we're entitled to that information. So we'll come  
10 back to you on that.

11 THE COURT: And we'll see when I get a brief and I  
12 get a response and I have an argument.

13 MR. BICE: Understood, Your Honor.

14 THE COURT: Mr. Jones, good luck with figuring out  
15 the best way to handle that.

16 MR. BICE: Can I have a date on -- since this is now  
17 essentially two months --

18 THE COURT: How long do you need, Mr. Peek?

19 MR. PEEK: I don't know, Your Honor, given the  
20 broadened scope now.

21 THE COURT: It wasn't broad. This is what they  
22 asked for in June. And I understand that there's been some  
23 issues with vacations and other obligations and everything.  
24 I'm just trying to get a best guess so I don't give an  
25 unrealistic schedule to anyone given the fact that we have an

1 impending trial date although it's not in September or  
2 October. Best guess, Mr. Peek.

3 MR. PEEK: Best guess, end of September.

4 THE COURT: When are your depositions scheduled?

5 MR. BICE: We started one yesterday.

6 MR. PEEK: Your Honor, I'll give you an example.  
7 This is another case that I have, with Wynn-Okada. A rolling  
8 production based on RFPs --

9 THE COURT: I know. They're late on their rolling  
10 production.

11 MR. PEEK: -- that went all the way to August 31 --

12 THE COURT: I know.

13 MR. PEEK: And so it's kind of like a goose-gander  
14 here.

15 THE COURT: I just thought it was funny that  
16 somebody asked some justices to not hear Wynn-Okada because,  
17 you know, of the relationships on this. What'd they say?

18 MR. PISANELLI: We haven't heard. But if we're  
19 going to talk about goose-gander --

20 THE COURT: I don't want to talk about it.

21 MR. BICE: Understood.

22 THE COURT: So we're going to set an aspirational  
23 goal --

24 MR. BICE: But we have --

25 THE COURT: Wait. We're setting an aspirational

1 goal of 30 days. If for any reason they're not produced  
2 30 days from today, Mr. Peek, I need you at our next status  
3 conference to explain to me why.

4 MR. PEEK: Next status conference I think is next  
5 Thursday.

6 MR. BICE: Yes. We have --

7 THE COURT: Well, then you give me a better estimate  
8 at that time.

9 MR. PEEK: I will certainly -- we'll have another  
10 one, I think, after that, Your Honor, which would be -- two  
11 weeks from now would be the 27th. I'll come on the 27th and  
12 tell you.

13 THE COURT: Well, no. I want you to tell me if you  
14 anticipate there being a problem when I see you next week.

15 MR. BICE: Your Honor, we have initial experts due  
16 in mid September, and --

17 THE COURT: Then you're going to get the documents  
18 sooner or not designate your experts then, and I'm not sure I  
19 want to move the expert designation dates.

20 MR. BICE: Okay. Well, okay. We're going to have  
21 to be bringing multiple motions on this to your attention.

22 THE COURT: One would have thought that, yes.

23 MR. BICE: All right. Thank you, Your Honor.

24 THE COURT: Have a lovely day. Goodbye. Nice  
25 seeing you all again.



1           Mr. Jones, good luck with coming up with a way to  
2 handle that. But you understand what the issue is.

3           MR. RANDALL JONES: I do.

4           THE COURT: Okay.

5           THE PROCEEDINGS CONCLUDED AT 9:15 A.M.

6                           \* \* \* \* \*

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

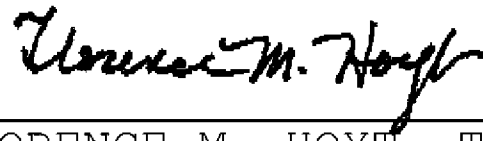
**CERTIFICATION**

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 8

# EXHIBIT 8

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

1 LAS VEGAS, NEVADA, MONDAY, AUGUST 24, 2015, 8:37 A.M.

2 (Court was called to order)

3 THE COURT: Good morning.

4 (Pause in the proceedings)

5 THE COURT: Great. Why don't we get started.

6 Good morning, Mr. Morris. How you today?

7 MR. MORRIS: Good morning, Your Honor.

8 THE COURT: If I could have everybody come forward  
9 to deal with the protective order that's on file.

10 MR. MORRIS: Why is it that we're the only ones here  
11 this time of day?

12 THE COURT: Because it's Monday. I do criminal  
13 starting at 9:00 o'clock. So if you hear people coming in  
14 through that door, just don't worry.

15 Mr. Pisanelli, if you and your team would identify  
16 yourselves, please.

17 MR. BICE: Good morning, Your Honor. Todd Bice on  
18 behalf of plaintiff.

19 MR. SMITH: Jordan Smith also on behalf of  
20 plaintiff.

21 MR. PISANELLI: James Pisanelli on behalf of the  
22 plaintiff.

23 MR. RANDALL JONES: Randall Jones on behalf of Sands  
24 China Limited.

25 MR. PEEK: Good morning, Your Honor. Stephen Peek

1 on behalf of Las Vegas Sands Corporation.

2 MR. MORRIS: Good morning, Your Honor. Steve Morris  
3 on behalf of Sheldon Adelson.

4 THE COURT: Okay. It's your motion.

5 MR. BICE: Good morning, Your Honor. This is our  
6 motion for protective order concerning a series of subpoenas  
7 that were issued to and served on entities that Mr. Jacobs has  
8 had prior relationships with, and then as well as Facebook,  
9 Your Honor.

10 Just by way of background, as the Court might  
11 remember, the defendants in this case have taken the position  
12 that prior disputes are not relevant and actually asked you to  
13 sustain their objections, which you did, to our discovery  
14 along the same lines. And let's remember, Your Honor, what  
15 our position is in this case. Our position is that this  
16 company and Mr. Adelson in particular have a history of  
17 manufacturing for-cause excuses for breaching contracts after  
18 the fact so as to try and negotiate a hefty discount for  
19 themselves on what they are owed. Mr. Pisanelli and I have  
20 some personal knowledge of those disputes, because we were  
21 involved in some of them, and they are both employment  
22 disputes and other disputes. We've mentioned one of them  
23 before being with the contractors that I know that the Court  
24 is familiar with. There are other employment disputes,  
25 including with Mr. William Weidner. There are convention

1 disputes where similar tactics were employed by the company.  
2 So our point is that there's been a long, long history of Mr.  
3 Adelson and his company taking the position of, if you don't  
4 give me a discount off of what I owe you you can sue me.

5           And we know that's what happened. We have  
6 substantial evidence, Your Honor, that that's exactly what  
7 happened here with Mr. Jacobs, as Mr. Leven admitted on the  
8 witness stand to Your Honor. When he met with Mr. Jacobs he  
9 didn't know whether or not they were terminating him for  
10 cause; he just simply said, we know we're not going to honor  
11 the agreement. And that's our position, is that's what  
12 happened here. They objected to that, and the Court said that  
13 we could not have discovery on that issue.

14           After the Court's ruling they then served subpoenas  
15 upon prior employers of Mr. Jacobs, claiming that they are  
16 entitled to all personnel records of any sort concerning the  
17 matter. And, again, Your Honor, our point here is that that  
18 is way overbroad, and under their own standard of relevancy it  
19 isn't relevant to this proceeding. If it is relevant to this  
20 proceeding, then their position that prior disputes that Mr.  
21 Adelson has been involved in in engaging similar tactics of,  
22 our position is, manufacturing reasons not to honor contracts  
23 after the fact would also be relevant. And having prevailed  
24 on the very argument that they are now seemingly abandoning,  
25 Your Honor, they shouldn't be allowed to do that. It's as

1 simple as that.

2 THE COURT: Thank you.

3 MR. BICE: Thank you.

4 MR. RANDALL JONES: Your Honor, first of all this  
5 motion should be denied on its face. They failed to comply  
6 with NRCP 26(c) or 2.34(d), period, end of the story. We have  
7 been called out so many times of having violated the rules.  
8 Mr. Bice gets up here and starts hammering away at all the bad  
9 conduct of the counsel and their client. He didn't even try  
10 to comply with the rules.

11 He sent me email that you'll note that he abandoned  
12 his argument about not getting notice. He did get notice. He  
13 apparently didn't look at it. Which, you know, I understand;  
14 we all get a lot of emails. But he did get notice.

15 He then sends me an email and says, I've got an  
16 issue here. I respond, and I respond right away, and I tell  
17 him early last week, hey, we've got one response from a  
18 subpoena, they didn't have any records, I'm happy to talk to  
19 you about it. His own email says, I'll get back to you about  
20 this. And then he doesn't. The rules say his motion is --  
21 first of all is premature. It is void under our rules. And  
22 every time, and I believe it's happened in this case, that you  
23 said that you don't comply with your meet and confer the  
24 motion is premature.

25 And, by the way, Judge, these depositions were



1 intentionally set way out late in September to give everybody  
2 a time. I wanted a place set. That's all I wanted. I wanted  
3 to get some time set so that -- because there's a lot of  
4 lawyers to coordinate here, there's a lot of parties. I  
5 anticipated that we were going to have to move dates. So when  
6 I sent my email back --

7 I should also tell you when we first got the call  
8 from Mr. Bice's office they asked about that, and I told the  
9 secretary that called back say, make sure to tell them that  
10 these dates can be moved. I put that in my email. Why do we  
11 have to have the urgency. Mr. Bice knows my client is in  
12 Macau. I was waiting till 9:00 o'clock last night to get  
13 feedback, which was early, early morning, I think 7:00 o'clock  
14 in the morning on Monday in Macau I finally got some feedback  
15 from my client. Mr. Bice knows this. We've had this issue  
16 come up before with this Court so I could get some feedback  
17 from my client. He files his motion late on Thursday, I tried  
18 to get things done on Friday. I finally get some response at  
19 9:00 o'clock last night. That's why it's so late, Judge. I  
20 would have otherwise got it in sooner.

21 THE COURT: That's okay.

22 MR. RANDALL JONES: So the point is there should be  
23 no discussion about this. You should at most --

24 THE COURT: So let me ask a couple questions. It  
25 sounds like that the issue that caused me the most concern was

1 the subpoenas were being served without notice has not been  
2 confirmed because they were served through the Wiznet system.  
3 Whether people actually got them or not is an entirely  
4 different issue. But they were served through the Wiznet  
5 system.

6 MR. RANDALL JONES: Right.

7 THE COURT: You're telling me that people are  
8 responding well in advance of the September 23rd noticed CR  
9 deposition?

10 MR. RANDALL JONES: The one response I had was from  
11 in-house counsel, saying, we have no have documents, they've  
12 all been destroyed. Which we passed on to Mr. Bice.

13 THE COURT: Okay. Here's my concern.

14 MR. RANDALL JONES: And I haven't had any other  
15 responses.

16 THE COURT: Here's my only concern. Because the  
17 reason I had it set had to do with the fact that subpoenas  
18 were being served and notice wasn't being provided, which is  
19 disturbing to me.

20 MR. RANDALL JONES: Of course it would have been.  
21 Understood.

22 THE COURT: But apparently that wasn't an issue. So  
23 I always have a concern when subpoenas are being served on  
24 third parties that the opportunity to object if there's a  
25 privilege issue or some sort of other personal protection

1 issue that we would recognize either under protective orders  
2 that have been issued in this case or the sealing or redacting  
3 of records that those are respected.

4 MR. RANDALL JONES: Understood.

5 THE COURT: If you have people who are responding a  
6 month before the subpoena's due, that causes me concern,  
7 because we set the custodian of records deposition as a return  
8 date so that we can have the time for people to file their  
9 objections to the subpoenas.

10 MR. RANDALL JONES: I totally get that, Your Honor.  
11 That's why I was waiting for Mr. Bice to call me.

12 THE COURT: You've only got one who's responded?

13 MR. RANDALL JONES: Only had one. And they said  
14 they have no documents. And here's the point. Mr. Bice said,  
15 I'll get back to you. All he had to do is call me and say,  
16 hey, look, I've got some real issues with your subpoenas, if  
17 you get any more documents I would ask you that if you get any  
18 you don't look at anything until we are able to sort this out.  
19 In which case I would have said, absolutely --

20 THE COURT: Okay.

21 MR. RANDALL JONES: -- I would be happy to  
22 accommodate you in that regard. I didn't anticipate -- I  
23 didn't call anybody ahead of time, I didn't anticipate anybody  
24 giving me information back that quickly, but I would have been  
25 more than happy -- you know, I believe I have been willing to

1 work with Mr. Bice on these kind of issues in the past. If he  
2 would have told me, I'm concerned about these issues and I  
3 would like to have a discussion, if you do get anything back I  
4 would ask you please don't look at anything, I would have been  
5 happy to accommodate that as an officer of the court, I would  
6 have put that in writing, we could have had a meet and confer,  
7 and we wouldn't have had to spend the time and I wouldn't have  
8 had to spend the weekend frantically trying to get a hold of  
9 my client so we could get some response to this. And I think  
10 they should pay the attorneys' fees and costs associated with  
11 this motion which is on its face violative of the rules. It  
12 was unnecessary. And the Court has ordered costs to be paid  
13 by my client in other circumstances where you felt we did  
14 something inappropriate. This is on its face inappropriate,  
15 and we should get those costs.

16 THE COURT: Thank you.

17 Mr. Bice, anything else?

18 MR. BICE: Yes, Your Honor. Your Honor, I'm going  
19 to give you the email exchange between myself and Mr. Jones.  
20 I don't think it is as advertised.

21 MR. RANDALL JONES: Well, it should have been  
22 attached to the motion.

23 THE COURT: Okay.

24 MR. BICE: All right. Your Honor, let me deal with  
25 a couple of substantive points. The assertion that we were

1 served I think is beyond misleading. If you look at the  
2 purported proofs of service attached to these documents, these  
3 subpoenas, they claim that Mr. Pisanelli, myself, Ms.  
4 Spinelli, and Jordan Smith were all served through the Wiznet  
5 system. They've now admitted in their opposition that's not  
6 true, that all of the proofs of service are inaccurate, number  
7 one. And if this is going to be latest maneuver now, is -- I  
8 think we've had a working relationship about making sure that  
9 everybody in the firms were served. They've asked us to make  
10 sure that certain associates, paralegals, other people in  
11 their offices are served with documents. We have done that.  
12 We've asked them to do the same. It's only -- and this is the  
13 first time where they didn't do that. In fact --

14 THE COURT: Well, the paralegals weren't served, the  
15 calendaring people.

16 MR. BICE: Well, secretaries, all of our litigation  
17 cartel wasn't served.

18 THE COURT: No, I understand. I've got you and Ms.  
19 Spinelli.

20 MR. BICE: That is true. Ms. Spinelli and I  
21 received an email.

22 THE COURT: Right.

23 MR. BICE: Just like everybody else in our office  
24 normally receives all the emails. We had no reason to  
25 understand that somebody had de-selected everybody else in our

1 firm for service of these documents. That wasn't the proper  
2 service, that's not consistent with what the certificates of  
3 service even say. The certificates of service are inaccurate,  
4 because they didn't serve all of those people just as they  
5 have been asking us to do. So if that's going to be the new  
6 norm in this case, fine. There are a number of people that  
7 can play that game if that's the way that they're -- if that's  
8 their position in this.

9           So when I found out that in fact these subpoenas had  
10 gone out I sent Mr. Jones an email, because he had sent me a  
11 lengthy email saying that they'd had this similar problem with  
12 Wiznet. And that's the email I just showed you. So we --

13           THE COURT: That document is Exhibit B to their  
14 opposition.

15           MR. BICE: We didn't understand that, so we then  
16 started looking into this. And what we determined was, again,  
17 Ms. Spinelli and I were apparently not de-selected from the  
18 service list, but everybody else in our firm was, and it  
19 didn't have anything to do with Wiznet, it had to do with who  
20 they decided to serve and who they decided not to serve. So,  
21 yes, they can we got service. Yep, that's right. We did. So  
22 if that's the way it's going to be in this case moving  
23 forward, we understand the game rules now -- or the game plan  
24 now.

25           So, that being the case, we got the subpoenas. Once

1 I found out about them I sent Mr. Jones the email in response  
2 to his lengthy email, and all I asked was, have they been  
3 served. It was obvious that they had been served, because he  
4 said, we've already gotten responses back from one of them.  
5 So that's why we had to file our motion when we did. He never  
6 offered to say, listen, we haven't gotten any of the others  
7 back and they haven't even been served. We had to act  
8 promptly in light of what we knew when we knew it. And that's  
9 why we acted promptly.

10 And so I'm not going to apologize for filing a  
11 motion for protective order. They're engaged in, with all due  
12 respect, a lot of doublespeak here on what the standard is.  
13 Because, again, their objection was, well, prior disputes  
14 involving the company and Mr. Adelson aren't relevant, Your  
15 Honor, they can't have that information. They also asked us  
16 for this information in requests for production of documents,  
17 which we noted the same objection. You notice they didn't  
18 come and file a motion to compel with the Court; instead, only  
19 after they got a ruling from you that we can't have this  
20 information they then go around and serve third parties with  
21 subpoenas, and I would submit to try and circumvent their own  
22 very -- to go around their own very successful argument in  
23 opposing our discovery on this point.

24 So with that, Your Honor, turning to the merits of  
25 this, again, as we have cited the caselaw, using their own

1 argument, this isn't appropriate discovery. You can't take  
2 the position that your prior disputes in litigation aren't  
3 relevant but anything that Mr. Jacobs has in terms of a prior  
4 dispute -- and this isn't even limited to disputes. This is  
5 just all personnel records from any prior employer that they  
6 could find. And then Facebook, Your Honor. There again under  
7 the Electronic Storage Act you can't obtain this information.  
8 This isn't even allowed discovery under federal law. That's  
9 our point, Your Honor. It's as simple as that.

10 THE COURT: Do you know how often Facebook comes in  
11 at trial in this department?

12 MR. BICE: I know, Your Honor.

13 THE COURT: Okay. Anything else?

14 MR. BICE: No, Your Honor.

15 THE COURT: All right.

16 MR. RANDALL JONES: Your Honor, there were a couple  
17 of statements that were made that --

18 THE COURT: That's okay, Mr. Jones. Thank you.

19 The motion for protective order is granted in  
20 limited part. First I'm going to reiterate that it is  
21 critical that the staff members who are responsible for  
22 receiving, reviewing, and calendaring be served; because, if  
23 they're not served, then the whole system fails. And both of  
24 you know that.

25 MR. RANDALL JONES: Your Honor, can I address that



1 point? Because there was an accusation made, but I didn't get  
2 a chance -- he didn't bring it up in his first statement. My  
3 secretary's been out all week on medical leave. When I found  
4 out that that was done, initially I thought it was just  
5 Wiznet's problem we had to get the courts involved with.  
6 That's why my email. When I found out that was done I made  
7 sure to go back and tell them -- Bill Coulthard's secretary  
8 did this. And when I found out about it I said, you screwed  
9 up, don't do that again. So it was --

10 THE COURT: It happens.

11 MR. RANDALL JONES: It does. And I resent the  
12 accusation --

13 THE COURT: That's how life is.

14 MR. RANDALL JONES: -- that this was a maneuver and  
15 this is the new norm. It is not. We have would intend to do  
16 that.

17 THE COURT: Nobody's saying it was a maneuver.

18 MR. RANDALL JONES: Yes. Mr. Bice exactly said it  
19 was a maneuver.

20 THE COURT: Guys. Gentlemen.

21 Okay. So it's really important that you make sure  
22 that the people who are responsible for actually receiving and  
23 calendaring receive them. So please don't de-select them even  
24 if it's by accident.

25 MR. RANDALL JONES: We will make sure, Your Honor.

1           THE COURT: The responsive documents to the  
2 subpoenas need to be provided in an unreviewed condition to  
3 Mr. Jacobs's counsel when they are received from any of the  
4 respondents. Mr. Jacobs's counsel will then have the  
5 opportunity to review and provide any additional objections or  
6 a privilege log for any documents. I will do an in-camera  
7 review, if appropriate, prior to the release of any of the  
8 information.

9           How long do you think, Mr. Bice, is a good timeline,  
10 given your other challenges, for review once documents are  
11 received?

12           MR. BICE: Depending upon the size of the amount,  
13 Your Honor, I don't know. I don't think it's going to be a  
14 lot of documents, and I wouldn't think that it would be all  
15 that long.

16           THE COURT: Don't we have an aspirational goal with  
17 two-week turnaround?

18           MR. BICE: Absolutely. Absolutely. And if there's  
19 some issue with that, then I'll raise it with the Court during  
20 one of our status conferences.

21           THE COURT: Okay. I'm not going to award attorneys'  
22 fees, because I was concerned about the service issues. My  
23 concern about the service issue even if it was a mistake  
24 remains, so I'm not going to award attorneys' fees at this  
25 time.

1           MR. RANDALL JONES: Your Honor, I just -- I have to  
2 ask, then, are we not required to meet and confer in the  
3 future? Because --

4           THE COURT: You are required to meet and confer.

5           MR. RANDALL JONES: Then is there no sanction for  
6 utterly failing to meet and confer when he said he was going  
7 to do that? We wouldn't have had to be here today.

8           THE COURT: Here's the issue, Mr. Jones. You served  
9 third parties with subpoenas, and those third parties are  
10 responding 30 days in advance of the due date.

11          MR. RANDALL JONES: And I immediately told him that.

12          THE COURT: To me that is a significant issue. And  
13 because of that particular issue is why I set this on a Monday  
14 morning at 8:30, as opposed to my usual civil calendar.  
15 Because I don't usually have the experience where people  
16 respond to a custodian of records subpoena 30 days in advance  
17 of the return date, and I was concerned we might have some  
18 documents that got produced. And, you know, usually I would  
19 just issue an order the same as I did today, you hand them  
20 over to him, he reviews them, we then go one way or the other.  
21 But I was concerned I wasn't going to get that chance given  
22 the early response.

23          MR. RANDALL JONES: And I understand that.

24          THE COURT: So that's why I set it.

25          MR. RANDALL JONES: That's makes total sense. And

1 guess how he found out? From me. I immediately told him I  
2 had a response so that he could then take whatever action he  
3 thought was appropriate. And he took we believe to be the  
4 inappropriate action under the rules.

5 THE COURT: Okay. Anything else?

6 MR. RANDALL JONES: No.

7 THE COURT: Have a lovely day. Thank you so much  
8 for coming in on Monday. Have a nice day.

9 MR. BICE: Thank you, Your Honor.

10 THE PROCEEDINGS CONCLUDED AT 8:56 A.M.

11 \* \* \* \* \*

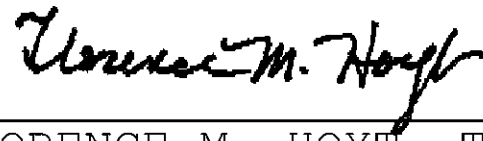
**CERTIFICATION**

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

**AFFIRMATION**

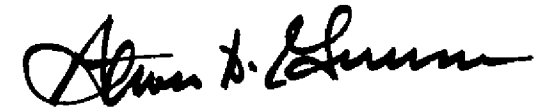
I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

**FLORENCE HOYT  
Las Vegas, Nevada 89146**

  
\_\_\_\_\_  
FLORENCE M. HOYT, TRANSCRIBER

# EXHIBIT 7

# EXHIBIT 7



CLERK OF THE COURT

J. Randall Jones, Esq.  
Nevada Bar No. 1927  
jrj@kempjones.com  
Mark M. Jones, Esq.  
Nevada Bar No. 267  
m.jones@kempjones.com  
KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
Las Vegas, Nevada 89169  
*Attorneys for Sands China Ltd.*

J. Stephen Peek, Esq.  
Nevada Bar No. 1758  
speek@hollandhart.com  
Robert J. Cassity, Esq.  
Nevada Bar No. 9779  
bcassity@hollandhart.com  
HOLLAND & HART LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134  
*Attorneys for Las Vegas Sands Corp.  
and Sands China Ltd.*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

STEVEN C. JACOBS,

Plaintiff,

v.

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

Defendants.

AND ALL RELATED MATTERS.

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

**SANDS CHINA LTD.'S OPPOSITION  
TO PLAINTIFF STEVEN C. JACOBS'  
MOTION FOR PROTECTIVE ORDER  
REGARDING THIRD PARTY  
SUBPOENAS**

Date: August 24, 2015  
Time: 8:30 a.m.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

For almost five years, despite the Nevada Supreme Court's stay on merits discovery, Plaintiff has sought and received (and now continues to seek and receive) broad discovery pre and post dating the time of his employment on topics involving third parties having nothing to do

1 with his brief time in Macau. Despite that lopsided record, Plaintiff now seeks to eliminate the  
2 most basic of inquiries into his work history. Moreover, despite being allowed inquiry into every  
3 non-public media contact or libel issue faced by LVSC, he objects to inquiry into his own social  
4 media comments. Citing cases that actually support the discovery sought and ignoring the  
5 procedural requirements of a meet and confer, Plaintiff fails to support his objections. Moreover,  
6 his claims of lack of notice are belied by the record. Further compounding these errors is the fact  
7 that Plaintiff provided almost no support for his request for an order shortening the time and  
8 provided only a single judicial day of notice to SCL—whose principal place of business is in  
9 Macau and operates more than 15 hours ahead of Nevada. Thus, SCL’s counsel had very little  
10 time to prepare an opposition to a Motion. It is extremely difficult for SCL’s attorneys in the  
11 United States to consult with their client in Macau under such circumstances. This frivolous  
12 motion on order shortening time should be rejected.

13 In addition, Plaintiff should pay all costs associated with responding to this motion.  
14 Plaintiff’s counsel, who have consistently (and erroneously) accused Defendants of failing to  
15 comply with the rules of discovery in this case, and made no effort whatsoever to comply with  
16 their obligations under NRCP 26(c) or EDRC 2.34 to meet and confer with counsel for Sands  
17 China, Ltd. (“SCL”) before seeking intervention from this Court. As a result, Plaintiff’s motion  
18 is fatally premature, and Plaintiff should pay all costs associated with responding to it.

## 19 II. STATEMENT OF FACTS

20 On August 11, 2015, SCL served Plaintiff’s counsel with notice of certain depositions of  
21 Jacobs’ former employers and a Subpoena *Duces Tecum* to Facebook, Inc. Jacobs claims that he  
22 did not receive actual notice of the subpoenas until August 19, 2015. However, Wiznet’s  
23 electronic records show that the notices were electronically served on both Todd Bice, Esq. and  
24 Debra L. Spinelli, Esq. on August 11. Copies of emails proving service to Mr. Bice and Ms.  
25 Spinelli on August 11 are attached hereto as Exhibit A. Following the questions from Plaintiff’s  
26 counsel regarding service on August 19th, Randall Jones, Esq. sent an email to Todd Bice, Esq.  
27 offering to answer any questions and to further discuss the subpoenas. Exhibit B, attached hereto.  
28



1 Mr. Bice's response indicated that he would follow up as to the substance of Mr. Jones' email.  
2 *Id.* But Mr. Bice did not follow up prior to this Motion being filed, nor did he ever seek to arrange  
3 a meet-and-confer as the Nevada rules require.

4 Due to the Court's addition of non-parties to the e-service list for this case, SCL must now  
5 take precautions to ensure that non-public discovery documents are not disclosed to the public.  
6 While the Pisanelli Bice litigation portal may not have been served, it is inaccurate for Plaintiff's  
7 counsel to claim that they were not given actual notice on August 11, 2015, since it is evident that  
8 both Todd Bice, Esq. and Debra L. Spinelli, Esq. were electronically served on that date.<sup>1</sup>

9 SCL has served all of the subpoenas attached as exhibits to Plaintiff's Motion. However,  
10 the earliest deposition is not set to occur until September 21, 2015, and the response to the  
11 Subpoena *Duces Tecum* to Facebook is not due until September 25, 2015. As evidenced by  
12 Exhibit B, Mr. Jones also indicated in his email response that the deposition dates provided for in  
13 the third party subpoenas could be moved to accommodate the parties' schedules if need be. Thus,  
14 even if Plaintiff's counsel did not learn of the subpoenas until August 19—notwithstanding the  
15 fact that they were served on Mr. Bice and Ms. Spinelli on August 11—there was still plenty of  
16 time for a required meet and confer. The only urgency related to this motion was completely  
17 contrived by Plaintiff's counsel in direct violation of the rules. Moreover, only one subpoena  
18 recipient, Holiday Inn Worldwide, has contacted SCL, and that party has indicated that, due to its  
19 document retention policies, it does not possess any responsive documents, which information  
20 was also passed on to Plaintiff's counsel in the email.

### 21 **III. ARGUMENT**

#### 22 **A. The Motion is in direct violation of NRCP 26 (c) and EDRC 2.34 (d), and is** 23 **therefore void on its face, and must be denied as premature.**

24 "Discovery motions **may not be filed** unless an affidavit of moving counsel is attached  
25 thereto setting forth that after a discovery dispute conference or a good faith effort to confer,

---

26  
27 <sup>1</sup> Because of this, the staff member for SCL who served the subpoenas was overly cautious and checked the service  
28 box only for those attorneys she believed to be Plaintiff's counsel, namely Todd Bice, Esq. and Debra L. Spinelli,  
Esq

1 counsel have been unable to resolve the matter.” (Emphasis added) *See* EDCR 2.34(d). In  
2 addition, NRCP 26(c) specifically requires that a movant’s motion for protective order must be  
3 “accompanied by a certification that the movant has in good faith conferred or attempted to confer  
4 with the other affected parties in an effort to resolve the dispute without court action.” Plaintiff  
5 has completely disregarded these rules and requirements. It is clear from the Declaration of Todd  
6 Bice, Esq. attached to Plaintiff’s Motion that Plaintiff did not even attempt to schedule a meet and  
7 confer conference, even though he promised to get back to SCL’s counsel in his email. In short,  
8 the Plaintiff has not made any effort, let alone a good faith effort, to confer with SCL to try to  
9 resolve, or at least narrow, the discovery dispute without court action. Therefore, pursuant to  
10 Nevada law this Motion must be denied.

11 **B. The subpoenas seek information that may lead to the discovery of admissible**  
12 **evidence, and are therefore, appropriate concerning the issue of Jacobs’**  
13 **termination and any post-termination disputes and/or settlements.**

14 In any event, Jacobs’ wholesale objection to the subpoenas should be rejected. The  
15 subpoenas seek to elicit documents and information reasonably calculated to lead to the discovery  
16 of admissible evidence. Specifically: (a) Jacobs’ pattern and practice of not entering into written  
17 employment agreements, (b) his pattern of insubordination and being terminated from his jobs,  
18 and (c) his pattern and practice of using the legal system to coerce post-termination settlements  
19 from his employers. Documents and testimony regarding Jacobs’ prior written employment  
20 agreements, the reasons for his termination from his prior positions, or any notes, memos, letters  
21 or similar documents involving disciplinary, insubordination or employee evaluation issues, and  
22 any disputes between Jacobs and his prior employers following his termination and the resolution  
23 of those disputes are all clearly relevant to Plaintiff’s claims and the Defendants’ defenses.

24 Under these circumstances, *Singletary v. Sterling Transport Co., Inc.*, 289 F.R.D. 237  
25 (E.D. Va. 2012), which Plaintiff cites in his Motion at page 6, supports SCL’s position, rather  
26 than Plaintiff’s. In *Singletary*, the plaintiff alleged violations of the Fair Labor Standards Act  
27 (“FLSA”). The defendant served subpoenas *duces tecum* on the plaintiff’s previous employers  
28 seeking his complete employment files. 289 F.R.D. at 238-239. The Court determined that a

1 request for the complete employment file was overbroad. However, the court noted that  
2 information relating to the plaintiff's FLSA claims against previous employers would be  
3 discoverable, noting, that "if Defendant possesses evidence indicating that Plaintiff previously  
4 engaged in FLSA litigation against any particular employer, Defendant need not seek the Court's  
5 permission before issuing a subpoena to that employer for documents relevant to that particular  
6 litigation." *Id.* at 242.

7 *Singletary* supports the propriety of SCL's subpoenas. SCL has evidence that Jacobs had  
8 disputes with several of his former employers related to his termination and contractual issues.  
9 Jacobs testified to that fact in his deposition in the Florida defamation action related to this case.  
10 SCL is entitled to follow up on this information from other sources. Due to the similarity of  
11 Jacobs' disputes with former employers to the instant action, *Singletary* supports the discovery of  
12 relevant documents and testimony from former employers. The information sought by the  
13 subpoenas related to Jacobs' contracts, disciplinary, insubordination or evaluation records,  
14 reasons for termination, and post-termination disputes are all reasonably calculated to lead to the  
15 discovery of admissible evidence in this case. SCL believes that evidence will show that, far from  
16 being a victim of any wrongful conduct, Plaintiff orchestrated events in a way that was designed  
17 to set up his employer for a significant settlement. While it is obvious and understandable why  
18 Plaintiff wants to hide this evidence from view, now that the shoe is on the other foot in the  
19 discovery process, this Court should hold Plaintiff to the same exacting discovery standards it has  
20 required of Defendants, and allow the subpoenas to stand, and the discovery to proceed.

21 **C. Courts have allowed subpoenas to issue to social media providers.**

22 Plaintiff relies on The Stored Communications Act ("SCA") for his contention that civil  
23 subpoenas may not compel production of records from social media providers like Facebook.  
24 Yet other courts have **allowed subpoenas to issue to social media providers**, see *Ledbetter v.*  
25 *Wal-Mart Stores, Inc.*, 2009 WL 1067018, (D. Colo. Apr. 21, 2009) (court found that the  
26 subpoenas were "reasonably calculated to lead to the discovery of admissible evidence as is  
27 relevant to the issues in this case.") and *Romano v. Steelcase Inc.*, 907 N.Y.S.2d 650, (Sup. Ct.  
28

1 2010) (court found that defendant's request fell within the scope of permissible discovery under  
2 New York evidence law and production of said documents did not violate the plaintiff's right to  
3 privacy).

4 SCL believes that Jacobs deleted his Facebook account as a direct result of this litigation  
5 because it contained posts related to his reasons for termination and statements regarding his  
6 employment and his employers. If this is true, Jacobs' has intentionally spoiled evidence and  
7 SCL is entitled to discover the information. Therefore, SCL respectfully requests that the Court  
8 deny a protective order in relation to the Subpoena *Duces Tecum* to Facebook.

9 **IV. CONCLUSION**

10 SCL asks this Court to deny the Motion for failure to comply with the pre-motion  
11 requirements of NRCP 26(c) and EDCR 2.34. If the Court is inclined to consider the Motion on  
12 its merits, the subpoenas should be allowed to the extent that they seek all information that may  
13 lead to the discovery of admissible evidenced based on the allegations, claims and defenses  
14 proffered in this case. In addition, the Defendants should be awarded attorneys' fees for having  
15 to respond to this procedurally defective and frivolous motion.

16 DATED August 24, 2015.

17 */s/ J. Randall Jones*

18 \_\_\_\_\_  
19 J. Randall Jones, Esq.  
20 Mark M. Jones, Esq.  
21 Kemp, Jones & Coulthard, LLP  
22 3800 Howard Hughes Pkwy., 17<sup>th</sup> Floor  
23 Las Vegas, Nevada 89169  
24 *Attorneys for Sands China, Ltd.*

25 J. Stephen Peek, Esq.  
26 Robert J. Cassity, Esq.  
27 Holland & Hart LLP  
28 9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134  
*Attorneys for Las Vegas Sands Corp. and Sands China, Ltd.*

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

**CERTIFICATE OF SERVICE**

I certify that on August 24, 2015, the foregoing **SANDS CHINA LTD.’S OPPOSITION TO PLAINTIFF STEVEN C. JACOBS’ MOTION FOR PROTECTIVE ORDER REGARDING THIRD PARTY SUBPOENAS** was served on the following parties through the Court’s electronic filing system:

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

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

J. Stephen Peek, Esq.  
Robert J. Cassity, Esq.  
Holland & Hart LLP  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, NV 89134

*/s/ David Blake*

---

An employee of Kemp, Jones & Coulthard, LLP

# EXHIBIT A

# EXHIBIT A

## Ian McGinn

---

**From:** no-reply@tylerhost.net  
**Sent:** Tuesday, August 11, 2015 4:20 PM  
**To:** Ian McGinn  
**Subject:** Service Notification of Filing Case(Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)) Document Code:(Service Only) Filing Type:(SO) Repository ID(7276847)

This is a service filing for Case No. A-10-627691-B, Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)

This message was automatically generated; do not reply to this email. Should you have any problems viewing or printing this document, please call (800)297-5377.

Submitted: 08/11/2015 03:03:12 PM

Case title: Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)  
Document title: Notice of Deposition of Custodian of Records of Facebook, Inc.  
Document code: Service Only Filing Type: SO  
Repository ID: 7276847  
Number of pages: 9  
Filed By: Kemp, Jones & Coulthard, LLP

To download the document, click on the following link shown below or copy and paste it into your browser's address bar.

<https://wiznet.wiznet.com/clarknv/SDSubmit.do?code=ef828d3dc65d8a097d04e1d3a547382ec5c26e38cae9c3804cd9eef18e46ec322637c06cc662150e>

This link will be active until 08/21/2015 03:03:12 PM.

Service List Recipients:

Holland & Hart  
Steve Peek

Holland & Hart LLP  
Robert Cassity

Holland and Hart  
J. Stephan Peek

Kemp Jones & Coulthard  
Ian P. McGinn  
Jon Randall Jones  
Sandy Sell

Kemp, Jones & Coulthard  
Erica Bennett  
J. Randall Jones  
Janet Griffin  
Janet Griffin

Mark M. Jones  
Spencer Gunnerson

Morris Law Group  
Rosa Solis-Rainey  
Steve Morris

Morris Legal Group  
Steven L Morris

Pisanelli Bice  
Todd Bice

Pisanelli Bice PLLC  
Debra L. Spinelli  
Todd Bice

Non Consolidated Cases  
EFO \$3.50EFS \$5.50  
SO \$3.50

EF828D3DC65D8A097D04E1D3A547382EC5C26E38CAE9C3804CD9EEF18E46EC322889C2B1EBACEC00B4224FBA12BF29  
CA221675867E675AC0  
mail.tylerhost.net



## Ian McGinn

---

**From:** no-reply@tylerhost.net  
**Sent:** Tuesday, August 11, 2015 4:21 PM  
**To:** Ian McGinn  
**Subject:** Service Notification of Filing Case(Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)) Document Code:(Service Only) Filing Type:(SO) Repository ID(7276870)

This is a service filing for Case No. A-10-627691-B, Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)

This message was automatically generated; do not reply to this email. Should you have any problems viewing or printing this document, please call (800)297-5377.

Submitted: 08/11/2015 03:03:01 PM

Case title: Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)  
Document title: Notice of Taking Deposition of Custodian of Records of Vagus Group, Inc.  
Document code: Service Only Filing Type: SO  
Repository ID: 7276870  
Number of pages: 8  
Filed By: Kemp, Jones & Coulthard, LLP

To download the document, click on the following link shown below or copy and paste it into your browser's address bar.

<https://wiznet.wiznet.com/clarknv/SDSubmit.do?code=ef828d3dc65d8a098bcaea6b531697aabb2c80ae11d19c96c12db369355af81d7d61dad359f645f0>

This link will be active until 08/21/2015 03:03:01 PM.

Service List Recipients:  
Holland & Hart  
Steve Peek

Holland & Hart LLP  
Robert Cassity

Holland and Hart  
J. Stephan Peek

Kemp Jones & Coulthard  
Ian P. McGinn  
Jon Randall Jones  
Sandy Sell

Kemp, Jones & Coulthard  
Erica Bennett  
J. Randall Jones  
Janet Griffin  
Janet Griffin

Mark M. Jones  
Spencer Gunnerson

Morris Law Group  
Rosa Solis-Rainey  
Steve Morris

Morris Legal Group  
Steven L Morris

Pisanelli Bice  
Todd Bice

Pisanelli Bice PLLC  
Debra L. Spinelli  
Todd Bice

Non Consolidated Cases  
EFO \$3.50EFS \$5.50  
SO \$3.50

EF828D3DC65D8A098BCAEA6B531697AABB2C80AE11D19C96C12DB369355AF81D2C6D2CD74FB5083035B909639758D  
CCD0885BCEFF6843D22  
mail.tylerhost.net

## Ian McGinn

---

**From:** no-reply@tylerhost.net  
**Sent:** Tuesday, August 11, 2015 4:24 PM  
**To:** Ian McGinn  
**Subject:** Service Notification of Filing Case(Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)) Document Code:(Service Only) Filing Type:(SO) Repository ID(7276900)

This is a service filing for Case No. A-10-627691-B, Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)

This message was automatically generated; do not reply to this email. Should you have any problems viewing or printing this document, please call (800)297-5377.

Submitted: 08/11/2015 03:03:22 PM

Case title: Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)  
Document title: Notice of Taking NRCP 30(b)(6) Deposition of Vagus Group, Inc.  
Document code: Service Only Filing Type: SO  
Repository ID: 7276900  
Number of pages: 8  
Filed By: Kemp, Jones & Coulthard, LLP

To download the document, click on the following link shown below or copy and paste it into your browser's address bar.

<https://wiznet.wiznet.com/clarknv/SDSubmit.do?code=ef828d3dc65d8a09cc5773dfb5316d8f4bd0d73303930e35f0e1cb01a178809b6390208e8021b11e>

This link will be active until 08/21/2015 03:03:22 PM.

Service List Recipients:

Holland & Hart  
Steve Peek

Holland & Hart LLP  
Robert Cassity

Holland and Hart  
J. Stephan Peek

Kemp Jones & Coulthard  
Ian P. McGinn  
Jon Randall Jones  
Sandy Sell

Kemp, Jones & Coulthard  
Erica Bennett  
J. Randall Jones  
Janet Griffin  
Janet Griffin

Mark M. Jones  
Spencer Gunnerson

Morris Law Group  
Rosa Solis-Rainey  
Steve Morris

Morris Legal Group  
Steven L Morris

Pisanelli Bice  
Todd Bice

Pisanelli Bice PLLC  
Debra L. Spinelli  
Todd Bice

Non Consolidated Cases  
EFO \$3.50EFS \$5.50  
SO \$3.50

EF828D3DC65D8A09CC5773DFB5316D8F4BD0D73303930E35F0E1CB01A178809BBFA6AC7A70DB7C9F0A2846870705AC  
8FB79BFFE2D59B806C  
mail.tylerhost.net

## Ian McGinn

---

**From:** no-reply@tylerhost.net  
**Sent:** Tuesday, August 11, 2015 4:25 PM  
**To:** Ian McGinn  
**Subject:** Service Notification of Filing Case(Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)) Document Code:(Service Only) Filing Type:(SO) Repository ID(7276921)

This is a service filing for Case No. A-10-627691-B, Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)

This message was automatically generated; do not reply to this email. Should you have any problems viewing or printing this document, please call (800)297-5377.

Submitted: 08/11/2015 03:03:49 PM

Case title: Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)  
Document title: Notice of Taking Deposition of Custodian of Records of Starwood Hotels and Resorts  
Document code: Service Only Filing Type: SO  
Repository ID: 7276921  
Number of pages: 8  
Filed By: Kemp, Jones & Coulthard, LLP

To download the document, click on the following link shown below or copy and paste it into your browser's address bar.

<https://wiznet.wiznet.com/clarknv/SDSubmit.do?code=ef828d3dc65d8a090e5b8c3ca4dea3def34c1e379bb5bb532b097fe3e092a8e69963b6030d97501c>

This link will be active until 08/21/2015 03:03:49 PM.

Service List Recipients:  
Holland & Hart  
Steve Peek

Holland & Hart LLP  
Robert Cassity

Holland and Hart  
J. Stephan Peek

Kemp Jones & Coulthard  
Ian P. McGinn  
Jon Randall Jones  
Sandy Sell

Kemp, Jones & Coulthard  
Erica Bennett  
J. Randall Jones  
Janet Griffin  
Janet Griffin

Mark M. Jones  
Spencer Gunnerson

Morris Law Group  
Rosa Solis-Rainey  
Steve Morris

Morris Legal Group  
Steven L Morris

Pisanelli Bice  
Todd Bice

Pisanelli Bice PLLC  
Debra L. Spinelli  
Todd Bice

Non Consolidated Cases  
EFO \$3.50EFS \$5.50  
SO \$3.50

EF828D3DC65D8A090E5B8C3CA4DEA3DEF34C1E379BB5BB532B097FE3E092A8E6F48BACA809DCD2741907919F42B6E0  
8053B591DC6142E9BA  
mail.tylerhost.net

## Ian McGinn

---

**From:** no-reply@tylerhost.net  
**Sent:** Tuesday, August 11, 2015 4:27 PM  
**To:** Ian McGinn  
**Subject:** Service Notification of Filing Case(Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)) Document Code:(Service Only) Filing Type:(SO) Repository ID(7276941)

This is a service filing for Case No. A-10-627691-B, Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)

This message was automatically generated; do not reply to this email. Should you have any problems viewing or printing this document, please call (800)297-5377.

Submitted: 08/11/2015 03:03:37 PM

Case title: Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)  
Document title: Notice of Taking NRCP 30(b)96) Deposition of Starwood Hotels and Resorts  
Document code: Service Only Filing Type: SO  
Repository ID: 7276941  
Number of pages: 8  
Filed By: Kemp, Jones & Coulthard, LLP

To download the document, click on the following link shown below or copy and paste it into your browser's address bar.

<https://wiznet.wiznet.com/clarknv/SDSubmit.do?code=ef828d3dc65d8a093821dcea4acb7d1315c9d8bca423043dd8fc7305352d6e922edfc721f4909c02>

This link will be active until 08/21/2015 03:03:37 PM.

Service List Recipients:  
Holland & Hart  
Steve Peek

Holland & Hart LLP  
Robert Cassity

Holland and Hart  
J. Stephan Peek

Kemp Jones & Coulthard  
Ian P. McGinn  
Jon Randall Jones  
Sandy Sell

Kemp, Jones & Coulthard  
Erica Bennett  
J. Randall Jones  
Janet Griffin  
Janet Griffin

Mark M. Jones  
Spencer Gunnerson

Morris Law Group  
Rosa Solis-Rainey  
Steve Morris

Morris Legal Group  
Steven L Morris

Pisanelli Bice  
Todd Bice

Pisanelli Bice PLLC  
Debra L. Spinelli  
Todd Bice

Non Consolidated Cases  
EFO \$3.50EFS \$5.50  
SO \$3.50

EF828D3DC65D8A093821DCEA4ACB7D1315C9D8BCA423043DD8FC7305352D6E92C868F0992BA8D9CC908497F236874  
AAA1C57C765B5E3D348  
mail.tylerhost.net



## Ian McGinn

---

**From:** no-reply@tylerhost.net  
**Sent:** Tuesday, August 11, 2015 4:33 PM  
**To:** Ian McGinn  
**Subject:** Service Notification of Filing Case(Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)) Document Code:(Service Only) Filing Type:(SO) Repository ID(7276997)

This is a service filing for Case No. A-10-627691-B, Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)

This message was automatically generated; do not reply to this email. Should you have any problems viewing or printing this document, please call (800)297-5377.

Submitted: 08/11/2015 03:03:06 PM

Case title: Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)  
Document title: Notice of Taking Deposition of Custodian of Records of Deloitte & Touche, LLP  
Document code: Service Only Filing Type: SO  
Repository ID: 7276997  
Number of pages: 8  
Filed By: Kemp, Jones & Coulthard, LLP

To download the document, click on the following link shown below or copy and paste it into your browser's address bar.

<https://wiznet.wiznet.com/clarknv/SDSubmit.do?code=ef828d3dc65d8a099274b5b3183c1aad44054763bd1ab1f37c845600adf012fbaa8b3b12414f850f>

This link will be active until 08/21/2015 03:03:06 PM.

Service List Recipients:  
Holland & Hart  
Steve Peek

Holland & Hart LLP  
Robert Cassity

Holland and Hart  
J. Stephan Peek

Kemp Jones & Coulthard  
Ian P. McGinn  
Jon Randall Jones  
Sandy Sell

Kemp, Jones & Coulthard  
Erica Bennett  
J. Randall Jones  
Janet Griffin  
Janet Griffin

Mark M. Jones  
Spencer Gunnerson

Morris Law Group  
Rosa Solis-Rainey  
Steve Morris

Morris Legal Group  
Steven L Morris

Pisanelli Bice  
Todd Bice

Pisanelli Bice PLLC  
Debra L. Spinelli  
Todd Bice

Non Consolidated Cases  
EFO \$3.50EFS \$5.50  
SO \$3.50

EF828D3DC65D8A099274B5B3183C1AAD44054763BD1AB1F37C845600ADF012FB994520F5CDEA11A183D7148EC18028  
7D516F8A086839A07D  
mail.tylerhost.net

## Ian McGinn

---

**From:** no-reply@tylerhost.net  
**Sent:** Tuesday, August 11, 2015 4:32 PM  
**To:** Ian McGinn  
**Subject:** Service Notification of Filing Case(Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)) Document Code:(Service Only) Filing Type:(SO) Repository ID(7276985)

This is a service filing for Case No. A-10-627691-B, Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)

This message was automatically generated; do not reply to this email. Should you have any problems viewing or printing this document, please call (800)297-5377.

Submitted: 08/11/2015 03:03:40 PM

Case title: Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)  
Document title: Notice of Taking NRCP 30(b)(6) Deposition of Deloitte & Touche, LLP  
Document code: Service Only Filing Type: SO  
Repository ID: 7276985  
Number of pages: 8  
Filed By: Kemp, Jones & Coulthard, LLP

To download the document, click on the following link shown below or copy and paste it into your browser's address bar.

<https://wiznet.wiznet.com/clarknv/SDSubmit.do?code=ef828d3dc65d8a0968514cecb7431d0258926a474ec419843edad6e6ca5a7113a9e54ed97e2869f>

This link will be active until 08/21/2015 03:03:40 PM.

**Service List Recipients:**

Holland & Hart  
Steve Peek

Holland & Hart LLP  
Robert Cassity

Holland and Hart  
J. Stephan Peek

Kemp Jones & Coulthard  
Ian P. McGinn  
Jon Randall Jones  
Sandy Sell

Kemp, Jones & Coulthard  
Erica Bennett  
J. Randall Jones  
Janet Griffin  
Janet Griffin

Mark M. Jones  
Spencer Gunnerson

Morris Law Group  
Rosa Solis-Rainey  
Steve Morris

Morris Legal Group  
Steven L Morris

Pisanelli Bice  
Todd Bice

Pisanelli Bice PLLC  
Debra L. Spinelli  
Todd Bice

Non Consolidated Cases  
EFO \$3.50EFS \$5.50  
SO \$3.50

EF828D3DC65D8A0968514CECB7431D0258926A474EC419843EDADC6E6CA5A7111C2890CFB4BE352406662607513C82  
F21989A9C3FC5C8C17  
mail.tylerhost.net

## Ian McGinn

---

**From:** no-reply@tylerhost.net  
**Sent:** Tuesday, August 11, 2015 4:35 PM  
**To:** Ian McGinn  
**Subject:** Service Notification of Filing Case(Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)) Document Code:(Service Only) Filing Type:(SO) Repository ID(7277011)

This is a service filing for Case No. A-10-627691-B, Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)

This message was automatically generated; do not reply to this email. Should you have any problems viewing or printing this document, please call (800)297-5377.

Submitted: 08/11/2015 03:03:35 PM

Case title: Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)  
Document title: Notice of Taking Deposition of Custodian of Records of Holiday Inn Worldwide  
Document code: Service Only Filing Type: SO  
Repository ID: 7277011  
Number of pages: 8  
Filed By: Kemp, Jones & Coulthard, LLP

To download the document, click on the following link shown below or copy and paste it into your browser's address bar.

<https://wiznet.wiznet.com/clarknv/SDSubmit.do?code=ef828d3dc65d8a095aad7bac7ec2b4d4faf5f3f3db6a714b8143e037f4f69537967c4ef8b36952a2>

This link will be active until 08/21/2015 03:03:35 PM.

Service List Recipients:

Holland & Hart  
Steve Peek

Holland & Hart LLP  
Robert Cassity

Holland and Hart  
J. Stephan Peek

Kemp Jones & Coulthard  
Ian P. McGinn  
Jon Randall Jones  
Sandy Sell

Kemp, Jones & Coulthard  
Erica Bennett  
J. Randall Jones  
Janet Griffin  
Janet Griffin

Mark M. Jones  
Spencer Gunnerson

Morris Law Group  
Rosa Solis-Rainey  
Steve Morris

Morris Legal Group  
Steven L Morris

Pisanelli Bice  
Todd Bice

Pisanelli Bice PLLC  
Debra L. Spinelli  
Todd Bice

Non Consolidated Cases  
EFO \$3.50EFS \$5.50  
SO \$3.50

EF828D3DC65D8A095AAD7BAC7EC2B4D4FAF5F3F3DB6A714B8143E037F4F69537DE8D4671DA2850DEE2A4AA1382B71  
7F4119E92A3DB3EDC2E  
mail.tylerhost.net

## Ian McGinn

---

**From:** no-reply@tylerhost.net  
**Sent:** Tuesday, August 11, 2015 4:56 PM  
**To:** Ian McGinn  
**Subject:** Service Notification of Filing Case(Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)) Document Code:(Service Only) Filing Type:(SO) Repository ID(7277222)

This is a service filing for Case No. A-10-627691-B, Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)

This message was automatically generated; do not reply to this email. Should you have any problems viewing or printing this document, please call (800)297-5377.

Submitted: 08/11/2015 03:03:52 PM

Case title: Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)  
Document title: Notice of Taking NRCP 30(b)(60 Deposition of Holiday Inn Worldwide  
Document code: Service Only Filing Type: SO  
Repository ID: 7277222  
Number of pages: 8  
Filed By: Kemp, Jones & Coulthard, LLP

To download the document, click on the following link shown below or copy and paste it into your browser's address bar.

<https://wiznet.wiznet.com/clarknv/SDSubmit.do?code=e48ab72996eb6e54592dd198b55424441ee74f7a3140116b84a9d19e944594f3b1b07463aba36>

This link will be active until 08/21/2015 03:03:52 PM.

Service List Recipients:  
Holland & Hart  
Steve Peek

Holland & Hart LLP  
Robert Cassity

Holland and Hart  
J. Stephan Peek

Kemp Jones & Coulthard  
Ian P. McGinn  
Jon Randall Jones  
Sandy Sell

Kemp, Jones & Coulthard  
Erica Bennett  
J. Randall Jones  
Janet Griffin  
Janet Griffin

Mark M. Jones  
Spencer Gunnerson

Morris Law Group  
Rosa Solis-Rainey  
Steve Morris

Morris Legal Group  
Steven L Morris

Pisanelli Bice  
Todd Bice

Pisanelli Bice PLLC  
Debra L. Spinelli  
Todd Bice

Non Consolidated Cases  
EFO \$3.50EFS \$5.50  
SO \$3.50

E48AB72996EBEB66E54592DD198B55424441EE74F7A3140116B84A9D19E94459F3EAF7BA551BEC2E49C8C806A279674  
9B8A23D827ACFA3F2  
mail.tylerhost.net



## Ian McGinn

---

**From:** no-reply@tylerhost.net  
**Sent:** Tuesday, August 11, 2015 5:03 PM  
**To:** Ian McGinn  
**Subject:** Service Notification of Filing Case(Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)) Document Code:(Service Only) Filing Type:(SO) Repository ID(7276968)

This is a service filing for Case No. A-10-627691-B, Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)

This message was automatically generated; do not reply to this email. Should you have any problems viewing or printing this document, please call (800)297-5377.

Submitted: 08/11/2015 03:03:53 PM

Case title: Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)  
Document title: Notice of Taking Deposition of Custodian of Records of U.S. Franchise  
Document code: Service Only Filing Type: SO  
Repository ID: 7276968  
Number of pages: 8  
Filed By: Kemp, Jones & Coulthard, LLP

To download the document, click on the following link shown below or copy and paste it into your browser's address bar.

<https://wiznet.wiznet.com/clarknv/SDSubmit.do?code=ef828d3dc65d8a09db1f63dab62e59d8ad48527759bf87beeb177c71247a442139eb6fd66fde5ff0>

This link will be active until 08/21/2015 03:03:53 PM.

**Service List Recipients:**

Holland & Hart  
Steve Peek

Holland & Hart LLP  
Robert Cassity

Holland and Hart  
J. Stephan Peek

Kemp Jones & Coulthard  
Ian P. McGinn  
Jon Randall Jones  
Sandy Sell

Kemp, Jones & Coulthard  
Erica Bennett  
J. Randall Jones  
Janet Griffin  
Janet Griffin

Mark M. Jones  
Spencer Gunnerson

Morris Law Group  
Rosa Solis-Rainey  
Steve Morris

Morris Legal Group  
Steven L Morris

Pisanelli Bice  
Todd Bice

Pisanelli Bice PLLC  
Debra L. Spinelli  
Todd Bice

Non Consolidated Cases  
EFO \$3.50EFS \$5.50  
SO \$3.50

EF828D3DC65D8A09DB1F63DAB62E59D8AD48527759BF87BEEB177C71247A442123FF8D31B1EAA651893898E17E9F9C  
5AD8CE7EA16C96C607  
mail.tylerhost.net

## Ian McGinn

---

**From:** no-reply@tylerhost.net  
**Sent:** Tuesday, August 11, 2015 4:29 PM  
**To:** Ian McGinn  
**Subject:** Service Notification of Filing Case(Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)) Document Code:(Service Only) Filing Type:(SO) Repository ID(7276957)

This is a service filing for Case No. A-10-627691-B, Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)

This message was automatically generated; do not reply to this email. Should you have any problems viewing or printing this document, please call (800)297-5377.

Submitted: 08/11/2015 03:03:19 PM

Case title: Steven Jacobs, Plaintiff(s)vs.Las Vegas Sands Corp, Defendant(s)  
Document title: Notice of Taking NRCP 30(b)(6) Deposition of U.S. Franchise Systems  
Document code: Service Only Filing Type: SO  
Repository ID: 7276957  
Number of pages: 8  
Filed By: Kemp, Jones & Coulthard, LLP

To download the document, click on the following link shown below or copy and paste it into your browser's address bar.

<https://wiznet.wiznet.com/clarknv/SDSubmit.do?code=ef828d3dc65d8a09494c28465859e79b779141227ab6e3c4d1a482b2fe5282466e17a381dc869b68>

This link will be active until 08/21/2015 03:03:19 PM.

Service List Recipients:

Holland & Hart  
Steve Peek

Holland & Hart LLP  
Robert Cassity

Holland and Hart  
J. Stephan Peek

Kemp Jones & Coulthard  
Ian P. McGinn  
Jon Randall Jones  
Sandy Sell

Kemp, Jones & Coulthard  
Erica Bennett  
J. Randall Jones  
Janet Griffin  
Janet Griffin

Mark M. Jones  
Spencer Gunnerson

Morris Law Group  
Rosa Solis-Rainey  
Steve Morris

Morris Legal Group  
Steven L Morris

Pisanelli Bice  
Todd Bice

Pisanelli Bice PLLC  
Debra L. Spinelli  
Todd Bice

Non Consolidated Cases  
EFO \$3.50EFS \$5.50  
SO \$3.50

EF828D3DC65D8A09494C28465859E79B779141227AB6E3C4D1A482B2FE528246CF83FE93FEC49461847BD9B7682625D  
47F175AD51EFAD757  
mail.tylerhost.net

## **EXHIBIT B**

## **EXHIBIT B**

**Ian McGinn**

---

**Subject:** FW: third party subpoenas and notices

**From:** Todd Bice <tlb@pisanellibice.com>

**Date:** August 19, 2015 at 4:33:45 PM PDT

**To:** Randall Jones <r.jones@kempjones.com>

**Cc:** Angela Embrey <a.embrey@kempjones.com>, Mark Jones <m.jones@kempjones.com>, "Jordan T. Smith" <JTS@pisanellibice.com>

**Subject: Re: third party subpoenas and notices**

Randall: I will respond to you shortly as to the substance of this email. But in the meantime, have any actual subpoenas been served on the parties you have identified in the commissions? We also have received no proof of service or of the opening of any administrative actions in any other jurisdiction. Please let me know ASAP if any service has occurred.

-- Todd.

On Aug 19, 2015, at 2:28 PM, Randall Jones <r.jones@kempjones.com> wrote:

Todd:

It has been reported to me today that Kim from your office called and indicated that your office had not received any of the notices of third party depositions and attached subpoenas that SCL served. She asked Angela Embrey, who I have copied with this e-mail, if we had served them. Angela said yes, and then checked Wiznet while still on the phone with Kim and confirmed that all the notices were in Wiznet, but in looking at the filings saw that the service on your firm indicated that the documents had not been opened. Kim told Angela that when she accesses Wiznet she does not see these notices or subpoenas.

I wanted to alert you to this problem with Wiznet as our firm has had the same problem in the recent past where Wiznet was blocking our firm's receipt of e-served documents. It took our firm weeks of fighting with Wiznet to get the issue straightened out, and we even had to get the court administration involved in the issue.

Kim went on to ask that Angela send the documents to her via direct e-mail which we can do if need be, but since the documents are in Wiznet, and they will take considerable time and effort to rescan and resend I thought I would ask that you first check with Wiznet to straighten out this issue, which I assume you will want to do anyway, before we go to that effort. If you do not have access to the documents by the end of the day please have Kim get in touch with Angela and we'll redo everything and send it off to your office.

On a related note, I arbitrarily set the deposition dates in late September just to get them set. I anticipated that there may be issues with the dates from the third parties that would need to be addressed, so I wanted you to know as well that if you have problems with any of the dates we will gladly work with your office to find more convenient dates for these depositions.

Let me know if you have any questions.

Regards,

J. Randall Jones

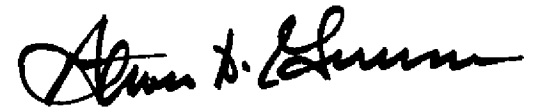
Kemp, Jones & Coulthard, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
Telephone: (702) 385-6000  
Facsimile: (702) 385-6001  
E-Mail: [r.jones@kempjones.com](mailto:r.jones@kempjones.com)

This e-mail transmission, and any documents, files, or previous e-mail messages attached to it may contain confidential information that is legally privileged. If you are not the intended recipient or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is prohibited. If you have received this transmission in error, please immediately notify us by reply e-mail, by forwarding this to sender, or by telephone at (702) 385-6000, and destroy the original transmission and its attachments without reading or saving them in any manner. Thank you.

# EXHIBIT 6

# EXHIBIT 6





CLERK OF THE COURT

**MOT**

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

[JJP@pisanellibice.com](mailto:JJP@pisanellibice.com)

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

[TLB@pisanellibice.com](mailto:TLB@pisanellibice.com)

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

[DLS@pisanellibice.com](mailto:DLS@pisanellibice.com)

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

[JTS@pisanellibice.com](mailto:JTS@pisanellibice.com)

**PISANELLI BICE PLLC**

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

**PLAINTIFF STEVEN C. JACOBS'  
MOTION FOR PROTECTIVE ORDER  
REGARDING THIRD PARTY  
SUBPOENAS; ON ORDER  
SHORTENING TIME**

Hearing Date:

Hearing Time:

Plaintiff Steven C. Jacobs ("Jacobs") hereby moves for a protective order concerning subpoenas issued to Deloitte & Touche, LLP, Holiday Inn Worldwide, Starwood Hotels & Resorts, U.S. Franchise Systems, and Facebook, Inc. These subpoenas seek what amounts to all of Jacobs' past employment records, as well as personal social media. The law as to the impropriety of such requests is quite clear. Moreover, both Defendants Sands China Ltd. ("Sands China") and Las Vegas Sands Corp. ("LVSC") have insisted that they are immune from producing employment records of any other disputes for themselves. After successfully making those objections to this Court, they then turned around and issued subpoenas seeking the exact same type of information.

Jacobs requests this matter on an order shortening time because the subpoenas were apparently filed on August 11, 2015, but Jacobs only received actual notice of them yesterday, August 19, 2015. There is a question regarding the service of these subpoenas through Wiznet, as its records indicate that the Pisanelli Bice litigation portal was not served with those subpoenas, despite the fact that all other documents in this case have been served to that registered account. At this time, Jacobs' counsel has not had sufficient opportunity to investigate what occurred. But since Sands China has apparently served these subpoenas and has already received some response without notice to Jacobs, and no proofs of service having been served upon Jacobs, he asks that this Motion be heard immediately.

DATED this 20th day of August, 2015.

PISANELLI BICE PLLC

By: 


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

Attorneys for Plaintiff Steven C. Jacobs

ORDER SHORTENING TIME

Before this Court is the Request for an Order Shortening Time accompanied by the Declaration of counsel. Good cause appearing, the undersigned counsel will appear at Clark County Regional Justice Center, Eighth Judicial District Court, Las Vegas, Nevada, on the 24<sup>th</sup> day of August, 2015, at 9:30 a.m., in Department XI, or as soon thereafter as counsel may be heard, to bring this **PLAINTIFF STEVEN C. JACOBS' MOTION FOR PROTECTIVE ORDER REGARDING THIRD PARTY SUBPOENAS; ON ORDER SHORTENING TIME** on for hearing.

DATED: August 20, 2015



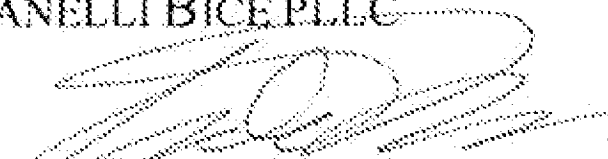
DISTRICT COURT JUDGE



Respectfully submitted by:

PISANELLI BICE PLLC

By:

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

*Attorneys for Plaintiff Steven C. Jacobs*

PISANELLI BICE PLLC  
400 SOUTH 7<sup>th</sup> STREET, SUITE 300  
LAS VEGAS, NEVADA 89101

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

4

5  
6  
7  
8

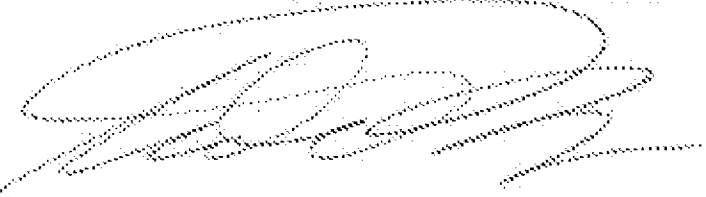
10  
11

12  
13  
14  
15  
16

17  
18  
19  
20  
21  
22  
23  
24

1           5. I certify that the foregoing request for protective order is brought for a proper purpose  
2 and not to seek delay, but in fact to move the case forward.

3           I declare under penalties of perjury of the laws of the State of Nevada that the foregoing is  
4 true and correct.

5   
6 \_\_\_\_\_  
7 TODD L. BICE, ESQ.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. DISCUSSION**

On or about August 11, 2015, Sands China filed Notices of Deposition and Subpoenas Duces Tecum for the following:

1. U.S. Franchise Systems (attached hereto as Exhibit 1);
2. Starwood Hotels & Resorts (attached hereto as Exhibit 2);
3. Holiday Inn Worldwide (attached hereto as Exhibit 3);
4. Deloitte & Touche, LLP (attached hereto as Exhibit 4); and
5. Facebook, Inc. (attached hereto as Exhibit 5).

These subpoenas seek records and testimony concerning any personnel or employment records for Jacobs from all of the individual entities except Facebook. They have no limitation and have no bearing on this case, a fact which Defendants have emphasized for themselves in precluding Jacobs from compelling production of documents about past employer disputes by LVSC and Sands China. (Hr'g Tr. at 21, Aug. 6, 2015, on file, (court ruling that LVSC did not have to produce records of other employment disputes concerning purported for cause termination).) It appears that Sands China waited until after this Court's ruling in its favor to then seek the exact same records pertaining to Jacobs.<sup>1</sup>

Because the subpoenas seek records that pertain to Jacobs, he has standing to object and to quash. *Singletary v. Sterling Transport Co., Inc.*, 289 F.R.D. 237, 240 (4th Cir. 2012). As courts routinely recognize, requesting personnel files from prior employers is subject to significant restraint. *Whittingham v. Amhearst College*, 164 F.R.D. 124, 127-28 (D. Mass. 1995) (personnel files are confidential, discovery concerning them should be limited). In *Singletary v. Sterling Transport Co., Inc.*, 289 F.R.D. 237, 240 (E.D. Va. 2012), the court issued a protective order quashing subpoenas seeking all of the plaintiff's prior employment records noting the impropriety of such a request. The court specifically held that the defendant would be required to first obtain

---

<sup>1</sup> In fact, both LVSC and Sands China had requested these records from Jacobs and he objected, in keeping with their own objections. Defendants' attempt to circumvent their own position by then subsequently issuing subpoenas to third parties is transparent.

1 leave of the court before issuing any subpoenas concerning the plaintiff's prior employment because  
2 of the overbroad nature of such requests. The court further warned that it would issue costs and  
3 sanctions against the defendants should they seek to use the subpoenas to engage in such a fishing  
4 expedition in the future. Similar subpoenas were at issue in *Perry v. Best Lock Corporation*, 1999  
5 WL 33494858 at \*3 (S.D. Ind. 1999), where the court noted that subpoenas to prior employers that  
6 seek all personnel records are not reasonably tailored to lead to discoverable information and "look  
7 like nothing more than a fishing expedition or, more accurately, an exercise in swamp-dredging and  
8 muck-raking."

9 Additionally, Facebook is precluded from responding to the subpoena on the basis of the  
10 Stored Communications Act. The Stored Communications Act unambiguously states that the  
11 contents of electronically stored communications shall not be disclosed to parties unless an  
12 enumerated exception applies. 18 U.S.C. § 2702. "*The case law confirms that civil subpoenas may*  
13 *not compel production of records from providers like Facebook.* To rule otherwise would run  
14 afoul of the 'specific [privacy] interests that the [SCA] seeks to protect.'" *In re Facebook, Inc.*, 923  
15 F. Supp. 2d 1204, 1206 (N.D. Cal. 2012) (quoting *Theofel v. Farey-Jones*, 359 F.3d 1066, 1074  
16 (9th Cir. 2004)) (emphasis added).

17 Sands China's attempt to circumvent the very objections that it has advanced concerning the  
18 permissible scope of discovery by issuing the subpoenas to third parties is improper. Jacobs' Motion  
19 for Protective Order and to quash these subpoenas should be granted.

20 DATED this 20th day of August, 2015.

21 PISANELLI BICE PLLC

22 By: 

23 James J. Pisanelli, Esq., Bar No. 4027  
24 Todd L. Bice, Esq., Bar No. 4534  
25 Debra L. Spinelli, Esq., Bar No. 9695  
26 Jordan T. Smith, Esq., Bar No. 12097  
27 400 South 7th Street, Suite 300  
28 Las Vegas, Nevada 89101

Attorneys for Plaintiff Steven C. Jacobs

CERTIFICATE OF SERVICE

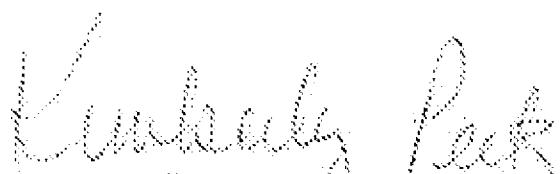
I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 20th day of August, 2015, I caused to be served via the Court's E-Filing system true and correct copies of the above and foregoing PLAINTIFF STEVEN C. JACOBS' MOTION FOR PROTECTIVE ORDER REGARDING THIRD PARTY SUBPOENAS; ON ORDER SHORTENING TIME to the following:

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

J. Randall Jones, Esq.  
Mark M. Jones, Esq.  
KEMP, JONES & COULTHARD  
3800 Howard Hughes Parkway, 17th Floor  
Las Vegas, NV 89169  
[r.jones@kempjones.com](mailto:r.jones@kempjones.com)  
[m.jones@kempjones.com](mailto:m.jones@kempjones.com)

Michael E. Lackey, Jr., Esq.  
MAYER BROWN LLP  
1999 K Street, N.W.  
Washington, DC 20006  
[mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com)

Steve Morris, Esq.  
Rosa Solis-Rainey, Esq.  
MORRIS LAW GROUP  
900 Bank of America Plaza  
300 South Fourth Street  
Las Vegas, NV 89101  
[sm@morrislawgroup.com](mailto:sm@morrislawgroup.com)  
[rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com)

  
An employee of PISANELLI BICE PLLC



# **EXHIBIT 1**

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 J. Randall Jones, Esq.  
Nevada Bar No. 1927  
2 jrj@kempjones.com  
Mark M. Jones, Esq.  
3 Nevada Bar No. 267  
m.jones@kempjones.com  
4 KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
5 Las Vegas, Nevada 89169  
6 *Attorneys for Sands China Ltd.*

7 J. Stephen Peek, Esq.  
Nevada Bar No. 1758  
8 speak@hollandhart.com  
Robert J. Cassity, Esq.  
9 Nevada Bar No. 9779  
bcassity@hollandhart.com  
10 HOLLAND & HART LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
11 Las Vegas, Nevada 89134  
12 *Attorneys for Las Vegas Sands Corp.  
and Sands China Ltd.*

DISTRICT COURT  
CLARK COUNTY, NEVADA

15 STEVEN C. JACOBS,  
16  
17 Plaintiff,  
18 v.

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

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

NOTICE OF TAKING DEPOSITION OF  
THE CUSTODIAN OF RECORDS OF  
U.S. FRANCHISE SYSTEMS

September 23, 2015 at 10:00 a.m.

22 Defendants.

23  
24 AND ALL RELATED MATTERS.

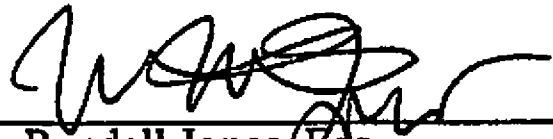
25 PLEASE TAKE NOTICE that Defendant Sands China Ltd., by and through its attorneys  
26 of record, will take the deposition of the Custodian of Records of U.S. Franchise Systems, by  
27 stenographic means, on September 23, 2015, at the hour of 10:00 a.m., at the offices of  
28 Elizabeth Gallo Court Reporting, LLC, 2900 Chamblee Tucker Road, Building 13, Atlanta, GA

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 30341, upon oral examination, before a Notary Public or some other officer authorized by law  
2 to administer oaths and will be recorded. Your deposition will continue in the aforementioned  
3 manner thereafter from day to day until completed. You are invited to attend and cross  
4 examine.

5 A true and correct copy of the Subpoena to be served upon the deponent requiring  
6 his/her appearance and the matters on which he/she will testify is attached hereto.

7 DATED this 10<sup>th</sup> day of August, 2015.

8   
9 J. Randall Jones, Esq.  
10 Mark M. Jones, Esq.  
11 Kemp, Jones & Coulthard, LLP  
12 3800 Howard Hughes Pkwy., 17<sup>th</sup> Floor  
13 Las Vegas, Nevada 89169  
14 Attorneys for Sands China, Ltd.

15 J. Stephen Peek, Esq.  
16 Robert J. Cassity, Esq.  
17 Holland & Hart LLP  
18 9555 Hillwood Drive, 2<sup>nd</sup> Floor  
19 Las Vegas, Nevada 89134  
20 Attorneys for Las Vegas Sands Corp. and  
21 Sands China, Ltd.  
22  
23  
24  
25  
26  
27  
28

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

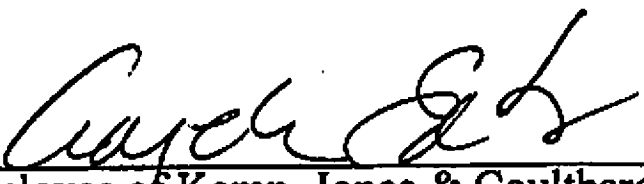
**CERTIFICATE OF SERVICE**

I hereby certify that on the 10 day of August, 2015, the foregoing NOTICE OF  
TAKING DEPOSITION OF THE CUSTODIAN OF RECORDS OF U.S. FRANCHISE  
SYSTEMS was served on the following parties through the Court's electronic filing system:

James J. Pisanelli, Esq.  
Todd L. Bice, Esq.  
Debra L. Spinelli, Esq.  
Jordan T. Smith, Esq.  
PISANELLI BICE PLLC  
400 South Fourth Street, Suite 300  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiff Steven C. Jacobs*

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

J. Stephen Peek, Esq.  
Robert J. Cassity, Esq.  
Holland & Hart, LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134

  
An employee of Kemp, Jones & Coulthard, LLP

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 J. Randall Jones, Esq.  
Nevada Bar No. 1927  
2 jrj@kempjones.com  
Mark M. Jones, Esq.  
3 Nevada Bar No. 267  
m.jones@kempjones.com  
4 KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
5 Las Vegas, Nevada 89169  
*Attorneys for Sands China, Ltd.*

6  
7 J. Stephen Peek, Esq.  
Nevada Bar No. 1758  
speek@hollandhart.com  
8 Robert J. Cassity, Esq.  
Nevada Bar No. 9779  
bcassity@hollandhart.com  
9 HOLLAND & HART LLP  
10 9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134  
11 *Attorneys for Las Vegas Sands Corp.*  
*and Sands China, Ltd.*

12  
13 **DISTRICT COURT**  
14 **CLARK COUNTY, NEVADA**

15 STEVEN C. JACOBS,

16 Plaintiff,

17 v.

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

21 Defendants.  
22  
23

24 AND ALL RELATED MATTERS.

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

**DEPOSITION SUBPOENA**

(Custodian of Records of U.S. Franchise  
Systems, Inc.)

Date of Deposition: September 23, 2015  
Time of Deposition: 10:00 a.m.

**THE STATE OF NEVADA SENDS GREETINGS TO:**

Custodian of Records of U.S. Franchise Systems, Inc.  
c/o Wyndham Worldwide Corporation  
13 Corporate Square #250  
Atlanta, GA 30329

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kic@kempjones.com


1           **YOU ARE HEREBY ORDERED TO APPEAR AS A WITNESS**, and give  
2 testimony regarding the matters listed below at the following date, time, and place pursuant to  
3 NRCP 45:

4           Date:           September 23, 2015  
5           Time:          10:00 a.m.  
6           Place:         Elizabeth Gallo Court Reporting  
                              2900 Chamblee Tucker Road, Building 13  
                              Atlanta, GA 30341

7           **YOU ARE HEREBY FURTHER ORDERED** that all and singular, business and  
8 excuses set aside, to bring with you at the time of your appearance any items set forth below. If  
9 you fail to attend and produce and permit inspection and copying of the requested documents,  
10 you will be deemed guilty of contempt of Court and liable to pay all losses and damages caused  
11 by your failure to appear. Please see Exhibit A attached hereto for information regarding the  
12 rights of the persons subject to this subpoena.

13           DATED this 10<sup>th</sup> day of August, 2015.

14           KEMP, JONES & COULTHARD, LLP

15             
16           J. Randall Jones, Esq., #1927  
17           Mark M. Jones, Esq., #267  
                              3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
                              Las Vegas, Nevada 89169  
                              Attorneys for Sands China Ltd.

18           HOLLAND & HART LLP  
19           J. Stephen Peek, Esq., #1758  
20           Robert J. Cassity, Esq., #9779  
                              9555 Hillwood Drive, 2<sup>nd</sup> Floor  
                              Las Vegas, Nevada 89134  
                              Attorneys for Las Vegas Sands Corp.  
                              and Sands China, Ltd.

**Documents to Be Produced**

1. Any and all records or files related to or concerning Steven C. Jacobs, specifically including any personnel files or employment records, or any other memos, emails, letters, or the like, related to Steven C. Jacobs' post-employment.
2. Any and all documents related to or concerning any disputes, arbitration, litigation, demand letters, or threats of litigation, arbitration or alternative dispute resolution, mediation or the like made by Steven C. Jacobs to U.S. Franchise Systems, Inc., or any of its affiliates, subsidiaries, related companies, employees, agents, representatives or attorneys, or any settlement agreements, releases or agreements of compromise, whether purporting to be confidential by their terms or not.

EXHIBIT A

NEVADA RULES OF CIVIL PROCEDURE

Rule 45

(c) *Protection of persons subject to subpoena.*

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;



(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waive applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) *Duties in responding to subpoena.*

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 J. Randall Jones, Esq.  
Nevada Bar No. 1927  
2 jrj@kempjones.com  
Mark M. Jones, Esq.  
3 Nevada Bar No. 267  
m.jones@kempjones.com  
4 KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
5 Las Vegas, Nevada 89169  
6 *Attorneys for Sands China Ltd.*

7 J. Stephen Peek, Esq.  
Nevada Bar No. 1758  
8 speak@hollandhart.com  
Robert J. Cassity, Esq.  
9 Nevada Bar No. 9779  
bcassity@hollandhart.com  
10 HOLLAND & HART LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
11 Las Vegas, Nevada 89134  
12 *Attorneys for Las Vegas Sands Corp.  
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  
Islands corporation; SHELDON G.  
20 ADELSON, in his individual and  
representative capacity; DOES I-X; and ROE  
21 CORPORATIONS I-X,

22 Defendants.

23  
24 AND ALL RELATED MATTERS.

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

NOTICE OF TAKING 30(b)(6)  
DEPOSITION OF U.S. FRANCHISE  
SYSTEMS

September 23, 2015 at 10:30 a.m.

25 PLEASE TAKE NOTICE that pursuant to NRCP 30(b)(6), Defendant Sands China Ltd.,  
26 by and through its attorneys of record, will take the deposition of the representative or other  
27 person with consent to testify on its behalf of U.S. Franchise Systems, by stenographic means,  
28 on September 23, 2015, at the hour of 10:30 a.m., at the offices of Elizabeth Gallo Court

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 Reporting, LLC, 2900 Chamblee Tucker Road, Building 13, Atlanta, GA 30341, upon oral  
2 examination, before a Notary Public or some other officer authorized by law to administer oaths  
3 and will be recorded. Your deposition will continue in the aforementioned manner thereafter  
4 from day to day until completed. You are invited to attend and cross examine.

5 A true and correct copy of the Subpoena to be served upon the deponent requiring  
6 his/her appearance and the matters on which he/she will testify is attached hereto.

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

8 

9 J. Randall Jones, Esq.  
10 Mark M. Jones, Esq.  
11 Kemp, Jones & Coulthard, LLP  
12 3800 Howard Hughes Pkwy., 17<sup>th</sup> Floor  
13 Las Vegas, Nevada 89169  
14 Attorneys for Sands China, Ltd.

15 J. Stephen Peek, Esq.  
16 Robert J. Cassity, Esq.  
17 Holland & Hart LLP  
18 9555 Hillwood Drive, 2<sup>nd</sup> Floor  
19 Las Vegas, Nevada 89134  
20 Attorneys for Las Vegas Sands Corp. and  
21 Sands China, Ltd.  
22  
23  
24  
25  
26  
27  
28

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

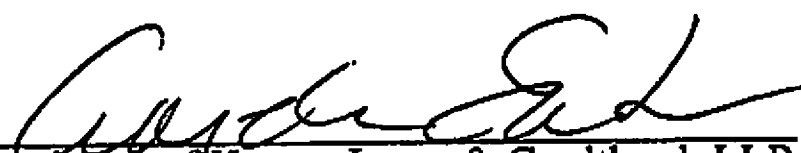
**CERTIFICATE OF SERVICE**

I hereby certify that on the 10 day of August, 2015, the foregoing NOTICE OF  
TAKING 30(b)(6) DEPOSITION OF U.S. FRANCHISE SYSTEMS was served on the  
following parties through the Court's electronic filing system:

James J. Pisanelli, Esq.  
Todd L. Bice, Esq.  
Debra L. Spinelli, Esq.  
Jordan T. Smith, Esq.  
PISANELLI BICE PLLC  
400 South Fourth Street, Suite 300  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiff Steven C. Jacobs*

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

J. Stephen Peek, Esq.  
Robert J. Cassity, Esq.  
Holland & Hart, LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134

  
An employee of Kemp, Jones & Coulthard, LLP

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 J. Randall Jones, Esq.  
Nevada Bar No. 1927  
2 jrj@kempjones.com  
Mark M. Jones, Esq.  
3 Nevada Bar No. 267  
m.jones@kempjones.com  
4 KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
5 Las Vegas, Nevada 89169  
*Attorneys for Sands China, Ltd.*

6  
7 J. Stephen Peek, Esq.  
Nevada Bar No. 1758  
speek@hollandhart.com  
8 Robert J. Cassity, Esq.  
Nevada Bar No. 9779  
bcassity@hollandhart.com  
9 HOLLAND & HART LLP  
10 9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134  
11 *Attorneys for Las Vegas Sands Corp.*  
*and Sands China, Ltd.*

12  
13 **DISTRICT COURT**  
14 **CLARK COUNTY, NEVADA**

15 STEVEN C. JACOBS,  
16  
Plaintiff,  
17 v.

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

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

**DEPOSITION SUBPOENA**  
**(NRCP 30(b)(6) of U.S. Franchise  
Systems, Inc.)**

21 Defendants.  
22

Date of Deposition: September 23, 2015  
Time of Deposition: 10:30 a.m.

23 AND ALL RELATED MATTERS.

24 **THE STATE OF NEVADA SENDS GREETINGS TO:**

25 NRCP 30 (b)(6) of U.S. Franchise Systems, Inc.  
c/o Wyndham Worldwide Corporation  
26 13 Corporate Square #250  
Atlanta, GA 30329  
27  
28

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kic@kempjones.com

1           **YOU ARE HEREBY ORDERED TO APPEAR AS A WITNESS**, and give  
2 testimony regarding the matters listed below at the following date, time, and place pursuant to  
3 NRS 50.165, NRCP 30 and NRCP 45:

4           Date:           September 23, 2015  
5           Time:           10:30 a.m.  
6           Place:           Elizabeth Gallo Court Reporting  
                              2900 Chamblee Tucker Road, Building 13  
                              Atlanta, GA 30341


7           Since you are an organization, you must designate one or more officers, directors,  
8 representatives, or managing agents, or designate other persons who consent to testify on your  
9 behalf (regarding the matters identified below). *See* NRCP 30(b)(6).

10           Contempt: Failure by any person without adequate excuse to obey a subpoena served  
11 upon that person may be deemed in contempt of the court, NRCP 45(e), punishable by a fine not  
12 exceeding \$500.00 and imprisonment not exceeding 25 days, NRS 22.100(2). Additionally, a  
13 witness disobeying a subpoena shall forfeit to the aggrieved party \$100.00 and all damages  
14 sustained as a result of the failure to attend, and a warrant may issue for the witness' arrest.  
15 NRS 50.195, 50.205, and 22.100(3).

16           Please see the attached Exhibit A for information regarding your rights and  
17 responsibilities relating to this subpoena.

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

19           KEMP, JONES & COULTHARD, LLP

20             
21           J. Randall Jones, Esq., #1927  
22           Mark M. Jones, Esq., #267  
23           3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
24           Las Vegas, Nevada 89169  
25           Attorneys for Sands China Ltd.

26           HOLLAND & HART LLP  
27           J. Stephen Peek, Esq., #1758  
28           Robert J. Cassity, Esq., #9779  
              9555 Hillwood Drive, 2<sup>nd</sup> Floor  
              Las Vegas, Nevada 89134  
              Attorneys for Las Vegas Sands Corp.  
              and Sands China, Ltd.

**Matters on Which Examination is Requested**

1. Any and all records or files related to or concerning Steven C. Jacobs, specifically including any personnel files or employment records, or any other memos, emails, letters, or the like, related to Steven C. Jacobs post-employment.
2. The facts and circumstances related to or concerning any disputes, arbitration, litigation, demand letters, or threats of litigation, arbitration or alternative dispute resolution, mediation or the like made by Steven C. Jacobs to U.S. Franchise Systems, Inc., or any of its affiliates, subsidiaries, related companies, employees, agents, representatives or attorneys, or any demands, settlement agreements, releases or agreements of compromise, whether purporting to be confidential by their terms or not.
3. Steven C. Jacobs' employment with the company.
4. Steven C. Jacobs' job duties while employed with the company.
5. Steven C. Jacobs' performance while employed with the company.
6. The facts and circumstances regarding Steven Jacobs' departure from the company.
7. The facts and circumstances regarding any post-departure disputes, and/or threats of litigation.

EXHIBIT A

NEVADA RULES OF CIVIL PROCEDURE

Rule 45

(c) *Protection of persons subject to subpoena.*

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;



1 (ii) requires a person who is not a party or an officer of a party to  
2 travel to a place more than 100 miles from the place where that person resides, is employed or  
3 regularly transacts business in person, except that such a person may in order to attend trial be  
4 commanded to travel from any such place within the state in which the trial is held, or

5 (iii) requires disclosure of privileged or other protected matter and no  
6 exception or waive applies, or

7 (iv) subjects a person to undue burden.

8 (B) If a subpoena

9 (i) requires disclosure of a trade secret or other confidential research,  
10 development, or commercial information, or

11 (ii) requires disclosure of an unretained expert's opinion or  
12 information not describing specific events or occurrences in dispute and resulting from the  
13 expert's study made not at the request of any party,

14 the court may, to protect a person subject to or affected by the subpoena, quash or modify the  
15 subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the  
16 testimony or material that cannot be otherwise met without undue hardship and assures that the  
17 person to whom the subpoena is addressed will be reasonably compensated, the court may order  
18 appearance or production only upon specified conditions.

19 (d) *Duties in responding to subpoena.*

20 (1) A person responding to a subpoena to produce documents shall produce them as  
21 they are kept in the usual course of business or shall organize and label them to correspond with  
22 the categories in the demand.

23 (2) When information subject to a subpoena is withheld on a claim that it is  
24 privileged or subject to protection as trial preparation materials, the claim shall be made  
25 expressly and shall be supported by a description of the nature of the documents,  
26 communications, or things not produced that is sufficient to enable the demanding party to  
27 contest the claim.  
28

# **EXHIBIT 2**

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 J. Randall Jones, Esq.  
Nevada Bar No. 1927  
2 jrj@kempjones.com  
Mark M. Jones, Esq.  
3 Nevada Bar No. 267  
m.jones@kempjones.com  
4 KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
5 Las Vegas, Nevada 89169  
6 *Attorneys for Sands China Ltd.*

7 J. Stephen Peek, Esq.  
Nevada Bar No. 1758  
8 speek@hollandhart.com  
Robert J. Cassity, Esq.  
9 Nevada Bar No. 9779  
bcassity@hollandhart.com  
10 HOLLAND & HART LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
11 Las Vegas, Nevada 89134  
12 *Attorneys for Las Vegas Sands Corp.  
and Sands China Ltd.*

DISTRICT COURT  
CLARK COUNTY, NEVADA

13  
14  
15 STEVEN C. JACOBS,  
16  
Plaintiff,  
17 v.

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

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

NOTICE OF DEPOSITION OF THE  
CUSTODIAN OF RECORDS OF  
STARWOOD HOTELS AND RESORTS

September 22, 2015 at 10:00 a.m.

23  
24 AND ALL RELATED MATTERS.

25 PLEASE TAKE NOTICE that Defendant Sands China Ltd., by and through its  
26 attorneys of record, will take the deposition of the Custodian of Records of Starwood Hotels and  
27 Resorts, by stenographic means, on September 22, 2015, at the hour of 10:00 a.m., at the offices  
28 of Stamford Court Reporter, 6 Landmark Square, 4<sup>th</sup> Floor, Stamford, CT 06901, upon oral

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 examination, before a Notary Public or some other officer authorized by law to administer oaths  
2 and will be recorded. Your deposition will continue in the aforementioned manner thereafter  
3 from day to day until completed. You are invited to attend and cross examine.

4 A true and correct copy of the Subpoena to be served upon the deponent requiring  
5 his/her appearance and the matters on which he/she will testify is attached hereto.

6 DATED this 10<sup>th</sup> day of August, 2015.

7 

8 J. Randall Jones, Esq.  
9 Mark M. Jones, Esq.  
10 Kemp, Jones & Coulthard, LLP  
11 3800 Howard Hughes Pkwy., 17<sup>th</sup> Floor  
12 Las Vegas, Nevada 89169  
13 *Attorneys for Sands China, Ltd.*

14 J. Stephen Peek, Esq.  
15 Robert J. Cassity, Esq.  
16 Holland & Hart LLP  
17 9555 Hillwood Drive, 2<sup>nd</sup> Floor  
18 Las Vegas, Nevada 89134  
19 *Attorneys for Las Vegas Sands Corp. and*  
20 *Sands China, Ltd.*

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

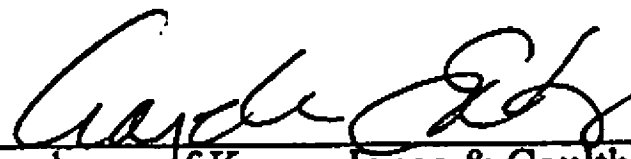
**CERTIFICATE OF SERVICE**

I hereby certify that on the 10 day of August, 2015, the foregoing NOTICE OF DEPOSITION OF THE CUSTODIAN OF RECORDS OF STARWOOD HOTELS AND RESORTS was served on the following parties through the Court's electronic filing system:

James J. Pisanelli, Esq.  
Todd L. Bice, Esq.  
Debra L. Spinelli, Esq.  
Jordan T. Smith, Esq.  
PISANELLI BICE PLLC  
400 South Fourth Street, Suite 300  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiff Steven C. Jacobs*

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

J. Stephen Peek, Esq.  
Robert J. Cassity, Esq.  
Holland & Hart, LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134

  
An employee of Kemp, Jones & Coulthard, LLP

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 J. Randall Jones, Esq.  
Nevada Bar No. 1927  
2 jrj@kempjones.com  
Mark M. Jones, Esq.  
3 Nevada Bar No. 267  
m.jones@kempjones.com  
4 KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
5 Las Vegas, Nevada 89169  
*Attorneys for Sands China, Ltd.*

6  
7 J. Stephen Peek, Esq.  
Nevada Bar No. 1758  
speek@hollandhart.com  
8 Robert J. Cassity, Esq.  
Nevada Bar No. 9779  
bcassity@hollandhart.com  
9 HOLLAND & HART LLP  
10 9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134  
11 *Attorneys for Las Vegas Sands Corp.*  
*and Sands China, Ltd.*

12  
13 **DISTRICT COURT**  
14 **CLARK COUNTY, NEVADA**

15 STEVEN C. JACOBS,  
16  
Plaintiff,

17 v.

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

21 Defendants.  
22  
23

AND ALL RELATED MATTERS.

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

**DEPOSITION SUBPOENA**

**(Custodian of Records of Starwood  
Hotels and Resorts)**

Date of Deposition: September 22, 2015  
Time of Deposition: 10:00 a.m.

24 **THE STATE OF NEVADA SENDS GREETINGS TO:**

25 Custodian of Records of Starwood Hotels and Resorts  
One StarPoint  
26 Stamford, CT 06902  
27  
28

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kic@kempjones.com


1           **YOU ARE HEREBY ORDERED TO APPEAR AS A WITNESS**, and give  
2 testimony regarding the matters listed below at the following date, time, and place pursuant to  
3 NRCP 45:

4           Date:           September 22, 2015  
5           Time:           10:00 a.m.  
6           Place:           Stamford Court Reporter  
                                6 Landmark Square, 4<sup>th</sup> Floor  
                                Stamford, CT 06901

7           **YOU ARE HEREBY FURTHER ORDERED** that all and singular, business and  
8 excuses set aside, to bring with you at the time of your appearance any items set forth below. If  
9 you fail to attend and produce and permit inspection and copying of the requested documents,  
10 you will be deemed guilty of contempt of Court and liable to pay all losses and damages caused  
11 by your failure to appear. Please see Exhibit A attached hereto for information regarding the  
12 rights of the persons subject to this subpoena.

13           DATED this 10<sup>th</sup> day of August, 2015.

14           KEMP, JONES & COULTHARD, LLP

15             
16           J. Randall Jones, Esq., #1927  
17           Mark M. Jones, Esq., #267  
                                3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
                                Las Vegas, Nevada 89169  
                                Attorneys for Sands China Ltd.

18           HOLLAND & HART LLP  
19           J. Stephen Peek, Esq., #1758  
20           Robert J. Cassity, Esq., #9779  
21           9555 Hillwood Drive, 2<sup>nd</sup> Floor  
                                Las Vegas, Nevada 89134  
                                Attorneys for Las Vegas Sands Corp.  
                                and Sands China, Ltd.

Documents to Be Produced

1. Any and all records or files related to or concerning Steven C. Jacobs, specifically including any personnel files or employment records, or any other memos, emails, letters, or the like, related to Steven C. Jacobs' post-employment.

2. Any and all documents related to or concerning any disputes, arbitration, litigation, demand letters, or threats of litigation, arbitration or alternative dispute resolution, mediation or the like made by Steven C. Jacobs to Holiday Inn Worldwide, or any of its affiliates, subsidiaries, related companies, employees, agents, representatives or attorneys, or any settlement agreements, releases or agreements of compromise, whether purporting to be confidential by their terms or not.



EXHIBIT A

NEVADA RULES OF CIVIL PROCEDURE

Rule 45

(c) *Protection of persons subject to subpoena.*

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waive applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) *Duties in responding to subpoena.*

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 J. Randall Jones, Esq.  
2 Nevada Bar No. 1927  
3 jrj@kempjones.com  
4 Mark M. Jones, Esq.  
5 Nevada Bar No. 267  
6 m.jones@kempjones.com  
KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
Las Vegas, Nevada 89169  
*Attorneys for Sands China Ltd.*

7 J. Stephen Peek, Esq.  
8 Nevada Bar No. 1758  
9 speak@hollandhart.com  
10 Robert J. Cassity, Esq.  
11 Nevada Bar No. 9779  
12 bcassity@hollandhart.com  
HOLLAND & HART LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134  
*Attorneys for Las Vegas Sands Corp.  
and Sands China Ltd.*

DISTRICT COURT  
CLARK COUNTY, NEVADA

13  
14  
15 STEVEN C. JACOBS,  
16  
17 Plaintiff,  
18 v.

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

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

NOTICE OF TAKING 30(b)(6)  
DEPOSITION OF STARWOOD  
HOTELS AND RESORTS

September 22, 2015 at 10:30 a.m.

23  
24 AND ALL RELATED MATTERS.

25 PLEASE TAKE NOTICE that pursuant to NRCP 30(b)(6), Defendant Sands China  
26 Ltd., by and through its attorneys of record, will take the deposition of the representative or  
27 other person with consent to testify on its behalf of Starwood Hotels and Resorts, by  
28 stenographic means, on September 22, 2015, at the hour of 10:30 a.m., at the offices of

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 Stamford Court Reporter, 6 Landmark Square, 4<sup>th</sup> Floor, Stamford, CT 06901, upon oral  
2 examination, before a Notary Public or some other officer authorized by law to administer oaths  
3 and will be recorded. Your deposition will continue in the aforementioned manner thereafter  
4 from day to day until completed. You are invited to attend and cross examine.

5 A true and correct copy of the Subpoena to be served upon the deponent requiring  
6 his/her appearance and the matters on which he/she will testify is attached hereto.

7 DATED this 10<sup>th</sup> day of August, 2015.



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

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

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

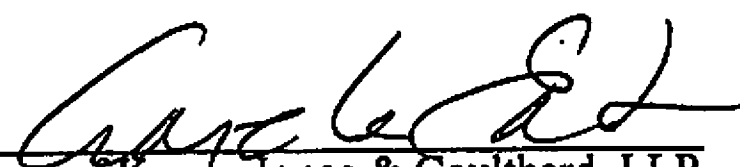
**CERTIFICATE OF SERVICE**

I hereby certify that on the 10 day of August, 2015, the foregoing NOTICE OF  
TAKING 30(b)(6) DEPOSITION OF STARWOOD HOTELS AND RESORTS was served  
on the following parties through the Court's electronic filing system:

James J. Pisanelli, Esq.  
Todd L. Bice, Esq.  
Debra L. Spinelli, Esq.  
Jordan T. Smith, Esq.  
PISANELLI BICE PLLC  
400 South Fourth Street, Suite 300  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiff Steven C. Jacobs*

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

J. Stephen Peek, Esq.  
Robert J. Cassity, Esq.  
Holland & Hart, LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134

  
An employee of Kemp, Jones & Coulthard, LLP

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 J. Randall Jones, Esq.  
Nevada Bar No. 1927  
2 jrj@kempjones.com  
Mark M. Jones, Esq.  
3 Nevada Bar No. 267  
m.jones@kempjones.com  
4 KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
5 Las Vegas, Nevada 89169  
*Attorneys for Sands China, Ltd.*

6  
7 J. Stephen Peek, Esq.  
Nevada Bar No. 1758  
speek@hollandhart.com  
8 Robert J. Cassity, Esq.  
Nevada Bar No. 9779  
bcassity@hollandhart.com  
9 HOLLAND & HART LLP  
10 9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134  
11 *Attorneys for Las Vegas Sands Corp.*  
*and Sands China, Ltd.*

12  
13 **DISTRICT COURT**  
14 **CLARK COUNTY, NEVADA**

15 STEVEN C. JACOBS,

16 Plaintiff,

17 v.

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

21 Defendants.

22  
23 AND ALL RELATED MATTERS.

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

**DEPOSITION SUBPOENA**

(NRCp 30(b)(6) of Starwood Hotels and  
Resorts)

Date of Deposition: September 22, 2015  
Time of Deposition: 10:30 a.m.

24 **THE STATE OF NEVADA SENDS GREETINGS TO:**

25 NRCp 30(b)(6) of Starwood Hotels and Resorts  
One StarPoint  
26 Stamford, CT 06902

1       **YOU ARE HEREBY ORDERED TO APPEAR AS A WITNESS**, and give  
2       testimony regarding the matters listed below at the following date, time, and place pursuant to  
3       NRS 50.165, NRCP 30 and NRCP 45:

4      **Date:**            September 22, 2015  
          **Time:**           10:30 a.m.  
 5      **Place:**          Stamford Court Reporter  
                            6 Landmark Square, 4<sup>th</sup> Floor  
 6                           Stamford, CT 06901


7 Since you are an organization, you must designate one or more officers, directors,  
8 representatives, or managing agents, or designate other persons who consent to testify on your  
9 behalf (regarding the matters identified below). See NRCP 30(b)(6).

Contempt: Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed in contempt of the court, NRCP 45(e), punishable by a fine not exceeding \$500.00 and imprisonment not exceeding 25 days, NRS 22.100(2). Additionally, a witness disobeying a subpoena shall forfeit to the aggrieved party \$100.00 and all damages sustained as a result of the failure to attend, and a warrant may issue for the witness' arrest. NRS 50.195, 50.205, and 22.100(3).

16 Please see the attached Exhibit A for information regarding your rights and  
17 responsibilities relating to this subpoena.

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

**KEMP, JONES & COULTHARD, LLP**

  
J. Randall Jones, Esq., #1927  
Mark M. Jones, Esq., #267  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
Las Vegas, Nevada 89169  
*Attorneys for Sands China Ltd.*

**HOLLAND & HART LLP**  
**J. Stephen Peek, Esq., #1758**  
**Robert J. Cassity, Esq., #9779**  
**9555 Hillwood Drive, 2<sup>nd</sup> Floor**  
**Las Vegas, Nevada 89134**  
*Attorneys for Las Vegas Sands Corp.*  
*and Sands China, Ltd.*

**Matters on Which Examination is Requested**

1. Any and all records or files related to or concerning Steven C. Jacobs, specifically including any personnel files or employment records, or any other memos, emails, letters, or the like, related to Steven C. Jacobs post-employment.
2. The facts and circumstances related to or concerning any disputes, arbitration, litigation, demand letters, or threats of litigation, arbitration or alternative dispute resolution, mediation or the like made by Steven C. Jacobs to Starwood Hotels and Resorts, or any of its affiliates, subsidiaries, related companies, employees, agents, representatives or attorneys, or any demands, settlement agreements, releases or agreements of compromise, whether purporting to be confidential by their terms or not.
3. Steven C. Jacobs' employment with the company.
4. Steven C. Jacobs' job duties while employed with the company.
5. Steven C. Jacobs' performance while employed with the company.
6. The facts and circumstances regarding Steven Jacobs' departure from the company.
7. The facts and circumstances regarding any post-departure disputes, and/or threats of litigation.



EXHIBIT A

NEVADA RULES OF CIVIL PROCEDURE

Rule 45

(c) *Protection of persons subject to subpoena.*

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

1 (ii) requires a person who is not a party or an officer of a party to  
2 travel to a place more than 100 miles from the place where that person resides, is employed or  
3 regularly transacts business in person, except that such a person may in order to attend trial be  
4 commanded to travel from any such place within the state in which the trial is held, or

5 (iii) requires disclosure of privileged or other protected matter and no  
6 exception or waive applies, or

7 (iv) subjects a person to undue burden.

8 (B) If a subpoena

9 (i) requires disclosure of a trade secret or other confidential research,  
10 development, or commercial information, or

11 (ii) requires disclosure of an unretained expert's opinion or  
12 information not describing specific events or occurrences in dispute and resulting from the  
13 expert's study made not at the request of any party,

14 the court may, to protect a person subject to or affected by the subpoena, quash or modify the  
15 subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the  
16 testimony or material that cannot be otherwise met without undue hardship and assures that the  
17 person to whom the subpoena is addressed will be reasonably compensated, the court may order  
18 appearance or production only upon specified conditions.

19 (d) *Duties in responding to subpoena.*

20 (1) A person responding to a subpoena to produce documents shall produce them as  
21 they are kept in the usual course of business or shall organize and label them to correspond with  
22 the categories in the demand.

23 (2) When information subject to a subpoena is withheld on a claim that it is  
24 privileged or subject to protection as trial preparation materials, the claim shall be made  
25 expressly and shall be supported by a description of the nature of the documents,  
26 communications, or things not produced that is sufficient to enable the demanding party to  
27 contest the claim.  
28

# **EXHIBIT 3**

KEMP JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 J. Randall Jones, Esq.  
2 Nevada Bar No. 1927  
3 jrj@kempjones.com  
4 Mark M. Jones, Esq.  
5 Nevada Bar No. 267  
6 m.jones@kempjones.com  
7 KEMP, JONES & COULTHARD, LLP  
8 3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
9 Las Vegas, Nevada 89169  
10 *Attorneys for Sands China Ltd.*

11 J. Stephen Peek, Esq.  
12 Nevada Bar No. 1758  
13 speak@hollandhart.com  
14 Robert J. Cassity, Esq.  
15 Nevada Bar No. 9779  
16 bcassity@hollandhart.com  
17 HOLLAND & HART LLP  
18 9555 Hillwood Drive, 2<sup>nd</sup> Floor  
19 Las Vegas, Nevada 89134  
20 *Attorneys for Las Vegas Sands Corp.*  
21 *and Sands China Ltd.*

DISTRICT COURT  
CLARK COUNTY, NEVADA

22 STEVEN C. JACOBS,  
23  
24 Plaintiff,  
25  
26 v.

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

27 LAS VEGAS SANDS CORP., a Nevada  
28 corporation; SANDS CHINA LTD., a Cayman  
Islands corporation; SHELDON G.  
ADELSON, in his individual and  
representative capacity; DOES I-X; and ROE  
CORPORATIONS I-X,  
Defendants.

NOTICE OF TAKING 30(b)(6)  
DEPOSITION OF HOLIDAY INN  
WORLDWIDE

September 23, 2015 at 8:30 a.m.

AND ALL RELATED MATTERS.


PLEASE TAKE NOTICE that pursuant to NRCP 30(b)(6), Defendant Sands China Ltd.,  
by and through its attorneys of record, will take the deposition of the representative or other  
person with consent to testify on its behalf of Holiday Inn Worldwide, by stenographic means,  
on September 23, 2015, at the hour of 8:30 a.m., at the offices of Elizabeth Gallo Court

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 Reporting, LLC, 2900 Chamblee Tucker Road, Building 13, Atlanta, GA 30341, upon oral  
2 examination, before a Notary Public or some other officer authorized by law to administer oaths  
3 and will be recorded. Your deposition will continue in the aforementioned manner thereafter  
4 from day to day until completed. You are invited to attend and cross examine.

5 A true and correct copy of the Subpoena to be served upon the deponent requiring  
6 his/her appearance and the matters on which he/she will testify is attached hereto.

7 DATED this 10<sup>th</sup> day of August, 2015.

8  
9   
10 J. Randall Jones, Esq.  
11 Mark M. Jones, Esq.  
12 Kemp, Jones & Coulthard, LLP  
13 3800 Howard Hughes Pkwy., 17<sup>th</sup> Floor  
14 Las Vegas, Nevada 89169  
15 Attorneys for Sands China, Ltd.

16 J. Stephen Peek, Esq.  
17 Robert J. Cassity, Esq.  
18 Holland & Hart LLP  
19 9555 Hillwood Drive, 2<sup>nd</sup> Floor  
20 Las Vegas, Nevada 89134  
21 Attorneys for Las Vegas Sands Corp. and  
22 Sands China, Ltd.  
23  
24  
25  
26  
27  
28

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com


**CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of August, 2015, the foregoing NOTICE OF  
TAKING 30(b)(6) DEPOSITION OF HOLIDAY INN WORLDWIDE was served on the  
following parties through the Court's electronic filing system:

James J. Pisanelli, Esq.  
Todd L. Bice, Esq.  
Debra L. Spinelli, Esq.  
Jordan T. Smith, Esq.  
PISANELLI BICE PLLC  
400 South Fourth Street, Suite 300  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiff Steven C. Jacobs*

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

J. Stephen Peek, Esq.  
Robert J. Cassity, Esq.  
Holland & Hart, LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134

  
An employee of Kemp, Jones & Coulthard, LLP

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kic@kempjones.com

1 J. Randall Jones, Esq.  
Nevada Bar No. 1927  
2 jrj@kempjones.com  
Mark M. Jones, Esq.  
3 Nevada Bar No. 267  
m.jones@kempjones.com  
4 KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
5 Las Vegas, Nevada 89169  
*Attorneys for Sands China, Ltd.*

6  
7 J. Stephen Peek, Esq.  
Nevada Bar No. 1758  
speek@hollandhart.com  
8 Robert J. Cassity, Esq.  
Nevada Bar No. 9779  
9 bcassity@hollandhart.com  
10 HOLLAND & HART LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
11 Las Vegas, Nevada 89134  
*Attorneys for Las Vegas Sands Corp.  
and Sands China, Ltd.*

12  
13 **DISTRICT COURT**  
14 **CLARK COUNTY, NEVADA**

15 STEVEN C. JACOBS,  
16  
17 Plaintiff,  
18 v.

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

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

**DEPOSITION SUBPOENA**  
**(NRCF 30(b)(6) of Holiday Inn  
Worldwide)**

21 Defendants.  
22

Date of Deposition: September 23, 2015  
Time of Deposition: 8:30 a.m.

23 AND ALL RELATED MATTERS.

24 **THE STATE OF NEVADA SENDS GREETINGS TO:**

25 NRCF 30(b)(6) of c/o Holiday Inn Corporate Office Headquarters  
26 3 Ravina Drive #100  
Atlanta, GA 30346  
27  
28

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kic@kempjones.com

1           **YOU ARE HEREBY ORDERED TO APPEAR AS A WITNESS**, and give  
2 testimony regarding the matters listed below at the following date, time, and place pursuant to  
3 NRS 50.165, NRCP 30 and NRCP 45:

4           Date:           September 23, 2015  
5           Time:           8:30 a.m.  
6           Place:          Elizabeth Gallo Court Reporting, LLC  
                                2900 Chamblee Tucker Road, Building 13  
                                Atlanta, GA 30341


7           Since you are an organization, you must designate one or more officers, directors,  
8 representatives, or managing agents, or designate other persons who consent to testify on your  
9 behalf (regarding the matters identified below). *See* NRCP 30(b)(6).

10           Contempt: Failure by any person without adequate excuse to obey a subpoena served  
11 upon that person may be deemed in contempt of the court, NRCP 45(e), punishable by a fine not  
12 exceeding \$500.00 and imprisonment not exceeding 25 days, NRS 22.100(2). Additionally, a  
13 witness disobeying a subpoena shall forfeit to the aggrieved party \$100.00 and all damages  
14 sustained as a result of the failure to attend, and a warrant may issue for the witness' arrest.  
15 NRS 50.195, 50.205, and 22.100(3).

16           Please see the attached Exhibit A for information regarding your rights and  
17 responsibilities relating to this subpoena.

18           DATED this 10<sup>th</sup> day of August, 2015.

19           KEMP, JONES & COULTHARD, LLP

20             
21 J. Randall Jones, Esq., #1927  
22 Mark M. Jones, Esq., #267  
23 3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
24 Las Vegas, Nevada 89169  
25 Attorneys for Sands China Ltd.

26           HOLLAND & HART LLP  
27 J. Stephen Peek, Esq., #1758  
28 Robert J. Cassity, Esq., #9779  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134  
Attorneys for Las Vegas Sands Corp.  
and Sands China, Ltd.



**Matters on Which Examination if Requested**

1. Any and all records or files related to or concerning Steven C. Jacobs, specifically including any personnel files or employment records, or any other memos, emails, letters, or the like, related to Steven C. Jacobs post-employment.
2. The facts and circumstances related to or concerning any disputes, arbitration, litigation, demand letters, or threats of litigation, arbitration or alternative dispute resolution, mediation or the like made by Steven C. Jacobs to Holiday Inn Worldwide, or any of its affiliates, subsidiaries, related companies, employees, agents, representatives or attorneys, or any demands, settlement agreements, releases or agreements of compromise, whether purporting to be confidential by their terms or not.
3. Steven C. Jacobs' employment with the company.
4. Steven C. Jacobs' job duties while employed with the company.
5. Steven C. Jacobs' performance while employed with the company.
6. The facts and circumstances regarding Steven Jacobs' departure from the company.
7. The facts and circumstances regarding any post-departure disputes, and/or threats of litigation.

EXHIBIT A

NEVADA RULES OF CIVIL PROCEDURE

Rule 45

(c) *Protection of persons subject to subpoena.*

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

1 (ii) requires a person who is not a party or an officer of a party to  
2 travel to a place more than 100 miles from the place where that person resides, is employed or  
3 regularly transacts business in person, except that such a person may in order to attend trial be  
4 commanded to travel from any such place within the state in which the trial is held, or

5 (iii) requires disclosure of privileged or other protected matter and no  
6 exception or waive applies, or

7 (iv) subjects a person to undue burden.

8 (B) If a subpoena

9 (i) requires disclosure of a trade secret or other confidential research,  
10 development, or commercial information, or

11 (ii) requires disclosure of an unretained expert's opinion or  
12 information not describing specific events or occurrences in dispute and resulting from the  
13 expert's study made not at the request of any party,

14 the court may, to protect a person subject to or affected by the subpoena, quash or modify the  
15 subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the  
16 testimony or material that cannot be otherwise met without undue hardship and assures that the  
17 person to whom the subpoena is addressed will be reasonably compensated, the court may order  
18 appearance or production only upon specified conditions.

19 (d) *Duties in responding to subpoena.*

20 (1) A person responding to a subpoena to produce documents shall produce them as  
21 they are kept in the usual course of business or shall organize and label them to correspond with  
22 the categories in the demand.

23 (2) When information subject to a subpoena is withheld on a claim that it is  
24 privileged or subject to protection as trial preparation materials, the claim shall be made  
25 expressly and shall be supported by a description of the nature of the documents,  
26 communications, or things not produced that is sufficient to enable the demanding party to  
27 contest the claim.

28

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 J. Randall Jones, Esq.  
Nevada Bar No. 1927  
2 jrj@kempjones.com  
Mark M. Jones, Esq.  
3 Nevada Bar No. 267  
m.jones@kempjones.com  
4 KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
5 Las Vegas, Nevada 89169  
6 *Attorneys for Sands China Ltd.*

7 J. Stephen Peek, Esq.  
Nevada Bar No. 1758  
8 speak@hollandhart.com  
Robert J. Cassity, Esq.  
9 Nevada Bar No. 9779  
bcassity@hollandhart.com  
10 HOLLAND & HART LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
11 Las Vegas, Nevada 89134  
12 *Attorneys for Las Vegas Sands Corp.  
and Sands China Ltd.*

DISTRICT COURT  
CLARK COUNTY, NEVADA

15 STEVEN C. JACOBS,  
16  
17 Plaintiff,  
18 v.

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

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

**NOTICE OF TAKING DEPOSITION OF  
THE CUSTODIAN OF RECORDS OF  
HOLIDAY INN WORLDWIDE**

September 23, 2015 at 8:00 a.m.

23  
24 AND ALL RELATED MATTERS.

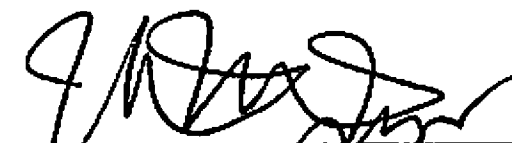
25 PLEASE TAKE NOTICE that Defendant Sands China Ltd., by and through its attorneys  
26 of record, will take the deposition of the Custodian of Records of Holiday Inn Worldwide, by  
27 stenographic means, on September 23, 2015, at the hour of 8:00 a.m., at the offices of Elizabeth  
28 Gallo Court Reporting, LLC, 2900 Chamblee Tucker Road, Building 13, Atlanta, GA 30341,

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 upon oral examination, before a Notary Public or some other officer authorized by law to  
2 administer oaths and will be recorded. Your deposition will continue in the aforementioned  
3 manner thereafter from day to day until completed. You are invited to attend and cross  
4 examine.

5 A true and correct copy of the Subpoena to be served upon the deponent requiring  
6 his/her appearance and the matters on which he/she will testify is attached hereto.

7 DATED this 10<sup>th</sup> day of August, 2015.



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

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

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the 10 day of August, 2015, the foregoing **NOTICE OF TAKING DEPOSITION OF THE CUSTODIAN OF RECORDS OF HOLIDAY INN WORLDWIDE** was served on the following parties through the Court's electronic filing system:

James J. Pisanelli, Esq.  
Todd L. Bice, Esq.  
Debra L. Spinelli, Esq.  
Jordan T. Smith, Esq.  
PISANELLI BICE PLLC  
400 South Fourth Street, Suite 300  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiff Steven C. Jacobs*

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

J. Stephen Peek, Esq.  
Robert J. Cassity, Esq.  
Holland & Hart, LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134

  
An employee of Kemp, Jones & Coulthard, LLP

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kic@kempjones.com

1 J. Randall Jones, Esq.  
Nevada Bar No. 1927  
2 jrj@kempjones.com  
Mark M. Jones, Esq.  
3 Nevada Bar No. 267  
m.jones@kempjones.com  
4 KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
5 Las Vegas, Nevada 89169  
*Attorneys for Sands China, Ltd.*

6  
7 J. Stephen Peek, Esq.  
Nevada Bar No. 1758  
speek@hollandhart.com  
8 Robert J. Cassity, Esq.  
Nevada Bar No. 9779  
9 bcassity@hollandhart.com  
10 HOLLAND & HART LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
11 Las Vegas, Nevada 89134  
*Attorneys for Las Vegas Sands Corp.  
and Sands China, Ltd.*

12  
13 **DISTRICT COURT**  
14 **CLARK COUNTY, NEVADA**

15 STEVEN C. JACOBS,  
16  
Plaintiff,  
17 v.

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

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

**DEPOSITION SUBPOENA**  
**(Custodian of Records of Holiday Inn  
Worldwide)**

21 Defendants.  
22

Date of Deposition: September 23, 2015  
Time of Deposition: 8:00 a.m.

23 AND ALL RELATED MATTERS.

24 **THE STATE OF NEVADA SENDS GREETINGS TO:**

25 Custodian of Records of Holiday Inn Corporate Office Headquarters  
26 3 Ravina Drive #100  
Atlanta, GA 30346  
27  
28

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

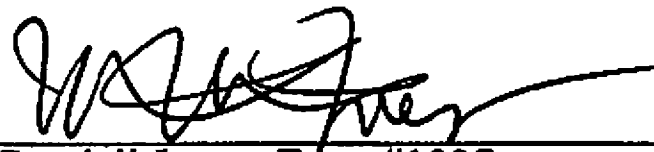
1           **YOU ARE HEREBY ORDERED TO APPEAR AS A WITNESS**, and give  
2 testimony regarding the matters listed below at the following date, time, and place pursuant to  
3 NRCP 45:

4           Date:           September 23, 2015  
5           Time:           8:00 a.m.  
6           Place:           Elizabeth Gallo Court Reporting, LLC  
                                  2900 Chamblee Tucker Road, Building 13  
                                  Atlanta, GA 30341

7           **YOU ARE HEREBY FURTHER ORDERED** that all and singular, business and  
8 excuses set aside, to bring with you at the time of your appearance any items set forth below. If  
9 you fail to attend and produce and permit inspection and copying of the requested documents,  
10 you will be deemed guilty of contempt of Court and liable to pay all losses and damages caused  
11 by your failure to appear. Please see Exhibit A attached hereto for information regarding the  
12 rights of the persons subject to this subpoena.

13           DATED this 10<sup>th</sup> day of August, 2015.

14           KEMP, JONES & COULTHARD, LLP

15           

16           J. Randall Jones, Esq., #1927  
17           Mark M. Jones, Esq., #267  
18           3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
19           Las Vegas, Nevada 89169  
20           Attorneys for Sands China Ltd.

21           HOLLAND & HART LLP  
22           J. Stephen Peek, Esq., #1758  
23           Robert J. Cassity, Esq., #9779  
24           9555 Hillwood Drive, 2<sup>nd</sup> Floor  
25           Las Vegas, Nevada 89134  
26           Attorneys for Las Vegas Sands Corp.  
27           and Sands China, Ltd.  
28



**Documents to Be Produced**

1  
2 1. Any and all records or files related to or concerning Steven C. Jacobs,  
3 specifically including any personnel files or employment records, or any other memos, emails,  
4 letters, or the like, related to Steven C. Jacobs' post-employment.

5 2. Any and all documents related to or concerning any disputes, arbitration,  
6 litigation, demand letters, or threats of litigation, arbitration or alternative dispute resolution,  
7 mediation or the like made by Steven C. Jacobs to Holiday Inn Worldwide, or any of its  
8 affiliates, subsidiaries, related companies, employees, agents, representatives or attorneys, or  
9 any demands, settlement agreements, releases or agreements of compromise, whether  
10 purporting to be confidential by their terms or not.

EXHIBIT A

NEVADA RULES OF CIVIL PROCEDURE

Rule 45

(c) *Protection of persons subject to subpoena.*

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

1 (ii) requires a person who is not a party or an officer of a party to  
2 travel to a place more than 100 miles from the place where that person resides, is employed or  
3 regularly transacts business in person, except that such a person may in order to attend trial be  
4 commanded to travel from any such place within the state in which the trial is held, or

5 (iii) requires disclosure of privileged or other protected matter and no  
6 exception or waive applies, or

7 (iv) subjects a person to undue burden.

8 (B) If a subpoena

9 (i) requires disclosure of a trade secret or other confidential research,  
10 development, or commercial information, or

11 (ii) requires disclosure of an unretained expert's opinion or  
12 information not describing specific events or occurrences in dispute and resulting from the  
13 expert's study made not at the request of any party,  
14 the court may, to protect a person subject to or affected by the subpoena, quash or modify the  
15 subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the  
16 testimony or material that cannot be otherwise met without undue hardship and assures that the  
17 person to whom the subpoena is addressed will be reasonably compensated, the court may order  
18 appearance or production only upon specified conditions.

19 (d) *Duties in responding to subpoena.*

20 (1) A person responding to a subpoena to produce documents shall produce them as  
21 they are kept in the usual course of business or shall organize and label them to correspond with  
22 the categories in the demand.

23 (2) When information subject to a subpoena is withheld on a claim that it is  
24 privileged or subject to protection as trial preparation materials, the claim shall be made  
25 expressly and shall be supported by a description of the nature of the documents,  
26 communications, or things not produced that is sufficient to enable the demanding party to  
27 contest the claim.  
28

# **EXHIBIT 4**

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 J. Randall Jones, Esq.  
Nevada Bar No. 1927  
2 jrj@kempjones.com  
Mark M. Jones, Esq.  
3 Nevada Bar No. 267  
m.jones@kempjones.com  
4 KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
5 Las Vegas, Nevada 89169  
6 *Attorneys for Sands China Ltd.*

7 J. Stephen Peek, Esq.  
Nevada Bar No. 1758  
8 speak@hollandhart.com  
Robert J. Cassity, Esq.  
9 Nevada Bar No. 9779  
bcassity@hollandhart.com  
10 HOLLAND & HART LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
11 Las Vegas, Nevada 89134  
12 *Attorneys for Las Vegas Sands Corp.  
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  
Islands corporation; SHELDON G.  
20 ADELSON, in his individual and  
representative capacity; DOES I-X; and ROE  
21 CORPORATIONS I-X,

22 Defendants.

23 AND ALL RELATED MATTERS.  
24

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

NOTICE OF TAKING 30(b)(6)  
DEPOSITION OF DELOITTE &  
TOUCHE, LLP

September 21, 2015 at 10:30 a.m.

25 PLEASE TAKE NOTICE that pursuant to NRCP 30(b)(6), Defendant Sands China Ltd.,  
26 by and through its attorneys of record, will take the deposition of the representative or other  
27 person with consent to testify on its behalf of Deloitte & Touche, LLP, by stenographic means,  
28 on September 21, 2015, at the hour of 10:30 a.m., at the offices of Mayer Brown, 1221 Avenue

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 of the Americas, New York, NY 10020, upon oral examination, before a Notary Public or some  
2 other officer authorized by law to administer oaths and will be recorded. Your deposition will  
3 continue in the aforementioned manner thereafter from day to day until completed. You are  
4 invited to attend and cross examine.

5 A true and correct copy of the Subpoena to be served upon the deponent requiring  
6 his/her appearance and the matters on which he/she will testify is attached hereto.

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



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

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

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

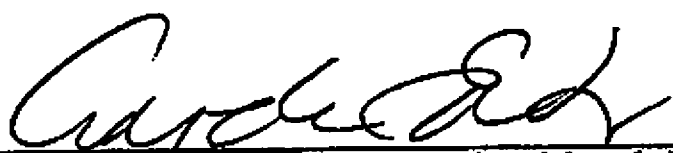
**CERTIFICATE OF SERVICE**

I hereby certify that on the 10 day of August, 2015, the foregoing NOTICE OF  
TAKING 30(b)(6) DEPOSITION OF DELOITTE & TOUCHE, LLP was served on the  
following parties through the Court's electronic filing system:

James J. Pisanelli, Esq.  
Todd L. Bice, Esq.  
Debra L. Spinelli, Esq.  
Jordan T. Smith, Esq.  
PISANELLI BICE PLLC  
400 South Fourth Street, Suite 300  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiff Steven C. Jacobs*

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

J. Stephen Peek, Esq.  
Robert J. Cassity, Esq.  
Holland & Hart, LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134

  
An employee of Kemp, Jones & Coulthard, LLP

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kic@kempjones.com

1 J. Randall Jones, Esq.  
Nevada Bar No. 1927  
2 jrj@kempjones.com  
Mark M. Jones, Esq.  
3 Nevada Bar No. 267  
m.jones@kempjones.com  
4 KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
5 Las Vegas, Nevada 89169  
*Attorneys for Sands China, Ltd.*

6  
7 J. Stephen Peek, Esq.  
Nevada Bar No. 1758  
speek@hollandhart.com  
8 Robert J. Cassity, Esq.  
Nevada Bar No. 9779  
bcassity@hollandhart.com  
9 HOLLAND & HART LLP  
10 9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134  
11 *Attorneys for Las Vegas Sands Corp.  
and Sands China, Ltd.*

12  
13 **DISTRICT COURT**  
14 **CLARK COUNTY, NEVADA**

15 STEVEN C. JACOBS,

16 Plaintiff,

17 v.

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

21 Defendants.

22  
23 **AND ALL RELATED MATTERS.**

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

**DEPOSITION SUBPOENA**

**(NRCp 30(b)(6) of Deloitte & Touche,  
LLP)**

Date of Deposition: September 21, 2015  
Time of Deposition: 10:30 a.m.

24 **THE STATE OF NEVADA SENDS GREETINGS TO:**

25 NRCp 30(b)(6) of Deloitte & Touche, LLP  
26 30 Rockefeller Plaza #4350  
New York, NY 10112  
27  
28



1       **YOU ARE HEREBY ORDERED TO APPEAR AS A WITNESS**, and give  
2       testimony regarding the matters listed below at the following date, time, and place pursuant to  
3       NRS 50.165, NRCp 30 and NRCp 45:

**YOU ARE HEREBY ORDERED TO APPEAR AS A WITNESS, and give**

testimony regarding the matters listed below at the following date, time, and place pursuant to  
NRS 50.165, NRCP 30 and NRCP 45:

**Date:** September 21, 2015  
**Time:** 10:30 a.m.  
**Place:** Mayer Brown  
1221 Avenue of the Americas  
New York, NY 10020

Since you are an organization, you must designate one or more officers, directors, representatives, or managing agents, or designate other persons who consent to testify on your behalf (regarding the matters identified below). *See* NRCP 30(b)(6).

**Contempt:** Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed in contempt of the court, NRCp 45(e), punishable by a fine not exceeding \$500.00 and imprisonment not exceeding 25 days, NRS 22.100(2). Additionally, a witness disobeying a subpoena shall forfeit to the aggrieved party \$100.00 and all damages sustained as a result of the failure to attend, and a warrant may issue for the witness' arrest. NRS 50.195, 50.205, and 22.100(3).

DATED this 10<sup>th</sup> day of August, 2015.

**KEMP, JONES & COULTHARD, LLP**

**J. Randall Jones, Esq., #1927**  
**Mark M. Jones, Esq., #267**  
**3800 Howard Hughes Parkway, 17<sup>th</sup> Floor**  
**Las Vegas, Nevada 89169**  
*Attorneys for Sands China Ltd.*

**HOLLAND & HART LLP**  
J. Stephen Peek, Esq., #1758  
Robert J. Cassity, Esq., #9779  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134  
*Attorneys for Las Vegas Sands Corp.  
and Sands China, Ltd.*

**Matters on Which Examination is Requested**

1. Any and all records or files related to or concerning Steven C. Jacobs, specifically including any personnel files or employment records, or any other memos, emails, letters, or the like, related to Steven C. Jacobs post-employment.
2. The facts and circumstances related to or concerning any disputes, arbitration, litigation, demand letters, or threats of litigation, arbitration or alternative dispute resolution, mediation or the like made by Steven C. Jacobs to Deloitte & Touche, LLP, or any of its affiliates, subsidiaries, related companies, employees, agents, representatives or attorneys, or any demands, settlement agreements, releases or agreements of compromise, whether purporting to be confidential by their terms or not.
3. Steven C. Jacobs' employment with the company.
4. Steven C. Jacobs' job duties while employed with the company.
5. Steven C. Jacobs' performance while employed with the company.
6. The facts and circumstances regarding Steven Jacobs' departure from the company.
7. The facts and circumstances regarding any post-departure disputes, and/or threats of litigation.

EXHIBIT A

NEVADA RULES OF CIVIL PROCEDURE

**Rule 45**

**(c) *Protection of persons subject to subpoena.***

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

1 (ii) requires a person who is not a party or an officer of a party to  
2 travel to a place more than 100 miles from the place where that person resides, is employed or  
3 regularly transacts business in person, except that such a person may in order to attend trial be  
4 commanded to travel from any such place within the state in which the trial is held, or

5 (iii) requires disclosure of privileged or other protected matter and no  
6 exception or waive applies, or

7 (iv) subjects a person to undue burden.

8 (B) If a subpoena

9 (i) requires disclosure of a trade secret or other confidential research,  
10 development, or commercial information, or

11 (ii) requires disclosure of an unretained expert's opinion or  
12 information not describing specific events or occurrences in dispute and resulting from the  
13 expert's study made not at the request of any party,  
14 the court may, to protect a person subject to or affected by the subpoena, quash or modify the  
15 subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the  
16 testimony or material that cannot be otherwise met without undue hardship and assures that the  
17 person to whom the subpoena is addressed will be reasonably compensated, the court may order  
18 appearance or production only upon specified conditions.

19 (d) *Duties in responding to subpoena.*

20 (1) A person responding to a subpoena to produce documents shall produce them as  
21 they are kept in the usual course of business or shall organize and label them to correspond with  
22 the categories in the demand.

23 (2) When information subject to a subpoena is withheld on a claim that it is  
24 privileged or subject to protection as trial preparation materials, the claim shall be made  
25 expressly and shall be supported by a description of the nature of the documents,  
26 communications, or things not produced that is sufficient to enable the demanding party to  
27 contest the claim.  
28

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 J. Randall Jones, Esq.  
Nevada Bar No. 1927  
2 jrj@kempjones.com  
Mark M. Jones, Esq.  
3 Nevada Bar No. 267  
m.jones@kempjones.com  
4 KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
5 Las Vegas, Nevada 89169  
6 *Attorneys for Sands China Ltd.*

7 J. Stephen Peek, Esq.  
Nevada Bar No. 1758  
8 speak@hollandhart.com  
Robert J. Cassity, Esq.  
9 Nevada Bar No. 9779  
bcassity@hollandhart.com  
10 HOLLAND & HART LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
11 Las Vegas, Nevada 89134  
12 *Attorneys for Las Vegas Sands Corp.  
and Sands China Ltd.*

DISTRICT COURT  
CLARK COUNTY, NEVADA

15 STEVEN C. JACOBS,  
16  
17 Plaintiff,  
18 v.

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

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

NOTICE OF TAKING DEPOSITION OF  
THE CUSTODIAN OF RECORDS  
DELOITTE & TOUCHE, LLP

September 21, 2015 at 10:00 a.m.

23  
24 AND ALL RELATED MATTERS.


25 PLEASE TAKE NOTICE that Defendant Sands China Ltd., by and through its attorneys  
26 of record, will take the deposition of the Custodian of Records of Deloitte & Touche, LLP, by  
27 stenographic means, on September 21, 2015, at the hour of 10:00 a.m., at the offices of Mayer  
28 Brown, 1221 Avenue of the Americas, New York, NY 10020, upon oral examination, before a

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 Notary Public or some other officer authorized by law to administer oaths and will be recorded.  
2 Your deposition will continue in the aforementioned manner thereafter from day to day until  
3 completed. You are invited to attend and cross examine.

4 A true and correct copy of the Subpoena to be served upon the deponent requiring  
5 his/her appearance and the matters on which he/she will testify is attached hereto.

6 DATED this 10<sup>th</sup> day of August, 2015.

7   
8 J. Randall Jones, Esq.  
9 Mark M. Jones, Esq.  
10 Kemp, Jones & Coulthard, LLP  
11 3800 Howard Hughes Pkwy., 17<sup>th</sup> Floor  
12 Las Vegas, Nevada 89169  
13 Attorneys for Sands China, Ltd.

14 J. Stephen Peek, Esq.  
15 Robert J. Cassity, Esq.  
16 Holland & Hart LLP  
17 9555 Hillwood Drive, 2<sup>nd</sup> Floor  
18 Las Vegas, Nevada 89134  
19 Attorneys for Las Vegas Sands Corp. and  
20 Sands China, Ltd.

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the 10 day of August, 2015, the foregoing NOTICE OF  
TAKING DEPOSITION OF THE CUSTODIAN OF RECORDS DELOITTE &  
TOUCHE, LLP was served on the following parties through the Court's electronic filing  
system:

James J. Pisanelli, Esq.  
Todd L. Bice, Esq.  
Debra L. Spinelli, Esq.  
Jordan T. Smith, Esq.  
PISANELLI BICE PLLC  
400 South Fourth Street, Suite 300  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiff Steven C. Jacobs*

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

J. Stephen Peek, Esq.  
Robert J. Cassity, Esq.  
Holland & Hart, LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134

  
An employee of Kemp, Jones & Coulthard, LLP

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kic@kempjones.com

1 J. Randall Jones, Esq.  
Nevada Bar No. 1927  
2 jrj@kempjones.com  
Mark M. Jones, Esq.  
3 Nevada Bar No. 267  
m.jones@kempjones.com  
4 KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
5 Las Vegas, Nevada 89169  
*Attorneys for Sands China, Ltd.*

6  
7 J. Stephen Peek, Esq.  
Nevada Bar No. 1758  
8 speak@hollandhart.com  
Robert J. Cassity, Esq.  
9 Nevada Bar No. 9779  
bcassity@hollandhart.com  
10 HOLLAND & HART LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
11 Las Vegas, Nevada 89134  
*Attorneys for Las Vegas Sands Corp.  
and Sands China, Ltd.*

DISTRICT COURT  
CLARK COUNTY, NEVADA

15 STEVEN C. JACOBS,  
16 Plaintiff,  
17 v.

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

21 Defendants.  
22

23 AND ALL RELATED MATTERS.

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

DEPOSITION SUBPOENA

(Custodian of Records of Deloitte &  
Touche, LLP)

Date of Deposition: September 21, 2015  
Time of Deposition: 10:00 a.m.

THE STATE OF NEVADA SENDS GREETINGS TO:

Custodian of Records of Deloitte & Touche, LLP  
30 Rockefeller Plaza #4350  
New York, NY 10112



KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kic@kempjones.com

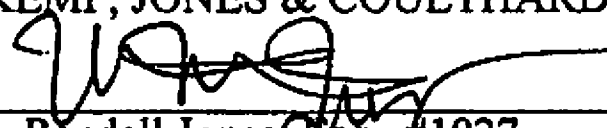
1           **YOU ARE HEREBY ORDERED TO APPEAR AS A WITNESS**, and give  
2 testimony regarding the matters listed below at the following date, time, and place pursuant to  
3 NRCP 45:

4           Date:           September 21, 2015  
5           Time:           10:00 a.m.  
6           Place:           Mayer Brown  
                              1221 Avenue of the Americas  
                              New York, NY 10020

7           **YOU ARE HEREBY FURTHER ORDERED** that all and singular, business and  
8 excuses set aside, to bring with you at the time of your appearance any items set forth below. If  
9 you fail to attend and produce and permit inspection and copying of the requested documents,  
10 you will be deemed guilty of contempt of Court and liable to pay all losses and damages caused  
11 by your failure to appear. Please see Exhibit A attached hereto for information regarding the  
12 rights of the persons subject to this subpoena.

13           DATED this 10<sup>th</sup> day of August, 2015.

14           KEMP, JONES & COULTHARD, LLP

15             
16           J. Randall Jones, Esq., #1927  
17           Mark M. Jones, Esq., #267  
                              3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
                              Las Vegas, Nevada 89169  
                              Attorneys for Sands China Ltd.

18           HOLLAND & HART LLP  
19           J. Stephen Peek, Esq., #1758  
20           Robert J. Cassity, Esq., #9779  
21           9555 Hillwood Drive, 2<sup>nd</sup> Floor  
22           Las Vegas, Nevada 89134  
23           Attorneys for Las Vegas Sands Corp.  
24           and Sands China, Ltd.  
25  
26  
27  
28

**Documents to Be Produced**

1. Any and all records or files related to or concerning Steven C. Jacobs, specifically including any personnel files or employment records, or any other memos, emails, letters, or the like, related to Steven C. Jacobs' post-employment.

2. Any and all documents related to or concerning any disputes, arbitration, litigation, demand letters, or threats of litigation, arbitration or alternative dispute resolution, mediation or the like made by Steven C. Jacobs to Deloitte & Touche, LLP, or any of its affiliates, subsidiaries, related companies, employees, agents, representatives or attorneys, or any settlement agreements, releases or agreements of compromise, whether purporting to be confidential by their terms or not.

EXHIBIT A

NEVADA RULES OF CIVIL PROCEDURE

**Rule 45**

**(c) *Protection of persons subject to subpoena.***

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waive applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) *Duties in responding to subpoena.*

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

# **EXHIBIT 5**

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 J. Randall Jones, Esq.  
Nevada Bar No. 1927  
2 jrj@kempjones.com  
Mark M. Jones, Esq.  
3 Nevada Bar No. 267  
m.jones@kempjones.com  
4 KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
5 Las Vegas, Nevada 89169  
6 *Attorneys for Sands China Ltd.*

7 J. Stephen Peek, Esq.  
Nevada Bar No. 1758  
8 speak@hollandhart.com  
Robert J. Cassity, Esq.  
9 Nevada Bar No. 9779  
bcassity@hollandhart.com  
10 HOLLAND & HART LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
11 Las Vegas, Nevada 89134  
12 *Attorneys for Las Vegas Sands Corp.  
and Sands China Ltd.*

DISTRICT COURT  
CLARK COUNTY, NEVADA

13  
14  
15 STEVEN C. JACOBS,

16 Plaintiff,

17 v.

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

22 Defendants.

23  
24 AND ALL RELATED MATTERS.

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

NOTICE OF DEPOSITION OF  
CUSTODIAN OF RECORDS OF  
FACEBOOK, INC.

September 25, 2015 at 10:00 a.m.

25 PLEASE TAKE NOTICE that at 10:00 a.m. on September 25, 2015, at the offices of  
26 Mayer Brown, Two Palo Alto Square, Suite 300, Palo Alto, CA 94306, Defendant Sands China  
27 Ltd., by and through its attorneys of record, will take the deposition of THE CUSTODIAN OF  
28 RECORDS OF FACEBOOK, INC. A copy of the Subpoena Duces Tecum which will be


KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 served upon the deponent is attached hereto and incorporated by reference as though fully set  
2 forth herein.

3 Oral examination will be taken pursuant to Nevada Rule of Civil Procedure 30, before a  
4 Notary Public, or before some other officer authorized by law to administer oaths and will be  
5 continue from day to day until complete. You are invited to attend and cross examine.

6 PLEASE TAKE FURTHER NOTICE that in lieu of appearing for testimony at the  
7 aforementioned place and time, the subpoenaed documents can be copied and mailed to the  
8 following address: Kemp, Jones & Coulthard, LLP, 3800 Howard Hughes Parkway, 17<sup>th</sup> Floor,  
9 Las Vegas, Nevada 89169, along with a completed Certificate of Authenticity, in advance of the  
10 date of appearance.

11 DATED this 10<sup>th</sup> day of August, 2015.

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

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

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com


**CERTIFICATE OF SERVICE**

I hereby certify that on the 10 day of August, 2015, the foregoing NOTICE OF DEPOSITION OF THE CUSTODIAN OF RECORDS OF FACEBOOK, INC. was served on the following parties through the Court's electronic filing system:

James J. Pisanelli, Esq.  
Todd L. Bice, Esq.  
Debra L. Spinelli, Esq.  
Jordan T. Smith, Esq.  
PISANELLI BICE PLLC  
400 South Fourth Street, Suite 300  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiff Steven C. Jacobs*

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

J. Stephen Peek, Esq.  
Robert J. Cassity, Esq.  
Holland & Hart, LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134

  
An employee of Kemp, Jones & Coulthard, LLP



KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 J. Randall Jones, Esq.  
Nevada Bar No. 1927  
2 jrj@kempjones.com  
Mark M. Jones, Esq.  
3 Nevada Bar No. 267  
m.jones@kempjones.com  
4 KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
5 Las Vegas, Nevada 89169  
*Attorneys for Sands China, Ltd.*

6  
7 J. Stephen Peek, Esq.  
Nevada Bar No. 1758  
speek@hollandhart.com  
8 Robert J. Cassity, Esq.  
Nevada Bar No. 9779  
bcassity@hollandhart.com  
9 HOLLAND & HART LLP  
10 9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134  
11 *Attorneys for Las Vegas Sands Corp.  
and Sands China, Ltd.*

12  
13 **DISTRICT COURT**  
14 **CLARK COUNTY, NEVADA**

15 STEVEN C. JACOBS,

16 Plaintiff,

17 v.

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

21 Defendants.

22  
23 AND ALL RELATED MATTERS.

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

**SUBPOENA DUCES TECUM TO THE  
CUSTODIAN OF RECORDS OF  
FACEBOOK, INC.**

Date: September 25, 2015  
Time: 10:00 a.m.

24 **THE STATE OF NEVADA SENDS GREETINGS TO:**

25 Facebook, Inc.  
1601 Willow Road  
26 Menlo Park, CA 94025

27 **YOU ARE HEREBY COMMANDED** that all and singular, business and excuses set  
28 aside, you appear and attend on September 25, 2015 at the hour of 10:00 a.m., at the offices of

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kic@kempjones.com

1 Mayer Brown, Two Palo Alto, Suite 300, Palo Alto, CA 94306. Your attendance is required to  
2 give testimony and/or to produce and permit inspection and copying of any and all Facebook  
3 Timeline Posts made by Steven C. Jacobs under the Facebook URL described as  
4 (<https://www.facebook.com/steven.c.jacobs.1>) as requested in Exhibit A attached hereto. You  
5 are required to bring with you at the time of your appearance any items set forth in Exhibit A.  
6 If you fail to attend and produce and permit inspection and copying of the requested documents,  
7 you will be deemed guilty of contempt of Court and liable to pay all losses and damages caused  
8 by your failure to appear. Please see Exhibit B attached hereto for information regarding the  
9 rights of the persons subject to this subpoena.


10 **IN LIEU OF APPEARING FOR TESTIMONY AT THE AFOREMENTIONED**  
11 **PLACE AND TIME, THE SUBPOENAED DOCUMENTS CAN BE COPIED AND**  
12 **MAILED TO THE FOLLOWING ADDRESS IN ADVANCE OF THE DATE OF**  
13 **APPEARANCE:**

14 Kemp, Jones & Coulthard, LLP  
15 Attn: Jeri Gressman, Paralegal  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
Las Vegas, Nevada 89169

16 **SHOULD THE SUBPOENAED DOCUMENTS BE PROVIDED TO THIS**  
17 **ADDRESS PRIOR TO THE DATE OF APPEARANCE, AN APPEARANCE NEED NOT**  
18 **BE MADE.**

19 DATED this 15<sup>th</sup> day of August, 2015.

20 KEMP, JONES & COULTHARD, LLP

21   
22 J. Randall Jones, Esq., #1927  
23 Mark M. Jones, Esq., #267  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
24 Las Vegas, Nevada 89169  
*Attorneys for Sands China Ltd.*

25 HOLLAND & HART LLP  
26 J. Stephen Peek, Esq., #1758  
Robert J. Cassity, Esq., #9779  
27 9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134  
28 *Attorneys for Las Vegas Sands Corp.  
and Sands China, Ltd.*

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kic@kempjones.com

**EXHIBIT A**

**ITEMS TO BE PRODUCED**

All records related to the account of Steven C. Jacobs, including but not limited to Facebook postings by Steven C. Jacobs (<https://www.facebook.com/steven.c.jacobs.1>) from the inception of the account to the present.

EXHIBIT B

NEVADA RULES OF CIVIL PROCEDURE

Rule 45

(c) *Protection of persons subject to subpoena.*

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waive applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) *Duties in responding to subpoena.*

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kic@kempjones.com

CERTIFICATE OF AUTHENTICITY

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ ) ss:

NOW COMES, \_\_\_\_\_, who after first being duly sworn deposes  
and says:

1. I am the \_\_\_\_\_ of Facebook, Inc.
2. That Facebook, Inc.'s corporate headquarters are in the State of California.
3. That on \_\_\_\_\_, 2015, I was served with a subpoena duces tecum in connection with District Court, Clark County, Nevada, Case Name *Steven C. Jacobs v. Las Vegas Sands Corp., et al.*, Case No. A627691, calling for the production of all records related to the account of Steven C. Jacobs, including all Facebook postings related to said account: ((<https://www.facebook.com/steven.c.jacobs.1>)) from the inception of the account to the present.
4. That I have examined the original of those records and have made, or caused to be made, a reproduction of such records available to the law firm of Kemp, Jones & Coulthard, LLP.
5. That the original of those documents were made at or near the time the act or event, by or from information transmitted by a person with personal knowledge of the event or act, where such record is kept in the course of a regularly conducted business activity of Facebook, Inc., and it was the regular practice of the business to make such a record.
6. As to computer generated records, in addition to that set forth immediately above, the computer and the program used are generally accepted in the field, the computer was in good working order at all relevant times, and the computer operator possessed the knowledge and training to correctly operate the computer.

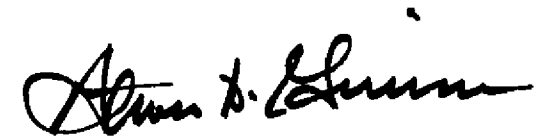
\_\_\_\_\_  
Facebook, Inc.

SUBSCRIBED and SWORN to before me, a Notary Public, on this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
NOTARY PUBLIC

# EXHIBIT 5

# EXHIBIT 5



CLERK OF THE COURT

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 DEFENDANTS' MOTION FOR PROTECTIVE ORDER  
AND PLAINTIFF'S MOTION FOR SANCTIONS**

THURSDAY, AUGUST 13, 2015

APPEARANCES:

FOR THE PLAINTIFF:

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

FOR THE DEFENDANTS:

J. STEPHEN PEEK, ESQ.  
JAMES FERGUSON, ESQ.  
STEVE L. MORRIS, ESQ.

COURT RECORDER:

JILL HAWKINS  
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, THURSDAY, AUGUST 13, 2015, 8:40 A.M.

2 (Court was called to order)

3 THE COURT: If I could go to Jacobs versus Las Vegas  
4 Sands. Good morning, gentlemen. And I saw Ms. Spinelli.

5 I think you should come in on Mondays and  
6 Wednesdays, too, just so that I can see you every day.

7 MR. PEEK: Thank you, Your Honor. I appreciate  
8 that.

9 THE COURT: Okay. Which motion would you like to  
10 handle first, gentlemen?

11 MR. PEEK: That's actually, Your Honor -- before we  
12 start, before the clock begins to run I would like to  
13 introduce Jim Ferguson.

14 THE COURT: Good morning, sir. How are you?

15 MR. FERGUSON: Good morning, Your Honor.

16 MR. PEEK: He was recently admitted.

17 THE COURT: Okay.

18 MR. PEEK: He will be making the argument. And just  
19 also an administrative question of you is we have two motions.

20 THE COURT: You get 10 minutes in all for all your  
21 motions per side. So if you and Mr. Jones and Mr. Morris all  
22 want to argue, you all split up your 10 minutes on whatever  
23 motions they are. And it's the honorary Steve Peek/Matt  
24 Dushoff rule.

25 MR. PEEK: I'm pleased that Mr. Morris and Mr.

1 Pisanelli don't get included in that, but --

2 THE COURT: Well, they weren't the ones that day.  
3 It was you and Mr. --

4 MR. PEEK: What day are you --

5 THE COURT: The day that the rule decided it was  
6 coming into effect was you and Matt Dushoff.

7 MR. PEEK: Okay. Your Honor, I don't care which  
8 one. I have the motion for protective order, Mr. Bice has a  
9 motion for sanctions.

10 THE COURT: They're the same issue. Can we just  
11 argue them at the same time.

12 MR. PEEK: That would be fine with me, Your Honor.  
13 I think we could start with the motion for protective order  
14 probably.

15 THE COURT: I'll let you go first. How's that? But  
16 it's the same issue. That means Mr. Bice gets to talk last,  
17 so each of you get to talk twice within your time.

18 MR. PEEK: Well, if we're doing a motion for  
19 protective order don't we get to talk last as a rebuttal?

20 THE COURT: Well, there's a motion for protective  
21 order, and there's a motion for sanctions, and they're related  
22 to the same 30(b)(6) deposition.

23 MR. PISANELLI: Has the clock started yet, Your  
24 Honor?

25 THE COURT: No.

1 MR. PEEK: I knew that was coming. I'm going to --

2 THE COURT: He's trying to figure out ways around  
3 the clock. He's been trying to figure it out since we started  
4 it.

5 MR. PEEK: Mr. Ferguson will argue, Your Honor.

6 THE COURT: Okay. Are you splitting any time with  
7 your friends?

8 MR. FERGUSON: I will let Mr. Peek address the  
9 sanctions issue, so I'm going to have to reserve enough time  
10 for him to --

11 THE COURT: How long do you want to reserve for Mr.  
12 Peek? Because he can't say anything -- he's getting better.

13 MR. PEEK: I only need one minute, Your Honor.

14 (Pause in the proceedings)

15 THE COURT: Okay. Good morning, Mr. Ferguson. How  
16 are you? Welcome to our case.

17 MR. FERGUSON: Thank you, Your Honor. Privileged to  
18 be here. I know you've read the papers, and I'm also aware  
19 that as a result of your ruling last week some of our  
20 objections have been mooted. In light of that and in light of  
21 the time constraints I thought I would concentrate on just  
22 three or four of the topics. And for the convenience of the  
23 Court I'm going to be referring to page 11 of our papers -- of  
24 our motion for protective order.

25 I want to focus first on the Requests 16 and 18,

1 which read, "Any suspected violations of the Foreign Corrupt  
2 Practices Act by any LVSC officer that in any way relates to  
3 or concerns Macau or China."

4           We understand and recognize that the test for  
5 discoverability is broader than relevance. Our argument is  
6 not simply that this encompasses a huge amount of material  
7 that's not relevant; it's that these requests are so  
8 impossibly vague and disconnected from any real issue in the  
9 case as to make it impractical for us to prepare a 30(b)(6)  
10 witness. A suspected violation of the FCPA. There's no  
11 definition. We don't know what constitutes --

12           THE COURT: We all know what the Foreign Corrupt  
13 Practices Act is. We've been litigating it in this case and  
14 another case for, what, four years now.

15           MR. FERGUSON: That's true, Your Honor.

16           THE COURT: I know your firm's only been involved,  
17 what, for two and a half years?

18           MR. FERGUSON: Correct, Your Honor.

19           THE COURT: Okay.

20           MR. FERGUSON: But the suspected violation, we don't  
21 know what is the violation of a suspected violation. By whom  
22 does the violation have to be suspected? You're correct,  
23 we've been arguing about the Foreign Corrupt Practices Act for  
24 many years, but the Foreign Corrupt Practices Act encompasses  
25 a wide range of potential activity. There's the controls

1 provision, and there's the anti-bribery provision. And this  
2 is particularly for my client, which, as you know far better  
3 than I, is a public company in a heavily regulated industry.  
4 Compliance-related activities and control-related activities  
5 encompass a potentially broad range of information.

6 And then, of course, we have the time frame. There  
7 is no time frame, no time period for this request.

8 We have a similar objection with respect to 17 and  
9 19, "Investigations of potential violations of FCPA." No  
10 definition of what constitutes a potential violation of the  
11 FCPA that relate in any way to Macau or China. There's no --  
12 it's a completely open-ended request. It's not linked to any  
13 issue, allegation, topic that has ever come up in this case.  
14 It's completely open ended.

15 31, "Any investigation of potential or suspected  
16 money laundering from 2009 to the present." I'm referring to  
17 Topic 31, Your Honor. "...potential or suspected money  
18 laundering." What constitutes potential or suspected money  
19 laundering? As you know, money laundering and anti-money  
20 laundering is a critical compliance issue for my company.  
21 It's a virtually daily occurrence that they're undertaking  
22 compliance- and control-related activities relating money  
23 laundering/anti-money laundering initiatives.

24 So for all of these reasons the requests are so open  
25 ended and so vaguely formulated that it makes it impractical,

1 if not impossible, to prepare a 30(b)(6) witness. And, of  
2 course, there's no showing that this enormous potential range  
3 of information has any bearing, any possibility, is reasonably  
4 calculated to lead to discoverable information.

5 I want to talk finally, Your Honor, about timing and  
6 the time frame. As you know, in your ruling last week you  
7 asked us to report to you on our aspirational goal, I think  
8 that was your phrase, of completing the document production by  
9 a week -- I'm sorry, a month from last week's hearing. And I  
10 believe that would fall on the Labor Day Weekend. With the  
11 exception of some quality control privilege review and a  
12 couple of followup issues, we do expect to substantially  
13 complete the document production by the Labor Day week.

14 You also ruled last week that you would continue to  
15 adhere to your June 22nd, 2011, order which defined the time  
16 frame for the ESI to be January 2009 until October 2010.

17 THE COURT: For the electronically stored  
18 information that's being searched --

19 MR. FERGUSON: Correct. That was my --

20 THE COURT: -- unless there was a motion to some  
21 other effect.

22 MR. FERGUSON: That was my understanding. The point  
23 I'm making is that we are prepared to go forward with 30(b)(6)  
24 witnesses during the week of August 24th as to many of these  
25 topics, but as to some of these topics we will need to

1 complete the search, particularly if our request to limit the  
2 time frame is not granted; because then we will have to as to  
3 these topics undertake an ESI search for the time frame that  
4 you ruled last week we would not have to. And that will  
5 require even more time.

6 So with that caveat I wanted to give Mr. Peek enough  
7 time to address the sanctions issue.

8 THE COURT: Okay. We're not on the sanctions issue  
9 for Mr. Peek yet. I'm going to go to Mr. Bice now, unless  
10 either of you want to say anything on this issue.

11 Okay. Mr. Bice, good morning.

12 MR. BICE: Good morning, Your Honor.

13 Your Honor, I understand the argument. It's  
14 burdensome to prepare a 30(b)(6) deponent on large cases. But  
15 as the Great American case from Federal Court across the  
16 street recognizes, that's one of the consequences of you being  
17 entitled as a business to do business in the corporate forum.  
18 That is a choice that you made, and so therefore you cannot  
19 claim that, well, it's burdensome to prepare witnesses on  
20 topics that are plainly relevant to this lawsuit.

21 And that's really what this comes down to. This is  
22 a very large lawsuit, involves an awful lot of money, and it  
23 involves an awful lot of events and events that are the  
24 product of, my client's position is, fabrications by the  
25 defendants about the real reasons for his termination. We

1 understand that. I understand they don't agree with that  
2 characterization, but that's what the dispute is really about.

3 Let's turn to their assertions about specific  
4 issues. The Foreign Corrupt Practices Act, 16 and 18, tied to  
5 Macau and China. The assertion that they don't know what that  
6 means I think is just simply not credible. They know exactly  
7 what that means. If it prompted an investigation -- they say  
8 they don't understand, well, you know, potential or suspected.  
9 If it prompted an investigation internally, they know exactly  
10 what it means and they know exactly what they did and they  
11 know that they had to report it to the United States  
12 Government. So to come and tell the Court, we just don't  
13 know, we're incapable -- I'll bet they don't tell the federal  
14 government that, that they're incapable of identifying and  
15 investigating and reporting those issues.

16 THE COURT: And I'm sure they don't tell the Gaming  
17 Control Boards.

18 MR. BICE: I'm sure that they don't tell the Gaming  
19 Control Board they don't know what this means and they don't  
20 understand how to spot this sort of issue and deal with it.

21 Same is true with respect, Your Honor, to 17 and 19.  
22 Again, if it prompted an investigation or an internal review  
23 of some sort, they obviously know it's an issue, and it's  
24 obviously relevant to the issues in this lawsuit.

25 Then we go to the one they talk about money



1   laundering. Your Honor, again, same issue. They say, well --  
2   and I would submit that the argument was somewhat  
3   contradictory just made. They insist that they have this very  
4   aggressive detailed compliance program to spot, address, and  
5   prohibit money laundering. But then they come to the Court  
6   and they say, well, it's overbroad for us to know what this  
7   means about investigations and potential money laundering  
8   problems. Obviously their very aggressive program, to the  
9   extent it is actually being followed, tells them exactly what  
10  this request covers, and they know that.

11           And so at the end of the day, Your Honor, I don't  
12  think these arguments really can be taken too serious in light  
13  of what this Court knows about this case. This is not a case  
14  where the Court is just writing on a blank slate. The Court  
15  has heard -- notwithstanding the fact that merits discovery is  
16  just getting open, the Court has heard a lot of evidence and  
17  has seen a lot of briefing on what are the facts and issues in  
18  this case, including the testimony of several of the Sands  
19  executives who tried to point the finger, we see what their  
20  defense is going to be, point the finger at Mr. Jacobs that  
21  this is all his doing, this is all his misconduct. That's the  
22  assertion being made. These requests go directly to  
23  demonstrate by Mr. Jacobs that in fact the story from the  
24  defendants is not accurate and that the defendants are the  
25  ones who were participating in this activity that they now

1 want to disavow because it's problematic. Regulatorywise I  
2 understand it, it's problematic. But that's the consequence  
3 of trying to pin this activity on one of your former  
4 executives as your defense when he sues you and then claim, I  
5 wasn't involved in that, it's all his doings. He's entitled  
6 to show that that story is a fiction.

7           And those are the only ones that they really  
8 address, Your Honor. I mean, our briefing I think covers the  
9 rest of them, and I know that the Court has a lot of knowledge  
10 about it.

11           Let me just address briefly this issue about the  
12 timing. The assertion is being made that I gave them an open  
13 extension. That is simply not true. I agreed that I would  
14 give them an opportunity to get in front of this Court as long  
15 as they did so promptly. I gave them a deadline of that date.  
16 What happened here was they abused my offer to try and take  
17 advantage of it. And it's not a coincidence, Your Honor, that  
18 the first time I heard that they were not going to -- they  
19 were not going to file by Friday was after the depo date. And  
20 then I heard this assertion out of Mr. Peek, you can't tell us  
21 when we have to file our motion. The only reason that he  
22 could say that is because he got past the depo date and then  
23 took the position, well, now I'm free to file when I want to  
24 and I'm free to them schedule it when I want to, because the  
25 only reason that we're here today, as opposed to the schedule

1 that I wanted to relieve them of the appearance requirement  
2 was because -- Mr. Ferguson's travel plans. That's what this  
3 -- it turns -- out I didn't know that at the time, but it  
4 turns out what has really happened here is they slow-played  
5 us, giving us this objection at about 5:00 o'clock before the  
6 deposition so then they could claim, well, we'll file the  
7 motion when we want to. And that -- Your Honor, that is not  
8 an agreement we made. There was no agreement to relieve them  
9 of the obligation, and there was certainly no agreement that  
10 they could file their motion at their leisure without an  
11 agreement from me. I thank the Court for its time.

12 THE COURT: Thank you. Anything else you want to  
13 say related to the failure to proceed with the 30(b)(6)  
14 deposition, other than there wasn't an agreement?

15 MR. BICE: There was no agreement. And under the  
16 law it is a failure to appear. You either obtain a protective  
17 order or you appear or you procure an agreement from me.  
18 There was no agreement. I'm going to leave that issue to the  
19 Court's discretion about what to do about it. But --

20 THE COURT: I thank you. That was what I needed you  
21 to say. Thank you.

22 MR. BICE: The Court needs to do something about it.

23 THE COURT: Thank you.

24 Mr. Ferguson.

25 MR. FERGUSON: Thank you, Your Honor. I'm not sure

1 how much time is left on my clock.

2 THE COURT: You have how many more minutes?

3 THE LAW CLERK: Four minutes, 30 seconds. For your  
4 9 minutes.

5 MR. FERGUSON: All right. So I will -- sorry.

6 THE COURT: I'm trying to do four things at once.  
7 You're up.

8 MR. FERGUSON: I will respond to Counsel's arguments  
9 related to protective order, and then Mr. Peek will address  
10 the sanctions issue.

11 If I understood Counsel's argument correctly, he  
12 said that these requests are tried to, quote,  
13 "investigations." That's not entirely accurate. Number 16  
14 and Number 18 ask for a 30(b)(6) witness to address "any  
15 suspected violation of the Foreign Corrupt Practices Act." In  
16 his argument I was waiting to hear what constitutes a  
17 suspected violation. Is it suspected by the government? Is  
18 it suspected by a lawyer? Is it suspected by a compliance  
19 official? What constitutes a suspected violation? That's  
20 precisely our argument as to these. They're impossibly vague  
21 to comply with.

22 He then argues that we know what an investigation is  
23 to the extent that the other requests are pegged to  
24 investigations and that the point I was making earlier about  
25 our anti-money laundering compliance initiatives was

1 contradictory. It's not contradictory at all. The point I  
2 was making is if he's defining -- if he's now telling us that  
3 what he means by investigations are our entire anti-money  
4 laundering compliance program, if it encompasses all that, my  
5 point was that is impossibly overbroad, particularly when he's  
6 asking for it from 2009 to the present and his client was  
7 terminated in July of 2010. So our anti-money laundering  
8 compliance program post July 2010 could not possibly have any  
9 relevance to his termination. Remember, his argument is that  
10 he's a whistleblower, he was raising these issues and that's  
11 what motivated us to terminate him. So what happened after  
12 2010 in our anti-money laundering compliance program could not  
13 possibly have any relevance.

14 THE COURT: Anything else?

15 MR. FERGUSON: I'll rely on Mr. Peek for the  
16 balance.

17 THE COURT: Mr. Peek, anything else you want to add,  
18 since Mr. Bice left it to my discretion?

19 MR. PEEK: Yes, Your Honor, I do.

20 THE COURT: Okay. You have --

21 THE LAW CLERK: Three minutes.

22 THE COURT: -- 3 minutes.

23 MR. PEEK: Oh, my gosh. Your Honor, there's really  
24 not a whole lot more to add than that which is set forth both  
25 in the opposition, as well as in my affidavit. And it all

1 starts with a July 22nd letter followed up, of course, by a  
2 July 23rd email in which a meet and confer conference was set  
3 at 2:00 o'clock in the afternoon on the same day the  
4 deposition was supposed to start at 10:00 a.m. and with a  
5 request that we commence the briefing -- we get our objections  
6 to him before the meet and confer and that we commence the  
7 briefing on July 31st. We did hold that meet and confer,  
8 albeit not on July 28th because of issues related to getting  
9 the call-in number timely. We did hold the meet and confer.  
10 Although we didn't file our brief on July 31st, we filed it on  
11 August 3rd. We got objections to him. I didn't say that --  
12 nor do you find anything here that said I was asking for an  
13 open extension of time. I was only asking for an opportunity  
14 to get before the Court to make my motion for protective order  
15 in a timely manner so that we could address these issues. I  
16 got this notice on 76 --

17 THE COURT: Well, and then discuss with me what day  
18 we were going to hold it.

19 MR. PEEK: Pardon?

20 THE COURT: And then discuss with me what day we  
21 were going to hold it --

22 MR. PEEK: And then discuss with you the day --

23 THE COURT: -- because I wanted to hold this hearing  
24 earlier. But we delayed because Mr. Ferguson was unavailable.

25 MR. PEEK: Your Honor, there were two issues. One

1 was my client was -- as I set forth in my papers --

2 THE COURT: And I accommodated that request.

3 MR. PEEK: Right. And so, Your Honor, I couldn't  
4 appear on the 28th for a 30(b)(6) deposition. I don't think  
5 that anything that I did reflects that there's misconduct on  
6 my failure to appear when I'm holding a meet and confer  
7 conference with him at 2:00 o'clock on that same day and when  
8 I gave him my objections on the 27th. And although I didn't  
9 file my brief on the 31st -- or, excuse me, Friday the 31st, I  
10 filed it on August 3rd and set it for immediate hearing to  
11 accommodate Mr. Ferguson's schedule and meeting with my client  
12 on the objections.

13 THE COURT: Okay. Can I ask you a couple questions,  
14 Mr. Peek.

15 MR. PEEK: Yes.

16 THE COURT: Last week I made some rulings on the  
17 motion to compel and sustained a couple of the objections and  
18 gave limited time frames.

19 MR. PEEK: You did.

20 THE COURT: If we apply those rulings to these and I  
21 make a slight modification to the language in Number 16 and  
22 Number 18 of the specific topics of the 30(b)(6), when is the  
23 earliest date on which you believe the 30(b)(6) deposition can  
24 commence?

25 MR. PEEK: Well, as Mr. Ferguson said, we can

1 commence it on some of the topics. But you're asking me  
2 specifically for 16 through 19, as well as 31?

3 THE COURT: Asking for the whole 30(b)(6)  
4 deposition. I understand there may be different individuals  
5 designated for different portions of the 30(b)(6) designation,  
6 and that happens all the time. What I'm trying to figure out  
7 is when are you going to be able to start it with whoever is  
8 the first group, and then we go the next group, and then we  
9 have the next group. Because you're going to have to identify  
10 who is the responsive individual --

11 MR. PEEK: I will, Your Honor.

12 THE COURT: -- the company's putting forth for each  
13 of the specified topics; right?

14 MR. PEEK: Yes, I will, Your Honor. And I guess I  
15 have to ask the Court a little bit of a question. Because  
16 from the last week's hearing the Court said with respect to  
17 certain of those topics and most of those topics where it did  
18 not agree with my argument on temporal scope it said five  
19 years prior to the termination.

20 THE COURT: Some of them I said within 10 years.

21 MR. PEEK: The only one that was 10 years was the  
22 defamation issue, Your Honor.

23 THE COURT: That's correct.

24 MR. PEEK: So we understand the defamation issue.  
25 But in terms of if the Court is going to hold us to that five-



1 year period and request that we actually conduct ESI discovery  
2 to prepare that witness for that period, five years prior to  
3 July 23rd, 2010, it will be a massive undertaking to prepare  
4 that witness, because we'll have to produce all those  
5 documents in order to prepare that witness on the suspected  
6 FCPA violations or these potential FCPA violations. If you  
7 hold us to that period of the ESI protocol, which is July 1,  
8 2009, through October 23rd, 2010, we can probably produce  
9 somebody in mid September. If you hold us to the --

10 THE COURT: Okay. You've answered my question.

11 MR. PEEK: Your Honor --

12 THE COURT: No. You've answered it. I understand  
13 what you're saying, Mr. Peek.

14 MR. PEEK: But I don't know what the Court's going  
15 to do, so --

16 THE COURT: Well, I'm going to tell you in a minute,  
17 and you're going to not like what I say. But that's okay,  
18 because you and I have been through this before, and you're  
19 going on September 1st to discuss with the Nevada Supreme  
20 Court the location of depositions.

21 MR. PEEK: We are, Your Honor.

22 THE COURT: So I'm certain they will be happy to  
23 discuss with you the temporal expansiveness of interrogatories  
24 at your next date.

25 Next? Anything else?

1           MR. PEEK: Your Honor, I understand the Court's  
2 consternation. But if the Court could address the issue of  
3 the temporal scope, I might be able to better answer the  
4 question.

5           THE COURT: Well, no. I'm going to be consistent  
6 with what I did at our last hearing.

7           MR. PEEK: Which, as I understood from the last  
8 hearing, I don't have to go back and look at ESI prior to  
9 January 1, 2009.

10          THE COURT: Until someone files a motion and I make  
11 a determination if it's appropriate to change that scope based  
12 upon additional information.

13          MR. PEEK: Could I confer with Mr. Ferguson, Your  
14 Honor?

15          THE COURT: Do you want to -- I'm not going to ask  
16 you the date yet. I'm only going to tell you the ruling on  
17 the two motions right now, and then I'm going to ask you a  
18 question.

19          MR. PEEK: Okay. All right. Thank you, Your Honor.

20          THE COURT: And then you're going to give me a  
21 different answer than you just did, because I don't think that  
22 answer's going to work.

23          MR. PEEK: Probably. I will have to.

24          THE COURT: All right. The motion for protective  
25 order is granted in a limited respect. To the extent that

1 Topics 16 and 18 ask for suspected violations I am modifying  
2 that to investigation of suspected violations. And that's on  
3 16 and 18.

4 In all other respects it will be consistent with the  
5 ruling that I entered on the limitation of the interrogatories  
6 last --

7 MR. PEEK: RFPs, Your Honor.

8 THE COURT: -- requests for production last Tuesday?

9 THE LAW CLERK: August 6th.

10 THE COURT: August 6th.

11 MR. PEEK: August 6th.

12 THE COURT: Okay.

13 (Pause in the proceedings)

14 THE COURT: But that does mean, Mr. Peek, that if  
15 there is an investigation of a suspected violation and it  
16 falls within the five-year period and if it is in a form that  
17 is not totally electronically stored information, that must be  
18 provided. Because, remember, my ruling at the last hearing  
19 was not that discovery was limited to that, only that the ESI  
20 protocol was still restricted to that. So I don't want  
21 somebody saying, Judge, you've limited discovery. Because I  
22 haven't.

23 MR. PEEK: No. I understand the ruling, Your Honor.

24 THE COURT: Okay. So under those circumstances --

25 MR. PEEK: May I ask --

1 THE COURT: Yes.

2 MR. PEEK: May I ask a question about the AML issue,  
3 which was Number 31?

4 THE COURT: You may.

5 MR. PEEK: Because let's say, for example, somebody  
6 walks up to the cage and brings in a boatload of money and the  
7 cage manager says, oh, gosh --

8 THE COURT: That's a boatload of money, I can't take  
9 it, I have to have you fill out this form --

10 MR. PEEK: -- I have to do something, Your Honor, is  
11 that what the -- again, does the ruling apply, as well, which  
12 is investigations of suspected anti-money laundering, as  
13 opposed just somebody -- somebody walks up, gives money --

14 THE COURT: I am not --

15 MR. PEEK: -- and the guy calls up to somebody and  
16 says, this may be an AML violation?

17 THE COURT: The Venetian Macau has policies that it  
18 follows for reporting any issues that it believes may affect  
19 it with the Foreign Corrupt Practices Act or the anti-money  
20 laundering.

21 MR. PEEK: No. These are directed at LVSC.

22 THE COURT: I'm including them together, because I  
23 don't want you to be confused. To the extent that as part of  
24 those procedures they do an investigation of a violation, that  
25 is what is contained within 16, 17, 18, 19, and 31. It's not

1 some poor dealer on the floor or some poor cashier guy who  
2 says, you know, I think this may be a problem, what do I do.

3 MR. PEEK: Thank you, Your Honor.

4 THE COURT: Because you guys don't know that. It's  
5 an investigation that you did related to that. Because you've  
6 got procedures in place.

7 MR. PEEK: Understood, Your Honor.

8 THE COURT: Okay. Now, tell me when your person  
9 will be ready for the first group of the designees for  
10 30(b)(6) to attend their deposition.

11 MR. PEEK: I'm going to just take --

12 THE COURT: Now go talk.

13 MR. PEEK: Go talk to Mr. Ferguson just for a  
14 moment, Your Honor.

15 THE COURT: How long do you need?

16 MR. PEEK: Just like 30 seconds, I think, Your  
17 Honor.

18 THE COURT: Okay. Let them talk before you say  
19 anything.

20 (Pause in the proceedings)

21 MR. PEEK: Your Honor, I'll answer and then ask for  
22 a clarification on something. We will begin -- we will be  
23 able to begin on the 26th of August on some topics. Because  
24 we're going to have to at least look for hard-copy documents,  
25 because you said the ESI protocol doesn't apply to hard-copy

1 documents --

2 THE COURT: Right.

3 MR. PEEK: -- in that five-year period prior to his  
4 termination, and since our production isn't going to occur  
5 until sometime that Labor Day week, we wouldn't be prepared to  
6 present witnesses on 16 through 19 and 31 until that week  
7 following that production of those hard-copy documents.

8 THE COURT: So, Mr. Bice, are you okay with doing 16  
9 through 19 and 31 at the end of the 30(b)(6) deposition?

10 MR. BICE: I'm -- well, first of all, I absolutely  
11 disagree with the proposition that the ESI protocol is a  
12 limitation on --

13 THE COURT: I told you if you wanted to change the  
14 ESI protocol you need to file a motion.

15 MR. BICE: I understand that.

16 THE COURT: Okay.

17 MR. BICE: But that is not a limitation on  
18 preparation of witnesses under Rule 30(b)(6). That is what  
19 they are trying to tell you it is. And it is not, and there  
20 is -- nowhere in that order does it say that.

21 THE COURT: Here's the deal. If they show up with a  
22 witness that they haven't adequately prepared and they give  
23 testimony, they bind the company whether they did what they  
24 were supposed to or not.

25 MR. BICE: I agree.

1           THE COURT: So if they choose not to adequately  
2 prepare a witness regardless of what the ESI protocol, that's  
3 a problem I'll deal with another day.

4           MR. BICE: Understood. I just don't want --

5           THE COURT: But I am not ordering someone to do an  
6 electronic search of information beyond the current ESI  
7 protocol. But I understand there are different issues on a  
8 30(b)(6) --

9           MR. BICE: That's right.

10          THE COURT: -- that may be implicated, and I'm not  
11 dealing with those today.

12          MR. BICE: Exactly.

13          THE COURT: All right. So --

14          MR. BICE: We will be having that other motion that  
15 you -- that we talked about in front of you. I understand  
16 that. But do I care whether or not the -- you know, when they  
17 are going to produce these witnesses? Obviously I care about  
18 when, because that's what my -- part of grievance here is  
19 about trying to get past the depo date so that they wouldn't  
20 have to file a motion and then they could drag it out for as  
21 long as possible.

22                 My point is when are the witnesses going to show up,  
23 who are they going to be, and give us actual dates now that  
24 the Court has addressed the scope, and we will -- I understand  
25 they're going to say, well, we can't do that on those

1 particular topics until Labor Day. Then let's move forward  
2 with the rest of it.

3 THE COURT: Okay. So you're ready to start on  
4 whatever topics someone is available as soon as that person is  
5 available before Labor Day.

6 MR. BICE: That's right.

7 THE COURT: Okay. Anything else that you want to  
8 tell me related to this issue before I rule on the sanctions  
9 issue?

10 MR. BICE: With respect to -- as I said, with  
11 respect to -- I understand your ruling regarding the scope of  
12 the limitations on the requests relative to the  
13 investigations. I understand that. Again, I dispute that the  
14 ESI protocol provides them any limitation or protection for  
15 nonpreparation of a witness. But you will address that at a  
16 later point in time.

17 And with respect to the -- with respect to the  
18 sanctions issue, Your Honor, there was no agreement that they  
19 could file this motion when they wanted to so that they could  
20 schedule it to accommodate their desires. As I put in my  
21 email to them, I am not letting that depo date pass absent an  
22 actual agreement on the briefing schedule. I gave them until  
23 Friday to file it, and I said, I get five business days and we  
24 schedule a prompt hearing. They got past the depo date and  
25 then took the position, well, we don't have to meet that



1 schedule now because our new counsel is going to come from  
2 Chicago so we want to do it on a date that works for his  
3 schedule. They should have been up front with me on that,  
4 because I would have never agreed to it and we would have been  
5 here on that issue before.

6 THE COURT: Okay. Thanks.

7 The only sanction that is being applied is that Las  
8 Vegas Sands will bear the cost of the court reporter for the  
9 entire 30(b)(6) deposition process.

10 All right. I have a box that I mentioned while you  
11 were here the other day. I want you -- I'm going to have you  
12 -- yes, Mr. Peek?

13 MR. PEEK: I was going to address that, Your Honor.  
14 I'm glad you brought it up.

15 THE COURT: Yes. So I'm going to -- is it okay with  
16 you guys if we open it? Because it has been sealed for three  
17 years.

18 MR. PEEK: Can we come and address the Court on that  
19 before --

20 THE COURT: No. Because I want you -- I want to  
21 open the box, and then I want you to go look over there  
22 together at what's inside the box while I take the plea, and  
23 then I want you to come back over here and then I want to talk  
24 about the contents of the box.

25 MR. PEEK: Thank you, Your Honor.

1           THE COURT: So is it okay with you if Dulce walks  
2 over to the jury box, you all huddle around her while she  
3 opens the box, you all make sure that what's in the box is  
4 what you think, while I take this guilty plea. Go.

5           MR. PEEK: Your Honor, you didn't rule on dates. I  
6 assume the dates that you --

7           THE COURT: He said he's going to work with you on  
8 the dates. Didn't you just hear him say he's going to work  
9 with you on the dates, you're going to give him a schedule,  
10 it's going to work out?

11          MR. PEEK: I heard that, Your Honor, but I also  
12 asked for the week of the 26th on that 16 through --

13          THE COURT: Well, I'm not giving you till September  
14 16th. So if that's what you're asking, well, that's not  
15 happening.

16          MR. PEEK: I didn't ask for September 16th, Your  
17 Honor. The week after Labor Day starts on the 7th -- or,  
18 excuse me, the 13th. I'm sorry.

19          THE COURT: Then that'll be okay. Because I'm  
20 assuming it'll take a while to do.

21          Go that way, please. Go that way.

22                       (Pause in the proceedings)

23          THE COURT: Okay. Sands-Jacobs come back. You've  
24 now opened the box. The document that was marked for  
25 identification as Proposed Exhibit F was a document that FTI

1 provided to us related to the chain of custody which was an  
2 exhibit that was utilized in that hearing. We also had marked  
3 A, A1, and A2. And what is your concern?

4 MR. PEEK: Well, the --

5 THE COURT: You can have as many copies as you want.

6 MR. PEEK: No. I just want to address the sanctity  
7 of these devices. You may recall that the Court requested --

8 THE COURT: Oh, absolutely.

9 MR. PEEK: -- that we bring to the Court --

10 THE COURT: The actual devices.

11 MR. PEEK: -- with a chain of custody the actual  
12 devices.

13 THE COURT: Those that left Macau.

14 MR. PEEK: We did that. The Court told us at that  
15 time that it was going to deposit them in this vault behind me  
16 and to my left.

17 THE COURT: It was in the safe for a long time. I  
18 don't know how it got downstairs.

19 MR. PEEK: I don't, either, Your Honor. But  
20 obviously these weren't admitted into evidence, weren't even  
21 proposed exhibits in evidence. These were something that the  
22 Court asked us to bring to that hearing, and we did.

23 THE COURT: Absolutely.

24 MR. PEEK: So I don't know what the Court -- we  
25 certainly don't want them to be in a vault accessible to the

1 public potentially.

2 THE COURT: I understand. But I'm going to ask you  
3 guys a question in a minute, and somebody's going to answer.  
4 And that's going to make a difference about what we do. So  
5 are you ready for my question?

6 MR. PEEK: I am.

7 THE COURT: All right. Given the electronically  
8 stored information in the devices that are contained in the  
9 box that was from the original sanctions hearing in 2012, does  
10 anybody feel that any forensic examination now needs to be  
11 done given the fact we are now in merits discovery related to  
12 that information?

13 MR. PEEK: I do not, Your Honor. But I'll let my  
14 colleague address that.

15 MR. BICE: Your Honor, what I had indicated tom are  
16 Peek when we were talking over there is -- and to Mr. Jones,  
17 we would ask if you could put those in the gun safe for a --  
18 give us a 10-day window now that we know what is in there.

19 THE COURT: You've been reminded.

20 MR. BICE: We've been reminded. I think one of the  
21 laptops is Mr. Kostrinsky's --

22 THE COURT: That's correct.

23 MR. BICE: -- laptop. And so there's obviously a  
24 lot of questions of privilege on what would be on there and  
25 obviously a lot of stuff that was likely unrelated to --

1 THE COURT: Absolutely.

2 MR. BICE: -- this lawsuit. So we need to figure  
3 out whether they made copies of those devices before they  
4 deposited them with the Court so that, which my believe is  
5 that they probably did --

6 THE COURT: The FTI person said they did.

7 MR. BICE: Yeah. That was -- I just couldn't recall  
8 that. If the information has been searched, et cetera, et  
9 cetera. So I need to be able to confer with them before we  
10 figure out what to do with those devices.

11 THE COURT: Well, my recollection of the last set of  
12 evidentiary hearing is that there was some confusion related  
13 to whether that information had been searched or not been  
14 searched and that the FTI representative came back and  
15 testified again to tell us that it had been included in the  
16 search. Whether that's actually what happened or not is an  
17 entirely different set of issues. But I will seal that box  
18 up, Dulce will put special yellow tape back on it, initial it,  
19 and throw it in the gun safe, where I will retain until you  
20 tell me that you want to do the forensic examination. The  
21 reason that I have it is because it's the actual devices that  
22 travelled from Macau to Las Vegas.

23 MR. BICE: I'm unclear on that.

24 MR. PEEK: Your Honor, I did address the issue of  
25 the laptop, and I told Mr. Bice obviously, as he just pointed

1 out to you, that there's a lot of other information there.

2 THE COURT: One would think.

3 MR. PEEK: Yeah. So we're going to have to address  
4 that. Yes, the Jacobs collection that was put on the laptop,  
5 as we understand from Mr. Kostrinsky, is there. But as  
6 pointed out by Mr. Bice and as I reminded him, there will be a  
7 lot of other email communications on that device completely  
8 unrelated and completely privileged.

9 THE COURT: Absolutely. And I don't think any of us  
10 are arguing with that.

11 MR. PEEK: No, we're not. I just --

12 THE COURT: That's why I asked if a forensic  
13 examination needed to be done. Because if it needs to be  
14 done, we have a lot of steps to go through. If it doesn't  
15 need to be done, I will leave it in the box, sealed in the gun  
16 safe until somebody tells you want to do something else with  
17 it.

18 MR. BICE: Understood.

19 THE COURT: But it's going to be in the gun safe.

20 MR. PEEK: Yes. That's where I thought it was from  
21 September of 2012. I didn't know it had been transferred from  
22 the gun safe to the vault.

23 THE COURT: Yeah. We've found a lot of things  
24 lately.

25 MR. BICE: Your Honor, Dulce was going --

1           THE COURT: Okay. So, Mr. Peek, you are going to  
2 begin the 30(b)(6) deposition process on or before August 24th  
3 and hopefully come up with a schedule that you're all  
4 agreeable --

5           MR. PEEK: It was the 26th, Your Honor.

6           THE COURT: I thought you said the Monday.

7           MR. PEEK: The 26th. The day with the day that I  
8 said was the 26th.

9           THE COURT: So you're going to begin the week of  
10 August 24th, and you're going to move through all of the  
11 topics contained in the 30(b)(6) designation with the  
12 limitations consistent with the requests for production ruling  
13 I made last week and the modifications I made to the two  
14 others today. So the plan is you start and you move forward,  
15 and hopefully you don't have any gaps.

16           MR. PEEK: I understand, Your Honor. We'll address  
17 that issue with -- both with our client, as well as with  
18 Counsel. But, as I said, there is time after the production.

19           THE COURT: Good luck. Have a nice day.

20           MR. BICE: Your Honor, your clerk -- or Dulce was  
21 going to give us a copy of Exhibit F.

22           THE COURT: She's at the copy machine right now.

23           MR. BICE: Well, can we go back -- can Mr. Peek and  
24 I go in the back and just get those, and then we will leave?

25           THE COURT: If you want.

1           MR. PEEK: We want, Your Honor.

2           THE COURT: Don't you want to stay for the rest of

3 the very exciting calendar today?

4           MR. PEEK: I saw Mr. Gardner here, Your Honor, so I

5 just was --

6           THE COURT: You saw Gardy Jolley and you want to

7 leave. Okay.

8           THE PROCEEDINGS CONCLUDED AT 9:27 A.M.

9                   \* \* \* \* \*

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



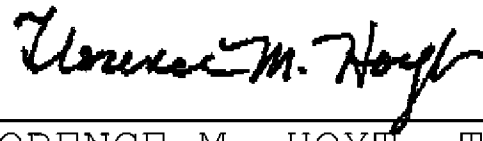
**CERTIFICATION**

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.

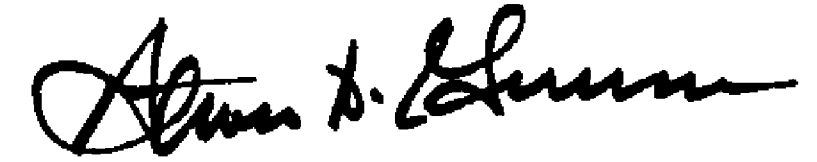
**FLORENCE HOYT  
Las Vegas, Nevada 89146**

  
\_\_\_\_\_  
FLORENCE M. HOYT, TRANSCRIBER

# EXHIBIT 4A

# EXHIBIT 4A

Electronically Filed  
08/12/2015 11:30:37 AM



CLERK OF THE COURT

**OPPM**

J. Stephen Peek, Esq.  
Nevada Bar No. 1758  
Robert J. Cassity, Esq.  
Nevada Bar No. 9779  
HOLLAND & HART <sup>LLP</sup>  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, Nevada 89134  
(702) 669-4600  
(702) 669-4650 – fax  
[speek@hollandhart.com](mailto:speek@hollandhart.com)  
[bcassity@hollandhart.com](mailto:bcassity@hollandhart.com)

*Attorneys for Defendant Las Vegas Sands Corp.  
and Sands China Ltd.*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

STEVEN C. JACOBS,

Plaintiff,

v.

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

Defendants.

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

Date: August 13, 2015  
Time: 8:30 a.m.

**OPPOSITION TO PLAINTIFF'S  
MOTION FOR SANCTIONS AGAINST  
LAS VEGAS SANDS CORP. FOR  
FAILURE TO APPEAR AT NRCP  
30(b)(6) DEPOSITION**

AND ALL RELATED ACTIONS


Defendant LAS VEGAS SANDS CORP. ("LVSC"), by and through its undersigned  
counsel, hereby submits its Opposition to the Motion for Sanctions filed by Plaintiff Steve  
Jacobs for its alleged failure to appear at a NRCP 30(b)(6) deposition.

///

///

1 The Opposition is based on the following memorandum of points and authorities, the  
2 papers and pleadings on file herein, and any oral argument the Court may allow.

3 DATED August 12, 2015.

4   
5 J. Stephen Peek, Esq.  
6 Robert J. Cassity, Esq.  
7 Holland & Hart LLP  
8 9555 Hillwood Dr., 2nd Floor  
9 Las Vegas, Nevada 89134

*Attorneys for Defendants Las Vegas Sands and  
Sands China Ltd.*

10 **MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO**  
11 **PLAINTIFF'S MOTION FOR SANCTIONS AGAINST LAS VEGAS SANDS CORP.**  
12 **FOR FAILURE TO APPEAR AT NRCP 30(b)(6) DEPOSITION**

13 **I.**

14 **INTRODUCTION**

15 Las Vegas Sands Corp. ("LVSC") worked in good faith with Plaintiff's counsel to  
16 resolve its objections regarding Plaintiff's Notice of Rule 30(b)(6) deposition of LVSC  
17 ("Notice"), which set forth 76 topics, many of which are overbroad and not reasonably calculated  
18 to lead to the discovery of admissible evidence (as discussed in LVSC's Motion for Protective  
19 Order). But, continuing his efforts to win his case by alleged discovery torts rather than on the  
20 merits of his claim for wrongful termination, Plaintiff brings this chest-thumping, baseless  
21 motion to impose sanctions against LVSC for failing to appear at the Rule 30(b)(6) deposition.  
22 The Motion is without merit and should be denied. Here's why: After receiving the unilaterally  
23 scheduled Notice with 76 topics for testimony on 18 days' notice, LVSC promptly informed  
24 Plaintiff's counsel of its objection to the timing and overbreadth of the Notice. On July 23, 2015,  
25 the parties agreed that they would hold a meet-and-confer conference on July 28, 2015, and that  
26 LVSC would thereafter file a motion for a protective order as to the unresolved issues. After  
27 LVSC served its written objections to the Notice, the parties held meet-and-confer conference  
28 calls to discuss LVSC's objections on July 28 and 29. Although Plaintiff proposed a July 31  
filing date for the motion for protective order, LVSC's counsel could not commit due to its

1 client being out of town. Nonetheless, LVSC's counsel worked toward accommodating the  
2 briefing schedule proposed by Plaintiff.

3 Although Plaintiff knowingly scheduled the July 28 at 2 p.m. meet and confer, and knew  
4 that LVSC would promptly move for a protective order on matters that were not resolved during  
5 that meet-and-confer, Plaintiff—without notifying LVSC that he intended to proceed with the  
6 deposition notwithstanding the scheduled meet-and-confer and without attempting in any way to  
7 contact LVSC's counsel— now claims that he was ready to proceed with the deposition four  
8 hours prior to the agreed-upon meet-and-confer time, and on that basis filed this motion. Mot.,  
9 Ex. 5. Such duplicitous tactics and gamesmanship—when Plaintiff had agreed to a schedule for  
10 a meet-and-confer and knew LVSC would promptly thereafter file a motion for protective order  
11 to resolve outstanding disputes—should not be validated as a basis to impose sanctions against  
12 LVSC for failure to attend the noticed deposition.

13 **II.**

14 **FACTUAL BACKGROUND**

15 **A. Jacobs, Without First Requesting LVSC's Availability, Served a Rule 30(b)(6)**  
16 **Deposition Notice With 76 Topics on LVSC and With 18 Days' Notice**

17 Without first inquiring regarding LVSC's availability, on Thursday, July 9, 2015 at 5:28  
18 p.m., LVSC's received by e-service a copy of the Notice of Deposition of Las Vegas Sands  
19 Corp. ("LVSC") pursuant to NRCP 30(b)(6) (the "Notice"), unilaterally scheduling the  
20 deposition for July 28, 2015 at 10:00 a.m. *See* Declaration of J. Stephen Peek, attached as  
21 **Exhibit "A"**; a copy of the Notice is attached as **Exhibit "B."**

22 On Monday, July 13, 2015 at 11:00 a.m., LVSC's counsel participated in a meet-and-  
23 confer telephone conference with Todd Bice and counsel for the other defendants regarding  
24 LVSC's responses to Plaintiff's Fourth Request for Production of Documents. Ex. A. At the  
25 conclusion of this conference call, Mr. Peek discussed with Mr. Bice the fact that LVSC had  
26 received the Notice, that LVSC objected to the topics in the Notice and the date of the proposed  
27 deposition, and that we would be preparing our objections to the topics. Ex. A. Because of the  
28 large number of topics, Mr. Peek also informed Mr. Bice that LVSC would need additional time

1 to prepare its objections to the 76 topics in the Notice and that LVSC would not be able to attend  
2 a 30(b)(6) deposition on or before July 28, 2015. Ex. A.

3 **B. The Parties Reach a General Understanding on a Meet-and-Confer and Briefing**  
4 **Schedule**

5 On July 22, 2015, Mr. Bice sent a letter in which he acknowledged LVSC's request for  
6 additional time to object to the Notice, and advised that the parties would need to reach  
7 agreement on the disputed topics and briefing schedule prior to July 28 so the issues could be  
8 resolved promptly for resolution by the court. *See* Letter from T. Bice dated July 22, 2015,  
9 attached as **Exhibit "C."**

10 In response, on July 23, 2015, counsel for LVSC emailed Mr. Bice, proposing a  
11 scheduled whereby LVSC would identify the topics on which LVSC objected by July 27 and  
12 informing Mr. Bice that LVSC's counsel was available for a meet-and-confer regarding the  
13 disputed topics on Tuesday, July 28, or Wednesday July 29, 2015. *See* email string between S.  
14 Peek and T. Bice, attached as **Exhibit "D."**

15 On July 23, 2015, Mr. Bice responded by email, stating: "[w]e will look at your  
16 objections and hold a 2.34 conference on Tuesday [July 28, 2015] at 2 PM. You will need to file  
17 your motion no later than Friday of next week [July 31] and have it set on an order shortening  
18 time." *Id.*

19 Based upon Mr. Bice's July 23 email setting a schedule for the meet-and-confer and  
20 filing a motion, and the fact that the parties would be holding a meet-and-confer on the topics in  
21 the Notice at July 28 at 2 p.m. (after the scheduled deposition), LVSC understood that there was  
22 no need for LVSC to appear on that same morning four hours earlier at 10 a.m., prior to meeting-  
23 and-conferring on those topics. Ex. A. Nor did Mr. Bice indicate in the July 23 email that he still  
24 intended to proceed with the deposition of LVSC on the morning of July 28—before objections  
25 could be discussed or resolved. Ex. D.

26 On July 24, LVSC's counsel responded to Mr. Bice's email, confirming their agreement  
27 to participate in a meet-and-confer on Tuesday, July 28 at 2 p.m., and LVSC's counsel  
28 specifically requested that Mr. Bice send out a call in number. *Id.* Though LVSC's counsel

1 could not then confirm agreement to the specific date for submitting the motion for protective  
2 order because his client contact was out of the country, LVSC proceeded in good faith according  
3 to the proposed schedule and believed that the parties reached a general understanding on the  
4 schedule. *Id.*; Ex. A.

5 As promised, on Monday, July 27, LVSC's counsel sent a letter to Mr. Bice enclosing  
6 LVSC's Responses and Objections to the topics set forth in the Notice. *See* Letter from S. Peek  
7 to T. Bice dated July 27 and enclosed objections, attached as **Exhibit "E."** LVSC's Responses  
8 and Objections to the Notice consist of 19 pages, single-space type face. *Id.*

9  
10 **C. The Parties' Meet-and-Confer Efforts and LVSC's Subsequent Motion for Protective Order**

11 Although LVSC's counsel was prepared for the meet-and-confer, Mr. Bice did not send a  
12 call-in number until after 2 p.m. on Tuesday, July 28. Ex. A. Once the dial-in number was sent  
13 out, LVSC's counsel joined the conference call with Mr. Bice, but counsel for the other  
14 defendants did not join the conference call. When it became apparent that a call at that time was  
15 not feasible, LVSC's counsel suggested to Mr. Bice that the parties reconvene the conference  
16 call later in the day or the next morning, July 29, at 9:15 a.m. *See* email from S. Peek to T. Bice  
17 dated July 28, attached as **Exhibit "F."**

18 Counsel for the parties held a telephonic meet-and-confer regarding LVSC's objections  
19 to the Notice on July 29 at 9:30 a.m. and the parties met-and-conferred further on those  
20 objections at 3:30 p.m. During the July 29 and July 30 hearings before the Court, LVSC's  
21 counsel advised Mr. Bice and the Court that LVSC would be submitting a motion for protective  
22 order by Monday, August 3, 2015. *See, e.g.,* July 30 Hr'g Tr. at 59:16-60:2. LVSC submitted its  
23 Motion for Protective Order on Order Shortening Time on August 3, 2015, but before that  
24 Motion could be filed, Plaintiff had preemptively filed his own sanctions motion on July 31.

25  
26  
27 ///

28 ///

III.

LEGAL ANALYSIS

A. Legal Standard

Although the Court has discretion to impose appropriate sanctions for discovery violations pursuant to NRCP 37(d), *Young v. Johnny Ribiero Bldg., Inc.*, 106 Nev. 88, 787 P.2d 777 (1990), no sanctionable conduct is present here and the Court should deny Plaintiff's Motion.

B. The Court Should Not Impose Sanctions Because the Parties Agreed To a Meet-and-Confer Schedule and Had an Understanding that LVSC Would Promptly File a Motion for Protective Order Regarding the Unresolved Disputes

The Court should not issue sanctions against LVSC for allegedly failing to appear for a Rule 30(b)(6) deposition because the parties had agreed upon a meet-and-confer schedule to resolve LVSC's objections to the Notice and had an understanding that a motion for protective order would be filed promptly thereafter. Prior to filing a Motion for Protective Order, LVSC was first required, pursuant to NRCP 26(c) and EDCR 2.34, to meet and confer in good faith with Plaintiff's counsel to resolve the discovery disputes. Mr. Bice's email specifically confirms Plaintiff's agreement to receive the objections as promised by LVSC's counsel on July 27 and to participate in a meet-and-confer on July 28 at 2:00 p.m. Ex. D (T. Bice: "[w]e will look at your objections and hold a 2.34 conference on Tuesday at 2 PM."). LVSC engaged in good faith by serving its written objections to the Notice by the proposed date, and by joining a meet-and-confer call with Plaintiff's counsel on July 28 at 2 p.m. and on two separate conference calls on July 29 in an attempt to resolve LVSC's disputes regarding the topics in the Notice. Ex. A. LVSC understood that Plaintiff's agreement necessarily meant that Plaintiff would not move forward with the deposition on July 28 at 10 a.m., nor did Plaintiff's counsel indicate that they intended to proceed with the deposition in light of the parties' agreed upon meet-and-confer schedule. Ex. A.

Further, although LVSC was ultimately unable to finalize its motion by July 31 due to the July 29 meet-and-confer efforts, LVSC's counsel *specifically confirmed* during the July 29 and July 30 hearings before the Court that LVSC would be submitting its motion for protective order



1 by August 3 (July 30 Hr'g Tr. at 59:16-60:2), and *LVSC did so*. It was one business day after  
2 the Plaintiff's originally proposed date of July 31 for filing the Motion for Protective Order, and  
3 there is and was no prejudice to Plaintiff from the one business day delay, and the Motion was  
4 set on an order shortening time for August 13 (a date discussed at the July 30 hearing) in any  
5 event. Thus, LVSC did not simply disregard the Notice or its obligation to meet-and-confer and  
6 move for a protective order; rather, it reasonably believed that the parties had reached an  
7 understanding on the meet-and-confer process and the prompt filing of a motion for protective  
8 order following the conclusion of the parties' meet-and-confer efforts. Ex. A. Given LVSC's  
9 compliance with the parties' agreements as to the meet-and-confer schedule and the parties'  
10 understanding regarding LVSC's prompt submission of a motion for protective order after the  
11 meet-and-confer conferences, the Court should not impose sanctions against LVSC for its  
12 alleged failure to appear at the Rule 30(b)(6) deposition.

13 IV.

14 CONCLUSION

15 For the reasons set forth above, LVSC respectfully requests that the Court deny  
16 Plaintiff's Motion for Sanctions against LVSC.

17 DATED August 12, 2015.

18 

19 J. Stephen Peek, Esq.  
20 Robert J. Cassity, Esq.  
21 Holland & Hart LLP  
22 9555 Hillwood Drive, 2<sup>nd</sup> Floor  
23 Las Vegas, Nevada 89134

24 *Attorneys for Defendant Las Vegas Sands Corp.*  
25 *and Sands China Ltd.*  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on the 12th day of August 2015, a true and correct copy of the foregoing **OPPOSITION TO PLAINTIFF'S MOTION FOR SANCTIONS AGAINST LAS VEGAS SANDS CORP. FOR FAILURE TO APPEAR AT NRCP 30(b)(6) DEPOSITION** was served by the following method(s):



Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

James J. Pisanelli, Esq.  
Debra L. Spinelli, Esq.  
Todd L. Bice, Esq.  
Pisanelli & Bice  
3883 Howard Hughes Parkway, Suite 800  
Las Vegas, Nevada 89169

*Attorney for Plaintiff*

J. Randall Jones, Esq.  
Mark M. Jones, Esq.  
Kemp Jones & Coulthard, LLP  
3800 Howard Hughes Parkway, 17th Floor  
Las Vegas, Nevada 89169

*Attorneys for Sands China, Ltd*

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

*Attorneys for Sheldon Adelson*

  
\_\_\_\_\_  
An Employee of Holland & Hart LLP

Holland & Hart LLP  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, Nevada 89134

EXHIBIT A

EXHIBIT A

**DECL**

J. Stephen Peek, Esq.  
Nevada Bar No. 1758  
Robert J. Cassity, Esq.  
Nevada Bar No. 9779  
HOLLAND & HART <sup>LLP</sup>  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, Nevada 89134  
(702) 669-4600  
(702) 669-4650 – fax  
[speek@hollandhart.com](mailto:speek@hollandhart.com)  
[bcassity@hollandhart.com](mailto:bcassity@hollandhart.com)

*Attorneys for Defendant Las Vegas Sands Corp.  
and Sands China Ltd.*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

STEVEN C. JACOBS,

Plaintiff,

v.

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

Defendants.

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

Date: August 13, 2015  
Time: 8:30 a.m.

**DECLARATION OF J. STEPHEN PEEK  
IN SUPPORT OF OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
SANCTIONS AGAINST LAS VEGAS  
SANDS CORP. FOR FAILURE TO  
APPEAR AT NRCP 30(b)(6)  
DEPOSITION**

AND ALL RELATED ACTIONS

I, J. Stephen Peek, declare as follows:

1. I am over 18 years of age and am competent to testify as to the matters set forth in this Declaration based upon my own personal knowledge, except as to those matters stated on information and belief, which I believe to be true.

2. I am an attorney at Holland & Hart LLP, counsel for Defendants Las Vegas Sands Corp. ("LVSC") and Sands China Ltd. in this action.

3. Without first inquiring regarding LVSC's availability, on Thursday, July 9, 2015

1 at 5:28 p.m., Plaintiff e-served a copy of the Notice of Deposition of Las Vegas Sands Corp.  
2 (“LVSC”) pursuant to NRC 30(b)(6) (the “Notice”), unilaterally scheduling the deposition for  
3 July 28, 2015 at 10:00 a.m. A true and correct copy of the Notice is attached to the Opposition as  
4 Exhibit “B.”

5 4. On Monday, July 13, 2015 at 11:00 a.m., I participated in a meet-and-confer  
6 telephone conference with Todd Bice and counsel for the other defendants regarding LVSC’s  
7 responses to Plaintiff’s Fourth Request for Production of Documents. At the conclusion of this  
8 conference call, I discussed with Mr. Bice the fact that LVSC had received the Notice, that  
9 LVSC objected to the topics in the Notice and the date of the proposed deposition, and that we  
10 would be preparing our objections to the topics.

11 5. Because of the large number of topics, I also informed Mr. Bice that LVSC would  
12 need additional time to prepare its objections to the 76 topics in the Notice and that LVSC would  
13 not be able to attend a 30(b)(6) deposition on or before July 28, 2015.

14 6. On July 22, 2015, Mr. Bice sent me a letter in which he acknowledged LVSC’s  
15 request for additional time to object to the Notice, and advised that the parties would need to  
16 reach agreement on the disputed topics and briefing schedule prior to July 28 so the issues could  
17 be resolved promptly for resolution by the court. A true and correct copy of the letter from Mr.  
18 Bice dated July 22, 2015 is attached to the Opposition as Exhibit “C.”

19 7. In response, on July 23, 2015, I emailed Mr. Bice, proposing a schedule whereby  
20 LVSC would identify the topics on which LVSC objected by July 27 and informing Mr. Bice  
21 that LVSC’s counsel was available for a meet-and-confer regarding the disputed topics on  
22 Tuesday, July 28, or Wednesday July 29, 2015. A true and correct copy of an email string  
23 between myself and Mr. Bice is attached to the Opposition as Exhibit “D.”

24 8. On July 23, 2015, Mr. Bice responded by email, stating: “[w]e will look at your  
25 objections and hold a 2.34 conference on Tuesday [July 28, 2015] at 2 PM. You will need to file  
26 your motion no later than Friday of next week [July 31] and have it set on an order shortening  
27 time.” *Id.*

28 9. Based upon Mr. Bice’s July 23 email setting a schedule for the meet-and-confer

1 and filing a motion, and the fact that the parties would be holding a meet-and-confer on the  
2 topics in the Notice at July 28 at 2 p.m. (after the scheduled deposition), LVSC understood that  
3 there was no need for LVSC to appear on that same morning four hours earlier at 10 a.m., prior  
4 to meeting-and-conferring on those topics.

5 10. Nor did Mr. Bice indicate in the July 23 email that he still intended to proceed  
6 with the deposition of LVSC on the morning of July 28—before objections could be discussed or  
7 resolved.

8 11. On July 24, I responded to Mr. Bice's email, confirming the parties' agreement to  
9 participate in a meet-and-confer on Tuesday, July 28 at 2 p.m., and I specifically requested that  
10 Mr. Bice send out a call in number. Though I could not then confirm agreement to the specific  
11 date for submitting the motion for protective order because my client contact was out of the  
12 country, LVSC proceeded in good faith according to the proposed schedule and I believed that  
13 the parties reached a general understanding on the schedule.

14 12. As promised, on Monday, July 27, I sent a letter to Mr. Bice enclosing LVSC's  
15 Responses and Objections to the topics set forth in the Notice. A true and correct copy of my  
16 letter to Mr. Bice dated July 27, and the enclosed objections, is attached to the Opposition as  
17 Exhibit "E." LVSC's Responses and Objections to the Notice consist of 19 pages, single-space  
18 type face.

19 13. Although LVSC's counsel was prepared for the meet-and-confer, Mr. Bice did  
20 not send a call-in number until after 2 p.m. on Tuesday, July 28. Once the dial-in number was  
21 sent out, LVSC's counsel joined the conference call with Mr. Bice, but counsel for the other  
22 defendants did not join the conference call.

23 14. When it became apparent that a call at that time was not feasible, LVSC's counsel  
24 suggested to Mr. Bice that the parties reconvene the conference call later in the day or the next  
25 morning, July 29, at 9:15 a.m. A true and correct copy of my email to Mr. Bice dated July 28 is  
26 attached to the Opposition as Exhibit "F."

27 15. Counsel for the parties held a telephonic meet-and-confer regarding LVSC's  
28 objections to the Notice on July 29 at 9:30 a.m. and the parties met-and-conferred further on

1 those objections at 3:30 p.m.

2 16. Having been unable to resolve LVSC's objections during the meet and confer,  
3 and as I advised the Court and Mr. Bice during the July 29 and July 30, 2015 hearings, LVSC  
4 submitted its Motion for Protective Order on Order Shortening Time on August 3, 2015.

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

6 Executed this \_\_\_\_\_ day of August 2015 at Clark County, Nevada.

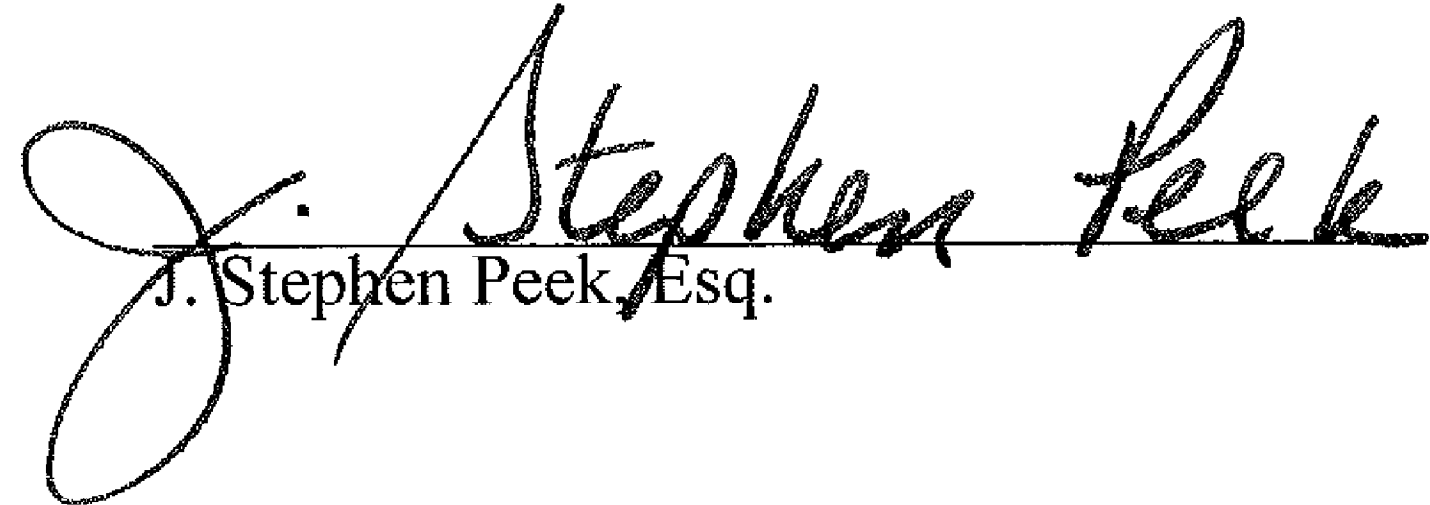
7  
8   
9 J. Stephen Peek, Esq.  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

EXHIBIT B

EXHIBIT B



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

**NOTC**

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

[JJP@pisanellibice.com](mailto:JJP@pisanellibice.com)

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

[TLB@pisanellibice.com](mailto:TLB@pisanellibice.com)

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

[DLS@pisanellibice.com](mailto:DLS@pisanellibice.com)

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

[JTS@pisanellibice.com](mailto:JTS@pisanellibice.com)

PISANELLI BICE PLLC

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 NRCP 30(b)(6)  
VIDEOTAPED DEPOSITION OF  
LAS VEGAS SANDS CORP.**

Date of Deposition: July 28, 2015

Time of Deposition: 9:30 a.m.

PLEASE TAKE NOTICE that at 9:30 a.m. on July 28, 2015, pursuant to Rule 30(b)(6) of the Nevada Rules of Civil Procedure, Plaintiff, Stephen C. Jacobs, by and through his counsel will take the videotaped deposition of the Rule 30(b)(6) designee for Las Vegas Sands Corp. ("LVSC") at the law office of PISANELLI BICE PLLC, located at 400 South 7th Street, Suite 300, Las Vegas, Nevada 89101. The deposition will be taken upon oral examination, before a Notary Public, videographer and/or before some other officer authorized by law to administer oaths.

1 Pursuant to NRCP 30(b)(6), LVSC is required to designate individual[s] to provide  
2 testimony on all of the following topics:

3 1. All efforts to locate responsive and discoverable documents, information and  
4 evidence in this action, including (but not limited to) files searched, search terms used, the date  
5 searches were conducted and the identity of all persons involved in the search.

6 2. All efforts to preserve information and evidence related to this action, including  
7 (but not limited to) notices sent, the date of preservation efforts and the identity of all persons  
8 involved in such preservation.

9 3. Any LVSC policies, memoranda, procedures, methods, instructions, customs  
10 and/or practices for maintaining, storing, organizing, preserving, archiving, saving and/or  
11 destroying Documents from January 1, 2009 to the present (specifically including, but not limited  
12 to, Documents related to Steven Jacobs).

13 4. Any LVSC policies, memoranda, procedures, methods, instructions, customs  
14 and/or practices for maintaining, storing, backing-up, organizing, preserving, archiving, saving  
15 and/or destroying electronically stored information from January 1, 2009 to the present  
16 (specifically including, but not limited to, Steven Jacobs).

17 5. Any Documents and/or ESI, or any portion thereof, relating to Jacobs or the  
18 claims or defenses asserted in this action that was concealed, lost, destroyed and/or misplaced and  
19 the circumstances behind such concealment, loss, destruction and/or misplacement.

20 6. Any efforts by or on behalf of LVSC to determine whether each current and/or  
21 former employee of LVSC has or had any Documents and/or ESI related to Jacobs or the claims  
22 and defenses in this action.

23 7. All efforts to obtain consents from anyone under the MPDPA from January 1,  
24 2009 to the present, including (but not limited to) the date of such efforts, the identity of all  
25 persons or consents were sought and the identity of all persons involved in procuring consents.

26 8. The date, persons involved and substance of any communications with any Macau  
27 government official concerning the facts and allegations of this action.

28

1           9.       All damages claimed by LVSC in its counterclaim, including the facts giving rise  
2 to those damages and the manner and means of calculation.

3           10.      All communications with any government official either in the United States or  
4 Macau, Hong Kong or China concerning the MPDPA and its purported requirements, including  
5 (but not limited to) all efforts to obtain any authorizations or consents for the search of documents  
6 from January 1, 2009 to the present.

7           11.      All communications with prior employers of Plaintiff and/or Vagus Group,  
8 including (but not limited to) the participants in any such communications, the date, the substance  
9 of the communication, and any documents discussed or obtained.

10          12.      The factual basis for claiming that Plaintiff has stolen any property or information.

11          13.      All investigations into Plaintiff and/or family members, including (but not limited  
12 to) the identity of all participants, the contents of all written or verbal reports, all conclusions, and  
13 all persons with whom the information was shared.

14          14.      All alleged breaches of fiduciary or employment obligations by Jacobs, including  
15 (but not limited to) the date, all persons with knowledge, the alleged breaches and the location of  
16 all documents concerning any such purported breach.

17          15.      The formation, purpose and operations of WDR, LLC and its subsequent  
18 dissolution, including (but not limited to) its involvement in any transfers of funds.

19          16.      Any suspected violations of the Foreign Corrupt Practices Act by any LVSC  
20 officer, employee, agent or representative that in any way relates to, references or concerns  
21 Macau and/or China.

22          17.      All investigations conducted concerning any officer, employee, agent or  
23 representative of LVSC as to potential violations of Foreign Corrupt Practices Act that in any  
24 way relates to, references or concerns Macau and/or China.

25          18.      Any suspected violations of the Foreign Corrupt Practices Act by any Sands China  
26 officer, employee, agent or representative that in any way relates to, references or concerns  
27 Macau and/or China.

1           19. All investigations conducted concerning any officer, employee, agent or  
2 representative of Sands China as to potential violations of Foreign Corrupt Practices Act that in  
3 any way relates to, references or concerns Macau and/or China.

4           20. The direct or indirect relationships between LVSC or any of its subsidiaries –  
5 including (but not limited to) the date commenced, terminated, financial terms of and agreements  
6 – that concern any of the following:

- 7           a. Sociedade
- 8           b. Nove
- 9           c. Sun City
- 10          d. Neptune
- 11          e. Unik Ltd.
- 12          f. Shanghai Sat Leng
- 13          g. Dore
- 14          h. Tak Lek
- 15          i. Li Kwok Hung
- 16          j. Sat leng Unipessoal Limited
- 17          k. Cheung Chi Tai
- 18          l. Charles Heung
- 19          m. Yvonne Mao
- 20          n. Angela Leong
- 21          o. Ng Lap Sing
- 22          p. Jack Lam
- 23          q. Tantra Lotus Club
- 24          r. Lee Chai Ming

25          21. Any communications with any Macau government official, including (but not  
26 limited to) Edmund Ho, concerning the settlement of the action styled *Clive Bassett Jones, et al v.*  
27 *Las Vegas Sands Corp., et al.*, Eighth Judicial District Court Case No. 06-A516404.

1           22. Any communications with Leonel Alves concerning payments to any third parties  
2 in exchange for receiving any form of government approvals such as (but not limited to) strata  
3 title, including (but not limited to) the date, substance of the communication and all participants  
4 to any communication[s].

5           23. The form of any notice given to Plaintiff concerning any alleged breach of  
6 fiduciary duty or terms/conditions of employment, including (but not limited to) the date,  
7 substance of the notice and all participants in the communication[s].

8           24. The award of any stock options or grants to Plaintiff, including (but not limited to)  
9 the factual basis for the award, the value of those options/grants when awarded, the maximum  
10 value of those options from the date of award to the present and the basis for any  
11 termination/non-exercise of the award.

12           25. The facts provided to any official and/or officer of the United States government  
13 from October 23, 2010 to the present that in any way relates to, references or concerns the  
14 Plaintiff, his complaint in this action or your defenses to this action, including (but not limited to)  
15 documents provided or discussed.

16           26. Any demand for retraction of purported false and/or defamatory statements or  
17 publications made on behalf of LVSC or any of its officers or directors including (but not limited  
18 to) the date, the substance of the retraction, the participants and the substance of the purported  
19 defamatory/false statement.

20           27. Any investigation conducted by LVSC, its officers, agents or representatives as to  
21 any Macau government or military official, including (but not limited to) the purpose of the  
22 investigation, date, all participants, substance, documents examined and/or considered,  
23 conclusions and to whom the outcome of the investigation were shared.

24           28. Any investigation conducted by LVSC, its officers, agents or representatives as to  
25 any China government or military official, including (but not limited to) the purpose of the  
26 investigation, date, all participants, substance, documents examined and/or considered,  
27 conclusions and to whom the outcome of the investigation were shared.

28

1           29. Any circumstances where cash or other currency exceeding a value of  
2 \$50,000 U.S. dollars was transported upon any airplane owned or leased by LVSC or any other  
3 entity controlled by Sheldon Adelson.

4           30. The actual, attempted or threatened termination or separation for cause of any  
5 person holding the position of Vice President or above from January 2008 to the present,  
6 including (but not limited to) name, date, or separation events which constituted purported cause,  
7 and the ultimate resolution.

8           31. Any investigations conducted by LVSC or any of its officers, agents or  
9 representatives as to potential or suspected money laundering from January 1, 2009 to the  
10 present, including but not limited to the identity of all persons involved, documents in any  
11 investigation, with whom such information was shared and the investigations' ultimate  
12 outcome/conclusion.

13           32. The factual basis for any claim by LVSC that the Term Sheet dated August 3,  
14 2009, which it filed with the United State Securities and Exchange Commission, is not valid and  
15 binding.

16           33. Your access to and review of any phone records for Plaintiff, including the date of  
17 review, the participants, and the contents of all phone records reviewed.

18           34. The access to and review of the contents of any phone used by Plaintiff, including  
19 (but not limited to) who obtained the phone, any representations made to obtain access or  
20 possession, the contents of any information obtained and with whom the contents were shared.

21           35. The communications with any representative of the news media about Plaintiff  
22 from June 22, 2010 to the present.

23           36. The allegations in your counterclaim at Paragraph 17 that "Jacobs was violating  
24 his obligations not only to Sands China but also to the LVSC as the majority shareholder of  
25 Sands China."

26           37. The allegations in your counterclaim at Paragraphs 18-21 that Jacobs violated a  
27 "non-competition deed."  
28

1           38.     The allegations in your counterclaim at Paragraphs 22-26 that "Jacobs endangers  
2 LVSC's and Sands China's relationship with the governments of Macau and China."

3           39.     The allegations in your counterclaim at Paragraphs 27-40 that "Jacobs delays  
4 terminating the contract between Cheung Chi-Tai and VML."

5           40.     The allegations in your counterclaim at Paragraphs 41-47 that "Jacobs'  
6 employment is terminated by Sands China and VML for cause and Jacobs initiates his extortion  
7 scheme."

8           41.     The allegations in your counterclaim at Paragraphs 48-52 that "Jacobs files a  
9 wrongful suit against LVSC in furtherance of his scheme."

10          42.     The allegations in your counterclaim at Paragraphs 53-60 that Jacobs has engaged  
11 in "abuse of process."

12          43.     The allegations in your counterclaim at Paragraphs 61-68 that Jacobs is engaged in  
13 "business defamation/disparagement."

14          44.     The allegations in your counterclaim at Paragraphs 69-74 that Jacobs undertook  
15 "intentional interference with respect to the economic advantage."

16          45.     The allegations in your counterclaim at Paragraphs 75-79 that Jacobs has  
17 undertaken "civil extortion."

18          46.     The factual basis for your Second Affirmative Defense that Jacobs' claims are  
19 barred by the doctrine of laches.

20          47.     The factual basis in your Third Affirmative Defense that Jacobs' claims are barred  
21 by the doctrine of unclean hands.

22          48.     The factual basis for your Fourth Affirmative Defense that Jacobs' claims are  
23 barred by the doctrine of estoppel.

24          49.     The factual basis for your Fifth Affirmative Defense that Jacobs' claims are barred  
25 by the doctrine of waiver.

26          50.     The factual basis for your Sixth Affirmative Defense that Jacobs' claims are barred  
27 by the doctrine of election of remedies.

28



1           51.     The factual basis for your Seventh Affirmative Defense that Jacobs' claims are  
2     barred by the doctrine of accord and satisfaction.

3           52.     The factual basis for your Eighth Affirmative Defense that Jacobs' damages, if  
4     any, were caused by his own actions and not by that of LVSC.

5           53.     The factual basis for your Ninth Affirmative Defense that at all times, LVSC acted  
6     in accordance with reasonable commercial standards, in good faith, and with ordinary care and  
7     LVSC's actions did not contribute to the alleged damages.

8           54.     The factual basis for your Tenth Affirmative Defense that Jacobs failed to do  
9     equity towards LVSC and, therefore, is not entitled to any relief from LVSC.

10          55.     The factual basis for your Twelfth Affirmative Defense that LVSC is not a party to  
11     the Term Sheet and, therefore, is not a proper party to the breach of contract claim.

12          56.     The factual basis for your Thirteenth Affirmative Defense that LVSC was not  
13     Jacobs' employer and, therefore, is not a proper party to the tortious discharge claim.

14          57.     The factual basis for your Fourteenth Affirmative Defense to the effect that Jacobs  
15     "breached his contractual and fiduciary obligations and therefore relieved LVSC of any further  
16     obligations" to Jacobs.

17          58.     Any factual presentation, including any Documents, made during road shows for  
18     the potential IPO that would become Sands China, Ltd. concerning or relating to the following:

- 19               a.     The roles and responsibilities of Sheldon G. Adelson  
20               b.     The roles and responsibilities of Steven C. Jacobs  
21               c.     The roles and responsibilities of Michael Leven  
22               d.     The involvement by LVSC in Sands China's governance  
23               e.     The potential conflicts of interest for LVSC  
24               f.     The potential conflicts of interest for Sheldon Adelson  
25               g.     The potential conflicts of interest for LVSC Board members  
26               h.     Adelson's ability or inability to vote on matters relating to Sands China

27  
28



1           59. All communications had with, or presentations made by, any officer, employee,  
2 agent or representative of LVSC to any official of the United States or any State concerning the  
3 following:

- 4           a. Steven C. Jacobs
- 5           b. Pansy Ho
- 6           c. Leonel Alves
- 7           d. WDR
- 8           e. Cheung Chi Tai
- 9           f. Charles Heung
- 10          g. Yvonne Mao
- 11          h. Angelo Leon
- 12          i. Ng Lop Sing
- 13          j. Jack Lam
- 14          k. Lee Chai Ming
- 15          l. Edmund Ho
- 16          m. Fernando Choy
- 17          n. Luis Melo
- 18          o. Ben Toh

19          60. Any investigation conducted by or for the HKSE regarding Jacobs, any stock  
20 options granted to Jacobs, and/or the facts and circumstances alleged in this action, including (but  
21 not limited to) all facts provided, the date, all participants, the substance, Documents examined  
22 and/or considered, and any conclusions.

23          61. Any investigation into or funds paid for acquiring the rights to any sports team in  
24 Macau or Mainland China, including (but not limited to) all facts, participants, Documents  
25 reviewed and conclusions.

26          62. The facts concerning any default of any credit instrument or bank obligations by  
27 LVSC or any of its subsidiaries between January 1, 2008 and July 23, 2010, including (but not  
28

1 limited to) the nature of the default, the financial terms of the default and the manner in which the  
2 potential default was avoided or default remedied.

3 63. The financial terms of any funding to LVSC provided by Sheldon G. Adelson or  
4 any trust or entity controlled by him to LVSC from January 1, 2008 and July 23, 2010, including  
5 (but not limited to) the financial terms of any such funding, any options provided, and the total  
6 cost of the funding to LVSC.

7 64. The total remuneration from LVSC and any of its subsidiaries, including salary,  
8 bonus, benefits, options, grants or anything else of value, paid to or received by Sheldon G.  
9 Adelson from January 1, 2007 to the present.

10 65. The total remuneration from LVSC and any of its subsidiaries, including salary,  
11 bonus, benefits, options, grants or anything else of value, paid to or received by Robert Goldstein  
12 from January 1, 2007 to the present.

13 66. The total remuneration from LVSC and any of its subsidiaries, including salary,  
14 bonus, benefits, options, grants or anything else of value, paid to or received by Mike Leven from  
15 January 1, 2007 to the present.

16 67. The total remuneration from LVSC and any of its subsidiaries, including salary,  
17 bonus, benefits, options, grants or anything else of value, paid to or received by Ken Kay from  
18 January 1, 2007 to the present.

19 68. The total remuneration from LVSC and any of its subsidiaries, including salary,  
20 bonus, benefits, options, grants or anything else of value, paid to or received by David Sisk from  
21 January 1, 2007 to the present.

22 69. The total remuneration from LVSC and any of its subsidiaries, including salary,  
23 bonus, benefits, options, grants or anything else of value, paid to or received by Steven C. Jacobs  
24 from January 1, 2007 to the present.

25 70. The total remuneration from LVSC and any of its subsidiaries, including salary,  
26 bonus, benefits, options, grants or anything else of value, paid to or received by Erwin Siegel  
27 from January 1, 2007 to the present.

28

71. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Jeff Schwartz from January 1, 2007 to the present.

72. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by George Koo from January 1, 2007 to the present.

73. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Irwin Chafetz from January 1, 2007 to the present.

74. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Charles Forman from January 1, 2007 to the present.

75. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Steven Weaver from January 1, 2007 to the present.

76. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Ed Tracy from January 1, 2007 to the present.

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

DATED this 9th day of July, 2015.

PISANELLI BICE PLLC

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

Attorneys for Plaintiff Steven C. Jacobs

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this  
3 9th day of July, 2015, I caused to be sent via electronic mail and United States Mail, postage  
4 prepaid, a true and correct copy of the above and foregoing **NOTICE OF NRCP 30(b)(6)**  
5 **VIDEOTAPED DEPOSITION OF LAS VEGAS SANDS CORP.** properly addressed to the  
6 following:

7 J. Stephen Peek, Esq.  
8 Robert J. Cassity, Esq.  
9 HOLLAND & HART  
10 9555 Hillwood Drive, Second Floor  
11 Las Vegas, NV 89134  
12 [speek@hollandhart.com](mailto:speek@hollandhart.com)  
13 [rcassity@hollandhart.com](mailto:rcassity@hollandhart.com)

14 Michael E. Lackey, Jr., Esq.  
15 MAYER BROWN LLP  
16 1999 K Street, N.W.  
17 Washington, DC 20006  
18 [mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com)

19 J. Randall Jones, Esq.  
20 Mark M. Jones, Esq.  
21 KEMP, JONES & COULTHARD  
22 3800 Howard Hughes Parkway, 17th Floor  
23 Las Vegas, NV 89169  
24 [jjr@kempjones.com](mailto:jjr@kempjones.com)  
25 [mmj@kempjones.com](mailto:mmj@kempjones.com)

26 Steve Morris, Esq.  
27 Rosa Solis-Rainey, Esq.  
28 MORRIS LAW GROUP  
900 Bank of America Plaza  
300 South Fourth Street  
Las Vegas, NV 89101  
[sm@morrislawgroup.com](mailto:sm@morrislawgroup.com)  
[rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com)

24 /s/ Kimberly Peets  
25 An employee of PISANELLI BICE PLLC

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

EXHIBIT C

EXHIBIT C

# PISANELLI BICE

July 22, 2015

TODD L. BICE  
ATTORNEY AT LAW  
702.214.2100 TEL  
702.214.2101 FAX  
TLB@PISANELLIBICE.COM

**VIA EMAIL:**

[speck@hollandhart.com](mailto:speck@hollandhart.com)

J. Stephen Peek, Esq.  
HOLLAND & HART  
9555 Hillwood Drive, Second Floor  
Las Vegas, NV 89134

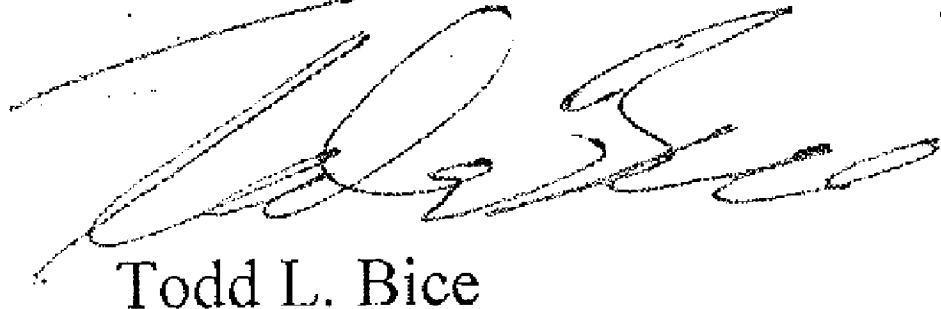
**RE: *Jacobs v. Las Vegas Sands Corp. et al.***

Dear Steve:

The deposition of Las Vegas Sands Corp. pursuant to NRCP 30(b) is noticed for July 28, 2015. You have previously raised the need for additional time to address the notice. As I indicated to you, we are certainly willing to work with you on that, but require you to identify the topics to which you are objecting promptly so that we can get in front of the court on briefing and have those matters resolved. I have received no such list of items.

We are not going to let the July 28 deposition date pass without an agreement on the disputed topics and the briefing schedule for their immediate resolution by the court. Please provide me the list of the topics to which you are objecting, along with your proposed prompt briefing schedule for consideration.

Sincerely,



Todd L. Bice

TLB:smt

cc: All parties

EXHIBIT D

EXHIBIT D

## Valerie Larsen

---

**From:** Steve Peek  
**Sent:** Friday, July 24, 2015 2:22 PM  
**To:** Todd Bice  
**Cc:** Shannon M. Thomas; Jordan T. Smith; [mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com); [r.jones@kempjones.com](mailto:r.jones@kempjones.com); [m.jones@kempjones.com](mailto:m.jones@kempjones.com); Bob Cassity; [sm@morrislawgroup.com](mailto:sm@morrislawgroup.com); [rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com); Valerie Larsen; Ferguson, James  
**Subject:** RE: Jacobs v. Sands China, et al.; correspondence re deposition

Todd:

Thank you for your response. I obviously misunderstood our earlier conference on the topic of the 30(b)(6) and thought that you were going to be the moving party. As to your schedule for a meet and confer, I am available on Tuesday at 2 PM. Please send a call in number. As to the briefing schedule, I need to discuss with my client who is currently out of the country. I'll get back to you on Monday regarding this issue after I have had an opportunity to confer with my client.

Steve

---

**From:** Todd Bice [<mailto:tlb@pisanellibice.com>]  
**Sent:** Thursday, July 23, 2015 9:27 PM  
**To:** Steve Peek  
**Cc:** Shannon M. Thomas; Jordan T. Smith; [mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com); [r.jones@kempjones.com](mailto:r.jones@kempjones.com); [m.jones@kempjones.com](mailto:m.jones@kempjones.com); Bob Cassity; [sm@morrislawgroup.com](mailto:sm@morrislawgroup.com); [rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com); Valerie Larsen; Ferguson, James  
**Subject:** Re: Jacobs v. Sands China, et al.; correspondence re deposition

Steve: it is not acceptable to ask us to cooperate on timing and then make the type of proposal that you have made. To begin with, it was not appropriate to delay until I forced a response by my letter. As I informed you from the very beginning on this issue, while we were willing to work with you on timing, we wanted the matter resolved by the court promptly. That was not and is not a consent for you to delay until the day before the scheduled deposition to finally provide a list of topics upon which you object. Had we simply enforce the requirements of the rule, you would've been required to have filed your motion before now and we would have been well on our way to a resolution, if not had the matter resolved by the court.

Furthermore, it is not my clients burden to file a motion. As the party objecting to a notice of deposition, your client has the burden of moving for and obtaining a protective order.

We will look at your objections and hold a 2.34 conference on Tuesday at 2 PM. You will need to file your motion no later than Friday of next week and have it set on an order shortening time. We will file an opposition to your motion on five business days and then we can hold a prompt hearing. We will not agree to let this be dragged out.

-- Todd.

On Jul 23, 2015, at 4:46 PM, Steve Peek <[S.Peek@hollandhart.com](mailto:S.Peek@hollandhart.com)> wrote:

Todd:



I will identify the topics in the 30(b)(6) notice to which we are objecting on or before Monday, July 27, 2015. I will be available for a meet and confer on Tuesday the 28th or Wednesday the 29th. I am in depositions on the 30th and 31st. For a briefing schedule, I would like at least 10 days to oppose your motion. You can pick the filing date and the reply period. You can also pick the hearing date so long as I have at least two full days to prepare for the hearing.

Steve


---

**From:** Shannon M. Thomas [<mailto:smt@pisanellibice.com>]  
**Sent:** Wednesday, July 22, 2015 5:08 PM  
**To:** Steve Peek  
**Cc:** Todd Bice; Jordan T. Smith; [mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com); [r.jones@kempjones.com](mailto:r.jones@kempjones.com); [m.jones@kempjones.com](mailto:m.jones@kempjones.com); Bob Cassity; [sm@morrislawgroup.com](mailto:sm@morrislawgroup.com); [rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com)  
**Subject:** Jacobs v. Sands China, et al.; correspondence re deposition

Attached please find correspondence from Mr. Bice. If you have any questions, please feel free to contact him directly at (702) 214-2100.

Thank you,

Shannon Thomas  
Assistant to Todd L. Bice and  
Jarrod L. Rickard  
Pisanelli Bice, LLC  
400 South 7<sup>th</sup> Street, Suite 300  
Las Vegas, NV 89101  
Phone: 702-214-2100  
Direct: 702-214-2106  
FAX: 702-214-2101  
E-Mail: [smt@pisanellibice.com](mailto:smt@pisanellibice.com)

 Please consider the environment before printing.

This transaction and any attachment is privileged and confidential. Any dissemination or copying of this communication is prohibited. If you are not the intended recipient, please notify us immediately by replying and delete the message. Thank you.

## Valerie Larsen

---

**From:** Steve Peek  
**Sent:** Friday, July 24, 2015 2:22 PM  
**To:** Todd Bice  
**Cc:** Shannon M. Thomas; Jordan T. Smith; [mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com); [r.jones@kempjones.com](mailto:r.jones@kempjones.com); [m.jones@kempjones.com](mailto:m.jones@kempjones.com); Bob Cassity; [sm@morrislawgroup.com](mailto:sm@morrislawgroup.com); [rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com); Valerie Larsen; Ferguson, James  
**Subject:** RE: Jacobs v. Sands China, et al.; correspondence re deposition

Todd:

Thank you for your response. I obviously misunderstood our earlier conference on the topic of the 30(b)(6) and thought that you were going to be the moving party. As to your schedule for a meet and confer, I am available on Tuesday at 2 PM. Please send a call in number. As to the briefing schedule, I need to discuss with my client who is currently out of the country. I'll get back to you on Monday regarding this issue after I have had an opportunity to confer with my client.

Steve

**From:** Todd Bice [<mailto:tlb@pisanellibice.com>]  
**Sent:** Thursday, July 23, 2015 9:27 PM  
**To:** Steve Peek  
**Cc:** Shannon M. Thomas; Jordan T. Smith; [mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com); [r.jones@kempjones.com](mailto:r.jones@kempjones.com); [m.jones@kempjones.com](mailto:m.jones@kempjones.com); Bob Cassity; [sm@morrislawgroup.com](mailto:sm@morrislawgroup.com); [rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com); Valerie Larsen; Ferguson, James  
**Subject:** Re: Jacobs v. Sands China, et al.; correspondence re deposition

Steve: it is not acceptable to ask us to cooperate on timing and then make the type of proposal that you have made. To begin with, it was not appropriate to delay until I forced a response by my letter. As I informed you from the very beginning on this issue, while we were willing to work with you on timing, we wanted the matter resolved by the court promptly. That was not and is not a consent for you to delay until the day before the scheduled deposition to finally provide a list of topics upon which you object. Had we simply enforce the requirements of the rule, you would've been required to have filed your motion before now and we would have been well on our way to a resolution, if not had the matter resolved by the court.

Furthermore, it is not my clients burden to file a motion. As the party objecting to a notice of deposition, your client has the burden of moving for and obtaining a protective order.

We will look at your objections and hold a 2.34 conference on Tuesday at 2 PM. You will need to file your motion no later than Friday of next week and have it set on an order shortening time. We will file an opposition to your motion on five business days and then we can hold a prompt hearing. We will not agree to let this be dragged out.

-- Todd.

On Jul 23, 2015, at 4:46 PM, Steve Peek <[S.Peek@hollandhart.com](mailto:S.Peek@hollandhart.com)> wrote:

Todd:

I will identify the topics in the 30(b)(6) notice to which we are objecting on or before Monday, July 27, 2015. I will be available for a meet and confer on Tuesday the 28th or Wednesday the 29th. I am in depositions on the 30th and 31st. For a briefing schedule, I would like at least 10 days to oppose your motion. You can pick the filing date and the reply period. You can also pick the hearing date so long as I have at least two full days to prepare for the hearing.

Steve

---

**From:** Shannon M. Thomas [<mailto:smt@pisanellibice.com>]  
**Sent:** Wednesday, July 22, 2015 5:08 PM  
**To:** Steve Peek  
**Cc:** Todd Bice; Jordan T. Smith; [mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com); [r.jones@kempjones.com](mailto:r.jones@kempjones.com); [m.jones@kempjones.com](mailto:m.jones@kempjones.com); Bob Cassity; [sm@morrislawgroup.com](mailto:sm@morrislawgroup.com); [rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com)  
**Subject:** Jacobs v. Sands China, et al.; correspondence re deposition

Attached please find correspondence from Mr. Bice. If you have any questions, please feel free to contact him directly at (702) 214-2100.

Thank you,

Shannon Thomas  
Assistant to Todd L. Bice and  
Jarrod L. Rickard  
Pisanelli Bice, LLC  
400 South 7<sup>th</sup> Street, Suite 300  
Las Vegas, NV 89101  
Phone: 702-214-2100  
Direct: 702-214-2106  
FAX: 702-214-2101  
E-Mail: [smt@pisanellibice.com](mailto:smt@pisanellibice.com)



*Please consider the environment before printing.*

This transaction and any attachment is privileged and confidential. Any dissemination or copying of this communication is prohibited. If you are not the intended recipient, please notify us immediately by replying and delete the message. Thank you.

EXHIBIT E

EXHIBIT E

**HOLLAND & HART** LLP



**J. Stephen Peek**  
Phone (702) 222-2544  
Fax (702) 669-4650  
speek@hollandhart.com

July 27, 2015

**VIA EMAIL AND U.S. MAIL**

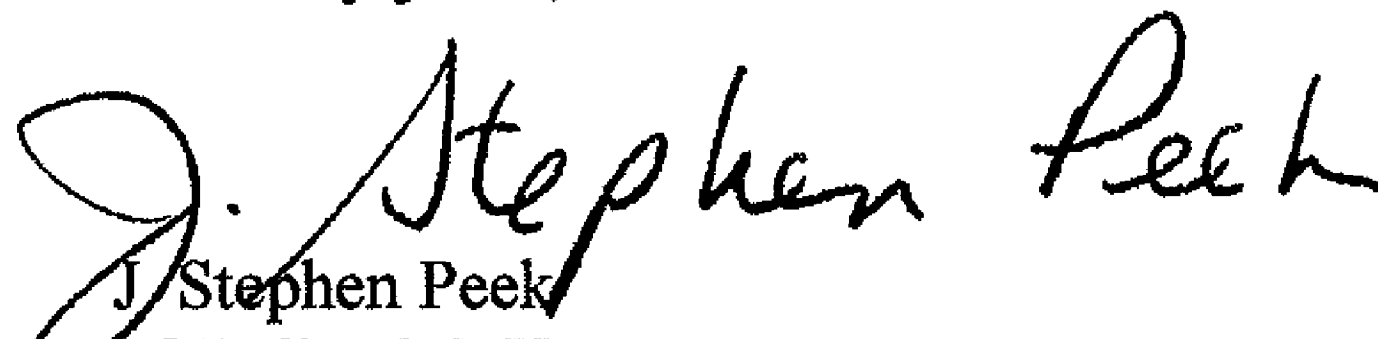
Todd Bice, Esq.  
PISANELLI BICE  
400 S. 7th St. Suite 300  
Las Vegas, NV 89101  
[tlb@pisanellibice.com](mailto:tlb@pisanellibice.com)

**RE: Jacobs v Las Vegas Sands, Corp., et al.**

Dear Todd:

I am enclosing my responses and objections to your 30(b)(6) topics.

Sincerely yours,

  
J. Stephen Peek  
of Holland & Hart LLP

JSP

cc: J. Randall Jones, Esq.  
Steve Morris, Esq.  
James R. Ferguson, Esq.

**Holland & Hart LLP Attorneys at Law**

Phone (702) 669-4600 Fax (702) 669-4650 [www.hollandhart.com](http://www.hollandhart.com)

9555 Hillwood Drive, 2nd Floor Las Vegas, NV 89134

Aspen Billings Boise Boulder Carson City Cheyenne Colorado Springs Denver Denver Tech Center Jackson Hole Las Vegas Reno Salt Lake City Santa Fe Washington, D.C.

**RESPONSES AND OBJECTIONS TO TOPICS WITHIN  
JACOBS' NOTICE TO TAKE 30(B)(6) DEPOSITION OF LAS VEGAS SANDS CORP.**

1. All efforts to locate responsive and discoverable documents, information and evidence in this action, including (but not limited to) files searched, search terms used, the date searches were conducted and the identity of all persons involved in the search.

**Response:** LVSC objects to this topic to the extent it seeks information that is protected by the work product and attorney client privilege and on the further basis that such information related to files searched and search terms used has previously been provided to plaintiff and his counsel. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objections, LVSC agrees to provide such information in the form of an answer to an interrogatory.

2. All efforts to preserve information and evidence related to this action, including (but not limited to) notices sent, the date of preservation efforts and the identity of all persons involved in such preservation.

**Response:** LVSC objects to this topic to the extent it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

3. Any LVSC policies, memoranda, procedures, methods, instructions, customs and/or practices for maintaining, storing, organizing, preserving, archiving, saving and/or destroying Documents from January 1, 2009 to the present (specifically including, but not limited to, Documents related to Steven Jacobs).

**Response:** LVSC objects on the grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objections, LVSC agrees to provide such information in the form of an answer to an interrogatory within the date range agreed to by the parties and approved by the court.

4. Any LVSC policies, memoranda, procedures, methods, instructions, customs and/or practices for maintaining, storing, backing-up, organizing, preserving, archiving, saving and/or destroying electronically stored information from January 1, 2009 to the present (specifically including, but not limited to, Steven Jacobs).

**Response:** See Response to Topic 3

5. Any Documents and/or ESI, or any portions thereof, relating to Jacobs or the claims or defenses asserted in this action that was concealed, lost, destroyed and/or misplaced and the circumstances behind such concealment, loss, destruction and/or misplacement.

**Response:** LVSC objects to this topic to the extent it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objections, LVSC agrees to provide such information in the form of an answer to an interrogatory.

6. Any efforts by or on behalf of LVSC to determine whether each current and/or former employee of LVSC has or had any Documents and/or ESI related to Jacobs or the claims and defenses in this action.

**Response:** LVSC objects to this topic to the extent it seeks information that is protected by the work product and attorney client privilege and on the further basis that such information related to files searched and search terms used has previously been provided to plaintiff and his counsel. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

7. All efforts to obtain consents from anyone under the MPDPA from January 1, 2009 to the present, including (but not limited to) the date of such efforts, the identity of all persons or consents were sought and the identity of all persons involved in procuring consents.

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

8. The date, persons involved and substance of any communications with any Macau government official concerning the facts and allegations of this action.

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

9. All damages claimed by LVSC in its counterclaim, including the facts giving rise to those damages and the manner and means of calculation.



**Response:** LVSC agrees to provide such information in the form of an answer to an interrogatory.

10. All communications with any government official either in the United States or Macau, Hong Kong or China concerning the MPDPA and its purported requirements, including (but not limited to) all efforts to obtain any authorizations or consents for the search of documents from January 1, 2009 to the present.

LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

11. All communications with prior employers of Plaintiff and/or Vagus Group, including (but not limited to) the participants in any such communications, the date, the substance of the communication, and any documents discussed or obtained.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

12. The factual basis for claiming that Plaintiff has stolen any property or information.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

13. All investigations into Plaintiff and/or family members, including (but not limited to) the identity of all participants, the contents of all written or verbal reports, all conclusions, and all persons with whom the information was shared.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.



Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

14. All alleged breaches of fiduciary or employment obligations by Jacobs, including (but not limited to) the date, all persons with knowledge, the alleged breaches and the location of all documents concerning any such purported breach.

**Response:** LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

15. The formation, purpose and operations of WDR, LLC and its subsequent dissolution, including (but not limited to) its involvement in any transfers of funds.

**Response:** LVSC objects to this topic to the extent it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

16. Any suspected violations of the Foreign Corrupt Practices Act by any LVSC officer, employee, agent or representative that in any way relates to, references or concerns Macau and/or China.

**Response:** LVSC objects to this topic to the extent it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

17. All investigations conducted concerning and officer, employee, agent or representative of LVSC as to potential violations of Foreign Corrupt Practices Act that in any way relates to, references or concerns Macau and/or China.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

18. Any suspected violations of the Foreign Corrupt Practices Act by any Sands China officer, employee, agent or representative that in any way relates to, references or concerns Macau and/or China.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

19. All investigations conducted concerning any officer, employee, agent or representative of Sands China as to potential violations of Foreign Corrupt Practices Act that in any way relates to, references or concerns Macau and/or China.

**Response:** LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

20. The direct or indirect relationships between LVSC or any of its subsidiaries - including (but not limited to) the date commenced, terminated, financial terms of and agreements - that concern any of the following:

- a. Sociedade
- b. Nove
- c. Sun City
- d. Neptune
- e. Unik Ltd.
- f. Shanghai Sat Leng
- g. Dore
- h. Tak Lek
- i. Li Kwok Hung
- j. Sat leng Unipessoal Limited
- k. Cheung Chi Tai
- l. Charles Heung
- m. Yvonne Mao
- n. Angela Leong

- o. Ng Lap Sing
- p. Jack Lam
- q. Tantra Lotus Club
- r. Lee Chai Ming

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited (“SCL”). LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

21. Any communications with any Macau government official, including (but not limited to) Edmund Ho, concerning the settlement of the action styled *Clive Bassett Jones, et al v. Las Vegas Sands Corp., et al.*, Eighth Judicial District Court Case No. 06-A516404.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

22. Any communications with Leonel Alves concerning payments to any third parties in exchange for receiving any form of government approvals such as (but not limited to) strata title, including (but not limited to) the date, substance of the communication and all participants to any communication[s].

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited (“SCL”). LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness’ substantive deposition.

23. The form of any notice given to Plaintiff concerning any alleged breach of fiduciary duty or terms/conditions of employment, including (but not limited to) the date, substance of the notice and all participants in the communication[s].

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited (“SCL”).

Without waiving such objection and to the extent such information was provided to Jacobs by LVSC, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

24. The award of any stock options or grants to Plaintiff, including (but not limited to) the factual basis for the award, the value of those options/grants when awarded, the maximum value of those options from the date of award to the present and the basis for any termination/non-exercise of the award.

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it has already been discussed in previous discovery and depositions taken by Jacobs' in this matter.

Without waiving such objection and to the extent such information was provided to Jacobs by LVSC, LVSC will provide a witness on this topic, and to the extent not duplicative of previous discovery, at such time as the plaintiff seeks to take the same witness' substantive deposition.

25. The facts provided to any official and/or officer of the United States government from October 23, 2010 to the present that in any way relates to, references or concerns the Plaintiff, his complaint in this action or your defenses to this action, including (but not limited to) documents provided or discussed.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

26. Any demand for retraction of purported false and/or defamatory statements or publications made on behalf of LVSC or any of its officers or directors including (but not limited to) the date, the substance of the retraction, the participants and the substance of the purported defamatory/false statement.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

27. Any investigation conducted by LVSC, its officers, agents or representatives as to any Macau government or military official, including (but not limited to) the purpose of the investigation, date, all participants, substance, documents examined and/or considered, conclusions and to whom the outcome of the investigation were shared.

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it seeks information

that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

28. Any investigation conducted by LVSC, its officers, agents or representatives as to any China government or military official, including (but not limited to) the purpose of the investigation, date, all participants, substance, documents examined and/or considered, conclusions and to whom the outcome of the investigation were shared.

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

29. Any circumstances where cash or other currency exceeding a value of \$50,000 U.S. dollars was transported upon any airplane owned or leased by LVSC or any other entity controlled by Sheldon Adelson.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

30. The actual, attempted or threatened termination or separation for cause of any person holding the position of Vice President or above from January 2008 to the present, including (but not limited to) name, date, or separation events which constituted purported cause, and the ultimate resolution.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

31. Any investigations conducted by LVSC or any of its officers, agents or representatives as to potential or suspected money laundering from January 1, 2009 to the present, including but not limited to the identity of all persons involved, documents in any investigation, with whom such information was shared and the investigations' ultimate outcome/conclusion.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.



32. The factual basis for any claim by LVSC that the Term Sheet dated August 3, 2009, which it filed with the United State Securities and Exchange Commission, is not valid and binding.

LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

33. Your access to and review of any phone records for Plaintiff, including the date of review, the participants, and the contents of all phone records reviewed.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

34. The access to and review of the contents of any phone used by Plaintiff, including (but not limited to) who obtained the phone, any representations made to obtain access or possession, the contents of any information obtained and with whom the contents were shared.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

35. The communications with any representative of the news media about Plaintiff from June 22, 2010 to the present.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

36. The allegations in your counterclaim at Paragraph 17 that "Jacobs was violating his obligations not only to Sands China but also to the LVSC as the majority shareholder of Sands China."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

37. The allegations in your counterclaim at Paragraphs 18-21 that Jacobs violated a "non-competition deed."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

38. The allegations in your counterclaim at Paragraphs 22-26 that "Jacobs endangers LVSC's and Sands China's relationship with the governments of Macau and China."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

39. The allegations in your counterclaim at Paragraphs 27-40 that "Jacobs delays terminating the contract between Cheung Chi-Tai and VML."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

40. The allegations in your counterclaim at Paragraphs 41-47 that "Jacobs' employment is terminated by Sands China and VML for cause and Jacobs initiates his extortion scheme."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

41. The allegations in your counterclaim at Paragraphs 48-52 that "Jacobs files a wrongful suit against LVSC in furtherance of his scheme."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

42. The allegations in your counterclaim at Paragraphs 53-60 that Jacobs has engaged in "abuse of process."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

43. The allegations in your counterclaim at Paragraphs 61-68 that Jacobs is engaged in "business defamation/disparagement."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

44. The allegations in your counterclaim at Paragraphs 69-74 that Jacobs undertook "intentional interference with respect to the economic advantage."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

45. The allegations in your counterclaim at Paragraphs 75-79 that Jacobs has undertaken "civil extortion."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

46. The factual basis for your Second Affirmative Defense that Jacobs' claims are barred by the doctrine of laches.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

47. The factual basis in your Third Affirmative Defense that Jacobs' claims are barred by the doctrine of unclean hands.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

48. The factual basis for your Fourth Affirmative Defense that Jacobs' claims are barred by the doctrine of estoppel.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.



49. The factual basis for your Fifth Affirmative Defense that Jacobs' claims are barred by the doctrine of waiver.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

50. The factual basis for your Sixth Affirmative Defense that Jacobs' claims are barred by the doctrine of election of remedies.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

51. The factual basis for your Seventh Affirmative Defense that Jacobs' claims are barred by the doctrine of accord and satisfaction.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

52. The factual basis for your Eighth Affirmative Defense that Jacobs' damages, if any, were caused by his own actions and not by that of LVSC.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

53. The factual basis for your Ninth Affirmative Defense that at all times, LVSC acted in accordance with reasonable commercial standards, in good faith, and with ordinary care and LVSC's actions did not contribute to the alleged damages.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

54. The factual basis for your Tenth Affirmative Defense that Jacobs failed to do equity towards LVSC and, therefore, is not entitled to any relief from LVSC.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

55. The factual basis for your Twelfth Affirmative Defense that LVSC is not a party to the Term Sheet and, therefore, is not a proper party to the breach of contract claim.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

56. The factual basis for your Thirteenth Affirmative Defense that LVSC was not Jacobs' employer and, therefore, is not a proper party to the tortious discharge claim.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

57. The factual basis for your Fourteenth Affirmative Defense to the effect that Jacobs "breached his contractual and fiduciary obligations and therefore relieved LVSC of any further obligations" to Jacobs.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

58. Any factual presentation, including any Documents, made during road shows for the potential IPO that would become Sands China, Ltd. concerning or relating to the following:

- a. The roles and responsibilities of Sheldon G. Adelson
- b. The roles and responsibilities of Steven C. Jacobs
- c. The roles and responsibilities of Michael Leven
- d. The involvement by LVSC in Sands China's governance
- e. The potential conflicts of interest for LVSC
- f. The potential conflicts of interest for Sheldon Adelson
- g. The potential conflicts of interest for LVSC Board members
- h. Adelson's ability or inability to vote on matters relating to Sands China

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objections, LVSC agrees to provide such information in the form of an answer to an interrogatory.

59. All communications had with, or presentations made by, any officer, employee, agent or representative of LVSC to any official of the United States or any State concerning the following:

- a. Steven C. Jacobs
- b. Pansy Ho
- c. Leonel Alves
- d. WDR
- e. Cheung Chi Tai
- f. Charles Heung
- g. Yvonne Mao
- h. Angelo Leon
- i. Ng Lop Sing
- j. Jack Lam
- k. Lee Chai Ming
- l. Edmund Ho
- m. Fernando Choy
- n. Luis Melo
- o. Ben Toh

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

60. Any investigation conducted by or for the HKSE regarding Jacobs, any stock options granted to Jacobs, and/or the facts and circumstances alleged in this action, including (but not limited to) all facts provided, the date, all participants, the substance, Documents examined and/or considered, and any conclusions.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

61. Any investigation into or funds paid for acquiring the rights to any sports team in Macau or Mainland China, including (but not limited to) all facts, participants, Documents reviewed and conclusions.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

62. The facts concerning any default of any credit instrument or bank obligations by LVSC or any of its subsidiaries between January 1, 2008 and July 23, 2010, including (but not limited to) the nature of the default, the financial terms of the default and the manner in which the potential default was avoided or default remedied.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

63. The financial terms of any funding to LVSC provided by Sheldon G. Adelson or any trust or entity controlled by him to LVSC from January 1, 2008 and July 23, 2010, including (but not limited to) the financial terms of any such funding, any options provided, and the total cost of the funding to LVSC.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and, without waiving such objections, LVSC will produce publicly-available information on this topic for the period 2009-2010.

64. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Sheldon G. Adelson from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and

approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

65. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Robert Goldstein from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

66. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Mike Leven from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

67. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Ken Kay from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

68. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by David Sisk from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

69. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Steven C. Jacobs from January 1, 2007 to the present.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

70. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Erwin Siegel from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

71. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Jeff Schwartz from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.



72. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by George Koo from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

73. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Irwin Chafetz from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

74. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Charles Forman from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

75. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Steven Weaver from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and

approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

76. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Ed Tracy from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.



EXHIBIT F

EXHIBIT F

## Valerie Larsen

---

**From:** Steve Peek  
**Sent:** Tuesday, July 28, 2015 2:15 PM  
**To:** Todd Bice  
**Cc:** Shannon M. Thomas; Jordan T. Smith; mlackey@mayerbrown.com; r.jones@kempjones.com; m.jones@kempjones.com; Bob Cassity; sm@morrislawgroup.com; rsr@morrislawgroup.com; Valerie Larsen; Ferguson, James  
**Subject:** RE: Jacobs v. Sands China, et al.; correspondence re deposition

All:

I suspect that, due to the lateness of the receipt of the dial in number for the meet and confer, we did not get participants from Kemp Jones or the Morris office. We are going to reschedule the meet and confer for later this afternoon up to 4 PM or tomorrow morning at 9:15. Please let us know of your availability. Todd, Jim and I are available in those time frames. Please do your best to be available.

Steve

---

**From:** Todd Bice [mailto:tlb@pisanellibice.com]  
**Sent:** Tuesday, July 28, 2015 2:03 PM  
**To:** Steve Peek  
**Cc:** Shannon M. Thomas; Jordan T. Smith; mlackey@mayerbrown.com; r.jones@kempjones.com; m.jones@kempjones.com; Bob Cassity; sm@morrislawgroup.com; rsr@morrislawgroup.com; Valerie Larsen; Ferguson, James  
**Subject:** RE: Jacobs v. Sands China, et al.; correspondence re deposition

We are on the same dial-in number as before. 888-808-6929  
Access Code: 6901009

**From:** Steve Peek [mailto:S.Peek@hollandhart.com]  
**Sent:** Friday, July 24, 2015 2:22 PM  
**To:** Todd Bice <tlb@pisanellibice.com>  
**Cc:** Shannon M. Thomas <smt@pisanellibice.com>; Jordan T. Smith <JTS@pisanellibice.com>; mlackey@mayerbrown.com; r.jones@kempjones.com; m.jones@kempjones.com; Bob Cassity <BCassity@hollandhart.com>; sm@morrislawgroup.com; rsr@morrislawgroup.com; Valerie Larsen <VLLarsen@hollandhart.com>; Ferguson, James <JFerguson@mayerbrown.com>  
**Subject:** RE: Jacobs v. Sands China, et al.; correspondence re deposition

Todd:

Thank you for your response. I obviously misunderstood our earlier conference on the topic of the 30(b)(6) and thought that you were going to be the moving party. As to your schedule for a meet and confer, I am available on Tuesday at 2 PM. Please send a call in number. As to the briefing schedule, I need to discuss with my client who is currently out of

the country. I'll get back to you on Monday regarding this issue after I have had an opportunity to confer with my client.

Steve

---

**From:** Todd Bice [mailto:tlb@pisanellibice.com]

**Sent:** Thursday, July 23, 2015 9:27 PM

**To:** Steve Peek

**Cc:** Shannon M. Thomas; Jordan T. Smith; [mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com); [r.jones@kempjones.com](mailto:r.jones@kempjones.com); [m.jones@kempjones.com](mailto:m.jones@kempjones.com); Bob Cassity; [sm@morrislawgroup.com](mailto:sm@morrislawgroup.com); [rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com); Valerie Larsen; Ferguson, James

**Subject:** Re: Jacobs v. Sands China, et al.; correspondence re deposition

Steve: it is not acceptable to ask us to cooperate on timing and then make the type of proposal that you have made. To begin with, it was not appropriate to delay until I forced a response by my letter. As I informed you from the very beginning on this issue, while we were willing to work with you on timing, we wanted the matter resolved by the court promptly. That was not and is not a consent for you to delay until the day before the scheduled deposition to finally provide a list of topics upon which you object. Had we simply enforce the requirements of the rule, you would've been required to have filed your motion before now and we would have been well on our way to a resolution, if not had the matter resolved by the court.

Furthermore, it is not my clients burden to file a motion. As the party objecting to a notice of deposition, your client has the burden of moving for and obtaining a protective order.

We will look at your objections and hold a 2.34 conference on Tuesday at 2 PM. You will need to file your motion no later than Friday of next week and have it set on an order shortening time. We will file an opposition to your motion on five business days and then we can hold a prompt hearing. We will not agree to let this be dragged out.

-- Todd.

On Jul 23, 2015, at 4:46 PM, Steve Peek <[S.Peek@hollandhart.com](mailto:S.Peek@hollandhart.com)> wrote:

Todd:

I will identify the topics in the 30(b)(6) notice to which we are objecting on or before Monday, July 27, 2015. I will be available for a meet and confer on Tuesday the 28th or Wednesday the 29th. I am in depositions on the 30th and 31st. For a briefing schedule, I would like at least 10 days to oppose your motion. You can pick the filing date and the reply period. You can also pick the hearing date so long as I have at least two full days to prepare for the hearing.

Steve

---

**From:** Shannon M. Thomas [mailto:[smt@pisanellibice.com](mailto:smt@pisanellibice.com)]

**Sent:** Wednesday, July 22, 2015 5:08 PM

**To:** Steve Peek

**Cc:** Todd Bice; Jordan T. Smith; [mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com); [r.jones@kempjones.com](mailto:r.jones@kempjones.com); [m.jones@kempjones.com](mailto:m.jones@kempjones.com); Bob Cassity; [sm@morrislawgroup.com](mailto:sm@morrislawgroup.com); [rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com)

**Subject:** Jacobs v. Sands China, et al.; correspondence re deposition

Attached please find correspondence from Mr. Bice. If you have any questions, please feel free to contact him directly at (702) 214-2100.

Thank you,

Shannon Thomas  
Assistant to Todd L. Bice and  
Jarrod L. Rickard  
Pisanelli Bice, LLC  
400 South 7<sup>th</sup> Street, Suite 300  
Las Vegas, NV 89101  
Phone: 702-214-2100  
Direct: 702-214-2106  
FAX: 702-214-2101  
E-Mail: [smt@pisanellibice.com](mailto:smt@pisanellibice.com)

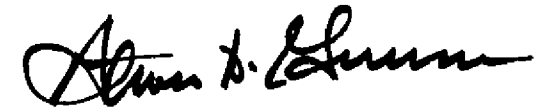


*Please consider the environment before printing.*

This transaction and any attachment is privileged and confidential. Any dissemination or copying of this communication is prohibited. If you are not the intended recipient, please notify us immediately by replying and delete the message. Thank you.

# EXHIBIT 4

# EXHIBIT 4



CLERK OF THE COURT

**MOT**

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

[JJP@pisanellibice.com](mailto:JJP@pisanellibice.com)

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

[TLB@pisanellibice.com](mailto:TLB@pisanellibice.com)

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

[DLS@pisanellibice.com](mailto:DLS@pisanellibice.com)

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

[JTS@pisanellibice.com](mailto:JTS@pisanellibice.com)

**PISANELLI BICE PLLC**

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.

Case No.: A-10-627691

Dept. No.: XI

**PLAINTIFF STEVEN C. JACOBS'  
MOTION FOR SANCTIONS AGAINST  
LAS VEGAS SANDS CORP. FOR  
FAILURE TO APPEAR AT NRCP  
30(b)(6) DEPOSITION ON ORDER  
SHORTENING TIME**

AND RELATED CLAIMS

Hearing Date:

Hearing Time:

Now that merits discovery is finally open to Plaintiff Steven Jacobs ("Jacobs"), Defendant Las Vegas Sands Corp. ("LVSC") has made clear that its continuing strategy is to delay Jacobs' rights, notwithstanding the unambiguous requirements of Nevada law. In addition to non-responsive answers to discovery which are the subject of an already pending motion to compel – and future motions that are forthcoming as to its ongoing nonproduction – LVSC willingly failed to appear for a duly noticed deposition of its NRCP 30(b)(6) representative. It did so after assuring Jacobs' counsel that it was cooperating in good faith and wanted to address purported issues within the scope of the notice. Jacobs made clear that he was willing to work with LVSC, but only if a firm agreement was reached before the depo date as to the timing of that resolution. LVSC reached

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

1 no such agreement to excuse its appearance and instead simply tried to run out the clock so that the  
2 deposition date would pass and then claim, just as it has improperly done, that it is free to file its  
3 desired motion for protective order at a time of its choosing (*i.e.* it granted itself an indefinite  
4 reprieve from its obligations). Jacobs expressly informed LVSC he would not agree to such tactics  
5 and that the deposition would not be vacated.

6 Jacobs asks this Court to put an end to this type of misconduct and noncompliance now. He  
7 will leave the appropriate sanction to the Court's discretion. But sanctions should issue, not only  
8 for LVSC's failure to appear, but to remind LVSC that further discovery abuses will not be tolerated.

9 This Motion made and based upon NRCP 37 and is supported by the accompanying  
10 Memorandum of Points and Authorities, Declaration of Todd L. Bice, Esq., the papers and pleadings  
11 on file herein, and any oral argument this Court may consider.

12 DATED this 31st day of July, 2015.

13 PISANELLI BICE PLLC

14 By: /s/ Todd L. Bice

15 James J. Pisanelli, Esq., Bar No. 4027  
16 Todd L. Bice, Esq., Bar No. 4534  
17 Debra L. Spinelli, Esq., Bar No. 9695  
18 Jordan T. Smith, Esq., Bar No. 12097  
19 400 South 7th Street, Suite 300  
20 Las Vegas, Nevada 89101

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

**ORDER SHORTENING TIME**

Before this Court is the Request for an Order Shortening Time accompanied by the Declaration of counsel. Good cause appearing, the undersigned counsel will appear at Clark County Regional Justice Center, Eighth Judicial District Court, Las Vegas, Nevada, on the 13<sup>th</sup> day of August, 2015, at 8:30A am., in Department XI, or as soon thereafter as counsel may be heard, to bring this PLAINTIFF STEVEN C. JACOBS' MOTION FOR SANCTIONS AGAINST LAS VEGAS SANDS CORP. FOR FAILURE TO APPEAR AT NRCP 30(b)(6) DEPOSITION ON ORDER SHORTENING TIME on for hearing.

DATED: July 31, 2015

  
DISTRICT COURT JUDGE 

Respectfully submitted by:

PISANELLI BICE PLLC

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

*Attorneys for Plaintiff Steven C. Jacobs*

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



**DECLARATION OF TODD L. BICE, ESQ.**  
**IN SUPPORT OF MOTION FOR SANCTIONS AGAINST LAS VEGAS SANDS CORP.**  
**FOR FAILURE TO APPEAR AT NRCP 30(b)(6) DEPOSITION**  
**ON ORDER SHORTENING TIME**

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

1. I am one of the attorneys representing Plaintiff Steven C. Jacobs ("Jacobs") in the action styled *Steven C. Jacobs v. Las Vegas Sands Corp., et al.*, Case No. A627691-B, pending before this Court. I make this declaration in support of Jacobs' Motion for Sanctions Against Las Vegas Sands Corp. for Failure to Appear at NRCP 30(b)(6) Deposition on Order Shortening Time. I have firsthand knowledge of the facts stated herein and am competent to testify as to the facts.

2. On July 9, 2015, Jacobs served a Notice of NRCP 30(b)(6) Videotaped Deposition of Las Vegas Sands Corp. for July 28, 2015. (Notice of Deposition, Ex. 1.)

3. During meet and confer discussions with LVSC related to its written discovery responses, Steve Peek, Esq. indicated that he intended to object to certain topics and asked for my cooperation as to timing. I indicated that we were amenable to working with him on timing but I wanted the matter resolved promptly. Thus, for whatever objections they had to the scope of the deposition, I wanted them to put that in writing so that it could be addressed at a proper 2.34 and then this Court could decide any questions as to the proper scope of the deposition.

4. However, as of July 22, 2015, I had received no such list of purported objections – showing the topics to which they claimed an issue and those to which they did not – despite the fact that the deposition was less than a week away. Consequently, I sent LVSC a letter informing it that "[w]e are not going to let the July 28 deposition date pass without an agreement on the disputed topics and the briefing schedule for their immediate resolution." (Ltr. from Todd L. Bice, Esq. to J. Stephen Peek, Esq., July 22, 2015, Ex. 2.) If LVSC was wanting our cooperation on timing, it needed to act forthrightly.

5. Unfortunately, the next day, LVSC confirmed that it was once again trying to delay so as to get past the deposition date. I received an email stating that LVSC would not provide any information as to its purported objections and non-objections until the day before the scheduled deposition and would not be available for a meet and confer until the day of the scheduled

1 deposition. (Email String between Todd L. Bice, Esq. and J. Stephen Peek, Esq., July 23, 2015, Ex.  
2 3.) LVSC also attempted to shift the burden onto Jacobs to file a motion even though it has the  
3 burden to seek a protective order to prevent the deposition if its witness(es) did not intend to appear.

4 6. I immediately responded and informed LVSC that its proposal was "not acceptable."  
5 (*Id.*) I reiterated that my willingness to work on topics was not a consent to delay until the day before  
6 the deposition. (*Id.*) In an attempt to facilitate a prompt resolution, I offered to let LVSC file its  
7 motion by Friday, July 31, 2015, and that we would have five days to respond and then the matter  
8 would be promptly set before this Court on an order shortening time. That also required LVSC to  
9 promptly provide its list of topics so that we could hold a 2.34 Conference so that the motion would  
10 be promptly filed. But LVSC declined to agree to this schedule, and instead tried to buy more time  
11 claiming that they needed to check with the client. It made no agreement to vacate the deposition.

12 7. LVSC further confirmed its lack of good faith at 4:54 p.m. on July 27, 2015, the day  
13 before the scheduled deposition, LVSC sent a letter objecting to each and every topic. (Email & Ltr.  
14 from J. Stephen Peek, Esq. to Todd L. Bice, Esq. July 27, 2015, Ex. 4.) Incredibly, LVSC claimed  
15 that it should not have to produce any witnesses on most of the topics and, on others, Jacobs should  
16 just simply have to wait and guess as to which witnesses to depose as the case progresses.

17 8. Because the parties had not come to an agreement regarding the disputed topics or a  
18 briefing schedule on a motion for protective order as referenced in my July 22, 2015 letter, we did  
19 not vacate the July 28, 2015 deposition date. (Notice of Non-Appearance, July 28, 2015, Ex. 5.)

20 9. LVSC's request that Jacobs work with them on scheduling only to then act in bad  
21 faith to try and get past the date of deposition, so as to claim that it could file its motion whenever  
22 it feels like it, is not permitted under the law. LVSC's objections to Jacobs' NRCP 30(b)(6) notice  
23 and failure to attend a duly noticed deposition without obtaining an actual agreement or a protective  
24 order were plainly in bad faith and meant to delay discovery.

25 10. An order shortening time is necessary to prevent further delays of the discovery  
26 process and prevent future discovery abuses. Thus, Jacobs requests that this Motion be heard on an  
27 order shortening time.  
28

11. I certify that the purpose of this Motion is not to cause delay, but in fact to move the case forward.

I declare under penalties of perjury of the laws of the State of Nevada that the foregoing is true and correct.

/s/ Todd L. Bice  
TODD L. BICE, ESQ.

### MEMORANDUM OF POINTS AND AUTHORITIES

#### **I. DISCUSSION**

##### **A. LVSC's Non-Appearance is not Excused.**

The facts giving rise to this motion are set forth in the Declaration of counsel. Nevada Rule of Civil Procedure 37(d) provides that if a Rule 30(b)(b) corporate designee fails to appear for a duly noticed deposition, the court may impose any sanction available under Rule 37(b)(2) (A), (B), or (C). In turn, Rule 37(b)(2) (A) through (C) allows the Court to enter an order establishing certain facts, precluding a party from supporting or opposing claims or defenses, barring the introduction of certain evidence, striking pleadings, or entering default. Notably, Rule 37(d) states that the failure to appear for a deposition "may not be excused on the ground that the discovery sought is objectionable *unless the party failing to act has applied for a protective order as provided by Rule 26(c).*" (emphasis added). This Court also has inherent authority to issue sanctions for discovery misconduct. *Young v. Johnny Ribeiro Bldg., Inc.*, 106 Nev. 88, 92, 787 P.2d 777, 779 (1990).

Here, Jacobs properly noticed LVSC's NRCP 30(b)(6) deposition for July 28, 2015. While Jacobs was willing to be flexible on certain topics to which LVSC may object, Jacobs never agreed to vacate or reschedule the deposition. Nor did Jacobs agree that LVSC could wait until the day before the scheduled deposition to object to every single category. Most importantly, Jacobs *never* granted an indefinite extension to allow LVSC to proceed at its own pace and leisure. To the contrary, Jacobs was clear and steadfast that the deposition would not be vacated unless and until the parties reached an agreement on a deadline for LVSC's motion and briefing so that the matter

1 would be promptly resolved. LVSC declined to make such an agreement, instead arrogantly  
2 thinking that it could simply delay and let the deposition date pass so that it could later claim that  
3 it is under no obligation or deadlines to act.

4 There is no agreement that allowed LVSC to do so and, since LVSC refused Jacobs' offer  
5 of an agreed briefing schedule and failed to obtain a protective order, it was required to appear at  
6 the duly-noticed deposition. *See, e.g., Anoruo v. Shinseki*, No. 2:12-CV-01190-JCM, 2013 WL  
7 4546795, at \*2 (D. Nev. Aug. 27, 2013) ("If the noticing party refuses to reschedule a properly  
8 noticed deposition, it is incumbent on the party whose deposition is noticed to move for a protective  
9 order. Absent a protective order or an order staying the deposition, the party to be deposed is  
10 required to appear for a properly noticed deposition.") (internal citation omitted).

## 11 **II. CONCLUSION**

12 Jacobs will not recite the lengthy history of this case and the conduct that has led to its  
13 current status. Unfortunately, LVSC's tactics have not changed. It simply acts as if the rules do  
14 not apply to it and that it can dictate when motions are due and when the matters will be addressed  
15 by this Court. If this Court permits this type of gamesmanship by LVSC, it will only guarantee that  
16 it continues.

17 DATED this 31st day of July, 2015.

18 PISANELLI BICE PLLC

19 By: /s/ Todd L. Bice

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

24 Attorneys for Plaintiff Steven C. Jacobs  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 31st day of July, 2015, I caused to be served via the Court's E-Filing system true and correct copies of the above and foregoing **PLAINTIFF STEVEN C. JACOBS' MOTION FOR SANCTIONS AGAINST LAS VEGAS SANDS CORP. FOR FAILURE TO APPEAR AT NRCP 30(b)(6) DEPOSITION ON ORDER SHORTENING TIME** to the following:

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

J. Randall Jones, Esq.  
Mark M. Jones, Esq.  
KEMP, JONES & COULTHARD  
3800 Howard Hughes Parkway, 17th Floor  
Las Vegas, NV 89169  
[r.jones@kempjones.com](mailto:r.jones@kempjones.com)  
[m.jones@kempjones.com](mailto:m.jones@kempjones.com)

Michael E. Lackey, Jr., Esq.  
MAYER BROWN LLP  
1999 K Street, N.W.  
Washington, DC 20006  
[mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com)

Steve Morris, Esq.  
Rosa Solis-Rainey, Esq.  
MORRIS LAW GROUP  
900 Bank of America Plaza  
300 South Fourth Street  
Las Vegas, NV 89101  
[sm@morrislawgroup.com](mailto:sm@morrislawgroup.com)  
[rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com)

/s/ Shannon Thomas  
An employee of PISANELLI BICE PLLC

# EXHIBIT 1

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

**NOTC**

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

JJP@pisanellibice.com

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

TLB@pisanellibice.com

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

DLS@pisanellibice.com

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

JTS@pisanellibice.com

PISANELLI BICE PLLC

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 NRCP 30(b)(6)  
VIDEOTAPED DEPOSITION OF  
LAS VEGAS SANDS CORP.**

Date of Deposition: July 28, 2015

Time of Deposition: 9:30 a.m.

PLEASE TAKE NOTICE that at 9:30 a.m. on July 28, 2015, pursuant to Rule 30(b)(6) of the Nevada Rules of Civil Procedure, Plaintiff, Stephen C. Jacobs, by and through his counsel will take the videotaped deposition of the Rule 30(b)(6) designee for Las Vegas Sands Corp. ("LVSC") at the law office of PISANELLI BICE PLLC, located at 400 South 7th Street, Suite 300, Las Vegas, Nevada 89101. The deposition will be taken upon oral examination, before a Notary Public, videographer and/or before some other officer authorized by law to administer oaths.

1 Pursuant to NRCP 30(b)(6), LVSC is required to designate individual[s] to provide  
2 testimony on all of the following topics:

3 1. All efforts to locate responsive and discoverable documents, information and  
4 evidence in this action, including (but not limited to) files searched, search terms used, the date  
5 searches were conducted and the identity of all persons involved in the search.

6 2. All efforts to preserve information and evidence related to this action, including  
7 (but not limited to) notices sent, the date of preservation efforts and the identity of all persons  
8 involved in such preservation.

9 3. Any LVSC policies, memoranda, procedures, methods, instructions, customs  
10 and/or practices for maintaining, storing, organizing, preserving, archiving, saving and/or  
11 destroying Documents from January 1, 2009 to the present (specifically including, but not limited  
12 to, Documents related to Steven Jacobs).

13 4. Any LVSC policies, memoranda, procedures, methods, instructions, customs  
14 and/or practices for maintaining, storing, backing-up, organizing, preserving, archiving, saving  
15 and/or destroying electronically stored information from January 1, 2009 to the present  
16 (specifically including, but not limited to, Steven Jacobs).

17 5. Any Documents and/or ESI, or any portion thereof, relating to Jacobs or the  
18 claims or defenses asserted in this action that was concealed, lost, destroyed and/or misplaced and  
19 the circumstances behind such concealment, loss, destruction and/or misplacement.

20 6. Any efforts by or on behalf of LVSC to determine whether each current and/or  
21 former employee of LVSC has or had any Documents and/or ESI related to Jacobs or the claims  
22 and defenses in this action.

23 7. All efforts to obtain consents from anyone under the MPDPA from January 1,  
24 2009 to the present, including (but not limited to) the date of such efforts, the identity of all  
25 persons or consents were sought and the identity of all persons involved in procuring consents.

26 8. The date, persons involved and substance of any communications with any Macau  
27 government official concerning the facts and allegations of this action.

28



1           9.       All damages claimed by LVSC in its counterclaim, including the facts giving rise  
2 to those damages and the manner and means of calculation.

3           10.      All communications with any government official either in the United States or  
4 Macau, Hong Kong or China concerning the MPDPA and its purported requirements, including  
5 (but not limited to) all efforts to obtain any authorizations or consents for the search of documents  
6 from January 1, 2009 to the present.

7           11.      All communications with prior employers of Plaintiff and/or Vagus Group,  
8 including (but not limited to) the participants in any such communications, the date, the substance  
9 of the communication, and any documents discussed or obtained.

10          12.      The factual basis for claiming that Plaintiff has stolen any property or information.

11          13.      All investigations into Plaintiff and/or family members, including (but not limited  
12 to) the identity of all participants, the contents of all written or verbal reports, all conclusions, and  
13 all persons with whom the information was shared.

14          14.      All alleged breaches of fiduciary or employment obligations by Jacobs, including  
15 (but not limited to) the date, all persons with knowledge, the alleged breaches and the location of  
16 all documents concerning any such purported breach.

17          15.      The formation, purpose and operations of WDR, LLC and its subsequent  
18 dissolution, including (but not limited to) its involvement in any transfers of funds.

19          16.      Any suspected violations of the Foreign Corrupt Practices Act by any LVSC  
20 officer, employee, agent or representative that in any way relates to, references or concerns  
21 Macau and/or China.

22          17.      All investigations conducted concerning any officer, employee, agent or  
23 representative of LVSC as to potential violations of Foreign Corrupt Practices Act that in any  
24 way relates to, references or concerns Macau and/or China.

25          18.      Any suspected violations of the Foreign Corrupt Practices Act by any Sands China  
26 officer, employee, agent or representative that in any way relates to, references or concerns  
27 Macau and/or China.

1           19. All investigations conducted concerning any officer, employee, agent or  
2 representative of Sands China as to potential violations of Foreign Corrupt Practices Act that in  
3 any way relates to, references or concerns Macau and/or China.

4           20. The direct or indirect relationships between LVSC or any of its subsidiaries –  
5 including (but not limited to) the date commenced, terminated, financial terms of and agreements  
6 – that concern any of the following:

- 7           a. Sociedade
- 8           b. Nove
- 9           c. Sun City
- 10          d. Neptune
- 11          e. Unik Ltd.
- 12          f. Shanghai Sat Leng
- 13          g. Dore
- 14          h. Tak Lek
- 15          i. Li Kwok Hung
- 16          j. Sat leng Unipessoal Limited
- 17          k. Cheung Chi Tai
- 18          l. Charles Heung
- 19          m. Yvonne Mao
- 20          n. Angela Leong
- 21          o. Ng Lap Sing
- 22          p. Jack Lam
- 23          q. Tantra Lotus Club
- 24          r. Lee Chai Ming

25           21. Any communications with any Macau government official, including (but not  
26 limited to) Edmund Ho, concerning the settlement of the action styled *Clive Bassett Jones, et al v.*  
27 *Las Vegas Sands Corp., et al.*, Eighth Judicial District Court Case No. 06-A516404.

28

1           22. Any communications with Leonel Alves concerning payments to any third parties  
2 in exchange for receiving any form of government approvals such as (but not limited to) strata  
3 title, including (but not limited to) the date, substance of the communication and all participants  
4 to any communication[s].

5           23. The form of any notice given to Plaintiff concerning any alleged breach of  
6 fiduciary duty or terms/conditions of employment, including (but not limited to) the date,  
7 substance of the notice and all participants in the communication[s].

8           24. The award of any stock options or grants to Plaintiff, including (but not limited to)  
9 the factual basis for the award, the value of those options/grants when awarded, the maximum  
10 value of those options from the date of award to the present and the basis for any  
11 termination/non-exercise of the award.

12           25. The facts provided to any official and/or officer of the United States government  
13 from October 23, 2010 to the present that in any way relates to, references or concerns the  
14 Plaintiff, his complaint in this action or your defenses to this action, including (but not limited to)  
15 documents provided or discussed.

16           26. Any demand for retraction of purported false and/or defamatory statements or  
17 publications made on behalf of LVSC or any of its officers or directors including (but not limited  
18 to) the date, the substance of the retraction, the participants and the substance of the purported  
19 defamatory/false statement.

20           27. Any investigation conducted by LVSC, its officers, agents or representatives as to  
21 any Macau government or military official, including (but not limited to) the purpose of the  
22 investigation, date, all participants, substance, documents examined and/or considered,  
23 conclusions and to whom the outcome of the investigation were shared.

24           28. Any investigation conducted by LVSC, its officers, agents or representatives as to  
25 any China government or military official, including (but not limited to) the purpose of the  
26 investigation, date, all participants, substance, documents examined and/or considered,  
27 conclusions and to whom the outcome of the investigation were shared.

28

1           29. Any circumstances where cash or other currency exceeding a value of  
2 \$50,000 U.S. dollars was transported upon any airplane owned or leased by LVSC or any other  
3 entity controlled by Sheldon Adelson.

4           30. The actual, attempted or threatened termination or separation for cause of any  
5 person holding the position of Vice President or above from January 2008 to the present,  
6 including (but not limited to) name, date, or separation events which constituted purported cause,  
7 and the ultimate resolution.

8           31. Any investigations conducted by LVSC or any of its officers, agents or  
9 representatives as to potential or suspected money laundering from January 1, 2009 to the  
10 present, including but not limited to the identity of all persons involved, documents in any  
11 investigation, with whom such information was shared and the investigations' ultimate  
12 outcome/conclusion.

13           32. The factual basis for any claim by LVSC that the Term Sheet dated August 3,  
14 2009, which it filed with the United State Securities and Exchange Commission, is not valid and  
15 binding.

16           33. Your access to and review of any phone records for Plaintiff, including the date of  
17 review, the participants, and the contents of all phone records reviewed.

18           34. The access to and review of the contents of any phone used by Plaintiff, including  
19 (but not limited to) who obtained the phone, any representations made to obtain access or  
20 possession, the contents of any information obtained and with whom the contents were shared.

21           35. The communications with any representative of the news media about Plaintiff  
22 from June 22, 2010 to the present.

23           36. The allegations in your counterclaim at Paragraph 17 that "Jacobs was violating  
24 his obligations not only to Sands China but also to the LVSC as the majority shareholder of  
25 Sands China."

26           37. The allegations in your counterclaim at Paragraphs 18-21 that Jacobs violated a  
27 "non-competition deed."  
28

1           38.     The allegations in your counterclaim at Paragraphs 22-26 that "Jacobs endangers  
2 LVSC's and Sands China's relationship with the governments of Macau and China."

3           39.     The allegations in your counterclaim at Paragraphs 27-40 that "Jacobs delays  
4 terminating the contract between Cheung Chi-Tai and VML."

5           40.     The allegations in your counterclaim at Paragraphs 41-47 that "Jacobs'  
6 employment is terminated by Sands China and VML for cause and Jacobs initiates his extortion  
7 scheme."

8           41.     The allegations in your counterclaim at Paragraphs 48-52 that "Jacobs files a  
9 wrongful suit against LVSC in furtherance of his scheme."

10          42.     The allegations in your counterclaim at Paragraphs 53-60 that Jacobs has engaged  
11 in "abuse of process."

12          43.     The allegations in your counterclaim at Paragraphs 61-68 that Jacobs is engaged in  
13 "business defamation/disparagement."

14          44.     The allegations in your counterclaim at Paragraphs 69-74 that Jacobs undertook  
15 "intentional interference with respect to the economic advantage."

16          45.     The allegations in your counterclaim at Paragraphs 75-79 that Jacobs has  
17 undertaken "civil extortion."

18          46.     The factual basis for your Second Affirmative Defense that Jacobs' claims are  
19 barred by the doctrine of laches.

20          47.     The factual basis in your Third Affirmative Defense that Jacobs' claims are barred  
21 by the doctrine of unclean hands.

22          48.     The factual basis for your Fourth Affirmative Defense that Jacobs' claims are  
23 barred by the doctrine of estoppel.

24          49.     The factual basis for your Fifth Affirmative Defense that Jacobs' claims are barred  
25 by the doctrine of waiver.

26          50.     The factual basis for your Sixth Affirmative Defense that Jacobs' claims are barred  
27 by the doctrine of election of remedies.

28

1           51.    The factual basis for your Seventh Affirmative Defense that Jacobs' claims are  
2 barred by the doctrine of accord and satisfaction.

3           52.    The factual basis for your Eighth Affirmative Defense that Jacobs' damages, if  
4 any, were caused by his own actions and not by that of LVSC.

5           53.    The factual basis for your Ninth Affirmative Defense that at all times, LVSC acted  
6 in accordance with reasonable commercial standards, in good faith, and with ordinary care and  
7 LVSC's actions did not contribute to the alleged damages.

8           54.    The factual basis for your Tenth Affirmative Defense that Jacobs failed to do  
9 equity towards LVSC and, therefore, is not entitled to any relief from LVSC.

10          55.    The factual basis for your Twelfth Affirmative Defense that LVSC is not a party to  
11 the Term Sheet and, therefore, is not a proper party to the breach of contract claim.

12          56.    The factual basis for your Thirteenth Affirmative Defense that LVSC was not  
13 Jacobs' employer and, therefore, is not a proper party to the tortious discharge claim.

14          57.    The factual basis for your Fourteenth Affirmative Defense to the effect that Jacobs  
15 "breached his contractual and fiduciary obligations and therefore relieved LVSC of any further  
16 obligations" to Jacobs.

17          58.    Any factual presentation, including any Documents, made during road shows for  
18 the potential IPO that would become Sands China, Ltd. concerning or relating to the following:

- 19           a.    The roles and responsibilities of Sheldon G. Adelson
- 20           b.    The roles and responsibilities of Steven C. Jacobs
- 21           c.    The roles and responsibilities of Michael Leven
- 22           d.    The involvement by LVSC in Sands China's governance
- 23           e.    The potential conflicts of interest for LVSC
- 24           f.    The potential conflicts of interest for Sheldon Adelson
- 25           g.    The potential conflicts of interest for LVSC Board members
- 26           h.    Adelson's ability or inability to vote on matters relating to Sands China

27

28

1           59. All communications had with, or presentations made by, any officer, employee,  
2 agent or representative of LVSC to any official of the United States or any State concerning the  
3 following:

- 4           a. Steven C. Jacobs
- 5           b. Pansy Ho
- 6           c. Leonel Alves
- 7           d. WDR
- 8           e. Cheung Chi Tai
- 9           f. Charles Heung
- 10          g. Yvonne Mao
- 11          h. Angelo Leon
- 12          i. Ng Lop Sing
- 13          j. Jack Lam
- 14          k. Lee Chai Ming
- 15          l. Edmund Ho
- 16          m. Fernando Choy
- 17          n. Luis Melo
- 18          o. Ben Toh

19           60. Any investigation conducted by or for the HKSE regarding Jacobs, any stock  
20 options granted to Jacobs, and/or the facts and circumstances alleged in this action, including (but  
21 not limited to) all facts provided, the date, all participants, the substance, Documents examined  
22 and/or considered, and any conclusions.

23           61. Any investigation into or funds paid for acquiring the rights to any sports team in  
24 Macau or Mainland China, including (but not limited to) all facts, participants, Documents  
25 reviewed and conclusions.

26           62. The facts concerning any default of any credit instrument or bank obligations by  
27 LVSC or any of its subsidiaries between January 1, 2008 and July 23, 2010, including (but not  
28

1 limited to) the nature of the default, the financial terms of the default and the manner in which the  
2 potential default was avoided or default remedied.

3 63. The financial terms of any funding to LVSC provided by Sheldon G. Adelson or  
4 any trust or entity controlled by him to LVSC from January 1, 2008 and July 23, 2010, including  
5 (but not limited to) the financial terms of any such funding, any options provided, and the total  
6 cost of the funding to LVSC.

7 64. The total remuneration from LVSC and any of its subsidiaries, including salary,  
8 bonus, benefits, options, grants or anything else of value, paid to or received by Sheldon G.  
9 Adelson from January 1, 2007 to the present.

10 65. The total remuneration from LVSC and any of its subsidiaries, including salary,  
11 bonus, benefits, options, grants or anything else of value, paid to or received by Robert Goldstein  
12 from January 1, 2007 to the present.

13 66. The total remuneration from LVSC and any of its subsidiaries, including salary,  
14 bonus, benefits, options, grants or anything else of value, paid to or received by Mike Leven from  
15 January 1, 2007 to the present.

16 67. The total remuneration from LVSC and any of its subsidiaries, including salary,  
17 bonus, benefits, options, grants or anything else of value, paid to or received by Ken Kay from  
18 January 1, 2007 to the present.

19 68. The total remuneration from LVSC and any of its subsidiaries, including salary,  
20 bonus, benefits, options, grants or anything else of value, paid to or received by David Sisk from  
21 January 1, 2007 to the present.

22 69. The total remuneration from LVSC and any of its subsidiaries, including salary,  
23 bonus, benefits, options, grants or anything else of value, paid to or received by Steven C. Jacobs  
24 from January 1, 2007 to the present.

25 70. The total remuneration from LVSC and any of its subsidiaries, including salary,  
26 bonus, benefits, options, grants or anything else of value, paid to or received by Erwin Siegel  
27 from January 1, 2007 to the present.

28





**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 9th day of July, 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 NRCP 30(b)(6) VIDEOTAPED DEPOSITION OF LAS VEGAS SANDS CORP.** properly addressed to the following:

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

Michael E. Lackey, Jr., Esq.  
MAYER BROWN LLP  
1999 K Street, N.W.  
Washington, DC 20006  
[mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com)

J. Randall Jones, Esq.  
Mark M. Jones, Esq.  
KEMP, JONES & COULTHARD  
3800 Howard Hughes Parkway, 17th Floor  
Las Vegas, NV 89169  
[jj@kempjones.com](mailto:jj@kempjones.com)  
[mmj@kempjones.com](mailto:mmj@kempjones.com)

Steve Morris, Esq.  
Rosa Solis-Rainey, Esq.  
MORRIS LAW GROUP  
900 Bank of America Plaza  
300 South Fourth Street  
Las Vegas, NV 89101  
[sm@morrislawgroup.com](mailto:sm@morrislawgroup.com)  
[rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com)

/s/ Kimberly Peets  
An employee of PISANELLI BICE PLLC

# EXHIBIT 2

# PISANELLI BICE

July 22, 2015

TODD L. BICE  
ATTORNEY AT LAW  
702.214.2100 TEL  
702.214.2101 FAX  
TLB@PISANELLIBICE.COM

**VIA EMAIL:**  
[speek@hollandhart.com](mailto:speek@hollandhart.com)

J. Stephen Peek, Esq.  
HOLLAND & HART  
9555 Hillwood Drive, Second Floor  
Las Vegas, NV 89134

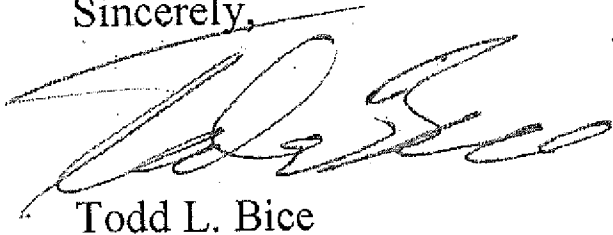
**RE: *Jacobs v. Las Vegas Sands Corp. et al.***

Dear Steve:

The deposition of Las Vegas Sands Corp. pursuant to NRCP 30(b) is noticed for July 28, 2015. You have previously raised the need for additional time to address the notice. As I indicated to you, we are certainly willing to work with you on that, but require you to identify the topics to which you are objecting promptly so that we can get in front of the court on briefing and have those matters resolved. I have received no such list of items.

We are not going to let the July 28 deposition date pass without an agreement on the disputed topics and the briefing schedule for their immediate resolution by the court. Please provide me the list of the topics to which you are objecting, along with your proposed prompt briefing schedule for consideration.

Sincerely,



Todd L. Bice

TLB:smt

cc: All parties

# EXHIBIT 3

## Todd Bice

---

**From:** Steve Peek <SPeek@hollandhart.com>  
**Sent:** Friday, July 24, 2015 2:22 PM  
**To:** Todd Bice  
**Cc:** Shannon M. Thomas; Jordan T. Smith; mlackey@mayerbrown.com; r.jones@kempjones.com; m.jones@kempjones.com; Bob Cassity; sm@morrislawgroup.com; rsr@morrislawgroup.com; Valerie Larsen; Ferguson, James  
**Subject:** RE: Jacobs v. Sands China, et al.; correspondence re deposition

Todd:

Thank you for your response. I obviously misunderstood our earlier conference on the topic of the 30(b)(6) and thought that you were going to be the moving party. As to your schedule for a meet and confer, I am available on Tuesday at 2 PM. Please send a call in number. As to the briefing schedule, I need to discuss with my client who is currently out of the country. I'll get back to you on Monday regarding this issue after I have had an opportunity to confer with my client.

Steve

---

**From:** Todd Bice [mailto:tlb@pisanellibice.com]  
**Sent:** Thursday, July 23, 2015 9:27 PM  
**To:** Steve Peek  
**Cc:** Shannon M. Thomas; Jordan T. Smith; mlackey@mayerbrown.com; r.jones@kempjones.com; m.jones@kempjones.com; Bob Cassity; sm@morrislawgroup.com; rsr@morrislawgroup.com; Valerie Larsen; Ferguson, James  
**Subject:** Re: Jacobs v. Sands China, et al.; correspondence re deposition

Steve: it is not acceptable to ask us to cooperate on timing and then make the type of proposal that you have made. To begin with, it was not appropriate to delay until I forced a response by my letter. As I informed you from the very beginning on this issue, while we were willing to work with you on timing, we wanted the matter resolved by the court promptly. That was not and is not a consent for you to delay until the day before the scheduled deposition to finally provide a list of topics upon which you object. Had we simply enforce the requirements of the rule, you would've been required to have filed your motion before now and we would have been well on our way to a resolution, if not had the matter resolved by the court.

Furthermore, it is not my clients burden to file a motion. As the party objecting to a notice of deposition, your client has the burden of moving for and obtaining a protective order.

We will look at your objections and hold a 2.34 conference on Tuesday at 2 PM. You will need to file your motion no later than Friday of next week and have it set on an order shortening time. We will file an opposition to your motion on five business days and then we can hold a prompt hearing. We will not agree to let this be dragged out.

-- Todd.

On Jul 23, 2015, at 4:46 PM, Steve Peek <SPeek@hollandhart.com> wrote:

Todd:

I will identify the topics in the 30(b)(6) notice to which we are objecting on or before Monday, July 27, 2015. I will be available for a meet and confer on Tuesday the 28th or Wednesday the 29th. I am in depositions on the 30th and 31st. For a briefing schedule, I would like at least 10 days to oppose your motion. You can pick the filing date and the reply period. You can also pick the hearing date so long as I have at least two full days to prepare for the hearing.

Steve

---

**From:** Shannon M. Thomas [<mailto:smt@pisanellibice.com>]  
**Sent:** Wednesday, July 22, 2015 5:08 PM  
**To:** Steve Peek  
**Cc:** Todd Bice; Jordan T. Smith; [mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com); [r.jones@kempjones.com](mailto:r.jones@kempjones.com); [m.jones@kempjones.com](mailto:m.jones@kempjones.com); Bob Cassity; [sm@morrislawgroup.com](mailto:sm@morrislawgroup.com); [rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com)  
**Subject:** Jacobs v. Sands China, et al.; correspondence re deposition

Attached please find correspondence from Mr. Bice. If you have any questions, please feel free to contact him directly at (702) 214-2100.

Thank you,

Shannon Thomas  
Assistant to Todd L. Bice and  
Jarrod L. Rickard  
Pisanelli Bice, LLC  
400 South 7<sup>th</sup> Street, Suite 300  
Las Vegas, NV 89101  
Phone: 702-214-2100  
Direct: 702-214-2106  
FAX: 702-214-2101  
E-Mail: [smt@pisanellibice.com](mailto:smt@pisanellibice.com)



*Please consider the environment before printing.*

This transaction and any attachment is privileged and confidential. Any dissemination or copying of this communication is prohibited. If you are not the intended recipient, please notify us immediately by replying and delete the message. Thank you.

# EXHIBIT 4



## Todd Bice

---

**From:** Valerie Larsen <VLLarsen@hollandhart.com>  
**Sent:** Monday, July 27, 2015 4:54 PM  
**To:** Todd Bice; James Pisanelli; Debra Spinelli  
**Cc:** Randall Jones; Mark M. Jones; Erica Bennett; 'Steve Morris'; Rosa Solis-Rainey; Ferguson, James  
**Subject:** Jacobs v. Las Vegas Sands Corp.  
**Attachments:** 2015-07-27 Letter to T. Bice re 30(b)(6) topic responses & objections.pdf

Mr. Bice:

Please see the attached correspondence from Steve Peek. The same will be mailed to your office.

### Valerie Larsen

Assistant to:

*J. Stephen Peek, Robert Cassity,  
Nicole Lovelock, and Kristofer Leavitt*  
Holland & Hart LLP  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, NV 89134  
Phone (702) 669-4600  
Fax (702) 669-4650  
E-mail: [VLLarsen@hollandhart.com](mailto:VLLarsen@hollandhart.com)



**CONFIDENTIALITY NOTICE:** This message is confidential and may be privileged. If you believe that this email has been sent to you in error, please reply to the sender that you received the message in error; then please delete this e-mail. Thank you.



**J. Stephen Peek**  
Phone (702) 222-2544  
Fax (702) 669-4650  
speek@hollandhart.com

July 27, 2015

**VIA EMAIL AND U.S. MAIL**

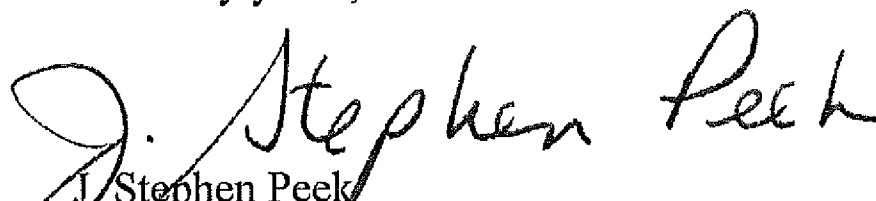
Todd Bice, Esq.  
PISANELLI BICE  
400 S. 7th St. Suite 300  
Las Vegas, NV 89101  
[tlb@pisanellibice.com](mailto:tlb@pisanellibice.com)

**RE: Jacobs v Las Vegas Sands, Corp., et al.**

Dear Todd:

I am enclosing my responses and objections to your 30(b)(6) topics.

Sincerely yours,

  
J. Stephen Peek  
of Holland & Hart LLP

JSP

cc: J. Randall Jones, Esq.  
Steve Morris, Esq.  
James R. Ferguson, Esq.

**Holland & Hart LLP Attorneys at Law**

Phone (702) 669-4600 Fax (702) 669-4650 [www.hollandhart.com](http://www.hollandhart.com)

9555 Hillwood Drive, 2nd Floor Las Vegas, NV 89134

Aspen Billings Boise Boulder Carson City Cheyenne Colorado Springs Denver Denver Tech Center Jackson Hole Las Vegas Reno Salt Lake City Santa Fe Washington, D.C.

**RESPONSES AND OBJECTIONS TO TOPICS WITHIN  
JACOBS' NOTICE TO TAKE 30(B)(6) DEPOSITION OF LAS VEGAS SANDS CORP.**

1. All efforts to locate responsive and discoverable documents, information and evidence in this action, including (but not limited to) files searched, search terms used, the date searches were conducted and the identity of all persons involved in the search.

**Response:** LVSC objects to this topic to the extent it seeks information that is protected by the work product and attorney client privilege and on the further basis that such information related to files searched and search terms used has previously been provided to plaintiff and his counsel. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objections, LVSC agrees to provide such information in the form of an answer to an interrogatory.

2. All efforts to preserve information and evidence related to this action, including (but not limited to) notices sent, the date of preservation efforts and the identity of all persons involved in such preservation.

**Response:** LVSC objects to this topic to the extent it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

3. Any LVSC policies, memoranda, procedures, methods, instructions, customs and/or practices for maintaining, storing, organizing, preserving, archiving, saving and/or destroying Documents from January 1, 2009 to the present (specifically including, but not limited to, Documents related to Steven Jacobs).

**Response:** LVSC objects on the grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objections, LVSC agrees to provide such information in the form of an answer to an interrogatory within the date range agreed to by the parties and approved by the court.

4. Any LVSC policies, memoranda, procedures, methods, instructions, customs and/or practices for maintaining, storing, backing-up, organizing, preserving, archiving, saving and/or destroying electronically stored information from January 1, 2009 to the present (specifically including, but not limited to, Steven Jacobs).

**Response:** See Response to Topic 3

5. Any Documents and/or ESI, or any portions thereof, relating to Jacobs or the claims or defenses asserted in this action that was concealed, lost, destroyed and/or misplaced and the circumstances behind such concealment, loss, destruction and/or misplacement.

**Response:** LVSC objects to this topic to the extent it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objections, LVSC agrees to provide such information in the form of an answer to an interrogatory.

6. Any efforts by or on behalf of LVSC to determine whether each current and/or former employee of LVSC has or had any Documents and/or ESI related to Jacobs or the claims and defenses in this action.

**Response:** LVSC objects to this topic to the extent it seeks information that is protected by the work product and attorney client privilege and on the further basis that such information related to files searched and search terms used has previously been provided to plaintiff and his counsel. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

7. All efforts to obtain consents from anyone under the MPDPA from January 1, 2009 to the present, including (but not limited to) the date of such efforts, the identity of all persons or consents were sought and the identity of all persons involved in procuring consents.

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

8. The date, persons involved and substance of any communications with any Macau government official concerning the facts and allegations of this action.

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

9. All damages claimed by LVSC in its counterclaim, including the facts giving rise to those damages and the manner and means of calculation.

**Response:** LVSC agrees to provide such information in the form of an answer to an interrogatory.

10. All communications with any government official either in the United States or Macau, Hong Kong or China concerning the MPDPA and its purported requirements, including (but not limited to) all efforts to obtain any authorizations or consents for the search of documents from January 1, 2009 to the present.

LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

11. All communications with prior employers of Plaintiff and/or Vagus Group, including (but not limited to) the participants in any such communications, the date, the substance of the communication, and any documents discussed or obtained.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

12. The factual basis for claiming that Plaintiff has stolen any property or information.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

13. All investigations into Plaintiff and/or family members, including (but not limited to) the identity of all participants, the contents of all written or verbal reports, all conclusions, and all persons with whom the information was shared.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

14. All alleged breaches of fiduciary or employment obligations by Jacobs, including (but not limited to) the date, all persons with knowledge, the alleged breaches and the location of all documents concerning any such purported breach.

**Response:** LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

15. The formation, purpose and operations of WDR, LLC and its subsequent dissolution, including (but not limited to) its involvement in any transfers of funds.

**Response:** LVSC objects to this topic to the extent it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

16. Any suspected violations of the Foreign Corrupt Practices Act by any LVSC officer, employee, agent or representative that in any way relates to, references or concerns Macau and/or China.

**Response:** LVSC objects to this topic to the extent it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

17. All investigations conducted concerning and officer, employee, agent or representative of LVSC as to potential violations of Foreign Corrupt Practices Act that in any way relates to, references or concerns Macau and/or China.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

18. Any suspected violations of the Foreign Corrupt Practices Act by any Sands China officer, employee, agent or representative that in any way relates to, references or concerns Macau and/or China.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

19. All investigations conducted concerning any officer, employee, agent or representative of Sands China as to potential violations of Foreign Corrupt Practices Act that in any way relates to, references or concerns Macau and/or China.

**Response:** LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

20. The direct or indirect relationships between LVSC or any of its subsidiaries - including (but not limited to) the date commenced, terminated, financial terms of and agreements - that concern any of the following:

- a. Sociedade
- b. Nove
- c. Sun City
- d. Neptune
- e. Unik Ltd.
- f. Shanghai Sat Leng
- g. Dore
- h. Tak Lek
- i. Li Kwok Hung
- j. Sat leng Unipessoal Limited
- k. Cheung Chi Tai
- l. Charles Heung
- m. Yvonne Mao
- n. Angela Leong

- o. Ng Lap Sing
- p. Jack Lam
- q. Tantra Lotus Club
- r. Lee Chai Ming

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

21. Any communications with any Macau government official, including (but not limited to) Edmund Ho, concerning the settlement of the action styled *Clive Bassett Jones, et al v. Las Vegas Sands Corp., et al.*, Eighth Judicial District Court Case No. 06-A516404.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

22. Any communications with Leonel Alves concerning payments to any third parties in exchange for receiving any form of government approvals such as (but not limited to) strata title, including (but not limited to) the date, substance of the communication and all participants to any communication[s].

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

23. The form of any notice given to Plaintiff concerning any alleged breach of fiduciary duty or terms/conditions of employment, including (but not limited to) the date, substance of the notice and all participants in the communication[s].

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL").



Without waiving such objection and to the extent such information was provided to Jacobs by LVSC, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

24. The award of any stock options or grants to Plaintiff, including (but not limited to) the factual basis for the award, the value of those options/grants when awarded, the maximum value of those options from the date of award to the present and the basis for any termination/non-exercise of the award.

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it has already been discussed in previous discovery and depositions taken by Jacobs' in this matter.

Without waiving such objection and to the extent such information was provided to Jacobs by LVSC, LVSC will provide a witness on this topic, and to the extent not duplicative of previous discovery, at such time as the plaintiff seeks to take the same witness' substantive deposition.

25. The facts provided to any official and/or officer of the United States government from October 23, 2010 to the present that in any way relates to, references or concerns the Plaintiff, his complaint in this action or your defenses to this action, including (but not limited to) documents provided or discussed.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

26. Any demand for retraction of purported false and/or defamatory statements or publications made on behalf of LVSC or any of its officers or directors including (but not limited to) the date, the substance of the retraction, the participants and the substance of the purported defamatory/false statement.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

27. Any investigation conducted by LVSC, its officers, agents or representatives as to any Macau government or military official, including (but not limited to) the purpose of the investigation, date, all participants, substance, documents examined and/or considered, conclusions and to whom the outcome of the investigation were shared.

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it seeks information

that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

28. Any investigation conducted by LVSC, its officers, agents or representatives as to any China government or military official, including (but not limited to) the purpose of the investigation, date, all participants, substance, documents examined and/or considered, conclusions and to whom the outcome of the investigation were shared.

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

29. Any circumstances where cash or other currency exceeding a value of \$50,000 U.S. dollars was transported upon any airplane owned or leased by LVSC or any other entity controlled by Sheldon Adelson.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

30. The actual, attempted or threatened termination or separation for cause of any person holding the position of Vice President or above from January 2008 to the present, including (but not limited to) name, date, or separation events which constituted purported cause, and the ultimate resolution.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

31. Any investigations conducted by LVSC or any of its officers, agents or representatives as to potential or suspected money laundering from January 1, 2009 to the present, including but not limited to the identity of all persons involved, documents in any investigation, with whom such information was shared and the investigations' ultimate outcome/conclusion.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

32. The factual basis for any claim by LVSC that the Term Sheet dated August 3, 2009, which it filed with the United State Securities and Exchange Commission, is not valid and binding.

LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

33. Your access to and review of any phone records for Plaintiff, including the date of review, the participants, and the contents of all phone records reviewed.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

34. The access to and review of the contents of any phone used by Plaintiff, including (but not limited to) who obtained the phone, any representations made to obtain access or possession, the contents of any information obtained and with whom the contents were shared.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

35. The communications with any representative of the news media about Plaintiff from June 22, 2010 to the present.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

36. The allegations in your counterclaim at Paragraph 17 that "Jacobs was violating his obligations not only to Sands China but also to the LVSC as the majority shareholder of Sands China."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

37. The allegations in your counterclaim at Paragraphs 18-21 that Jacobs violated a "non-competition deed."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

38. The allegations in your counterclaim at Paragraphs 22-26 that "Jacobs endangers LVSC's and Sands China's relationship with the governments of Macau and China."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

39. The allegations in your counterclaim at Paragraphs 27-40 that "Jacobs delays terminating the contract between Cheung Chi-Tai and VML."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

40. The allegations in your counterclaim at Paragraphs 41-47 that "Jacobs' employment is terminated by Sands China and VML for cause and Jacobs initiates his extortion scheme."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

41. The allegations in your counterclaim at Paragraphs 48-52 that "Jacobs files a wrongful suit against LVSC in furtherance of his scheme."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

42. The allegations in your counterclaim at Paragraphs 53-60 that Jacobs has engaged in "abuse of process."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

43. The allegations in your counterclaim at Paragraphs 61-68 that Jacobs is engaged in "business defamation/disparagement."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

44. The allegations in your counterclaim at Paragraphs 69-74 that Jacobs undertook "intentional interference with respect to the economic advantage."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

45. The allegations in your counterclaim at Paragraphs 75-79 that Jacobs has undertaken "civil extortion."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

46. The factual basis for your Second Affirmative Defense that Jacobs' claims are barred by the doctrine of laches.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

47. The factual basis in your Third Affirmative Defense that Jacobs' claims are barred by the doctrine of unclean hands.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

48. The factual basis for your Fourth Affirmative Defense that Jacobs' claims are barred by the doctrine of estoppel.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

49. The factual basis for your Fifth Affirmative Defense that Jacobs' claims are barred by the doctrine of waiver.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

50. The factual basis for your Sixth Affirmative Defense that Jacobs' claims are barred by the doctrine of election of remedies.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

51. The factual basis for your Seventh Affirmative Defense that Jacobs' claims are barred by the doctrine of accord and satisfaction.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

52. The factual basis for your Eighth Affirmative Defense that Jacobs' damages, if any, were caused by his own actions and not by that of LVSC.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

53. The factual basis for your Ninth Affirmative Defense that at all times, LVSC acted in accordance with reasonable commercial standards, in good faith, and with ordinary care and LVSC's actions did not contribute to the alleged damages.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

54. The factual basis for your Tenth Affirmative Defense that Jacobs failed to do equity towards LVSC and, therefore, is not entitled to any relief from LVSC.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

55. The factual basis for your Twelfth Affirmative Defense that LVSC is not a party to the Term Sheet and, therefore, is not a proper party to the breach of contract claim.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

56. The factual basis for your Thirteenth Affirmative Defense that LVSC was not Jacobs' employer and, therefore, is not a proper party to the tortious discharge claim.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

57. The factual basis for your Fourteenth Affirmative Defense to the effect that Jacobs "breached his contractual and fiduciary obligations and therefore relieved LVSC of any further obligations" to Jacobs.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

58. Any factual presentation, including any Documents, made during road shows for the potential IPO that would become Sands China, Ltd. concerning or relating to the following:

- a. The roles and responsibilities of Sheldon G. Adelson
- b. The roles and responsibilities of Steven C. Jacobs
- c. The roles and responsibilities of Michael Leven
- d. The involvement by LVSC in Sands China's governance
- e. The potential conflicts of interest for LVSC
- f. The potential conflicts of interest for Sheldon Adelson
- g. The potential conflicts of interest for LVSC Board members
- h. Adelson's ability or inability to vote on matters relating to Sands China

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objections, LVSC agrees to provide such information in the form of an answer to an interrogatory.

59. All communications had with, or presentations made by, any officer, employee, agent or representative of LVSC to any official of the United States or any State concerning the following:

- a. Steven C. Jacobs
- b. Pansy Ho
- c. Leonel Alves
- d. WDR
- e. Cheung Chi Tai
- f. Charles Heung
- g. Yvonne Mao
- h. Angelo Leon
- i. Ng Lop Sing
- j. Jack Lam
- k. Lee Chai Ming
- l. Edmund Ho
- m. Fernando Choy
- n. Luis Melo
- o. Ben Toh

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

60. Any investigation conducted by or for the HKSE regarding Jacobs, any stock options granted to Jacobs, and/or the facts and circumstances alleged in this action, including (but not limited to) all facts provided, the date, all participants, the substance, Documents examined and/or considered, and any conclusions.



**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

61. Any investigation into or funds paid for acquiring the rights to any sports team in Macau or Mainland China, including (but not limited to) all facts, participants, Documents reviewed and conclusions.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

62. The facts concerning any default of any credit instrument or bank obligations by LVSC or any of its subsidiaries between January 1, 2008 and July 23, 2010, including (but not limited to) the nature of the default, the financial terms of the default and the manner in which the potential default was avoided or default remedied.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

63. The financial terms of any funding to LVSC provided by Sheldon G. Adelson or any trust or entity controlled by him to LVSC from January 1, 2008 and July 23, 2010, including (but not limited to) the financial terms of any such funding, any options provided, and the total cost of the funding to LVSC.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and, without waiving such objections, LVSC will produce publicly-available information on this topic for the period 2009-2010.

64. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Sheldon G. Adelson from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and

approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

65. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Robert Goldstein from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

66. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Mike Leven from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

67. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Ken Kay from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

68. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by David Sisk from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

69. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Steven C. Jacobs from January 1, 2007 to the present.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

70. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Erwin Siegel from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

71. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Jeff Schwartz from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

72. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by George Koo from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

73. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Irwin Chafetz from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

74. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Charles Forman from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

75. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Steven Weaver from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and

approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

76. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Ed Tracy from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

# EXHIBIT 5

1 DISTRICT COURT  
2 CLARK COUNTY, NEVADA  
3  
4 STEVEN C. JACOBS, )  
5 Plaintiff, )  
6 v. ) CASE NO. A-10-627691  
7 LAS VEGAS SANDS CORP., a ) DEPT. NO. XI  
8 Nevada corporation; SANDS )  
9 CHINA LTD., a Cayman Islands )  
10 corporation; DOES I through )  
11 X; and ROE CORPORATIONS I )  
12 through X, )  
13 Defendants. )  
14 AND RELATED CLAIMS )  
15

16 CERTIFICATE OF NONAPPEARANCE  
17 IN THE SCHEDULED DEPOSITION OF  
18 THE 30 (B) (6) DESIGNEE OF LAS VEGAS SANDS CORP.  
19 LAS VEGAS, NEVADA  
20 TUESDAY, JULY 28, 2015

21 Reported By Kele R. Smith, NV CCR No. 672, CA CSR No.  
22 13405  
23  
24

25 Job No. 256403

1 SCHEDULED DEPOSITION OF THE 30(B)(6) DESIGNEE OF LAS  
2 VEGAS SANDS CORP.,  
3 taken at 400 South Seventh Street, Suite 300, Las Vegas,  
4 Nevada, on Tuesday, July 28, 2015, at 9:50 a.m., before  
5 Kele R. Smith, Certified Court Reporter, in and for the  
6 State of Nevada.

7  
8 APPEARANCES:

9 For the Plaintiff:

10 PISANELLI BICE  
11 BY: JORDAN T. SMITH, ESQ.  
12 400 South Seventh  
13 Suite 300  
14 Las Vegas, Nevada 89101  
15 (702) 214-2100  
16 jts@pisanellibice.com  
17  
18  
19  
20  
21  
22  
23  
24  
25



CERTIFICATE OF REPORTER

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF NEVADA                   )  
  )  
COUNTY OF CLARK                )

I, KELE R. SMITH, Certified Shorthand Reporter, do  
hereby declare the following:

That pursuant to the request of Jordan T. Smith,  
counsel for Steven C. Jacobs, Plaintiff in the  
above-entitled cause, I did appear in the law offices of  
Pisanelli Bice, 400 South Seventh Street, Suite 300, in  
the City of Las Vegas, County of Clark, State of Nevada,  
at 9:30 a.m. on Tuesday, July 28, 2015, for the purpose  
of placing under oath and reporting the testimony of The  
30(B)(6) Designee of Las Vegas Sands Corp., the  
Defendant in the above-entitled cause;

That I remained at said location until 9:50 a.m. on  
said date, during which time the witness did not appear,  
and during which time Jordan T. Smith, Esq. was present.

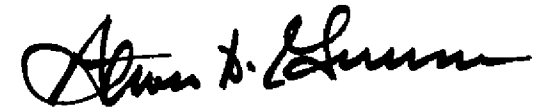
IN WITNESS WHEREOF, I have hereunto affixed my hand  
this 27th day of July, 2015.



KELE R. SMITH, CCR NO. 672, CSR NO. 13405

# EXHIBIT 3A

# EXHIBIT 3A



CLERK OF THE COURT

**OPPS**

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

[JJP@pisanellibice.com](mailto:JJP@pisanellibice.com)

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

[TLB@pisanellibice.com](mailto:TLB@pisanellibice.com)

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

[DLS@pisanellibice.com](mailto:DLS@pisanellibice.com)

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

[JTS@pisanellibice.com](mailto:JTS@pisanellibice.com)

**PISANELLI BICE PLLC**

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.

Case No.: A-10-627691

Dept. No.: XI

**PLAINTIFF STEVEN C. JACOBS'  
OPPOSITION TO DEFENDANT LAS  
VEGAS SANDS CORP.'S MOTION FOR  
PROTECTIVE ORDER ON ORDER  
SHORTENING TIME**

Hearing Date: August 13, 2015

Hearing Time: 8:30 a.m.

AND RELATED CLAIMS

**I. INTRODUCTION**

In a post-hac attempt to rationalize its noncompliance with NRCP 30(b)(6), Defendant Las Vegas Sands Corp. ("LVSC") claims that it has acted in good faith, did not improperly object to every designated topic and did not engage in purposeful stalling attempting to get past the deposition date so that it could later claim that it was under no obligation to act promptly. Hardly. It is Jacobs who offered to work out a briefing schedule with LVSC to get any objections that it had in front of this Court and resolve promptly. But in response to that offer, LVSC delayed trying to get past the deposition date. Then, the evening before the scheduled deposition it sent a lengthy objection to each and every topic, claiming that it either should not have to produce a witness or it

1 should have the luxury of designating topics whenever Jacobs is ready to depose other witnesses.  
2 Tellingly, LVSC cites no legal authority that entitled it to such an assertion. It knew it had no legal  
3 basis and simply used the objection as a stalling tactic. It now claims that it should be rewarded for  
4 that conduct by delaying producing witnesses until nearly two months after the notice of deposition  
5 was served.

6 Now, after securing delay, LVSC reverses course, acknowledges that it is obligated to  
7 comply, but claims that it should simply be given even more time to do so. It now maintains  
8 objections to about a dozen of Jacobs' designated topics. Each of Jacobs' topics, contrary to LVSC's  
9 claims, is properly tailored to obtain discoverable information in this case. LVSC's motion, which  
10 is itself untimely, should be denied and Jacobs permitted to proceed with the previously noticed  
11 deposition immediately.

## 12 **II. DISCUSSION**

### 13 **A. Jacobs Is Entitled to Broad Discovery**

14 Nevada's Rule of Civil Procedure permit broad discovery. *See, e.g., Palmer v. Pioneer Inn*  
15 *Associates, Ltd.*, 118 Nev. 943, 952, 59 P.3d 1237, 1243 (2002) ("[T]he rules of civil procedure,  
16 especially the discovery rules, are designed to afford parties broad access to information . . .").  
17 "Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject  
18 matter involved in the pending action. . . ." NRCP 26(b)(1). Discovery is permissible as long as "the  
19 information sought appears reasonably calculated to lead to the discovery of admissible evidence."  
20 *Id.* The phrase "reasonably calculated" means "'any possibility'" that information sought may be  
21 relevant to subject matter of action." *Morse/Diesel, Inc. v. Fid. & Deposit Co. of Maryland*, 122  
22 F.R.D. 447, 449 (S.D.N.Y. 1988) (quoting *Mallinckrodt Chemical Works v. Goldman, Sachs*, 58  
23 F.R.D. 348, 353 (S.D.N.Y. 1973)).

24 The United States Supreme Court has held "[c]onsistent[] with the notice-pleading system  
25 established by the Rules, discovery is not limited to issues raised by the pleadings, for discovery  
26 itself is designed to help define and clarify the issues. Nor is discovery limited to the merits of a  
27 case, for a variety of fact-oriented issues may arise during litigation that are not related to the  
28 merits." *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 (1978). Events that occur beyond

1 certain temporal limitations are not beyond discovery if "the information sought is otherwise  
2 relevant to the issues in the case." *See id.* at 352.

3 The burden is on the party resisting discovery to demonstrate why discovery should be  
4 denied. *F.T.C. v. AMG Servs., Inc.*, 291 F.R.D. 544, 553 (D. Nev. 2013). "The 'objecting party must  
5 specifically detail the reasons why each request is irrelevant' and may not rely on boilerplate,  
6 generalized, conclusory, or speculative arguments." *Id.* (quoting *Painters Joint Committee v.*  
7 *Employee Painters Trust Health & Welfare Fund*, No. 2:10-CV-1385 JCM (PAL), 2011 WL  
8 4573349, at \*5 (D. Nev. 2011)). The party asserting "overbreadth" must "provide sufficient detail  
9 in terms of time, money and procedure required to produce the requested documents" in relation to  
10 the amount in controversy. *City of Seattle v. Profl Basketball Club, LLC*, No. C07-1620MJP, 2008  
11 WL 539809, at \*3 (W.D. Wash. Feb. 25, 2008) (quoting *Super Film, Inc. v. UCB Films, Inc.*, 219  
12 F.R.D. 649, 651 (D. Kan. 2004)); NRCP 26(b)(2)(iii). The expenditure of time and effort alone is  
13 not a sufficient objection. *City of Seattle*, 2008 WL 539809, at \*3. Unsurprisingly, LVSC fails to  
14 substantiate any of its rhetoric with actual proof. It simply claims that asserting "burden" is all it  
15 must do to avoid discovery.

16 LVSC also ignores the purpose of NRCP 30(b)(6), particularly when it attempts to claim  
17 that Jacobs should simply have to await other depositions in order to obtain the information he  
18 seeks. In fact, this is precisely what the rule is designed to avoid. One of the purposes of the rule  
19 is to avoid the practice of "bandying" for a company's employees show up at deposition and disclaim  
20 knowledge of facts known within the company. *Smithkline Beecham Corp. v. Apotex Corp.*, 2000  
21 WL116082 at \*8-9 (N.D. Ill., Jan. 24, 2000). The purpose of the rule is to compel the company to  
22 produce witnesses who can speak on the company's behalf so as to streamline the discovery process  
23 and avoid putting the burden on Jacobs as to guess who will admit to having knowledge or  
24 disavowing having knowledge. A good example of this recently occurred with the deposition of  
25 Dan Briggs, LVSC's Director of Investor Relations. Briggs was quick to tell the company line  
26 about how everyone disliked Jacobs and he did such a terrible job in Macau, going so far as to claim  
27 that it was discussed by "everybody." (Dep. Dan Briggs, Aug. 5, 2015 at 96:1-98:3, Ex. 1.)<sup>1</sup> But

28  

---

<sup>1</sup> Currently, only the electronic draft of the deposition transcript is available.

1 when Briggs was pressed to identify the individual with whom he discussed this matter and  
2 supposedly had knowledge, particularly Macau, he could identify virtually no one. Briggs went so  
3 far as to suggest that maybe he would come up with some names later on, no doubt after his  
4 deposition. *Id.* And this is precisely one of the purposes of NRCP 30(b)(6) seeks to remedy.

5 A NRCP 30(b)(6) deposition notice is not overbroad because the categories allow for  
6 reasonable follow up on the topics. *See Masco Corp. of Indiana v. Price Pfister Inc.*, No. 94-728-  
7 A, 1994 WL 761246, at \*3 (E.D. Va. Oct. 7, 1994) *aff'd in part, rev'd in part on other grounds*, No.  
8 CIV. A. 94-728-A, 1994 WL 791968 (E.D. Va. Oct. 28, 1994) ("Plaintiff shall produce for  
9 deposition one or more 30(b)(6) designees who can answer all yet-unanswered questions and all  
10 reasonable follow-up questions on behalf of Plaintiff."); *Alexander v. F.B.I.*, 186 F.R.D. 113, 120-  
11 21 (D. D.C. 1998) (allowing reasonable follow up questions to 30(b)(6) topic).

#### 12 **B. The ESI Protocol Does Not Limit Discovery**

13 This Court has already rejected LVSC's first assertion that the ESI Protocol acts as a  
14 limitation on all discovery. When ruling on Jacobs' Motion to Compel Production Discoverable  
15 Documents, the Court held that the limitation in the ESI protocol only applies to electronically  
16 stored information and did not otherwise limit the scope of discovery. (*See* Hr'g Tr. at 18:22-19:2,  
17 Aug. 6, 2015, on file). Jacobs' 30(b)(6) topics are not subject to a narrow temporal limitation  
18 because, as explained below, all of the topics are reasonably calculated to lead to the discovery  
19 admissible evidence of relevant issues in this case. *Oppenheimer Fund, Inc.*, 437 U.S. at 352.

#### 20 **C. Jacobs' 30(b)(6) Topics Seek Relevant and Discoverable Information**

##### 21 **1. Topics 8, 25, and 59: Communications with Macau and United States Government** 22 **Officials**

23 LVSC attempts to avoid producing a witness on these topics because they have "no bearing  
24 on the FAC's allegations, or any defense LVSC might raise." (Mot. at 11:1-2.) Not true. Besides,  
25 discovery is not limited to the exact allegations in a complaint or the affirmative defenses raised by  
26 a party. *See Oppenheimer Fund, Inc.*, 437 U.S. at 351 (discovery is not limited to issues raised in  
27 the pleadings). Conversations with Macanese and American government officials about the  
28 allegations in the Complaint are highly relevant. It is well known that this litigation has led to

1 numerous internal and governmental investigations. Jacobs is entitled to discover the information  
2 and communications about what LVSC has told others about this case. Particularly government  
3 regulators. A party that provides information or documents to the Department of Justice or the  
4 Securities and Exchange Commission about events in civil litigation cannot claim that the  
5 information is not discoverable. *Biben v. Card*, 119 F.R.D. 421 (W.D. Mo. 1987)

6 Additionally, this Court has already found a number of the individuals identified in Topic  
7 59 to be relevant and discoverable. The Court granted Jacobs Motion to Compel Production of  
8 Discoverable Documents as to Request for Production 50 which related to Ng Lap Sing, Charles  
9 Heung, Yvonne Mao, and Lee Ching Ming. (See Hr'g Tr. at 20:3-4, Aug. 6, 2015.) LVSC  
10 acknowledges that Leonel Alves, Cheung Chi Tai, Jack Lam, and WDR are relevant. (Mot. at 11:3-  
11 6.) The same theory of relevancy allows Jacobs to conduct discovery on Pansy Ho, Angelo Leon,  
12 Edmund Ho, and Fernando Choy. This individuals have connections to junket operations about  
13 which Jacobs raised concerns and about which government investors are likely interested.  
14 Additionally, LVSC commissioned an investigative report on Pansy Ho just as it did with the other  
15 Vickers Reports – contradicting Adelson's testimony that LVSC engaged in no such practice.  
16 Underscoring LVSC's bad faith, it does not agree that Luis Melo or Ben Toh — Sand China  
17 employees — are discoverable topics.

18 LVSC's other claims of undue burden or that the information is more easily obtained from  
19 Sands China are too generic to be credited. *F.T.C.*, 291 F.R.D. at 553; *City of Seattle*, 2008 WL  
20 539809, at \*3.

## 21 **2. Topics 16-19 and 31: Investigations Relating to FCPA and Money Laundering**

22 LVSC concedes, as it must, that Jacobs' Fourth Amended Complaint contains allegations of  
23 FCPA violations and money laundering. However, the FCPA and money laundering issues are not  
24 limited to Leonel Alves or WDR as LVSC pretends. *See also Oppenheimer Fund, Inc.*, 437 U.S. at  
25 351 (discovery is not limited to issues raised in the pleadings). Jacobs reported, and sought outside  
26 advice from, others regarding the FCPA and money laundering concerns. Jacobs is entitled to  
27 demonstrate that the real reasons for his termination are not as LVSC and Sands China want to  
28 pretend, but rather to silence Jacobs. Furthermore, as the Court witnessed at the jurisdictional

1 hearing, money laundering in the form of ATAs is relevant to demonstrating that Sands China does  
2 derive revenue from Las Vegas and uses LVSC casinos as de facto bank accounts. These issues are  
3 hardly speculative and are not part of an imagined fishing expedition. LVSC knows the extent of  
4 its true conduct and that is the actual reason that it does not wish to produce a witness on these  
5 issues.

6 **3. Topic 20: LVSC's Relationship with Certain Entities and Individuals**

7 Again, this Court has already determined that the individuals and entities identified in Topic  
8 20 are relevant and discoverable. As stated above, the Court granted Jacobs Motion to Compel  
9 Production of Discoverable Documents as to Request for Production 50 which related to Ng Lag  
10 Sing, Charles Heung, Yvonne Mao, Lee Ching Ming and Tantra Lotus Club. (*See* Hr'g Tr. at 20:3-  
11 4, Aug. 6, 2015.) Angela Leong is relevant for the same reasons as demonstrated by LVSC's failure  
12 to protest other document requests related to her. The Court also granted Jacobs' Motion to Compel  
13 regarding Request for Production 34 which involved the junkets Sat Leng Sociedade Unipessoal  
14 Limited, Nov[e], Sun City, Neptune, Unik Ltd, Shanghai Sat Leng, Dore, Tak Lek, and Li Kwok  
15 Hung. (*Id.* at 19:8-11.) And LVSC agrees that Cheung Chi Tai and Jack Lam, are relevant. (Mot.  
16 at 15:12-13.) Accordingly, all of these topics are discoverable and Jacobs' is entitled to ask questions  
17 on these topics with reasonable follow up. *Masco Corp. of Indiana*, 1994 WL 761246, at \*3;  
18 *Alexander v. F.B.I.*, 186 F.R.D. at 120-21.

19 **4. Topic 21: The Clive Bassett Lawsuit**

20 This is CDC lawsuit, which relates directly to Jacobs' claims. As this Court knows, one of  
21 the issues is Adelson's assertion to Jacobs that the Macau government "owed" him Strata Title for  
22 having settled the CDC litigation. This Court has already ordered LVSC to produce documents  
23 surrounding that settlement. (*See* Hr'g Tr. at 20-21 , Aug. 6, 2015.) LVSC's current attempt to claim  
24 that does not understand the relevancy of that matter to this dispute is neither serious nor  
25 substantive.

26 **5. Topic 26: LVSC's Retraction Demands**

27 Once more, the Court has already permitted discovery on defamation lawsuits filed by  
28 LVSC, or LVSC's threats to file defamation lawsuits. The Court granted Jacobs' Motion to Compel



1 Request for Production 39 which requested "all documents and/or communications that concern,  
2 reference, or relate to any lawsuits filed or claims threatened by [LVSC] for defamation" with a 10  
3 year limitation (*See* Hr'g Tr. at 19:22-23, Aug. 6, 2015.) As Jacobs has explained previously,  
4 LVSC's other defamation actions go to demonstrating LVSC's malice because it recognizes the  
5 importance of reputation and the damage that can be done with slandering people. In other words,  
6 LVSC (and Adelson) knew the extent of damage a defamatory statement can cause and it had the  
7 intent to inflict that damage onto Jacobs. LVSC's conclusory statements a supposed burden do not  
8 outweigh Jacobs' entitlement to the information. *F.T.C.*, 291 F.R.D. at 553; *City of Seattle*, 2008  
9 WL 539809, at \*3.

10 **6. Topic 27-28: Investigations of Macau Governmental Officials**

11 The relevancy of these topics is obvious. Jacobs contends — and the evidence at the  
12 jurisdictional hearing confirmed — that Adelson believes he was the victim of unequal and  
13 improper treatment by foreign government officials. And, as Jacobs has maintained, it is that belief  
14 which served as the catalyst for the much-discussed Vickers Reports which document Adelson's  
15 claims suspicions of unequal treatment and motives by governmental officials. As Leven's  
16 testimony confirmed, Adelson felt that he was being victimized by these officials, and wanted to  
17 know why. Conversely, Adelson proclaims that Jacobs went rogue and commissioned the  
18 investigations on his own. These reports and the circumstances surrounding them are central to this  
19 dispute. Jacobs is entitled to ask a knowledgeable witness about the reports as well as any  
20 reasonable follow up questions. *Masco Corp. of Indiana* v1994 WL 761246, at \*3; *Alexander v.*  
21 *F.B.I.*, 186 F.R.D. at 120-21.

22 **7. Topic 29: Transportation of Currency Into the United States**

23 "[C]ircumstances where cash or other currency exceeding the value of \$50,000 U.S. dollars  
24 was transported upon any airplane owned or leased by LVSC or other entity controlled by Sheldon  
25 Adelson" are relevant for the same reasons articulated for 16-19 and 31 related to the FCPA and  
26 money laundering. Jacobs had concerns during his tenure regarding illicit money transfers,  
27 payments, and suspected bribes. That reality cannot be seriously disputed in light of Leven's own  
28 acknowledgement of the serious concerns he had about Lionel Alves' 300 million dollar proposal.

1 Why someone like Alves would think that such a proposal was proper to be made to LVSC, and  
2 why Adelson was so insistent upon retaining Alves' services despite objections from Jacobs, as well  
3 as LVSC's own general counsel, confirms Jacobs' point. Furthermore, as this Court should recall  
4 from the jurisdictional hearing, Adelson went out of his way to complain about Jacobs' conduct in  
5 being unwilling to fly on a private aircraft with a host of these individuals, claiming that Jacobs  
6 wanted to just waste money by flying commercial. Adelson knows full well why Jacobs opposed  
7 being on that aircraft and pretending otherwise will not avoid the facts. Testimony on these topics  
8 is relevant to establish that Jacobs was fired over his disagreements with Adelson on these practices  
9 and to prevent Jacobs from discussing his concerns with the Sands China Board of Directors.  
10 *Harrison v. Falcon Products, Inc.*, 103 Nev. 558, 560, 746 P.2d 642, 642 (1987) ("A party is  
11 allowed to discover any information that is 'reasonably calculated to lead to the discovery of  
12 admissible evidence.'").

13 **8. Topic 30: Prior Threats and/or Terminations for Cause**

14 Jacobs agrees with LVSC that the number of people that the company has actually,  
15 attempted, or threatened to terminate for cause is "ridiculous." The fact is that LVSC and Adelson  
16 have a pattern and practice of terminating executives and fabricating reasons "for cause" after the  
17 fact to cheat those executives out of their compensation. This is Adelson's and LVSC's standard  
18 method of operation. Jacobs should be permitted to develop evidence of LVSC's routine business  
19 practice and motive for doing the same thing to him. Further, Jacobs should be allowed to discover  
20 the supposed grounds for cause asserted in other instances to compare his supposed reasons for  
21 termination to the alleged reasons of other executives. Finally, a core issue in Jacobs' breach of  
22 contract claim stemming from the Term Sheet is the meaning of the "standard language" of the "for  
23 cause" provision. Jacobs is entitled to discovery into the "standard language" of other for cause  
24 provisions in other executives' employment contracts. Therefore, unlike *Murphy v. Kmart*  
25 *Corporation*, 255 F.R.D. 497, 506 (D. S.D. 2009), this information is entirely relevant to Jacobs'  
26 claims.

1                   **9. Topic 60: Hong Kong Stock Exchange Investigations Regarding Jacobs Options**

2           This topic is patently discoverable. After Jacobs' termination, the Hong Kong Stock  
3 Exchanged launched an inquiry related to the timing of the award of 2.5 million Sands China  
4 options to Jacobs. LVSC and Sand China now argue that Jacobs never accepted the Sands China  
5 options. Plainly, what LVSC and/or Sands China told the Hong Kong regulator about these options  
6 is highly relevant to this case. This topic goes to proving the existence of the contract and the  
7 amount of Jacobs' damages.

8                   **10. Topic 61: Investigations Regarding Macau/Chinese Sports Teams**

9           This topic is discoverable for the same reasons as topics 16-19, 29 and 31 related to the  
10 FCPA. Jacobs has alleged that Adelson and LVSC funded a sports team to curry favor with  
11 governmental officials. LVSC acknowledges that this issue is raised in the Fourth Amended  
12 Complaint. (Mot. at 21:10-14.) For these reasons, this area is subject to discovery.

13                   **11. Topic 62: LVSC Credit/Bank Obligations**

14           Finally, the facts related to LVSC's near-miss default are relevant to explaining the financial  
15 "iceberg" that LVSC hit before Jacobs arrived and the value of Jacobs' efforts in helping to save the  
16 company and its shareholders. LVSC's dire financial condition was caused by Adelson's failure to  
17 access capital markets in a timely fashion and forced LVSC to turn to Adelson to obtain a bailout  
18 on unfavorable financial terms. LVSC's poor finances was the key motivating factor for spinning  
19 off the Macau operations. These circumstances provide context to Jacobs' hiring and the  
20 extraordinary conditions in which he was working. As this Court should recall, at the jurisdictional  
21 hearing, both Adelson and Goldstein went out of their way to take cheap shots at Jacobs, claiming  
22 that his specialty was "firing people." But of course, the requirements of the extraordinary cost-  
23 cutting that Jacobs had to implement were the direct product of Adelson's mismanagement and  
24 dysfunctional relationship with his former COO, William Widener. Both Adelson and Goldstein  
25 confirmed the relevancy of this subject matter during their own testimony at the jurisdictional  
26 hearing. Consequently, this information is relevant and discoverable. LVSC provides nothing  
27 beyond boilerplate objections utterly devoid of substance that would preclude discovery. *F.T.C.*,  
28 291 F.R.D. at 553; *City of Seattle*, 2008 WL 539809, at \*3.

**D. Written Interrogatories are Not an Adequate Substitute for Oral Examination**

The rules "do not permit a party served with a rule 30(b)(6) deposition notice or subpoena requests 'to elect to supply the answers in a written response to an interrogatory'" *Great American Ins. Co. of New York v. Vegas Const. Co., Inc.*, 251 F.R.D. 534, 539 (D. Nev. 2008) (quoting *Marker v. Union Fidelity Life Ins.*, 125 F.R.D. 121, 126 (M.D. N.C. 1989)). The reason for this is because "the deposition process provides a means to obtain more complete information and is, therefore, favored." *Id.* Nor is LVSC permitted to claim that Jacobs must just accept the internal documents as providing the company's position. *Id.* LVSC's self-serving offer to provide written responses does not obviate Jacobs' right to take an oral deposition of these topics. "There is no burden on the party seeking the deposition to show that written interrogatories would not be sufficient for its purposes. In fact, the procedure is just the opposite." *Greenberg v. Safe Lighting, Inc., Inertia Switch Div.*, 24 F.R.D. 410, 411 (S.D.N.Y. 1959). Written questions lack the flexibility of oral examination, prevent follow-up questioning, negate counsel's ability to observe the witness's demeanor and assess credibility, and allow opposing counsel to assist with responses. *Sherrod v. Breitbart*, 304 F.R.D. 73, 76 (D. D.C. 2014); *Mill-Run Tours, Inc. v. Khashoggi*, 124 F.R.D. 547, 549 (S.D.N.Y. 1989). The advantages of an oral deposition far outweigh any benefit from written interrogatories. *Greenberg*, 24 F.R.D. at 411.<sup>2</sup>

LVSC coyly proposes that it be allowed to answer questions about its ESI and evidence preservation through written interrogatories. However, as this Court will recall from the first sanctions hearing, what LVSC's witnesses testify to regarding ESI preservation is not consistent with the representations to this Court. Indeed, Michael Kostrinsky confirmed a very different reality to what LVSC wants to acknowledge. Live testimony of a witness with knowledge will allow Jacobs to learn the truth about the preservation — and destruction — of evidence.

---

<sup>2</sup> Moreover, NRCP 31(b) still requires a witness to attend a deposition and answer the questions orally. *Kendrick v. Bowen*, No. CIV. 83-3175, 1989 WL 39012, at \*1 n.2 (D.D.C. Apr. 13, 1989) ("Rule 31 clearly contemplates a witness's personal presence at a deposition, where the witness delivers his or her testimony orally. It does not contemplate written responses to the written deposition questions."). Thus, LVSC would still be required to produce a witness to respond orally to the written questions.

1 LVSC has proven itself to be untrustworthy with its discovery practices. Recently, the  
2 mystery list of the 35 (sometimes 34) reasons for Jacobs' termination still has not been produced  
3 despite Adelson's insistence that it exists. Additionally, Kostrinsky and Manjit Singh testified that  
4 a foil envelop was brought back to the United States containing certain electronic storage devices  
5 which have mysteriously been misplaced. Jacobs is entitled to explore these topics, and others, with  
6 a live witness with knowledge.

7 Similarly, Jacobs is entitled to a deposition regarding LVSC's purported damages and  
8 information pertaining to the IPO roadshow. LVSC has failed to comply with the most basic  
9 requirements NRCP 16.1(a)(1)(C) by neglecting to disclose a damage calculation. LVSC's 5<sup>th</sup>  
10 Supplemental Disclosure of June 23, 2015 simply states, "LVSC is in the process of calculating its  
11 damages and will supplement this disclosure accordingly." (Ex. 2.) Now that discovery is  
12 underway, Jacobs is entitled to explore LVSC's claimed damages.

13 LVSC cannot seriously dispute that the IPO roadshow is relevant to this action. During the  
14 jurisdictional hearing, Adelson was critical of Jacobs' performance on the IPO roadshow (even  
15 though Rob Goldstein described Jacobs' participation as "instrumental.") Jacobs should be  
16 permitted to elicit information demonstrating that Adelson's criticism is fabricated.

17 **E. LVSC Had Sufficient Time to Prepare Its Witnesses**

18 Despite the passage of over a month, LVSC has failed to make any effort whatsoever to  
19 make a witness available. It is noteworthy that LVSC offers to produce a witness on August 24,  
20 after refusing to produce anyone. Now, after having procured delay by letting the deposition date  
21 pass so it could file its motion at its convenience, it asks this Court to simply look the other way on  
22 its noncompliance. Unremarkably, it provides no law permitting its actions.

23 . . .

24 . . .

25 . . .

Jacobs' NRCP 30(b)(6) topics are reasonably calculated to lead to the discovery of admissible evidence and do not impose an undue burden or hardship on LVSC. LVSC's objections are nothing more than empty rhetoric by a litigant that wants to make specious assertions against Jacobs but then opposes discovery that will expose how its assertions are a fabrication undertaken simply to avoid its obligations. It is LVSC that undertook the actions relative to Jacobs, and it is LVSC and its Chairman who undertook to slander Jacobs to deflect from their own misconduct. The fact that LVSC does not want to now have witnesses appear and be confronted over these facts is hardly a legitimate grounds to oppose discovery. Its Motion should be rejected.

PISANELLI BICE PLLC

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

12

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 12th day of August, 2015, I caused to be served via the Court's E-Filing system true and correct copies of the above and foregoing **PLAINTIFF STEVEN C. JACOBS' OPPOSITION TO DEFENDANT LAS VEGAS SANDS CORP.'S MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME** to the following:

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

J. Randall Jones, Esq.  
Mark M. Jones, Esq.  
KEMP, JONES & COULTHARD  
3800 Howard Hughes Parkway, 17th Floor  
Las Vegas, NV 89169  
[r.jones@kempjones.com](mailto:r.jones@kempjones.com)  
[m.jones@kempjones.com](mailto:m.jones@kempjones.com)

Michael E. Lackey, Jr., Esq.  
MAYER BROWN LLP  
1999 K Street, N.W.  
Washington, DC 20006  
[mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com)

Steve Morris, Esq.  
Rosa Solis-Rainey, Esq.  
MORRIS LAW GROUP  
900 Bank of America Plaza  
300 South Fourth Street  
Las Vegas, NV 89101  
[sm@morrislawgroup.com](mailto:sm@morrislawgroup.com)  
[rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com)

/s/ Shannon Thomas  
An employee of PISANELLI BICE PLLC

# **EXHIBIT 1**



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DRAFT  
TRANSCRIPT

Jacobs vs. LV Sands

Daniel Briggs

Wednesday, August 5, 2015

By: Carre Lewis, NV CCR 497, CA CSR 13337

[nvccr497@cox.net](mailto:nvccr497@cox.net)

Litigation Services & Technologies  
(702) 314-7200

1 Q. When is the first time you heard of any  
2 dissatisfaction with Mr. Jacobs?  
3 A. I don't recall the first time I heard of  
4 any dissatisfaction. Dissatisfaction from whom? I  
5 don't understand.  
6 Q. From anyone inside the company.  
7 A. I don't recall when, but Mr. Jacobs  
8 reputation within the company was -- was very  
9 negative from the minute he got to Macau.  
10 Q. Okay. His reputation was very negative  
11 from the minute he got to Macau?  
12 A. Yes.  
13 Q. So that would have been -- if he had gotten  
14 to Macau on or about May 6 of 2009, his reputation  
15 was very negative as of then?  
16 A. The feedback I got there people that worked  
17 in Macau was negative.  
18 Q. So who were these people that you got  
19 feedback from?  
20 A. My various colleagues in Macau.  
21 Q. I need the names. Who were these people?  
22 A. Let's see. People in the corporate  
23 communications department, people in the legal  
24 department, people on the operations side in Macau.  
25 Q. Sounds like a lot of people.

1 A. Yes.

2 Q. So I need -- can you -- you can't identify

3 any of these people by name?

4 A. The discussions and conversations were

5 broad based with people working in Macau. So long

6 time ago, but just general conversations.

7 Q. With whom?

8 A. With people from corporate communications,

9 legal, operations, various -- various personnel

10 there.

11 Q. You can't give me a single name?

12 A. I think Dylan Williams would be one person

13 that's still employed with us.

14 Q. Okay.

15 A. Where I had a conversation about that.

16 Q. All right. Any others, whether they are

17 still employed or not I want you to tell us all of

18 the people you talked to who you said Mr. Jacobs

19 reputation stems from?

20 A. I'm not going to be able to remember in

21 detail these conversations, it's like six, seven

22 years ago.

23 Q. So Dylan Williams is one let's deal with

24 the names first then the substance.

25 A. Yes.

- 1 Q. Anybody else
- 2 A. I can't recall now. Like I said, long time
- 3 ago.

# **EXHIBIT 2**

Holland & Hart LLP  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, Nevada 89134

**DDW**  
J. Stephen Peek, Esq.  
Nevada Bar No. 1759  
Robert J. Cassity, Esq.  
Nevada Bar No. 9779  
HOLLAND & HART <sup>LLP</sup>  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134  
(702) 669-4600  
(702) 669-4650 – fax  
[speek@hollandhart.com](mailto:speek@hollandhart.com)  
[bcassity@hollandhart.com](mailto:bcassity@hollandhart.com)

*Attorneys for Defendant Las Vegas Sands Corp.*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

STEVEN C. JACOBS,

Plaintiff,

v.

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

Defendants.

AND ALL RELATED ACTIONS

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

Date: n/a  
Time: n/a

**LAS VEGAS SANDS CORP.'S FIFTH  
SUPPLEMENT TO ITS DISCLOSURES  
PURSUANT TO N.R.C.P. 16.1**

Defendant Las Vegas Sands Corp. ("LVSC"), by and through its counsel of record,  
Holland & Hart LLP, pursuant to N.R.C.P. 16.1 hereby submits its fifth supplement to its initial  
list of witnesses and documents as follows (**new information in bold**):

**I.**

**SUPPLEMENTAL DISCLOSURES PURSUANT TO RULE 16.1(a)(1)(A)**

1. **Darlene Dushan, Director of Payroll, Las Vegas Sands Corp., c/o Holland &  
Hart LLP, 9555 Hillwood Dr., 2nd Floor, Las Vegas, Nevada, 89134. This witness is  
expected to testify that Jacobs did not obtain salary or benefits from LVSC.**

2. **Iain Fairbairn, Executive Director - Project, Venetian Macau Limited, c/o  
Kemp, Jones & Coulthard, LLP, 3800 Howard Hughes Pkwy., Seventeenth Floor, Las**

Vegas, Nevada 89169 and Holland & Hart LLP, 9555 Hillwood Dr., 2nd Floor, Las Vegas, Nevada 89134. This witness is expected to testify as to his knowledge of the facts and circumstances at issue in this action, including, but not limited to, the performance of his job duties regarding the design of Parcels 5 & 6, his interactions with Steve Jacobs, and Steve Jacobs' job performance.

3. Vanessa Does, Director for Human Resources, Venetian Macau Limited, c/o Kemp, Jones & Coulthard, LLP, 3800 Howard Hughes Pkwy., Seventeenth Floor, Las Vegas, Nevada 89169 and Holland & Hart LLP, 9555 Hillwood Dr., 2nd Floor, Las Vegas, Nevada 89134. This witness is expected to testify as to her knowledge of the facts and circumstances at issue in this action, including, but not limited to, the facts and circumstances regarding Jacobs' compensation and benefits.

LVSC reserves its right to call any person disclosed by any other parties to testify at the trial of this action. Further, LVSC reserves its right to supplement this list of individuals as additional persons become known to LVSC.

## II.

### DISCLOSURES PURSUANT TO RULE 16.1(a)(1)(B)<sup>1</sup>

- 1) LVS00000001 – LVS00019749, disclosed on July 28, 2011 (amended November 23, 2011);
- 2) LVS00019750 – LVS00033153, disclosed on August 1, 2011 (amended November 23, 2011);
- 3) LVS00033154 – LVS00036298, disclosed on August 5, 2011;
- 4) LVS00100001 – LVS00100174, disclosed on April 5, 2012;
- 5) LVS00100175 – LVS00100573, disclosed on May 23, 2012;
- 6) LVS00100574 – LVS00111087, disclosed on May 15, 2012;
- 7) LVS00111088 – LVS00117188, disclosed on June 1, 2012;
- 8) LVS00117189 – LVS00119458, disclosed on June 25, 2012;
- 9) LVS00119459 – LVS00128380, disclosed on August 8, 2012;

<sup>1</sup> An index to each production was included with, or provided shortly after, each document production.

- 10) LVS00128381 – LVS00144159, disclosed on August 22, 2012;
- 11) LVS00144160 – LVS00206573, disclosed on August 31, 2012;
- 12) LVS00206574 – LVS00231030, disclosed on September 27, 2012;
- 13) LVS00231031 – LVS00267369, disclosed on November 15, 2012;
- 14) LVS00267370 – LVS00267579, disclosed on December 5, 2012;
- 15) LVS00267580 – LVS00267982, disclosed on December 31, 2012; and
- 16) LVS00267983 – LVS00268060, disclosed on January 17, 2014.

LVSC is currently in the process of reviewing its documents, including its electronically stored information and hard copy documents at LVSC, and will continue to produce documents on a rolling basis as expeditiously as practicable.

Any production of documents or ESI by LVSC is subject to the provisions of the Stipulated Confidentiality Agreement and Protective Order on file in this case. Nothing in these disclosures is a representation that any particular document or thing is relevant to any issue in this action or that any particular document or things exists or is in LVSC's possession, custody or control. LVSC reserves its right to further supplement this list of documents as additional documents become known or made available to LVSC. Further, LVSC reserves its right to utilize any documents, ESI or tangible things disclosed by any other party as exhibits at trial. Nothing herein constitutes a waiver of LVSC's rights or obligations under any law, including but not limited to laws regarding any matter or information that is or may be claimed to be confidential, proprietary or otherwise personal or private.

### III.

#### DISCLOSURES PURSUANT TO RULE 16.1(a)(1)(C)

LVSC is in the process of calculating its damages and will supplement this disclosure accordingly.

///

///

///

///



IV.

**DISCLOSURES PURSUANT TO RULE 16.1(a)(1)(D)**

LVSC is in the process of assessing its insurance policies and will supplement accordingly.

DATED June 23, 2015.



J. Stephen Peek, Esq.  
Robert J. Cassity, Esq.  
Holland & Hart LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134

*Attorneys for Defendant Las Vegas Sands Corp.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 23rd day of June 2015, a true and correct copy of the foregoing **LAS VEGAS SANDS CORP.'S FIFTH SUPPLEMENT TO ITS DISCLOSURES PURSUANT TO N.R.C.P. 16.1** was served by the following method(s):

☒ Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

James J. Pisanelli, Esq.  
Debra L. Spinelli, Esq.  
Todd L. Bice, Esq.  
Pisanelli & Bice  
3883 Howard Hughes Parkway, Suite 800  
Las Vegas, Nevada 89169  
214-2100  
214-2101 – fax  
[jjp@pisanellibice.com](mailto:jjp@pisanellibice.com)  
[dls@pisanellibice.com](mailto:dls@pisanellibice.com)  
[tlb@pisanellibice.com](mailto:tlb@pisanellibice.com)  
[kap@pisanellibice.com](mailto:kap@pisanellibice.com) – staff  
[see@pisanellibice.com](mailto:see@pisanellibice.com) – staff

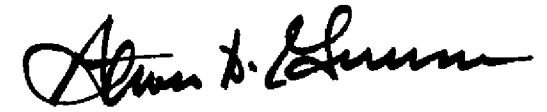
*Attorney for Plaintiff*

  
An Employee of Holland & Hart LLP

Holland & Hart LLP  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, Nevada 89134

# EXHIBIT 3

# EXHIBIT 3



CLERK OF THE COURT

1 **MPOR**

2 J. Stephen Peek, Esq.  
3 Nevada Bar No. 1759  
4 Robert J. Cassity, Esq.  
5 Nevada Bar No. 9779  
6 **HOLLAND & HART** <sup>LLP</sup>  
7 9555 Hillwood Drive, 2<sup>nd</sup> Floor  
8 Las Vegas, Nevada 89134  
9 (702) 669-4600  
10 (702) 669-4650 – fax  
11 [speek@hollandhart.com](mailto:speek@hollandhart.com)  
12 [bcassity@hollandhart.com](mailto:bcassity@hollandhart.com)

13 *Attorneys for Defendant Las Vegas Sands Corp.*

14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 STEVEN C. JACOBS,

17 Plaintiff,

18 v.

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

24 Defendants.

25 AND ALL RELATED ACTIONS

CASE NO.: A627691-B

DEPT. NO.: XI

Date:

Time:

26 **MOTION FOR PROTECTIVE ORDER**  
27 **EX PARTE APPLICATION FOR ORDER**  
28 **SHORTENING TIME AND ORDER**  
**THEREON**

Defendant LAS VEGAS SANDS CORP. ("LVSC"), by and through its undersigned counsel, seeks a protective order with respect to the Notice of Deposition by Plaintiff, Steve Jacobs, pursuant to Nevada Rule of Civil Procedure ("NRCPP") 30(b)(6) of LVSC. Pursuant to EDCR 2.26, LVSC respectfully requests that the Court hear this Motion on shortened time.

///

///

///

///

///

1 The Motion is based on the following memorandum of points and authorities, the papers  
2 and pleadings on file herein, and any oral argument the Court may allow.

3 DATED August 3, 2015.

4 /s/ Stephen Peek  
J. Stephen Peek, Esq.  
Robert J. Cassity, Esq.  
Holland & Hart LLP  
9555 Hillwood Dr., 2nd Floor  
Las Vegas, Nevada 89134

7 *Attorneys for Defendants Las Vegas Sands*

8 **EX PARTE APPLICATION FOR ORDER SHORTENING TIME**

9 Pursuant to EDCR 2.26, Defendant Las Vegas Sands Corp. ("LVSC") respectfully  
10 requests that the Court hear its Motion for Protective Order on shortened time. Good cause  
11 supports LVSC's request for an order shortening time. Specifically, as discussed in greater detail  
12 in the Declaration of J. Stephen Peek below, Plaintiff served a Notice of Deposition of LVSC  
13 pursuant to NRCp 30(b)(6) for July 28. After receiving the Notice, LVSC served objections and  
14 the parties met and conferred on the topics set forth in the Notice pursuant to a schedule  
15 negotiated between the parties. However, the parties were unable to resolve LVSC's objections  
16 to the Notice. Given the parties' agreement to resolve the disputed topics expeditiously and on an  
17 order shortening time in light of the originally proposed July 28 date for the deposition, and  
18 because these topics need to be resolved promptly, LVSC respectfully requests that the Court set  
19 this Motion on an order shortening time.

20 DATED August 3, 2015.

21 /s/ Stephen Peek  
J. Stephen Peek, Esq.  
Robert J. Cassity, Esq.  
Holland & Hart LLP  
9555 Hillwood Dr., 2nd Floor  
Las Vegas, Nevada 89134

25 *Attorneys for Defendant Las Vegas Sands Corp.*

**DECLARATION OF J. STEPHEN PEEK, ESQ.**

I, J. Stephen Peek, Esq., declare as follows:

1. On Thursday, July 9, 2015 at 5:28 p.m., I received by e-service a copy of the Notice of Deposition of Las Vegas Sands Corp. ("LVSC") pursuant to NRCP 30(b)(6), unilaterally scheduling the deposition for July 28, 2015 at 10:00 a.m. A copy of the Notice of Deposition is attached to the Motion as **Exhibit "A."**

2. On Monday, July 13, 2015 at 11:00 a.m., I participated in a meet-and-confer telephone conference with Todd Bice and counsel for the other defendants regarding LVSC's responses to Plaintiff's Fourth Request for Production of Documents. At the conclusion of this conference call, I discussed with Mr. Bice the fact that we had received the Notice, that LVSC objected to the topics in the Notice and the date of the proposed deposition, and that we would be preparing our objections to the topics. Because of the large number of topics, I also informed Mr. Bice that we would need additional time to prepare our objections to the Notice and we would not be able to attend a 30(b)(6) deposition on or before July 28, 2015.

3. On July 22, 2015, Mr. Bice sent me a letter in which he acknowledged my request for additional time to object to the Notice, and advised that the parties would need to reach agreement on the disputed topics and briefing schedule prior to July 28 so the issues could be resolved promptly for resolution by the court. A copy of the July 22 Letter is attached to the Motion as **Exhibit "B."**

4. On July 23, 2015, I emailed Mr. Bice, proposing that LVSC would identify the topics on which LVSC objected by July 27 and informing him that I was available for a meet-and-confer on Tuesday, July 28, or Wednesday July 29, 2015. A copy of my email correspondence with Mr. Bice is attached as **Exhibit "C."**

5. On July 23, 2015, Mr. Bice responded by email, stating: "[w]e will look at your objections and hold a 2.34 conference on Tuesday at 2 PM. You will need to file your motion no later than Friday of next week [July 31] and have it set on an order shortening time."

6. Based upon Mr. Bice's July 23 email, and the fact that we would be holding a meet-and-confer on the topics in the Notice at July 28 at 2 p.m., I understood that there was no

1 need for LVSC to appear on that same date at 10 a.m., prior to meeting-and-conferring on those  
2 topics. Nor did Mr. Bice indicate that LVSC was still expected to appear for deposition on the  
3 morning of July 28.

4 7. On July 24, I responded to Mr. Bice's email, confirming our agreement to  
5 participate in a meet-and-confer on Tuesday, July 28 at 2 p.m., and I specifically requested that  
6 Mr. Bice send out a call in number.

7 8. As promised, on Monday, July 27, I sent a letter to Mr. Bice enclosing LVSC's  
8 objections to the topics set forth in the Notice. A true and correct copy of the letter with  
9 objections is attached as **Exhibit "D."**

10 9. Although I was prepared for the meet-and-confer, Mr. Bice did not send a call-in  
11 number until after 2 p.m. on Tuesday, July 28. Once the dial-in number was sent out, I joined  
12 the conference call with Mr. Bice but counsel for the other defendants did not join the conference  
13 call.

14 10. When it became apparent that a call on July 28 was not feasible, I suggested to  
15 Mr. Bice that we reconvene the conference call later in the day or the next morning, July 29 at  
16 9:15 a.m. A copy of my email is attached as **Exhibit "E."**

17 11. Counsel for the parties held a telephonic meet-and-confer regarding LVSC's  
18 objections to the Notice on July 29 at 9:30 a.m. and we met-and-conferred further at 3:30 p.m.

19 12. The parties were unable to resolve their differences regarding the objections to the  
20 topics set forth in the Notice, thereby necessitating the instant Motion for Protective Order.

21 13. Because the parties agreed to bring the instant Motion on an order shortening time  
22 in light of the proposed date of the deposition in the Notice, we respectfully request that the  
23 Court set this hearing on shortened time, together with the other hearings scheduled for August  
24 13, 2015.

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

26 DATED August 3, 2015.

27 /s/ Stephen Peek  
28 J. STEPHEN PEEK


Holland & Hart LLP  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, Nevada 89134

**ORDER SHORTENING TIME**

Having considered the Ex Parte Application for Order Shortening Time filed by Defendant LVSC, and good cause appearing,

IT IS HEREBY ORDERED that Defendant Las Vegas Sands Corp.'s Motion for Protective Order shall come for hearing before Department XI of the above-entitled Court on the 13 day of August 2015 at the hour of 8:30 a.m./p.m.

DATED this 5<sup>th</sup> day of August, 2015.

  
DISTRICT COURT JUDGE

Respectfully submitted by:

/s/ Stephen Peek  
J. Stephen Peek, Esq.  
Robert J. Cassity, Esq.  
Holland & Hart LLP  
9555 Hillwood Dr., 2nd Floor  
Las Vegas, Nevada 89134

*Attorneys for Defendants Las Vegas Sands Corp.*

///



1                   **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF**  
2                   **MOTION FOR PROTECTIVE ORDER**

3                   **I.**

4                   **INTRODUCTION AND FACTUAL BACKGROUND**

5                   The breadth of Plaintiff's Rule 30(b)(6) Notice is astounding. Plaintiffs' Notice sets forth  
6                   76 topics – with several topics including multiple sub-topics. All together, the Notice includes  
7                   over 100 requests. Most of Plaintiffs' topics diverge far from the allegations in the Fourth  
8                   Amended Complaint ("FAC"), making quite clear Jacobs' intent to harass and unduly burden  
9                   LVSC while conducting a fishing expedition.

10                  Notwithstanding that most of Jacobs' topics are clearly irrelevant to the FAC's claims or  
11                  any defenses likely to be raised by LVSC, LVSC has agreed to provide either a witness or an  
12                  interrogatory response as to all of the topics with the exception of Topics 8, 16-21, 25-31 and 59-  
13                  62. Despite LVSC's good faith, Jacobs continues to pursue these topics, which are extremely  
14                  overbroad and not reasonably calculated to lead to the discovery of admissible evidence.  
15                  Further, with respect to Jacobs' 30(b)(6) Notice generally, Jacobs seeks discovery that is  
16                  inconsistent with this Court's June 22, 2011 Order regarding the appropriate time limitations on  
17                  discovery. As set forth below, LVSC is entitled to a protective order.

18                  **II.**

19                  **LEGAL ANALYSIS**

20                  **A.   Legal Standard**

21                  Nevada Rule of Civil Procedure 26(c) provides that:

22                         Upon motion by a party or by the person from whom discovery is sought,  
23                         accompanied by a certification that the movant has in good faith conferred or  
24                         attempted to confer with the other affected parties in an effort to resolve the  
25                         dispute without court action, and for good cause shown, the court in which the  
26                         action is pending may make any order which justice requires to *protect a party or*  
27                         *person from annoyance, embarrassment, oppression, or undue burden or*  
28                         *expense....*

                  The district court has broad discretion to grant protective orders for good cause. *See id.*; *Brown*  
*Bag Software v. Symantec Corp.*, 960 F.2d 1465, 1470 (9th Cir. 1992).

                  "[C]ourts need not condone the use of discovery to engage in 'fishing expedition[s].'"

1 *Rivera v. NIBCO, Inc.*, 364 F.3d 1057, 1072 (9th Cir. 2004) (quoting *Exxon Corp. v. Crosby-*  
2 *Mississippi Resources, Ltd.*, 40 F.3d 1474, 1487 (5th Cir. 1995)). A broad construction of  
3 relevancy “should not be misapplied so as to allow fishing expeditions in discovery.” *Hofer v.*  
4 *Mack Trucks, Inc.*, 981 F.2d 377, 380 (8th Cir.1993). “Some threshold showing of relevance  
5 must be made before parties are required to open wide the doors of discovery and to produce a  
6 variety of information which does not reasonably bear upon the issues in the case.” *Id.*; accord  
7 *Voggenthaler v. Maryland Square, LLC*, 2011 WL 112115, at \*8 (D. Nev. Jan. 13, 2011)  
8 (following *Rivera* and *Hofer*).

9 “Discovery into matters not relevant to the case imposes a *per se* undue burden.” *White*  
10 *v. Deere & Company*, 2015 WL 1385210, at \*9 (D. Col. Mar. 23, 2015). While the party  
11 seeking a protective order ordinarily bears the burden of showing good cause, “when a discovery  
12 request does not have relevance on its face, the party seeking discovery has the burden to show  
13 relevancy.” *Id.*

14 With respect to breadth, courts have found 30(b)(6) notices to be overbroad when the  
15 “[p]laintiff broadens the scope of the designated topics by indicating that the areas of inquiry will  
16 ‘includ[e], but not [be] limited to’ the areas specifically enumerated.” *Reed v. Bennett*, 193  
17 F.R.D. 689, 692 (D. Kan. 2000). An overbroad 30(b)(6) notice “subjects the noticed party to an  
18 impossible task. To avoid liability, the noticed party must designate persons knowledgeable in  
19 the areas of inquiry listed in the notice. Where ... the [deponent] cannot identify the outer limits  
20 of the areas of inquiry noticed, compliant designation is not feasible.” *Id.* Further, although there  
21 is an “implicit obligation on the deponent to prepare the witness,” Rule 30(b)(6) implies “an  
22 equivalent obligation on the deposing party to designate with painstaking specificity, the  
23 particular subject areas that are intended to be questioned.” *Century Surety Company v. Smith*,  
24 2014 WL 7666061, at \*4 (D. Col. Jan. 21, 2015).

25 Moreover, under NRCP 26(b)(2), this Court may bar discovery if the information sought  
26 is “obtainable from some other source that is more convenient, less burdensome, or less  
27 expensive.” *See also Adele v. Dunn*, 2012 WL 5420256, at \*3 (D. Nev. Nov. 5, 2012) (court has  
28 broad discretion to limit or bar discovery where “the requested discovery is unreasonably

1 cumulative or duplicative and can be obtained from other sources that are more convenient, less  
2 burdensome, and less expensive”).

3 Finally, the mere fact that Plaintiff references certain matters in the FAC does not make  
4 them relevant. “If a party could unilaterally alter the scope of discovery merely by including  
5 extraneous allegations in the complaint, the limitations on discovery contemplated by Rule 26  
6 quickly become a dead letter.” *Vives v. City of New York*, 2003 WL 282191, at \*1 (S.D.N.Y.  
7 Feb. 10, 2003).

8 **B. Complaint Allegations**

9 According to the allegations in the Fourth Amended Complaint (“FAC”), Jacobs’  
10 dealings with LVSC began in approximately March 2009. FAC ¶ 18. According to the FAC, in  
11 May 2009, Jacobs became interim President of Macau Operations. FAC ¶ 20. Jacobs alleges  
12 that his employment was pursuant to a “Term Sheet” provided to him on August 4, 2009. FAC ¶  
13 23.

14 According to the FAC, during his employment, Jacobs raised concerns relating to certain  
15 topics with LVSC’s COO and general counsel. *See* FAC ¶¶ 31-32. For example, Jacobs alleges  
16 that he raised concerns under the U.S. Foreign Corrupt Practices Act (“FCPA”) with respect to  
17 the hiring of an attorney, Leonel Alves. FAC ¶¶ 31(d), 33. Jacobs also alleges that he raised  
18 money laundering concerns with respect to an entity identified as WDR, LLC. FAC ¶ 35.

19 On July 23, 2010, Jacobs’ was terminated. FAC ¶ 42. Not long after, Jacobs was  
20 informed that his termination was “for cause.” FAC ¶ 45. Jacobs contends that he was not  
21 terminated for cause, but because he reported to LVSC certain “improprieties” and “refused to  
22 carry out [Sheldon] Adelson’s illegal demands.” FAC ¶¶ 32-33. Jacobs further claims that  
23 LVSC later defamed him through a March 15, 2011 press release, in which LVSC again stated  
24 its position that Jacobs had been terminated for cause. FAC ¶ 73.

25 Based on these allegations, Jacobs asserts five claims against LVSC: (a) breach of  
26 contract; (b) breach of the implied duty of good faith and fair dealing; (c) tortious discharge; (d)  
27 defamation; and (e) civil conspiracy.

1 C. The Topics In The Notice Are Overbroad To The Extent They Have No Time  
2 Limitation Or Request Information For A Time Period Inconsistent With This  
3 Court's June 22, 2011 Order.

4 On June 22, 2011, Plaintiff and Defendants agreed – and this Court ordered – that ESI  
5 discovery would be limited to an approximately 20-month time period based on Plaintiff's  
6 allegations in this case. Specifically, this Court ordered: "Except as otherwise agreed by the  
7 Parties (whether with respect to particular custodians or otherwise), the date parameters for all  
8 ESI to be searched and produced by the Parties are January 1, 2009 to October 20, 2010." June  
9 22, 2011 Order.

10 In general, the topics in Plaintiff's Notice have no relevant time limitation, or request  
11 discovery for a time period that goes beyond this Court's June 22, 2011 Order. LVSC objects to  
12 the deposition topics to the extent they call for information outside the time limitations set forth  
13 in this Court's June 23, 2011 Order, with the exception of discovery relating to the alleged  
14 defamatory statement identified in Jacobs' defamation claim, which is subject to a March 15,  
15 2011 to June 30, 2011 time period.

16 D. Topics 8, 16-21, 25-31 And 59-62 Are Overbroad, Seek Information Irrelevant To  
17 This Case And Constitute An Improper Fishing Expedition And Much Of The  
18 Information Is Obtainable From More Convenient, Less Burdensome Sources.

19 1. Topics 8, 25 and 59: Communications with Macau and United States  
20 Government Officials

21 Topics 8, 25 and 59 seek:

22 8. The date, persons involved and substance of any communications with any  
23 Macau government official concerning the facts and allegations of this action.

24 \* \* \*

25 25. The facts provided to any official and/or officer of the United States  
26 government from October 23, 2010 to the present that in any way relates to,  
27 references or concerns the Plaintiff, his complaint in this action or your defenses  
28 to this action, including (but not limited to) documents provided or discussed.

\* \* \*

59. All communications had with, or presentations made by, any officer,  
employee, agent or representative of LVSC to any official of the United States or  
any State concerning the following:

- 1 a. Steven C. Jacobs
- 2 b. Pansy Ho
- 3 c. Leonel Alves
- 4 d. WDR
- 5 e. Cheung Chi Tai
- 6 f. Charles Heung
- 7 g. Yvonne Mao
- 8 h. Angelo Leon
- 9 i. Ng Lop Sing
- 10 j. Jack Lam
- 11 k. Lee Chai Ming
- 12 l. Edmund Ho
- 13 m. Fernando Choy
- 14 n. Luis Melo
- 15 o. Ben Toh

16 These requests are objectionable for several reasons. First, Topic 8 seeks information  
17 regarding “any communications with any Macau government official” on subject matter  
18 “concerning the facts and allegations of this action.” Topic 25 is nearly identical – though  
19 focused on United States government officials – extending to Jacobs’ “complaint in this action or  
20 your defenses to this action.” The FAC is 97 paragraphs, with numerous sub-paragraphs.  
21 Asking LVSC to prepare a witness to testify regarding all these allegations – and LVSC’s  
22 defenses – is both absurd and contrary to the law. NRCP 30(b)(6) places an “obligation on  
23 [Jacobs] to designate with painstaking specificity...the particular subject areas that are intended  
24 to be questioned.” *Century Surety*, 2014 WL 7666061, at \*4. “Where ... the [deponent] cannot  
25 identify the outer limits of the areas of inquiry noticed, compliant designation is not feasible.”  
26 *Reed*, 193 F.R.D. at 692.

27 Second, Topics 8 and 25 are not reasonably calculated to lead to the discovery of  
28 admissible evidence. What LVSC may have disclosed to a government official – whether in

1 Macau, the United States or elsewhere – has no bearing on the FAC’s allegations, or any defense  
2 LVSC might raise. Jacobs’ discovery should be focused on *facts* – rather than a fishing  
3 expedition into alleged conversations with Macau or United States officials. On that point,  
4 LVSC has agreed to produce a witness to testify regarding the facts surrounding LVSC’s  
5 relationship with Jacobs, along with the relationship with Leonel Alves, Cheung Chi Tai, Jack  
6 Lam and WDR. But this Court should not sanction Jacobs’ fishing expedition focused on  
7 alleged communications with government officials.

8 Third, consistent with LVSC’s general objection above, Topics 8 and 59 have no  
9 temporal scope limitation, and Topic 8’s time period – October 23, 2010 to the present – is  
10 outside the limitations set by this Court.

11 Fourth, even if Topic 8 sought relevant information – which it does not – the inquiry  
12 would be better directed to SCL – which actually has operations in Macau. *See* NRCP 26(b)(2)  
13 (court may bar discovery if the information sought is “obtainable from some other source that is  
14 more convenient, less burdensome, or less expensive”).

15 In short, LVSC should not have to shoulder the undue burden of producing a witness on  
16 Topics 8, 25 and 59, which are designed to harass LVSC and not reasonably calculated to lead to  
17 the discovery of admissible evidence. Further, LVSC notes that, depending on what questions  
18 are asked at the Rule 30(b)(6) deposition, an inquiry into these topics may implicate matters  
19 protected by the attorney-client privilege, work product doctrine or other applicable privileges or  
20 laws. *See, e.g.* NRS 463.120 and NRS 463.3407. LVSC is entitled to a protective order on  
21 Topics 8, 25 and 59.

22 2. Topics 16-19 and 31: Investigations Relating to the FCPA and Money  
23 Laundering

24 Topics 16-19 and 31 seek:

25 16. Any suspected violations of the Foreign Corrupt Practices Act by any  
26 LVSC officer, employee, agent or representative that in any way relates to,  
references or concerns Macau and/or China.

27 17. All investigations conducted concerning and officer, employee, agent or  
28 representative of LVSC as to potential violations of Foreign Corrupt Practices Act  
that in any way relates to, references or concerns Macau and/or China.

1  
2 18. Any suspected violations of the Foreign Corrupt Practices Act by any  
3 Sands China officer, employee, agent or representative that in any way relates to,  
4 references or concerns Macau and/or China.

5 19. All investigations conducted concerning any officer, employee, agent or  
6 representative of Sands China as to potential violations of Foreign Corrupt  
7 Practices Act that in any way relates to, references or concerns Macau and/or  
8 China.

9 \* \* \*

10 31. Any investigations conducted by LVSC or any of its officers, agents or  
11 representatives as to potential or suspected money laundering from January 1,  
12 2009 to the present, including but not limited to the identity of all persons  
13 involved, documents in any investigation, with whom such information was  
14 shared and the investigations' ultimate outcome/conclusion.

15 Here again, Topics 16-19 and 31 make clear Jacobs' intent to harass and attempt to  
16 embarrass LVSC, rather than conduct discovery in good faith. The FAC's allegations pertaining  
17 to the FCPA are limited and focused on Leonel Alves. *See, e.g.,* FAC ¶¶ 31(d) and 33. In  
18 contrast, Topics 16-19 are broadly directed at "[a]ny suspected violations of the Foreign Corrupt  
19 Practices Act" or "[a]ll...potential violations of Foreign Corrupt Practices Act" in China or  
20 Macau, *with no time limitation whatsoever*. Similarly, Topic 20 is directed at "[a]ny  
21 investigation" into "potential or suspected money laundering" – although Topic 20 does not even  
22 have the qualification of some connection to China or Macau. And the FAC only explicitly  
23 references money laundering in paragraph 35, which alleges that Jacobs raised concerns with  
24 respect to potential money laundering involving an entity identified as WDR.

25 LVSC objects because these topics are overbroad, unduly burdensome, designed to  
26 harass LVSC and not reasonably calculated to lead to the discovery of admissible evidence.  
27 Further, LVSC notes that, depending on what questions are asked at the Rule 30(b)(6)  
28 deposition, an inquiry into these topics may implicate matters protected by the attorney-client  
privilege, work product doctrine or other applicable privileges or laws. Without waiving those  
objections, LVSC will produce a witness to testify to non-privileged facts concerning Leonel  
Alves and WDR. But Jacobs' request that LVSC prepare a witness to testify to any and all  
investigations focused on the FCPA or suspected FCPA violations in China or Macau with no

1 time limitation, along with all investigations into suspected money laundering *regardless of the*  
2 *location*, is absurd. This is a fishing expedition, nothing more. “Discovery into matters not  
3 relevant to the case imposes a *per se* undue burden.” *Deere & Company*, 2015 WL 1385210, at  
4 \*9. Beyond the clear irrelevance of Topics 16-19 and 31, the requests are incredibly overbroad,  
5 lacking in geographic limitation and temporal scope and with no specificity in terms of  
6 transactions or subject matter whatsoever (which is not surprising, since Jacobs cannot provide  
7 such specificity since he never raised concerns outside of Alves, underscoring again the complete  
8 irrelevance of these topics to Jacobs’ wrongful discharge claim). An overbroad 30(b)(6) notice  
9 “subjects the noticed party to an impossible task. To avoid liability, the noticed party must  
10 designate persons knowledgeable in the areas of inquiry listed in the notice. Where ... the  
11 [deponent] cannot identify the outer limits of the areas of inquiry noticed, compliant designation  
12 is not feasible.” *Reed*, 193 F.R.D. at 692.

13 Jacobs may argue that Topic 31 is directed at the allegations in FAC ¶ 34, which alleges  
14 that Jacobs developed concerns regarding, among other things, the following:

15 (ii) allegations concerning LVSC’s practice of couriering undeclared monies into  
16 the United States to repay gambling debts of third parties and/or to be used to  
17 fund accounts for non-residents once they arrived in the country; (iii) LVSC’s  
18 practice referred to as the Affiliate Transaction Advise (“ATA”), which allowed  
19 third parties and gamblers to move money into the United States by depositing  
20 monies with an LVSC overseas affiliate or marketing office, creating an account  
21 in Las Vegas from which the depositor or their designee would be issued chips  
22 with which to gamble, and then transferring the “winnings” back offshore either  
23 to the original depositor or to a third party designee not involved in the  
24 transaction; (iv) using the ATA process to move monies for known and/or alleged  
25 members of Triads; and (v) structuring and/or using offshore subsidiaries to  
26 funnel monies onto the gaming floor.

27 Jacobs does not, however, allege that he reported these concerns to anyone at SCL or  
28 LVSC – much less that he was retaliated against for any such reports or that he was asked to  
participate in the alleged conduct and refused. In the absence of such allegations, the alleged  
wrongful conduct alluded to in Topic 31 has no relevance to this case. *See Allum v. Valley Bank*  
*of Nevada*, 114 Nev. 1313, 1317 (1998) (noting two general theories of tortious discharge, which  
require a showing that plaintiff was terminated for “(1) whistleblowing, or (2) refusing to



1 participate in illegal conduct”). Jacobs’ allegation of undisclosed “suspicions concerning the  
2 propriety of certain financial practices” does not “unilaterally alter the scope of discovery.”  
3 *Vives*, 2003 WL 282191, at \*1. With the exception of Leonel Alves and WDR, discovery on  
4 Topics 16-19 and 31 should be barred.

5 3. Topic 20: LVSC’s Relationship With 18 Undefined Entities/Individuals

6 Topic 20 seeks:

7 20. The direct or indirect relationships between LVSC or any of its  
8 subsidiaries - including (but not limited to) the date commenced, terminated,  
financial terms of and agreements - that concern any of the following:

- 9 a. Sociedade
- 10 b. Nove
- 11 c. Sun City
- 12 d. Neptune
- 13 e. Unik Ltd.
- 14 f. Shanghai Sat Leng
- 15 g. Dore
- 16 h. Tak Lek
- 17 i. Li Kwok Hung
- 18 j. Sat leng Unipessoal Limited
- 19 k. Cheung Chi Tai
- 20 l. Charles Heung
- 21 m. Yvonne Mao
- 22 n. Angela Leong
- 23 o. Ng Lap Sing
- 24 p. Jack Lam
- 25 q. Tantra Lotus Club
- 26 r. Lee Chai Ming

27  
28 Topic 20, with its sub-parts (a)-(r), is really 18 topics packaged as one. Actually, Topic 20 is

1 even broader in that it seeks information regarding the relationship between 18  
2 individuals/entities and “LVSC or any of its subsidiaries” and LVSC has multiple subsidiaries.  
3 Further, Topic 20 is not limited in time. Worse still, Topic 20 requests information on both  
4 “direct or indirect relationships” – with “indirect relationships” remaining undefined – and seeks  
5 apparently boundless categories of information within each sub-topic, “including (but not limited  
6 to) the date commenced, terminated, financial terms of and agreements.” Further, the  
7 entities/individuals are undefined and include items like “Dore,” “Nove” and “Sun City.” And  
8 none of the individuals/entities is referenced in the FAC (although Cheung Chi Tai is discussed  
9 in LVSC’s counterclaims). Moreover, LVSC notes that, depending on what questions are asked  
10 at the Rule 30(b)(6) deposition, an inquiry into these topics may implicate matters protected by  
11 the attorney-client privilege, work product doctrine or other applicable privileges or laws.  
12 Subject to these objections, LVSC will produce a witness to testify on the relationship between  
13 LVSC and Cheung Chi Tai, Charles Heung and Jack Lam. But beyond that, LVSC objects to  
14 Topic 20 because it is unduly burdensome, designed to harass LVSC and not reasonably  
15 calculated to lead to the discovery of admissible evidence. LVSC is entitled to a protective order  
16 for Topic 20.

17 4. Topic 21: The Clive Bassett Lawsuit

18 Topic 21 seeks:

19 21. Any communications with any Macau government official, including (but not  
20 limited to) Edmund Ho, concerning the settlement of the action styled *Clive Bassett*  
21 *Jones, et al v. Las Vegas Sands Corp., et al.*, Eighth Judicial District Court Case No. 06-  
A516404.

22 Topic 21 asks LVSC to provide a witness to testify to “[a]ny communications with any  
23 Macau government official” concerning the settlement of a lawsuit – a lawsuit that is nowhere  
24 referenced in the FAC. Jacobs provides no definition or any further description in his 30(b)(6)  
25 notice explaining how the lawsuit is relevant to this case. Further, Topic 21 is not limited to any  
26 particular time period. LVSC objects to Topic 21 because it is overbroad and not reasonably  
27 calculated to lead to the discovery of admissible evidence. LVSC also notes that, depending on  
28 what questions are asked at the Rule 30(b)(6) deposition, an inquiry into this topic may implicate

1 matters protected by the attorney-client privilege, work product doctrine or other applicable  
2 privileges or laws. LVSC is entitled to a protective order against producing a witness to testify  
3 on Topic 21.

4 5. Topic 26: Retraction Demands by LVSC, LVSC Officers and LVSC Directors

5 Topic 26 seeks:

6 26. Any demand for retraction of purported false and/or defamatory statements or  
7 publications made on behalf of LVSC or any of its officers or directors including (but not  
8 limited to) the date, the substance of the retraction, the participants and the substance of  
the purported defamatory/false statement.

9 Proving once again that Jacobs' concept of discovery has no bounds, Topic 26 seeks  
10 discovery on any retraction demands made by LVSC or "any of its officers or directors." Any  
11 claim of defamation by LVSC – let alone its officers or directors – has no relevance to this case.  
12 Further, Topic 26 has no limits on the time period. In a prior motion to compel, Jacobs argued  
13 that LVSC's prior communications about potential defamation litigation can be used to show  
14 malice in defaming Jacobs. But "[a]ctual malice is defined as knowledge of the falsity of a  
15 statement or a reckless disregard for its truth." *Posadas v. City of Reno*, 109 Nev. 448, 454  
16 (1993). To show malice, Jacobs must prove "what the defendant believed and intended to  
17 convey, and not what a reasonable person would have understood the message to be." *Id.*  
18 (emphasis added). Information concerning prior requests for retraction – whether by LVSC or  
19 its officers or directors – do not do that. Instead, this is yet another attempt by Jacobs to try and  
20 dig up dirt on LVSC in an effort to harass and embarrass the company. Indeed, Jacobs'  
21 contention in his motion to compel (relating to LVSC's response to Jacobs' Fourth Requests for  
22 Production of Documents) that he sought this discovery to show LVSC's "reputation is not as it  
23 now wants to pretend" (Mot. at 7:26) – while unavailing – is telling insofar as LVSC's reputation  
24 has no relevance to this case whatsoever. LVSC objects to Topic 26 because it is overbroad,  
25 unduly burdensome and not reasonably calculated to lead to the discovery of admissible  
26 evidence. Finally, LVSC notes that, depending on what questions are asked at the Rule 30(b)(6)  
27 deposition, an inquiry into this topics may implicate matters protected by the attorney-client  
28 privilege, work product doctrine or other applicable privileges or laws. Discovery on Topic 26

1 should be barred.

2 6. Topics 27-28: Investigations of Macau Government Officials

3 Topics 27-28 seek:

4 27. Any investigation conducted by LVSC, its officers, agents or  
5 representatives as to any Macau government or military official, including (but  
6 not limited to) the purpose of the investigation, date, all participants, substance,  
documents examined and/or considered, conclusions and to whom the outcome of  
the investigation were shared.

7 28. Any investigation conducted by LVSC, its officers, agents or  
8 representatives as to any China government or military official, including (but not  
9 limited to) the purpose of the investigation, date, all participants, substance,  
documents examined and/or considered, conclusions and to whom the outcome of  
10 the investigation were shared.

11 LVSC objects to these topics for several reasons. First, although Jacobs' FAC alleges  
12 that LVSC's chairman demanded "that secret investigations be performed regarding the business  
13 and financial affairs of various high-ranking members of the Macau government so that any  
14 negative information obtained could be used to exert 'leverage' in order to thwart government  
15 regulations/initiatives viewed as adverse to LVSC's interests," (FAC ¶ 31(c)), the dispute  
16 between Jacobs and LVSC has nothing to do with the content of the report. The dispute between  
17 the parties is whether Adelson ordered Jacobs to commission the report – as Jacobs alleges – or  
18 whether, as LVSC alleges in its counterclaim, Jacobs ordered the report without seeking  
19 authorization from the SCL Board or SCL's chairman and, upon receiving the report, kept it in  
20 his personal residence and did not advise LVSC, SCL's Board or SCL's chairman of the report's  
21 existence. Second, the topics seek specific details – including the purpose, date, participants and  
22 privileged information like "substance," "documents examined and/or considered" and  
23 "conclusions" – but then expand with the "including (but not limited to)" language. Such  
24 limitless requests make compliance impossible. *See Reed*, 193 F.R.D. at 692 ("Where ... the  
25 [deponent] cannot identify the outer limits of the areas of inquiry noticed, compliant designation  
26 is not feasible."). The lack of a time scope makes this topic even more unreasonably broad. In  
27 short, Topics 27-28 are overbroad, unduly burdensome and not reasonably calculated to lead to  
28 the discovery of admissible evidence. Moreover, LVSC notes that, depending on what questions

1 are asked at the Rule 30(b)(6) deposition, an inquiry into these topics may implicate matters  
2 protected by the attorney-client privilege, work product doctrine or other applicable privileges or  
3 laws. LVSC is entitled to a protective order with respect to Topics 27-28.

4 7. Topic 29: Alleged Transportation of Cash

5 Topic 29 seeks:

6 29. Any circumstances where cash or other currency exceeding a value of  
7 \$50,000 U.S. dollars was transported upon any airplane owned or leased by  
8 LVSC or any other entity controlled by Sheldon Adelson.

9 As with the topics described above, Jacobs cannot contend that Topic 29 is pursued in  
10 good faith. The FAC contains no discussion of cash or airplanes. This is a fishing expedition  
11 (and a misguided one at that). “Discovery into matters not relevant to the case imposes a *per se*  
12 undue burden.” *Deere & Company*, 2015 WL 1385210, at \*9. Jacobs cannot sustain his burden  
13 of showing relevance here. *See id.* (“when a discovery request does not have relevance on its  
14 face, the party seeking discovery has the burden to show relevancy.”). To the extent Topic 29 is  
15 directed at the FAC’s allegation (§ 34) that Jacobs was concerned about “allegations concerning  
16 LVSC’s practice of couriering undeclared monies into the United States to repay gambling debts  
17 of third parties and/or to be used to fund accounts for non-residents once they arrived in the  
18 country,” Jacobs does not allege that he reported these concerns to anyone at SCL or LVSC, or  
19 that he was retaliated against for any such reports or refusal to engage in this alleged misconduct.  
20 In the absence of such allegations, the alleged wrongful conduct alluded to in Topic 29 has no  
21 relevance to this case. *See Allum*, 114 Nev. at 1317 (noting two general theories of tortious  
22 discharge, which are termination for “(1) whistleblowing, or (2) refusing to participate in illegal  
23 conduct”). And Jacobs cannot “unilaterally alter the scope of discovery merely by including  
24 extraneous allegations in the complaint.” *Vives*, 2003 WL 282191, at \*1. Even if Jacobs could  
25 somehow articulate a relevance theory – which he cannot – Topic 29 has no temporal scope  
26 limitation. And further, LVSC would have no way of knowing whether some individual, on  
27 some occasion may have transported currency exceeding a value of \$50,000 U.S. dollars on an  
28 LVSC-owned or leased plane, let alone a plane owned or leased by “any other entity controlled

1 by Sheldon Adelson.” Bottom line, Topic 29 is overbroad, unduly burdensome and not  
2 reasonably calculated to lead to the discovery of admissible evidence. Further, LVSC notes that,  
3 depending on what questions are asked at the Rule 30(b)(6) deposition, an inquiry into this topic  
4 may implicate matters protected by the attorney-client privilege, work product doctrine or other  
5 applicable privileges or laws. Discovery on Topic 29 should be barred.

6 8. Topic 30: Prior Actual/Threatened Cause Terminations

7 Topic 30 seeks:

8 30. The actual, attempted or threatened termination or separation for cause of  
9 any person holding the position of Vice President or above from January 2008 to  
10 the present, including (but not limited to) name, date, or separation events which  
constituted purported cause, and the ultimate resolution.

11 The breadth of Topic 30 is ridiculous. It is difficult to estimate the number of people who  
12 have worked at LVSC since 2008 with the title of Vice President or above. And rather than seek  
13 information solely on cause terminations – which would still be overbroad, unduly burdensome  
14 and irrelevant – Jacobs seeks information on “actual, attempted, or threatened” cause of  
15 terminations too. Further, even if limited to cause terminations, this topic seeks non-parties’  
16 highly sensitive personal information – based on nothing more than Jacobs’ apparent speculation  
17 that these sensitive details might shed light on LVSC’s interpretation of “cause.” But LVSC’s  
18 prior positions on what might – or might not – constitute cause have no bearing on whether cause  
19 existed in the case of Jacobs termination (particularly since Jacobs was not an employee of  
20 LVSC).

21 *Murphy v. Kmart Corp.*, 255 F.R.D. 497 (D.S.D. 2009), is instructive. In *Murphy*, the  
22 plaintiff included “[t]he corporate history of Kmart Corporation, Kmart Holding Corporation,  
23 Sears Corporation, Sears Corporation, and Sears Holdings Corporation for the last ten (10) years,  
24 i.e., relationship of Kmart Corporation, Kmart Holding Corporation, Sears Corporation, and  
25 Sears Holdings Corporation and the bankruptcy in 2001” in its Rule 30(b)(6) deposition topics.  
26 *Id.* at 505. The Court found that this topic of inquiry did not satisfy the “reasonable specificity”  
27 standard of Rule 30(b)(6) because it “cover[ed] a tremendous amount of information that may be  
28 completely irrelevant to [Plaintiff’s] claims.” *Id.* at 506. Further, the Court held that the burden

1 is on the party requesting the deposition to satisfy the “reasonable particularity” standard, rather  
2 than the party being deposed to interpret the request in accordance and consistent with the  
3 underlying claims. *Id.*

4 Here, Topic 30 is extremely overbroad, unduly burdensome and not reasonably  
5 calculated to lead to the discovery of admissible evidence. LVSC further notes that, depending  
6 on what questions are asked at the Rule 30(b)(6) deposition, an inquiry into this topic may  
7 implicate matters protected by the attorney-client privilege, work product doctrine or other  
8 applicable privileges or laws. Based on the above, Topic 30 should be barred.

9 9. Topic 60: Hong Kong Stock Exchange Investigations

10 Topic 60 seeks:

- 11 60. Any investigation conducted by or for the HKSE regarding Jacobs, any  
12 stock options granted to Jacobs, and/or the facts and circumstances alleged  
13 in this action, including (but not limited to) all facts provided, the date, all  
14 participants, the substance, Documents examined and/or considered, and  
15 any conclusions.

16 In Topic 60, Jacobs returns to his focus on investigations and his pursuit of harassing and  
17 attempting to embarrass LVSC. While Jacobs’ pursuit of LVSC privileged investigations  
18 materials is inappropriate generally, here, Jacobs’ request is directed at investigations “conducted  
19 by or for the HKSE [Hong Kong Stock Exchange].” As noted above, where, as here, discovery  
20 is “obtainable from some other source that is more convenient, less burdensome, or less  
21 expensive,” (*Adele*, 2012 WL 5420256, at \*3) – specifically, the HKSE – a protective order is  
22 appropriate. Further, the FAC does not allege or even allude to any investigations “conducted by  
23 or for the HKSE.” Jacobs claims in this case relating to stock options are focused on his  
24 allegation that LVSC (and other defendants) acted wrongfully in failing to “honor his right to  
25 exercise [his] remaining stock options.” FAC ¶ 56. His claims having nothing to do with any  
26 HKSE investigation. And here again, Topic 60 has no specified time period. This Court should  
27 not permit discovery on Topic 60, which is overbroad, unduly burdensome and not reasonably  
28 calculated to lead to the discovery of admissible evidence. Finally, LVSC notes that, depending  
on what questions are asked at the Rule 30(b)(6) deposition, an inquiry into this topic may

1 implicate matters protected by the attorney-client privilege, work product doctrine or other  
2 applicable privileges or laws. LVSC is entitled to a protective order with respect to Topic 60.

3 10. Topic 61: Investigations Regarding Macau/Chinese Sports Teams

4 Topic 61 seeks:

5 61. Any investigation into or funds paid for acquiring the rights to any sports  
6 team in Macau or Mainland China, including (but not limited to) all facts,  
participants, Documents reviewed and conclusions.

7 Topic 61 is vague, extremely overbroad and not reasonably calculated to lead to the  
8 discovery of admissible evidence. Topic 61 references “any sports team” – with no details as to  
9 the team, the sport or anything else that might assist LVSC in meaningfully responding to this  
10 request. The FAC nowhere references any acquisition of a sports team. The closest the FAC  
11 comes is a vague and unintelligible reference to “concerns” Jacobs developed regarding, among  
12 other things, “the basketball team.” FAC ¶ 34. But here again, Jacobs does not allege that he  
13 reported these concerns to anyone at SCL or LVSC, or that he was retaliated against for any such  
14 reports, and, in the absence of such allegations, the alleged conduct alluded to in Topic 61 has no  
15 relevance to this case. *See Allum*, 114 Nev. at 1317. Beyond the lack of relevance, Topic 60 is  
16 extremely broad generally and even more so because of the absence of any temporal scope.  
17 LVSC further notes that, depending on what questions are asked at the Rule 30(b)(6) deposition,  
18 an inquiry into this topic may implicate matters protected by the attorney-client privilege, work  
19 product doctrine or other applicable privileges or laws. Discovery on Topic 60 should be barred.

20 11. Topic 62: LVSC Credit/Bank Obligations

21 Topic 62 seeks:

22 62. The facts concerning any default of any credit instrument or bank  
23 obligations by LVSC or any of its subsidiaries between January 1, 2008 and July  
24 23, 2010, including (but not limited to) the nature of the default, the financial  
25 terms of the default and the manner in which the potential default was avoided or  
default remedied.

26 Topic 62 is yet another transparent attempt to harass and embarrass LVSC. The FAC’s  
27 only reference to LVSC’s credit is in paragraph 14, which states “LVSC faced increased cash  
28 flow needs, which, in turn, threatened to trigger a breach of the company’s maximum leverage



ratio covenant in its U.S. credit facilities.” That allegation has nothing to do with Jacobs’ claims in this case. Extraneous allegations in the complaint do not alter the scope of discovery. *Vives*, 2003 WL 282191, at \*1. Further, the topic is vague in that “bank obligations” is undefined and subject to an extremely broad construction. Further, the details requested are boundless in light of the “including (but not limited to)” language and Jacobs’ request for information relating to not just actual, but also “potential default[s].” In sum, Topic 62 is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Finally, LVSC notes that, depending on what questions are asked at the Rule 30(b)(6) deposition, an inquiry into this topic may implicate matters protected by the attorney-client privilege, work product doctrine or other applicable privileges or laws. LVSC is entitled to a protective order on Topic 62.

**E. LVSC Should Be Permitted To Respond To Topics 1-5, 9 And 58 By Interrogatory.**

Under NRCP 26(c)(3), this Court can order that “discovery may be had only by a method of discovery other than that selected by the party seeking discovery.” Courts have found that “[s]ome inquiries are better answered through contention interrogatories wherein the client can have the assistance of the attorney in answering complicated questions involving legal issues....Whether a Rule 30(b)(6) deposition or a Rule 33(c) contention interrogatory is more appropriate will be a case by case factual determination.” *United States v. Taylor*, 166 F.R.D. 356, 362 n. 7 (M.D.N.C. 1996).

Topics 1-5, 9 and 58 seek the following:

1. All efforts to locate responsive and discoverable documents, information and evidence in this action, including (but not limited to) files searched, search terms used, the date searches were conducted and the identity of all persons involved in the search.

2. All efforts to preserve information and evidence related to this action, including (but not limited to) notices sent, the date of preservation efforts and the identity of all persons involved in such preservation.

3. Any LVSC policies, memoranda, procedures, methods, instructions, customs and/or practices for maintaining, storing, organizing, preserving, archiving, saving and/or destroying Documents from January 1, 2009 to the present (specifically including, but not limited to, Documents related to Steven Jacobs).

5. Any Documents and/or ESI, or any portions thereof, relating to Jacobs or the claims or defenses asserted in this action that was concealed, lost, destroyed and/or misplaced and the circumstances behind such concealment, loss, destruction and/or misplacement.

9. All damages claimed by LVSC in its counterclaim, including the facts giving rise to those damages and the manner and means of calculation.

58. Any factual presentation, including any Documents, made during road shows for the potential IPO that would become Sands China, Ltd. concerning or relating to the following:

- LVSC objects to Topics 1-5 and 58, which are unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. LVSC's preservation efforts are irrelevant in the absence of a good-faith allegation that LVSC's preservation has been deficient. *Accord Watkins v. Hireright, Inc.*, 2013 WL 10448882, at \*2 (S.D. Cal. Nov. 18, 2013) (holding plaintiff was not entitled to conduct a 30(b)(6) deposition on preservation efforts because "[p]laintiff has failed to provide any evidence or support for the idea that Defendant has behaved improperly with respect to its efforts to preserve electronic data and Plaintiff has in fact already received a voluminous amount of discovery from Defendant"). As for the IPO, this is referenced only in passing in the FAC and some of the sub-topics in Topic 58 – *e.g.*, conflicts of interest – implicate potential legal questions. While LVSC's damages are relevant to this case, it is unduly burdensome to request a lay witness to explain all aspects of LVSC's potential damages, which involve both factual and legal questions. Further, LVSC notes that, depending on what questions

1 are asked at the Rule 30(b)(6) deposition, inquiry into these topics may implicate matters  
2 protected by the attorney-client privilege, work product doctrine or other applicable privileges or  
3 laws.

4 Notwithstanding these objections, LVSC is willing to provide information responsive to  
5 Topics 1-5 and 58 in the form of an interrogatory response, which will make the topics less  
6 burdensome. Similarly, LVSC is willing to provide information responsive to Topic 9 in the  
7 form of an interrogatory response. Based on the above, LVSC requests a protective order  
8 permitting it to respond to Topics 1-5, 9 and 58 by interrogatory.

9 **F. Jacobs' Notice Did Not Provide Sufficient Notice And Time For LVSC To Prepare**  
10 **Its Witnesses.**

11 Jacobs' Notice, which purported to require LVSC to designate individuals to testify on  
12 over 100 topics and to adequately prepare themselves to testify on behalf of the company within  
13 18 days, is patently unreasonable from a timing perspective. Not only are the breadth of the  
14 issues in the topics problematic, but schedules (including pre-existing summer vacation  
15 schedules) of individuals who LVSC may designate on certain topics makes their preparation for  
16 the deposition challenging. For these reasons, LVSC should be required to produce its first  
17 witness no earlier than the week of August 24, which will permit LVSC time to prepare  
18 witnesses to respond to the topics as narrowed by the Court at the hearing of this motion.

19  
20  
21  
22  
23  
24  
25  
26  
27 ///

28 ///

III.

CONCLUSION

For the reasons set forth above, LVSC respectfully requests a protective order: (a) prohibiting discovery to the extent Jacobs' 30(b)(6) notice calls for information outside the time limitations set forth in this Court's June 23, 2011 Order, with the exception of discovery relating to the alleged defamatory statement identified in Jacobs' defamation claim, which is subject to a March 15, 2011 to June 30, 2011 time period; (b) barring discovery as to Topics 8, 16-21, 25-31 and 59-62 in Plaintiff's 30(b)(6) Notice as set forth above; and (c) providing that LVSC should be required to begin producing its witnesses not earlier than the week of August 24.

DATED August 3, 2015.

/s/ Stephen Peek

J. Stephen Peek, Esq.  
Robert J. Cassity, Esq.  
Holland & Hart LLP  
9555 Hillwood Drive, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89134

*Attorneys for Defendant Las Vegas Sands Corp.*

Holland & Hart LLP  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, Nevada 89134

**CERTIFICATE OF SERVICE**

I hereby certify that on the 5<sup>th</sup> day of August 2015, a true and correct copy of the foregoing **MOTION FOR PROTECTIVE ORDER** was served by the following method(s):

☒ Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

James J. Pisanelli, Esq.  
Debra L. Spinelli, Esq.  
Todd L. Bice, Esq.  
Pisanelli & Bice  
3883 Howard Hughes Parkway, Suite 800  
Las Vegas, Nevada 89169  
214-2100  
214-2101 – fax  
jjp@pisanellibice.com  
dls@pisanellibice.com  
tlb@pisanellibice.com  
kap@pisanellibice.com – staff  
see@pisanellibice.com – staff

*Attorney for Plaintiff*

J. Randall Jones, Esq.  
Mark M. Jones, Esq.  
Kemp Jones & Coulthard, LLP  
3800 Howard Hughes Parkway, 17th Floor  
Las Vegas, Nevada 89169

*Attorneys for Sands China, Ltd*

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

*Attorneys for Sheldon Adelson*



An Employee of Holland & Hart LLP

EXHIBIT A

EXHIBIT A

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

**NOTC**

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

[JJP@pisanellibice.com](mailto:JJP@pisanellibice.com)

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

[TLB@pisanellibice.com](mailto:TLB@pisanellibice.com)

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

[DLS@pisanellibice.com](mailto:DLS@pisanellibice.com)

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

[JTS@pisanellibice.com](mailto:JTS@pisanellibice.com)

**PISANELLI BICE PLLC**

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 NRCP 30(b)(6)  
VIDEOTAPED DEPOSITION OF  
LAS VEGAS SANDS CORP.**

Date of Deposition: July 28, 2015

Time of Deposition: 9:30 a.m.

PLEASE TAKE NOTICE that at 9:30 a.m. on July 28, 2015, pursuant to Rule 30(b)(6) of the Nevada Rules of Civil Procedure, Plaintiff, Stephen C. Jacobs, by and through his counsel will take the videotaped deposition of the Rule 30(b)(6) designee for Las Vegas Sands Corp. ("LVSC") at the law office of PISANELLI BICE PLLC, located at 400 South 7th Street, Suite 300, Las Vegas, Nevada 89101. The deposition will be taken upon oral examination, before a Notary Public, videographer and/or before some other officer authorized by law to administer oaths.

1 Pursuant to NRCP 30(b)(6), LVSC is required to designate individual[s] to provide  
2 testimony on all of the following topics:

3 1. All efforts to locate responsive and discoverable documents, information and  
4 evidence in this action, including (but not limited to) files searched, search terms used, the date  
5 searches were conducted and the identity of all persons involved in the search.

6 2. All efforts to preserve information and evidence related to this action, including  
7 (but not limited to) notices sent, the date of preservation efforts and the identity of all persons  
8 involved in such preservation.

9 3. Any LVSC policies, memoranda, procedures, methods, instructions, customs  
10 and/or practices for maintaining, storing, organizing, preserving, archiving, saving and/or  
11 destroying Documents from January 1, 2009 to the present (specifically including, but not limited  
12 to, Documents related to Steven Jacobs).

13 4. Any LVSC policies, memoranda, procedures, methods, instructions, customs  
14 and/or practices for maintaining, storing, backing-up, organizing, preserving, archiving, saving  
15 and/or destroying electronically stored information from January 1, 2009 to the present  
16 (specifically including, but not limited to, Steven Jacobs).

17 5. Any Documents and/or ESI, or any portion thereof, relating to Jacobs or the  
18 claims or defenses asserted in this action that was concealed, lost, destroyed and/or misplaced and  
19 the circumstances behind such concealment, loss, destruction and/or misplacement.

20 6. Any efforts by or on behalf of LVSC to determine whether each current and/or  
21 former employee of LVSC has or had any Documents and/or ESI related to Jacobs or the claims  
22 and defenses in this action.

23 7. All efforts to obtain consents from anyone under the MPDPA from January 1,  
24 2009 to the present, including (but not limited to) the date of such efforts, the identity of all  
25 persons or consents were sought and the identity of all persons involved in procuring consents.

26 8. The date, persons involved and substance of any communications with any Macau  
27 government official concerning the facts and allegations of this action.

28



1           9.     All damages claimed by LVSC in its counterclaim, including the facts giving rise  
2 to those damages and the manner and means of calculation.

3           10.    All communications with any government official either in the United States or  
4 Macau, Hong Kong or China concerning the MPDPA and its purported requirements, including  
5 (but not limited to) all efforts to obtain any authorizations or consents for the search of documents  
6 from January 1, 2009 to the present.

7           11.    All communications with prior employers of Plaintiff and/or Vagus Group,  
8 including (but not limited to) the participants in any such communications, the date, the substance  
9 of the communication, and any documents discussed or obtained.

10          12.    The factual basis for claiming that Plaintiff has stolen any property or information.

11          13.    All investigations into Plaintiff and/or family members, including (but not limited  
12 to) the identity of all participants, the contents of all written or verbal reports, all conclusions, and  
13 all persons with whom the information was shared.

14          14.    All alleged breaches of fiduciary or employment obligations by Jacobs, including  
15 (but not limited to) the date, all persons with knowledge, the alleged breaches and the location of  
16 all documents concerning any such purported breach.

17          15.    The formation, purpose and operations of WDR, LLC and its subsequent  
18 dissolution, including (but not limited to) its involvement in any transfers of funds.

19          16.    Any suspected violations of the Foreign Corrupt Practices Act by any LVSC  
20 officer, employee, agent or representative that in any way relates to, references or concerns  
21 Macau and/or China.

22          17.    All investigations conducted concerning any officer, employee, agent or  
23 representative of LVSC as to potential violations of Foreign Corrupt Practices Act that in any  
24 way relates to, references or concerns Macau and/or China.

25          18.    Any suspected violations of the Foreign Corrupt Practices Act by any Sands China  
26 officer, employee, agent or representative that in any way relates to, references or concerns  
27 Macau and/or China.

28

1           19. All investigations conducted concerning any officer, employee, agent or  
2 representative of Sands China as to potential violations of Foreign Corrupt Practices Act that in  
3 any way relates to, references or concerns Macau and/or China.

4           20. The direct or indirect relationships between LVSC or any of its subsidiaries –  
5 including (but not limited to) the date commenced, terminated, financial terms of and agreements  
6 – that concern any of the following:

- 7           a. Sociedade
- 8           b. Nove
- 9           c. Sun City
- 10          d. Neptune
- 11          e. Unik Ltd.
- 12          f. Shanghai Sat Leng
- 13          g. Dore
- 14          h. Tak Lek
- 15          i. Li Kwok Hung
- 16          j. Sat leng Unipessoal Limited
- 17          k. Cheung Chi Tai
- 18          l. Charles Heung
- 19          m. Yvonne Mao
- 20          n. Angela Leong
- 21          o. Ng Lap Sing
- 22          p. Jack Lam
- 23          q. Tantra Lotus Club
- 24          r. Lee Chai Ming

25           21. Any communications with any Macau government official, including (but not  
26 limited to) Edmund Ho, concerning the settlement of the action styled *Clive Bassett Jones, et al v.*  
27 *Las Vegas Sands Corp., et al.*, Eighth Judicial District Court Case No. 06-A516404.

1           22. Any communications with Leonel Alves concerning payments to any third parties  
2 in exchange for receiving any form of government approvals such as (but not limited to) strata  
3 title, including (but not limited to) the date, substance of the communication and all participants  
4 to any communication[s].

5           23. The form of any notice given to Plaintiff concerning any alleged breach of  
6 fiduciary duty or terms/conditions of employment, including (but not limited to) the date,  
7 substance of the notice and all participants in the communication[s].

8           24. The award of any stock options or grants to Plaintiff, including (but not limited to)  
9 the factual basis for the award, the value of those options/grants when awarded, the maximum  
10 value of those options from the date of award to the present and the basis for any  
11 termination/non-exercise of the award.

12           25. The facts provided to any official and/or officer of the United States government  
13 from October 23, 2010 to the present that in any way relates to, references or concerns the  
14 Plaintiff, his complaint in this action or your defenses to this action, including (but not limited to)  
15 documents provided or discussed.

16           26. Any demand for retraction of purported false and/or defamatory statements or  
17 publications made on behalf of LVSC or any of its officers or directors including (but not limited  
18 to) the date, the substance of the retraction, the participants and the substance of the purported  
19 defamatory/false statement.

20           27. Any investigation conducted by LVSC, its officers, agents or representatives as to  
21 any Macau government or military official, including (but not limited to) the purpose of the  
22 investigation, date, all participants, substance, documents examined and/or considered,  
23 conclusions and to whom the outcome of the investigation were shared.

24           28. Any investigation conducted by LVSC, its officers, agents or representatives as to  
25 any China government or military official, including (but not limited to) the purpose of the  
26 investigation, date, all participants, substance, documents examined and/or considered,  
27 conclusions and to whom the outcome of the investigation were shared.

28

1           29. Any circumstances where cash or other currency exceeding a value of  
2 \$50,000 U.S. dollars was transported upon any airplane owned or leased by LVSC or any other  
3 entity controlled by Sheldon Adelson.

4           30. The actual, attempted or threatened termination or separation for cause of any  
5 person holding the position of Vice President or above from January 2008 to the present,  
6 including (but not limited to) name, date, or separation events which constituted purported cause,  
7 and the ultimate resolution.

8           31. Any investigations conducted by LVSC or any of its officers, agents or  
9 representatives as to potential or suspected money laundering from January 1, 2009 to the  
10 present, including but not limited to the identity of all persons involved, documents in any  
11 investigation, with whom such information was shared and the investigations' ultimate  
12 outcome/conclusion.

13           32. The factual basis for any claim by LVSC that the Term Sheet dated August 3,  
14 2009, which it filed with the United State Securities and Exchange Commission, is not valid and  
15 binding.

16           33. Your access to and review of any phone records for Plaintiff, including the date of  
17 review, the participants, and the contents of all phone records reviewed.

18           34. The access to and review of the contents of any phone used by Plaintiff, including  
19 (but not limited to) who obtained the phone, any representations made to obtain access or  
20 possession, the contents of any information obtained and with whom the contents were shared.

21           35. The communications with any representative of the news media about Plaintiff  
22 from June 22, 2010 to the present.

23           36. The allegations in your counterclaim at Paragraph 17 that "Jacobs was violating  
24 his obligations not only to Sands China but also to the LVSC as the majority shareholder of  
25 Sands China."

26           37. The allegations in your counterclaim at Paragraphs 18-21 that Jacobs violated a  
27 "non-competition deed."  
28

1           38.     The allegations in your counterclaim at Paragraphs 22-26 that "Jacobs endangers  
2 LVSC's and Sands China's relationship with the governments of Macau and China."

3           39.     The allegations in your counterclaim at Paragraphs 27-40 that "Jacobs delays  
4 terminating the contract between Cheung Chi-Tai and VML."

5           40.     The allegations in your counterclaim at Paragraphs 41-47 that "Jacobs'  
6 employment is terminated by Sands China and VML for cause and Jacobs initiates his extortion  
7 scheme."

8           41.     The allegations in your counterclaim at Paragraphs 48-52 that "Jacobs files a  
9 wrongful suit against LVSC in furtherance of his scheme."

10          42.     The allegations in your counterclaim at Paragraphs 53-60 that Jacobs has engaged  
11 in "abuse of process."

12          43.     The allegations in your counterclaim at Paragraphs 61-68 that Jacobs is engaged in  
13 "business defamation/disparagement."

14          44.     The allegations in your counterclaim at Paragraphs 69-74 that Jacobs undertook  
15 "intentional interference with respect to the economic advantage."

16          45.     The allegations in your counterclaim at Paragraphs 75-79 that Jacobs has  
17 undertaken "civil extortion."

18          46.     The factual basis for your Second Affirmative Defense that Jacobs' claims are  
19 barred by the doctrine of laches.

20          47.     The factual basis in your Third Affirmative Defense that Jacobs' claims are barred  
21 by the doctrine of unclean hands.

22          48.     The factual basis for your Fourth Affirmative Defense that Jacobs' claims are  
23 barred by the doctrine of estoppel.

24          49.     The factual basis for your Fifth Affirmative Defense that Jacobs' claims are barred  
25 by the doctrine of waiver.

26          50.     The factual basis for your Sixth Affirmative Defense that Jacobs' claims are barred  
27 by the doctrine of election of remedies.

28

1           51.     The factual basis for your Seventh Affirmative Defense that Jacobs' claims are  
2     barred by the doctrine of accord and satisfaction.

3           52.     The factual basis for your Eighth Affirmative Defense that Jacobs' damages, if  
4     any, were caused by his own actions and not by that of LVSC.

5           53.     The factual basis for your Ninth Affirmative Defense that at all times, LVSC acted  
6     in accordance with reasonable commercial standards, in good faith, and with ordinary care and  
7     LVSC's actions did not contribute to the alleged damages.

8           54.     The factual basis for your Tenth Affirmative Defense that Jacobs failed to do  
9     equity towards LVSC and, therefore, is not entitled to any relief from LVSC.

10          55.     The factual basis for your Twelfth Affirmative Defense that LVSC is not a party to  
11     the Term Sheet and, therefore, is not a proper party to the breach of contract claim.

12          56.     The factual basis for your Thirteenth Affirmative Defense that LVSC was not  
13     Jacobs' employer and, therefore, is not a proper party to the tortious discharge claim.

14          57.     The factual basis for your Fourteenth Affirmative Defense to the effect that Jacobs  
15     "breached his contractual and fiduciary obligations and therefore relieved LVSC of any further  
16     obligations" to Jacobs.

17          58.     Any factual presentation, including any Documents, made during road shows for  
18     the potential IPO that would become Sands China, Ltd. concerning or relating to the following:

- 19           a.     The roles and responsibilities of Sheldon G. Adelson
- 20           b.     The roles and responsibilities of Steven C. Jacobs
- 21           c.     The roles and responsibilities of Michael Leven
- 22           d.     The involvement by LVSC in Sands China's governance
- 23           e.     The potential conflicts of interest for LVSC
- 24           f.     The potential conflicts of interest for Sheldon Adelson
- 25           g.     The potential conflicts of interest for LVSC Board members
- 26           h.     Adelson's ability or inability to vote on matters relating to Sands China

1           59. All communications had with, or presentations made by, any officer, employee,  
2 agent or representative of LVSC to any official of the United States or any State concerning the  
3 following:

- 4           a. Steven C. Jacobs
- 5           b. Pansy Ho
- 6           c. Leonel Alves
- 7           d. WDR
- 8           e. Cheung Chi Tai
- 9           f. Charles Heung
- 10          g. Yvonne Mao
- 11          h. Angelo Leon
- 12          i. Ng Lop Sing
- 13          j. Jack Lam
- 14          k. Lee Chai Ming
- 15          l. Edmund Ho
- 16          m. Fernando Choy
- 17          n. Luis Melo
- 18          o. Ben Toh

19           60. Any investigation conducted by or for the HKSE regarding Jacobs, any stock  
20 options granted to Jacobs, and/or the facts and circumstances alleged in this action, including (but  
21 not limited to) all facts provided, the date, all participants, the substance, Documents examined  
22 and/or considered, and any conclusions.

23           61. Any investigation into or funds paid for acquiring the rights to any sports team in  
24 Macau or Mainland China, including (but not limited to) all facts, participants, Documents  
25 reviewed and conclusions.

26           62. The facts concerning any default of any credit instrument or bank obligations by  
27 LVSC or any of its subsidiaries between January 1, 2008 and July 23, 2010, including (but not  
28

1 limited to) the nature of the default, the financial terms of the default and the manner in which the  
2 potential default was avoided or default remedied.

3 63. The financial terms of any funding to LVSC provided by Sheldon G. Adelson or  
4 any trust or entity controlled by him to LVSC from January 1, 2008 and July 23, 2010, including  
5 (but not limited to) the financial terms of any such funding, any options provided, and the total  
6 cost of the funding to LVSC.

7 64. The total remuneration from LVSC and any of its subsidiaries, including salary,  
8 bonus, benefits, options, grants or anything else of value, paid to or received by Sheldon G.  
9 Adelson from January 1, 2007 to the present.

10 65. The total remuneration from LVSC and any of its subsidiaries, including salary,  
11 bonus, benefits, options, grants or anything else of value, paid to or received by Robert Goldstein  
12 from January 1, 2007 to the present.

13 66. The total remuneration from LVSC and any of its subsidiaries, including salary,  
14 bonus, benefits, options, grants or anything else of value, paid to or received by Mike Leven from  
15 January 1, 2007 to the present.

16 67. The total remuneration from LVSC and any of its subsidiaries, including salary,  
17 bonus, benefits, options, grants or anything else of value, paid to or received by Ken Kay from  
18 January 1, 2007 to the present.

19 68. The total remuneration from LVSC and any of its subsidiaries, including salary,  
20 bonus, benefits, options, grants or anything else of value, paid to or received by David Sisk from  
21 January 1, 2007 to the present.

22 69. The total remuneration from LVSC and any of its subsidiaries, including salary,  
23 bonus, benefits, options, grants or anything else of value, paid to or received by Steven C. Jacobs  
24 from January 1, 2007 to the present.

25 70. The total remuneration from LVSC and any of its subsidiaries, including salary,  
26 bonus, benefits, options, grants or anything else of value, paid to or received by Erwin Siegel  
27 from January 1, 2007 to the present.  
28



1           71.     The total remuneration from LVSC and any of its subsidiaries, including salary,  
2 bonus, benefits, options, grants or anything else of value, paid to or received by Jeff Schwartz  
3 from January 1, 2007 to the present.

4           72.     The total remuneration from LVSC and any of its subsidiaries, including salary,  
5 bonus, benefits, options, grants or anything else of value, paid to or received by George Koo from  
6 January 1, 2007 to the present.

7           73.     The total remuneration from LVSC and any of its subsidiaries, including salary,  
8 bonus, benefits, options, grants or anything else of value, paid to or received by Irwin Chafetz  
9 from January 1, 2007 to the present.

10          74.     The total remuneration from LVSC and any of its subsidiaries, including salary,  
11 bonus, benefits, options, grants or anything else of value, paid to or received by Charles Forman  
12 from January 1, 2007 to the present.

13          75.     The total remuneration from LVSC and any of its subsidiaries, including salary,  
14 bonus, benefits, options, grants or anything else of value, paid to or received by Steven Weaver  
15 from January 1, 2007 to the present.

16          76.     The total remuneration from LVSC and any of its subsidiaries, including salary,  
17 bonus, benefits, options, grants or anything else of value, paid to or received by Ed Tracy from  
18 January 1, 2007 to the present.

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

21                 DATED this 9th day of July, 2015.

22                                 PISANELLI BICE PLLC

23                                 By: /s/ Todd L. Bice

24   James J. Pisanelli, Esq., Bar No. 4027  
25   Todd L. Bice, Esq., Bar No. 4534  
26   Debra L. Spinelli, Esq., Bar No. 9695  
27   Jordan T. Smith, Esq., Bar No. 12097  
28   400 South 7th Street, Suite 300  
  Las Vegas, Nevada 89101

Attorneys for Plaintiff Steven C. Jacobs

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 9th day of July, 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 NRCP 30(b)(6) VIDEOTAPED DEPOSITION OF LAS VEGAS SANDS CORP.** properly addressed to the following:

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

Michael E. Lackey, Jr., Esq.  
MAYER BROWN LLP  
1999 K Street, N.W.  
Washington, DC 20006  
[mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com)

J. Randall Jones, Esq.  
Mark M. Jones, Esq.  
KEMP, JONES & COULTHARD  
3800 Howard Hughes Parkway, 17th Floor  
Las Vegas, NV 89169  
[jjrj@kempjones.com](mailto:jjrj@kempjones.com)  
[mmj@kempjones.com](mailto:mmj@kempjones.com)

Steve Morris, Esq.  
Rosa Solis-Rainey, Esq.  
MORRIS LAW GROUP  
900 Bank of America Plaza  
300 South Fourth Street  
Las Vegas, NV 89101  
[sm@morrislawgroup.com](mailto:sm@morrislawgroup.com)  
[rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com)

/s/ Kimberly Peets  
An employee of PISANELLI BICE PLLC

**EXHIBIT B**

**EXHIBIT B**

---

# PISANELLI BICE

July 22, 2015

TODD L. BICE  
ATTORNEY AT LAW  
702.214.2100 TEL  
702.214.2101 FAX  
TLB@PISANELLIBICE.COM

VIA EMAIL:  
[speek@hollandhart.com](mailto:speek@hollandhart.com)

J. Stephen Peek, Esq.  
HOLLAND & HART  
9555 Hillwood Drive, Second Floor  
Las Vegas, NV 89134

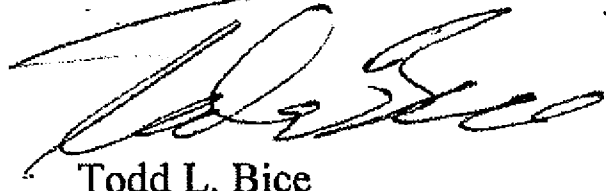
RE: *Jacobs v. Las Vegas Sands Corp. et al.*

Dear Steve:

The deposition of Las Vegas Sands Corp. pursuant to NRCP 30(b) is noticed for July 28, 2015. You have previously raised the need for additional time to address the notice. As I indicated to you, we are certainly willing to work with you on that, but require you to identify the topics to which you are objecting promptly so that we can get in front of the court on briefing and have those matters resolved. I have received no such list of items.

We are not going to let the July 28 deposition date pass without an agreement on the disputed topics and the briefing schedule for their immediate resolution by the court. Please provide me the list of the topics to which you are objecting, along with your proposed prompt briefing schedule for consideration.

Sincerely,



Todd L. Bice

TLB:smt

cc: All parties

EXHIBIT C

EXHIBIT C

## Steve Peek

---

**From:** Steve Peek  
**Sent:** Friday, July 24, 2015 2:22 PM  
**To:** 'Todd Bice'  
**Cc:** Shannon M. Thomas; Jordan T. Smith; mlackey@mayerbrown.com; r.jones@kempjones.com; m.jones@kempjones.com; Bob Cassity; sm@morrislawgroup.com; rsr@morrislawgroup.com; Valerie Larsen; Ferguson, James  
**Subject:** RE: Jacobs v. Sands China, et al.; correspondence re deposition

Todd:

Thank you for your response. I obviously misunderstood our earlier conference on the topic of the 30(b)(6) and thought that you were going to be the moving party. As to your schedule for a meet and confer, I am available on Tuesday at 2 PM. Please send a call in number. As to the briefing schedule, I need to discuss with my client who is currently out of the country. I'll get back to you on Monday regarding this issue after I have had an opportunity to confer with my client.

Steve

---

**From:** Todd Bice [<mailto:tlb@pisanellibice.com>]  
**Sent:** Thursday, July 23, 2015 9:27 PM  
**To:** Steve Peek  
**Cc:** Shannon M. Thomas; Jordan T. Smith; [mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com); [r.jones@kempjones.com](mailto:r.jones@kempjones.com); [m.jones@kempjones.com](mailto:m.jones@kempjones.com); Bob Cassity; [sm@morrislawgroup.com](mailto:sm@morrislawgroup.com); [rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com); Valerie Larsen; Ferguson, James  
**Subject:** Re: Jacobs v. Sands China, et al.; correspondence re deposition

Steve: it is not acceptable to ask us to cooperate on timing and then make the type of proposal that you have made. To begin with, it was not appropriate to delay until I forced a response by my letter. As I informed you from the very beginning on this issue, while we were willing to work with you on timing, we wanted the matter resolved by the court promptly. That was not and is not a consent for you to delay until the day before the scheduled deposition to finally provide a list of topics upon which you object. Had we simply enforce the requirements of the rule, you would've been required to have filed your motion before now and we would have been well on our way to a resolution, if not had the matter resolved by the court.

Furthermore, it is not my clients burden to file a motion. As the party objecting to a notice of deposition, your client has the burden of moving for and obtaining a protective order.

We will look at your objections and hold a 2.34 conference on Tuesday at 2 PM. You will need to file your motion no later than Friday of next week and have it set on an order shortening time. We will file an opposition to your motion on five business days and then we can hold a prompt hearing. We will not agree to let this be dragged out.

-- Todd.

On Jul 23, 2015, at 4:46 PM, Steve Peek <[S.Peek@hollandhart.com](mailto:S.Peek@hollandhart.com)> wrote:

Todd:

I will identify the topics in the 30(b)(6) notice to which we are objecting on or before Monday, July 27, 2015. I will be available for a meet and confer on Tuesday the 28th or Wednesday the 29th. I am in depositions on the 30th and 31st. For a briefing schedule, I would like at least 10 days to oppose your motion. You can pick the filing date and the reply period. You can also pick the hearing date so long as I have at least two full days to prepare for the hearing.

Steve

**From:** Shannon M. Thomas [<mailto:smt@pisanellibice.com>]

**Sent:** Wednesday, July 22, 2015 5:08 PM

**To:** Steve Peek

**Cc:** Todd Bice; Jordan T. Smith; [mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com); [r.jones@kempjones.com](mailto:r.jones@kempjones.com); [m.jones@kempjones.com](mailto:m.jones@kempjones.com); Bob Cassity; [sm@morrislawgroup.com](mailto:sm@morrislawgroup.com); [rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com)

**Subject:** Jacobs v. Sands China, et al.; correspondence re deposition

Attached please find correspondence from Mr. Bice. If you have any questions, please feel free to contact him directly at (702) 214-2100.

Thank you,

Shannon Thomas  
Assistant to Todd L. Bice and  
Jarrod L. Rickard  
Pisanelli Bice, LLC  
400 South 7<sup>th</sup> Street, Suite 300  
Las Vegas, NV 89101  
Phone: 702-214-2100  
Direct: 702-214-2106  
FAX: 702-214-2101  
E-Mail: [smt@pisanellibice.com](mailto:smt@pisanellibice.com)



*Please consider the environment before printing.*

This transaction and any attachment is privileged and confidential. Any dissemination or copying of this communication is prohibited. If you are not the intended recipient, please notify us immediately by replying and delete the message. Thank you.

EXHIBIT D

EXHIBIT D



**HOLLAND & HART** LLP



**J. Stephen Peek**  
Phone (702) 222-2544  
Fax (702) 669-4650  
speek@hollandhart.com

July 27, 2015

**VIA EMAIL AND U.S. MAIL**

Todd Bice, Esq.  
PISANELLI BICE  
400 S. 7th St. Suite 300  
Las Vegas, NV 89101  
[tlb@pisanellibice.com](mailto:tlb@pisanellibice.com)

**RE: Jacobs v Las Vegas Sands, Corp., et al.**

Dear Todd:

I am enclosing my responses and objections to your 30(b)(6) topics.

Sincerely yours,

  
J. Stephen Peek  
of Holland & Hart LLP

JSP

cc: J. Randall Jones, Esq.  
Steve Morris, Esq.  
James R. Ferguson, Esq.

**Holland & Hart LLP Attorneys at Law**

Phone (702) 669-4600 Fax (702) 669-4650 [www.hollandhart.com](http://www.hollandhart.com)

9555 Hillwood Drive, 2nd Floor Las Vegas, NV 89134

Aspen Billings Boise Boulder Carson City Cheyenne Colorado Springs Denver Denver Tech Center Jackson Hole Las Vegas Reno Salt Lake City Santa Fe Washington, D.C.

**RESPONSES AND OBJECTIONS TO TOPICS WITHIN  
JACOBS' NOTICE TO TAKE 30(B)(6) DEPOSITION OF LAS VEGAS SANDS CORP.**

1. All efforts to locate responsive and discoverable documents, information and evidence in this action, including (but not limited to) files searched, search terms used, the date searches were conducted and the identity of all persons involved in the search.

**Response:** LVSC objects to this topic to the extent it seeks information that is protected by the work product and attorney client privilege and on the further basis that such information related to files searched and search terms used has previously been provided to plaintiff and his counsel. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objections, LVSC agrees to provide such information in the form of an answer to an interrogatory.

2. All efforts to preserve information and evidence related to this action, including (but not limited to) notices sent, the date of preservation efforts and the identity of all persons involved in such preservation.

**Response:** LVSC objects to this topic to the extent it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

3. Any LVSC policies, memoranda, procedures, methods, instructions, customs and/or practices for maintaining, storing, organizing, preserving, archiving, saving and/or destroying Documents from January 1, 2009 to the present (specifically including, but not limited to, Documents related to Steven Jacobs).

**Response:** LVSC objects on the grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objections, LVSC agrees to provide such information in the form of an answer to an interrogatory within the date range agreed to by the parties and approved by the court.

4. Any LVSC policies, memoranda, procedures, methods, instructions, customs and/or practices for maintaining, storing, backing-up, organizing, preserving, archiving, saving and/or destroying electronically stored information from January 1, 2009 to the present (specifically including, but not limited to, Steven Jacobs).

**Response:** See Response to Topic 3

5. Any Documents and/or ESI, or any portions thereof, relating to Jacobs or the claims or defenses asserted in this action that was concealed, lost, destroyed and/or misplaced and the circumstances behind such concealment, loss, destruction and/or misplacement.

**Response:** LVSC objects to this topic to the extent it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objections, LVSC agrees to provide such information in the form of an answer to an interrogatory.

6. Any efforts by or on behalf of LVSC to determine whether each current and/or former employee of LVSC has or had any Documents and/or ESI related to Jacobs or the claims and defenses in this action.

**Response:** LVSC objects to this topic to the extent it seeks information that is protected by the work product and attorney client privilege and on the further basis that such information related to files searched and search terms used has previously been provided to plaintiff and his counsel. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

7. All efforts to obtain consents from anyone under the MPDPA from January 1, 2009 to the present, including (but not limited to) the date of such efforts, the identity of all persons or consents were sought and the identity of all persons involved in procuring consents.

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

8. The date, persons involved and substance of any communications with any Macau government official concerning the facts and allegations of this action.

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

9. All damages claimed by LVSC in its counterclaim, including the facts giving rise to those damages and the manner and means of calculation.

**Response:** LVSC agrees to provide such information in the form of an answer to an interrogatory.

10. All communications with any government official either in the United States or Macau, Hong Kong or China concerning the MPDPA and its purported requirements, including (but not limited to) all efforts to obtain any authorizations or consents for the search of documents from January 1, 2009 to the present.

LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

11. All communications with prior employers of Plaintiff and/or Vagus Group, including (but not limited to) the participants in any such communications, the date, the substance of the communication, and any documents discussed or obtained.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

12. The factual basis for claiming that Plaintiff has stolen any property or information.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

13. All investigations into Plaintiff and/or family members, including (but not limited to) the identity of all participants, the contents of all written or verbal reports, all conclusions, and all persons with whom the information was shared.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

14. All alleged breaches of fiduciary or employment obligations by Jacobs, including (but not limited to) the date, all persons with knowledge, the alleged breaches and the location of all documents concerning any such purported breach.

**Response:** LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

15. The formation, purpose and operations of WDR, LLC and its subsequent dissolution, including (but not limited to) its involvement in any transfers of funds.

**Response:** LVSC objects to this topic to the extent it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

16. Any suspected violations of the Foreign Corrupt Practices Act by any LVSC officer, employee, agent or representative that in any way relates to, references or concerns Macau and/or China.

**Response:** LVSC objects to this topic to the extent it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

17. All investigations conducted concerning and officer, employee, agent or representative of LVSC as to potential violations of Foreign Corrupt Practices Act that in any way relates to, references or concerns Macau and/or China.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

18. Any suspected violations of the Foreign Corrupt Practices Act by any Sands China officer, employee, agent or representative that in any way relates to, references or concerns Macau and/or China.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

19. All investigations conducted concerning any officer, employee, agent or representative of Sands China as to potential violations of Foreign Corrupt Practices Act that in any way relates to, references or concerns Macau and/or China.

**Response:** LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

20. The direct or indirect relationships between LVSC or any of its subsidiaries - including (but not limited to) the date commenced, terminated, financial terms of and agreements - that concern any of the following:

- a. Sociedade
- b. Nove
- c. Sun City
- d. Neptune
- e. Unik Ltd.
- f. Shanghai Sat Leng
- g. Dore
- h. Tak Lek
- i. Li Kwok Hung
- j. Sat leng Unipessoal Limited
- k. Cheung Chi Tai
- l. Charles Heung
- m. Yvonne Mao
- n. Angela Leong

- o. Ng Lap Sing
- p. Jack Lam
- q. Tantra Lotus Club
- r. Lee Chai Ming

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited (“SCL”). LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

21. Any communications with any Macau government official, including (but not limited to) Edmund Ho, concerning the settlement of the action styled *Clive Bassett Jones, et al v. Las Vegas Sands Corp., et al.*, Eighth Judicial District Court Case No. 06-A516404.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

22. Any communications with Leonel Alves concerning payments to any third parties in exchange for receiving any form of government approvals such as (but not limited to) strata title, including (but not limited to) the date, substance of the communication and all participants to any communication[s].

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited (“SCL”). LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness’ substantive deposition.

23. The form of any notice given to Plaintiff concerning any alleged breach of fiduciary duty or terms/conditions of employment, including (but not limited to) the date, substance of the notice and all participants in the communication[s].

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited (“SCL”).

Without waiving such objection and to the extent such information was provided to Jacobs by LVSC, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

24. The award of any stock options or grants to Plaintiff, including (but not limited to) the factual basis for the award, the value of those options/grants when awarded, the maximum value of those options from the date of award to the present and the basis for any termination/non-exercise of the award.

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it has already been discussed in previous discovery and depositions taken by Jacobs' in this matter.

Without waiving such objection and to the extent such information was provided to Jacobs by LVSC, LVSC will provide a witness on this topic, and to the extent not duplicative of previous discovery, at such time as the plaintiff seeks to take the same witness' substantive deposition.

25. The facts provided to any official and/or officer of the United States government from October 23, 2010 to the present that in any way relates to, references or concerns the Plaintiff, his complaint in this action or your defenses to this action, including (but not limited to) documents provided or discussed.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

26. Any demand for retraction of purported false and/or defamatory statements or publications made on behalf of LVSC or any of its officers or directors including (but not limited to) the date, the substance of the retraction, the participants and the substance of the purported defamatory/false statement.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

27. Any investigation conducted by LVSC, its officers, agents or representatives as to any Macau government or military official, including (but not limited to) the purpose of the investigation, date, all participants, substance, documents examined and/or considered, conclusions and to whom the outcome of the investigation were shared.

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it seeks information



that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

28. Any investigation conducted by LVSC, its officers, agents or representatives as to any China government or military official, including (but not limited to) the purpose of the investigation, date, all participants, substance, documents examined and/or considered, conclusions and to whom the outcome of the investigation were shared.

**Response:** LVSC objects to this topic on the basis that this inquiry is best directed to Sands China Limited ("SCL"). LVSC further objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

29. Any circumstances where cash or other currency exceeding a value of \$50,000 U.S. dollars was transported upon any airplane owned or leased by LVSC or any other entity controlled by Sheldon Adelson.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

30. The actual, attempted or threatened termination or separation for cause of any person holding the position of Vice President or above from January 2008 to the present, including (but not limited to) name, date, or separation events which constituted purported cause, and the ultimate resolution.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

31. Any investigations conducted by LVSC or any of its officers, agents or representatives as to potential or suspected money laundering from January 1, 2009 to the present, including but not limited to the identity of all persons involved, documents in any investigation, with whom such information was shared and the investigations' ultimate outcome/conclusion.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is overbroad, unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

32. The factual basis for any claim by LVSC that the Term Sheet dated August 3, 2009, which it filed with the United State Securities and Exchange Commission, is not valid and binding.

LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

33. Your access to and review of any phone records for Plaintiff, including the date of review, the participants, and the contents of all phone records reviewed.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

34. The access to and review of the contents of any phone used by Plaintiff, including (but not limited to) who obtained the phone, any representations made to obtain access or possession, the contents of any information obtained and with whom the contents were shared.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic at such time as the plaintiff seeks to take the same witness' substantive deposition.

35. The communications with any representative of the news media about Plaintiff from June 22, 2010 to the present.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objection, LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

36. The allegations in your counterclaim at Paragraph 17 that "Jacobs was violating his obligations not only to Sands China but also to the LVSC as the majority shareholder of Sands China."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

37. The allegations in your counterclaim at Paragraphs 18-21 that Jacobs violated a "non-competition deed."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

38. The allegations in your counterclaim at Paragraphs 22-26 that "Jacobs endangers LVSC's and Sands China's relationship with the governments of Macau and China."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

39. The allegations in your counterclaim at Paragraphs 27-40 that "Jacobs delays terminating the contract between Cheung Chi-Tai and VML."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

40. The allegations in your counterclaim at Paragraphs 41-47 that "Jacobs' employment is terminated by Sands China and VML for cause and Jacobs initiates his extortion scheme."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

41. The allegations in your counterclaim at Paragraphs 48-52 that "Jacobs files a wrongful suit against LVSC in furtherance of his scheme."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

42. The allegations in your counterclaim at Paragraphs 53-60 that Jacobs has engaged in "abuse of process."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

43. The allegations in your counterclaim at Paragraphs 61-68 that Jacobs is engaged in "business defamation/disparagement."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

44. The allegations in your counterclaim at Paragraphs 69-74 that Jacobs undertook "intentional interference with respect to the economic advantage."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

45. The allegations in your counterclaim at Paragraphs 75-79 that Jacobs has undertaken "civil extortion."

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

46. The factual basis for your Second Affirmative Defense that Jacobs' claims are barred by the doctrine of laches.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

47. The factual basis in your Third Affirmative Defense that Jacobs' claims are barred by the doctrine of unclean hands.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

48. The factual basis for your Fourth Affirmative Defense that Jacobs' claims are barred by the doctrine of estoppel.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

49. The factual basis for your Fifth Affirmative Defense that Jacobs' claims are barred by the doctrine of waiver.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

50. The factual basis for your Sixth Affirmative Defense that Jacobs' claims are barred by the doctrine of election of remedies.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

51. The factual basis for your Seventh Affirmative Defense that Jacobs' claims are barred by the doctrine of accord and satisfaction.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

52. The factual basis for your Eighth Affirmative Defense that Jacobs' damages, if any, were caused by his own actions and not by that of LVSC.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

53. The factual basis for your Ninth Affirmative Defense that at all times, LVSC acted in accordance with reasonable commercial standards, in good faith, and with ordinary care and LVSC's actions did not contribute to the alleged damages.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

54. The factual basis for your Tenth Affirmative Defense that Jacobs failed to do equity towards LVSC and, therefore, is not entitled to any relief from LVSC.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

55. The factual basis for your Twelfth Affirmative Defense that LVSC is not a party to the Term Sheet and, therefore, is not a proper party to the breach of contract claim.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

56. The factual basis for your Thirteenth Affirmative Defense that LVSC was not Jacobs' employer and, therefore, is not a proper party to the tortious discharge claim.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

57. The factual basis for your Fourteenth Affirmative Defense to the effect that Jacobs "breached his contractual and fiduciary obligations and therefore relieved LVSC of any further obligations" to Jacobs.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

58. Any factual presentation, including any Documents, made during road shows for the potential IPO that would become Sands China, Ltd. concerning or relating to the following:

- a. The roles and responsibilities of Sheldon G. Adelson
- b. The roles and responsibilities of Steven C. Jacobs
- c. The roles and responsibilities of Michael Leven
- d. The involvement by LVSC in Sands China's governance
- e. The potential conflicts of interest for LVSC
- f. The potential conflicts of interest for Sheldon Adelson
- g. The potential conflicts of interest for LVSC Board members
- h. Adelson's ability or inability to vote on matters relating to Sands China

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving such objections, LVSC agrees to provide such information in the form of an answer to an interrogatory.

59. All communications had with, or presentations made by, any officer, employee, agent or representative of LVSC to any official of the United States or any State concerning the following:

- a. Steven C. Jacobs
- b. Pansy Ho
- c. Leonel Alves
- d. WDR
- e. Cheung Chi Tai
- f. Charles Heung
- g. Yvonne Mao
- h. Angelo Leon
- i. Ng Lop Sing
- j. Jack Lam
- k. Lee Chai Ming
- l. Edmund Ho
- m. Fernando Choy
- n. Luis Melo
- o. Ben Toh

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

60. Any investigation conducted by or for the HKSE regarding Jacobs, any stock options granted to Jacobs, and/or the facts and circumstances alleged in this action, including (but not limited to) all facts provided, the date, all participants, the substance, Documents examined and/or considered, and any conclusions.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

61. Any investigation into or funds paid for acquiring the rights to any sports team in Macau or Mainland China, including (but not limited to) all facts, participants, Documents reviewed and conclusions.

**Response:** LVSC objects to this topic on the basis that it seeks information that is protected by the work product and attorney client privilege. LVSC objects on the further grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

62. The facts concerning any default of any credit instrument or bank obligations by LVSC or any of its subsidiaries between January 1, 2008 and July 23, 2010, including (but not limited to) the nature of the default, the financial terms of the default and the manner in which the potential default was avoided or default remedied.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

63. The financial terms of any funding to LVSC provided by Sheldon G. Adelson or any trust or entity controlled by him to LVSC from January 1, 2008 and July 23, 2010, including (but not limited to) the financial terms of any such funding, any options provided, and the total cost of the funding to LVSC.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and, without waiving such objections, LVSC will produce publicly-available information on this topic for the period 2009-2010.

64. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Sheldon G. Adelson from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and



approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

65. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Robert Goldstein from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

66. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Mike Leven from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

67. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Ken Kay from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

68. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by David Sisk from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

69. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Steven C. Jacobs from January 1, 2007 to the present.

**Response:** LVSC will provide a witness on this topic for the time period agreed and approved by the court at such time as the plaintiff seeks to take the same witness' substantive deposition.

70. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Erwin Siegel from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

71. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Jeff Schwartz from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

72. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by George Koo from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

73. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Irwin Chafetz from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

74. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Charles Forman from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

75. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Steven Weaver from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and

approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

76. The total remuneration from LVSC and any of its subsidiaries, including salary, bonus, benefits, options, grants or anything else of value, paid to or received by Ed Tracy from January 1, 2007 to the present.

**Response:** LVSC objects on the grounds that this topic is unduly burdensome, designed to harass LVSC, is a fishing expedition, is beyond the date range agreed by the parties and approved by the court and is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Although irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and, without waiving such objections, LVSC will produce publicly available information on this topic for the period 2009-2010.

EXHIBIT E

EXHIBIT E

## Valerie Larsen

---


**From:** Steve Peek  
**Sent:** Tuesday, July 28, 2015 3:53 PM  
**To:** Todd Bice  
**Cc:** Shannon M. Thomas; Jordan T. Smith; mlackey@mayerbrown.com; r.jones@kempjones.com; m.jones@kempjones.com; Bob Cassity; sm@morrislawgroup.com; rsr@morrislawgroup.com; Valerie Larsen; Ferguson, James  
**Subject:** RE: Jacobs v. Sands China, et al.; correspondence re deposition

All:

Let's proceed with the meet and confer tomorrow morning at 9:15 am to 10 am using Todd's dial-in number below.

Steve

**J. Stephen Peek, Esq.**  
**Partner**  
**Holland & Hart LLP**  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, Nevada 89134  
(702) 669-4600 (office)  
(702) 222-2544 (direct)  
(775) 247-1554 (Cell)  
E-mail: [speek@hollandhart.com](mailto:speek@hollandhart.com)

HOLLAND & HART 

CONFIDENTIALITY NOTICE: This message is confidential and may be privileged. If you believe that this email has been sent to you in error, please reply to the sender that you received the message in error; then please delete this e-mail. Thank you.

**From:** Todd Bice [mailto:tlb@pisanellibice.com]  
**Sent:** Tuesday, July 28, 2015 2:03 PM  
**To:** Steve Peek  
**Cc:** Shannon M. Thomas; Jordan T. Smith; mlackey@mayerbrown.com; r.jones@kempjones.com; m.jones@kempjones.com; Bob Cassity; sm@morrislawgroup.com; rsr@morrislawgroup.com; Valerie Larsen; Ferguson, James  
**Subject:** RE: Jacobs v. Sands China, et al.; correspondence re deposition

We are on the same dial-in number as before. 888-808-6929  
Access Code: 6901009

**From:** Steve Peek [mailto:S.Peek@hollandhart.com]  
**Sent:** Friday, July 24, 2015 2:22 PM  
**To:** Todd Bice <tlb@pisanellibice.com>

**Cc:** Shannon M. Thomas <[smt@pisanellibice.com](mailto:smt@pisanellibice.com)>; Jordan T. Smith <[JTS@pisanellibice.com](mailto:JTS@pisanellibice.com)>; [mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com); [r.jones@kempjones.com](mailto:r.jones@kempjones.com); [m.jones@kempjones.com](mailto:m.jones@kempjones.com); Bob Cassity <[BCassity@hollandhart.com](mailto:BCassity@hollandhart.com)>; [sm@morrislawgroup.com](mailto:sm@morrislawgroup.com); [rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com); Valerie Larsen <[VLLarsen@hollandhart.com](mailto:VLLarsen@hollandhart.com)>; Ferguson, James <[JFerguson@mayerbrown.com](mailto:JFerguson@mayerbrown.com)>  
**Subject:** RE: Jacobs v. Sands China, et al.; correspondence re deposition

Todd:

Thank you for your response. I obviously misunderstood our earlier conference on the topic of the 30(b)(6) and thought that you were going to be the moving party. As to your schedule for a meet and confer, I am available on Tuesday at 2 PM. Please send a call in number. As to the briefing schedule, I need to discuss with my client who is currently out of the country. I'll get back to you on Monday regarding this issue after I have had an opportunity to confer with my client.

Steve

**From:** Todd Bice [<mailto:tlb@pisanellibice.com>]

**Sent:** Thursday, July 23, 2015 9:27 PM

**To:** Steve Peek

**Cc:** Shannon M. Thomas; Jordan T. Smith; [mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com); [r.jones@kempjones.com](mailto:r.jones@kempjones.com); [m.jones@kempjones.com](mailto:m.jones@kempjones.com); Bob Cassity; [sm@morrislawgroup.com](mailto:sm@morrislawgroup.com); [rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com); Valerie Larsen; Ferguson, James

**Subject:** Re: Jacobs v. Sands China, et al.; correspondence re deposition

Steve: it is not acceptable to ask us to cooperate on timing and then make the type of proposal that you have made. To begin with, it was not appropriate to delay until I forced a response by my letter. As I informed you from the very beginning on this issue, while we were willing to work with you on timing, we wanted the matter resolved by the court promptly. That was not and is not a consent for you to delay until the day before the scheduled deposition to finally provide a list of topics upon which you object. Had we simply enforce the requirements of the rule, you would've been required to have filed your motion before now and we would have been well on our way to a resolution, if not had the matter resolved by the court.

Furthermore, it is not my clients burden to file a motion. As the party objecting to a notice of deposition, your client has the burden of moving for and obtaining a protective order.

We will look at your objections and hold a 2.34 conference on Tuesday at 2 PM. You will need to file your motion no later than Friday of next week and have it set on an order shortening time. We will file an opposition to your motion on five business days and then we can hold a prompt hearing. We will not agree to let this be dragged out.

-- Todd.

On Jul 23, 2015, at 4:46 PM, Steve Peek <[SPeek@hollandhart.com](mailto:SPeek@hollandhart.com)> wrote:

Todd:

I will identify the topics in the 30(b)(6) notice to which we are objecting on or before Monday, July 27, 2015. I will be available for a meet and confer on Tuesday the 28th or Wednesday the 29th. I am in depositions on the 30th and 31st. For a briefing schedule, I would like at least 10 days to oppose your motion. You can pick the filing date and the reply period. You can also pick the hearing date so long as I have at least two full days to prepare for the hearing.

Steve

**From:** Shannon M. Thomas [<mailto:smt@pisanellibice.com>]

**Sent:** Wednesday, July 22, 2015 5:08 PM

**To:** Steve Peek

**Cc:** Todd Bice; Jordan T. Smith; [mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com); [r.jones@kempjones.com](mailto:r.jones@kempjones.com); [m.jones@kempjones.com](mailto:m.jones@kempjones.com); Bob Cassity; [sm@morrislawgroup.com](mailto:sm@morrislawgroup.com); [rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com)

**Subject:** Jacobs v. Sands China, et al.; correspondence re deposition

Attached please find correspondence from Mr. Bice. If you have any questions, please feel free to contact him directly at (702) 214-2100.

Thank you,

Shannon Thomas  
Assistant to Todd L. Bice and  
Jarrod L. Rickard  
Pisanelli Bice, LLC  
400 South 7<sup>th</sup> Street, Suite 300  
Las Vegas, NV 89101  
Phone: 702-214-2100  
Direct: 702-214-2106  
FAX: 702-214-2101  
E-Mail: [smt@pisanellibice.com](mailto:smt@pisanellibice.com)



*Please consider the environment before printing.*

This transaction and any attachment is privileged and confidential. Any dissemination or copying of this communication is prohibited. If you are not the intended recipient, please notify us immediately by replying and delete the message. Thank you.



# EXHIBIT 2

# EXHIBIT 2

**NOTC**

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

[JJP@pisanellibice.com](mailto:JJP@pisanellibice.com)

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

[TLB@pisanellibice.com](mailto:TLB@pisanellibice.com)

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

[DLS@pisanellibice.com](mailto:DLS@pisanellibice.com)

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

[JTS@pisanellibice.com](mailto:JTS@pisanellibice.com)

PISANELLI BICE PLLC

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 NRCP 30(b)(6)  
VIDEOTAPED DEPOSITION OF  
LAS VEGAS SANDS CORP.**

Date of Deposition: July 28, 2015

Time of Deposition: 9:30 a.m.

PLEASE TAKE NOTICE that at 9:30 a.m. on July 28, 2015, pursuant to Rule 30(b)(6) of the Nevada Rules of Civil Procedure, Plaintiff, Stephen C. Jacobs, by and through his counsel will take the videotaped deposition of the Rule 30(b)(6) designee for Las Vegas Sands Corp. ("LVSC") at the law office of PISANELLI BICE PLLC, located at 400 South 7th Street, Suite 300, Las Vegas, Nevada 89101. The deposition will be taken upon oral examination, before a Notary Public, videographer and/or before some other officer authorized by law to administer oaths.

1 Pursuant to NRCP 30(b)(6), LVSC is required to designate individual[s] to provide  
2 testimony on all of the following topics:

3 1. All efforts to locate responsive and discoverable documents, information and  
4 evidence in this action, including (but not limited to) files searched, search terms used, the date  
5 searches were conducted and the identity of all persons involved in the search.

6 2. All efforts to preserve information and evidence related to this action, including  
7 (but not limited to) notices sent, the date of preservation efforts and the identity of all persons  
8 involved in such preservation.

9 3. Any LVSC policies, memoranda, procedures, methods, instructions, customs  
10 and/or practices for maintaining, storing, organizing, preserving, archiving, saving and/or  
11 destroying Documents from January 1, 2009 to the present (specifically including, but not limited  
12 to, Documents related to Steven Jacobs).

13 4. Any LVSC policies, memoranda, procedures, methods, instructions, customs  
14 and/or practices for maintaining, storing, backing-up, organizing, preserving, archiving, saving  
15 and/or destroying electronically stored information from January 1, 2009 to the present  
16 (specifically including, but not limited to, Steven Jacobs).

17 5. Any Documents and/or ESI, or any portion thereof, relating to Jacobs or the  
18 claims or defenses asserted in this action that was concealed, lost, destroyed and/or misplaced and  
19 the circumstances behind such concealment, loss, destruction and/or misplacement.

20 6. Any efforts by or on behalf of LVSC to determine whether each current and/or  
21 former employee of LVSC has or had any Documents and/or ESI related to Jacobs or the claims  
22 and defenses in this action.

23 7. All efforts to obtain consents from anyone under the MPDPA from January 1,  
24 2009 to the present, including (but not limited to) the date of such efforts, the identity of all  
25 persons or consents were sought and the identity of all persons involved in procuring consents.

26 8. The date, persons involved and substance of any communications with any Macau  
27 government official concerning the facts and allegations of this action.  
28

1           9.       All damages claimed by LVSC in its counterclaim, including the facts giving rise  
2 to those damages and the manner and means of calculation.

3           10.      All communications with any government official either in the United States or  
4 Macau, Hong Kong or China concerning the MPDPA and its purported requirements, including  
5 (but not limited to) all efforts to obtain any authorizations or consents for the search of documents  
6 from January 1, 2009 to the present.

7           11.      All communications with prior employers of Plaintiff and/or Vagus Group,  
8 including (but not limited to) the participants in any such communications, the date, the substance  
9 of the communication, and any documents discussed or obtained.

10          12.      The factual basis for claiming that Plaintiff has stolen any property or information.

11          13.      All investigations into Plaintiff and/or family members, including (but not limited  
12 to) the identity of all participants, the contents of all written or verbal reports, all conclusions, and  
13 all persons with whom the information was shared.

14          14.      All alleged breaches of fiduciary or employment obligations by Jacobs, including  
15 (but not limited to) the date, all persons with knowledge, the alleged breaches and the location of  
16 all documents concerning any such purported breach.

17          15.      The formation, purpose and operations of WDR, LLC and its subsequent  
18 dissolution, including (but not limited to) its involvement in any transfers of funds.

19          16.      Any suspected violations of the Foreign Corrupt Practices Act by any LVSC  
20 officer, employee, agent or representative that in any way relates to, references or concerns  
21 Macau and/or China.

22          17.      All investigations conducted concerning any officer, employee, agent or  
23 representative of LVSC as to potential violations of Foreign Corrupt Practices Act that in any  
24 way relates to, references or concerns Macau and/or China.

25          18.      Any suspected violations of the Foreign Corrupt Practices Act by any Sands China  
26 officer, employee, agent or representative that in any way relates to, references or concerns  
27 Macau and/or China.

1           19. All investigations conducted concerning any officer, employee, agent or  
2 representative of Sands China as to potential violations of Foreign Corrupt Practices Act that in  
3 any way relates to, references or concerns Macau and/or China.

4           20. The direct or indirect relationships between LVSC or any of its subsidiaries –  
5 including (but not limited to) the date commenced, terminated, financial terms of and agreements  
6 – that concern any of the following:

- 7           a. Sociedade
- 8           b. Nove
- 9           c. Sun City
- 10          d. Neptune
- 11          e. Unik Ltd.
- 12          f. Shanghai Sat Leng
- 13          g. Dore
- 14          h. Tak Lek
- 15          i. Li Kwok Hung
- 16          j. Sat leng Unipessoal Limited
- 17          k. Cheung Chi Tai
- 18          l. Charles Heung
- 19          m. Yvonne Mao
- 20          n. Angela Leong
- 21          o. Ng Lap Sing
- 22          p. Jack Lam
- 23          q. Tantra Lotus Club
- 24          r. Lee Chai Ming

25          21. Any communications with any Macau government official, including (but not  
26 limited to) Edmund Ho, concerning the settlement of the action styled *Clive Bassett Jones, et al v.*  
27 *Las Vegas Sands Corp., et al.*, Eighth Judicial District Court Case No. 06-A516404.

1           22.     Any communications with Leonel Alves concerning payments to any third parties  
2 in exchange for receiving any form of government approvals such as (but not limited to) strata  
3 title, including (but not limited to) the date, substance of the communication and all participants  
4 to any communication[s].

5           23.     The form of any notice given to Plaintiff concerning any alleged breach of  
6 fiduciary duty or terms/conditions of employment, including (but not limited to) the date,  
7 substance of the notice and all participants in the communication[s].

8           24.     The award of any stock options or grants to Plaintiff, including (but not limited to)  
9 the factual basis for the award, the value of those options/grants when awarded, the maximum  
10 value of those options from the date of award to the present and the basis for any  
11 termination/non-exercise of the award.

12           25.     The facts provided to any official and/or officer of the United States government  
13 from October 23, 2010 to the present that in any way relates to, references or concerns the  
14 Plaintiff, his complaint in this action or your defenses to this action, including (but not limited to)  
15 documents provided or discussed.

16           26.     Any demand for retraction of purported false and/or defamatory statements or  
17 publications made on behalf of LVSC or any of its officers or directors including (but not limited  
18 to) the date, the substance of the retraction, the participants and the substance of the purported  
19 defamatory/false statement.

20           27.     Any investigation conducted by LVSC, its officers, agents or representatives as to  
21 any Macau government or military official, including (but not limited to) the purpose of the  
22 investigation, date, all participants, substance, documents examined and/or considered,  
23 conclusions and to whom the outcome of the investigation were shared.

24           28.     Any investigation conducted by LVSC, its officers, agents or representatives as to  
25 any China government or military official, including (but not limited to) the purpose of the  
26 investigation, date, all participants, substance, documents examined and/or considered,  
27 conclusions and to whom the outcome of the investigation were shared.

1           29. Any circumstances where cash or other currency exceeding a value of  
2 \$50,000 U.S. dollars was transported upon any airplane owned or leased by LVSC or any other  
3 entity controlled by Sheldon Adelson.

4           30. The actual, attempted or threatened termination or separation for cause of any  
5 person holding the position of Vice President or above from January 2008 to the present,  
6 including (but not limited to) name, date, or separation events which constituted purported cause,  
7 and the ultimate resolution.

8           31. Any investigations conducted by LVSC or any of its officers, agents or  
9 representatives as to potential or suspected money laundering from January 1, 2009 to the  
10 present, including but not limited to the identity of all persons involved, documents in any  
11 investigation, with whom such information was shared and the investigations' ultimate  
12 outcome/conclusion.

13           32. The factual basis for any claim by LVSC that the Term Sheet dated August 3,  
14 2009, which it filed with the United State Securities and Exchange Commission, is not valid and  
15 binding.

16           33. Your access to and review of any phone records for Plaintiff, including the date of  
17 review, the participants, and the contents of all phone records reviewed.

18           34. The access to and review of the contents of any phone used by Plaintiff, including  
19 (but not limited to) who obtained the phone, any representations made to obtain access or  
20 possession, the contents of any information obtained and with whom the contents were shared.

21           35. The communications with any representative of the news media about Plaintiff  
22 from June 22, 2010 to the present.

23           36. The allegations in your counterclaim at Paragraph 17 that "Jacobs was violating  
24 his obligations not only to Sands China but also to the LVSC as the majority shareholder of  
25 Sands China."

26           37. The allegations in your counterclaim at Paragraphs 18-21 that Jacobs violated a  
27 "non-competition deed."  
28

1           38.     The allegations in your counterclaim at Paragraphs 22-26 that "Jacobs endangers  
2 LVSC's and Sands China's relationship with the governments of Macau and China."

3           39.     The allegations in your counterclaim at Paragraphs 27-40 that "Jacobs delays  
4 terminating the contract between Cheung Chi-Tai and VML."

5           40.     The allegations in your counterclaim at Paragraphs 41-47 that "Jacobs'  
6 employment is terminated by Sands China and VML for cause and Jacobs initiates his extortion  
7 scheme."

8           41.     The allegations in your counterclaim at Paragraphs 48-52 that "Jacobs files a  
9 wrongful suit against LVSC in furtherance of his scheme."

10          42.     The allegations in your counterclaim at Paragraphs 53-60 that Jacobs has engaged  
11 in "abuse of process."

12          43.     The allegations in your counterclaim at Paragraphs 61-68 that Jacobs is engaged in  
13 "business defamation/disparagement."

14          44.     The allegations in your counterclaim at Paragraphs 69-74 that Jacobs undertook  
15 "intentional interference with respect to the economic advantage."

16          45.     The allegations in your counterclaim at Paragraphs 75-79 that Jacobs has  
17 undertaken "civil extortion."

18          46.     The factual basis for your Second Affirmative Defense that Jacobs' claims are  
19 barred by the doctrine of laches.

20          47.     The factual basis in your Third Affirmative Defense that Jacobs' claims are barred  
21 by the doctrine of unclean hands.

22          48.     The factual basis for your Fourth Affirmative Defense that Jacobs' claims are  
23 barred by the doctrine of estoppel.

24          49.     The factual basis for your Fifth Affirmative Defense that Jacobs' claims are barred  
25 by the doctrine of waiver.

26          50.     The factual basis for your Sixth Affirmative Defense that Jacobs' claims are barred  
27 by the doctrine of election of remedies.

28



1           51.     The factual basis for your Seventh Affirmative Defense that Jacobs' claims are  
2     barred by the doctrine of accord and satisfaction.

3           52.     The factual basis for your Eighth Affirmative Defense that Jacobs' damages, if  
4     any, were caused by his own actions and not by that of LVSC.

5           53.     The factual basis for your Ninth Affirmative Defense that at all times, LVSC acted  
6     in accordance with reasonable commercial standards, in good faith, and with ordinary care and  
7     LVSC's actions did not contribute to the alleged damages.

8           54.     The factual basis for your Tenth Affirmative Defense that Jacobs failed to do  
9     equity towards LVSC and, therefore, is not entitled to any relief from LVSC.

10          55.     The factual basis for your Twelfth Affirmative Defense that LVSC is not a party to  
11     the Term Sheet and, therefore, is not a proper party to the breach of contract claim.

12          56.     The factual basis for your Thirteenth Affirmative Defense that LVSC was not  
13     Jacobs' employer and, therefore, is not a proper party to the tortious discharge claim.

14          57.     The factual basis for your Fourteenth Affirmative Defense to the effect that Jacobs  
15     "breached his contractual and fiduciary obligations and therefore relieved LVSC of any further  
16     obligations" to Jacobs.

17          58.     Any factual presentation, including any Documents, made during road shows for  
18     the potential IPO that would become Sands China, Ltd. concerning or relating to the following:

- 19               a.     The roles and responsibilities of Sheldon G. Adelson  
20               b.     The roles and responsibilities of Steven C. Jacobs  
21               c.     The roles and responsibilities of Michael Leven  
22               d.     The involvement by LVSC in Sands China's governance  
23               e.     The potential conflicts of interest for LVSC  
24               f.     The potential conflicts of interest for Sheldon Adelson  
25               g.     The potential conflicts of interest for LVSC Board members  
26               h.     Adelson's ability or inability to vote on matters relating to Sands China  
27  
28

1           59. All communications had with, or presentations made by, any officer, employee,  
2 agent or representative of LVSC to any official of the United States or any State concerning the  
3 following:

- 4           a. Steven C. Jacobs
- 5           b. Pansy Ho
- 6           c. Leonel Alves
- 7           d. WDR
- 8           e. Cheung Chi Tai
- 9           f. Charles Heung
- 10          g. Yvonne Mao
- 11          h. Angelo Leon
- 12          i. Ng Lop Sing
- 13          j. Jack Lam
- 14          k. Lee Chai Ming
- 15          l. Edmund Ho
- 16          m. Fernando Choy
- 17          n. Luis Melo
- 18          o. Ben Toh

19          60. Any investigation conducted by or for the HKSE regarding Jacobs, any stock  
20 options granted to Jacobs, and/or the facts and circumstances alleged in this action, including (but  
21 not limited to) all facts provided, the date, all participants, the substance, Documents examined  
22 and/or considered, and any conclusions.

23          61. Any investigation into or funds paid for acquiring the rights to any sports team in  
24 Macau or Mainland China, including (but not limited to) all facts, participants, Documents  
25 reviewed and conclusions.

26          62. The facts concerning any default of any credit instrument or bank obligations by  
27 LVSC or any of its subsidiaries between January 1, 2008 and July 23, 2010, including (but not  
28

1 limited to) the nature of the default, the financial terms of the default and the manner in which the  
2 potential default was avoided or default remedied.

3 63. The financial terms of any funding to LVSC provided by Sheldon G. Adelson or  
4 any trust or entity controlled by him to LVSC from January 1, 2008 and July 23, 2010, including  
5 (but not limited to) the financial terms of any such funding, any options provided, and the total  
6 cost of the funding to LVSC.

7 64. The total remuneration from LVSC and any of its subsidiaries, including salary,  
8 bonus, benefits, options, grants or anything else of value, paid to or received by Sheldon G.  
9 Adelson from January 1, 2007 to the present.

10 65. The total remuneration from LVSC and any of its subsidiaries, including salary,  
11 bonus, benefits, options, grants or anything else of value, paid to or received by Robert Goldstein  
12 from January 1, 2007 to the present.

13 66. The total remuneration from LVSC and any of its subsidiaries, including salary,  
14 bonus, benefits, options, grants or anything else of value, paid to or received by Mike Leven from  
15 January 1, 2007 to the present.

16 67. The total remuneration from LVSC and any of its subsidiaries, including salary,  
17 bonus, benefits, options, grants or anything else of value, paid to or received by Ken Kay from  
18 January 1, 2007 to the present.

19 68. The total remuneration from LVSC and any of its subsidiaries, including salary,  
20 bonus, benefits, options, grants or anything else of value, paid to or received by David Sisk from  
21 January 1, 2007 to the present.

22 69. The total remuneration from LVSC and any of its subsidiaries, including salary,  
23 bonus, benefits, options, grants or anything else of value, paid to or received by Steven C. Jacobs  
24 from January 1, 2007 to the present.

25 70. The total remuneration from LVSC and any of its subsidiaries, including salary,  
26 bonus, benefits, options, grants or anything else of value, paid to or received by Erwin Siegel  
27 from January 1, 2007 to the present.  
28

1           71.     The total remuneration from LVSC and any of its subsidiaries, including salary,  
2 bonus, benefits, options, grants or anything else of value, paid to or received by Jeff Schwartz  
3 from January 1, 2007 to the present.

4           72.     The total remuneration from LVSC and any of its subsidiaries, including salary,  
5 bonus, benefits, options, grants or anything else of value, paid to or received by George Koo from  
6 January 1, 2007 to the present.

7           73.     The total remuneration from LVSC and any of its subsidiaries, including salary,  
8 bonus, benefits, options, grants or anything else of value, paid to or received by Irwin Chafetz  
9 from January 1, 2007 to the present.

10          74.     The total remuneration from LVSC and any of its subsidiaries, including salary,  
11 bonus, benefits, options, grants or anything else of value, paid to or received by Charles Forman  
12 from January 1, 2007 to the present.

13          75.     The total remuneration from LVSC and any of its subsidiaries, including salary,  
14 bonus, benefits, options, grants or anything else of value, paid to or received by Steven Weaver  
15 from January 1, 2007 to the present.

16          76.     The total remuneration from LVSC and any of its subsidiaries, including salary,  
17 bonus, benefits, options, grants or anything else of value, paid to or received by Ed Tracy from  
18 January 1, 2007 to the present.

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

21                 DATED this 9th day of July, 2015.

22                                 PISANELLI BICE PLLC

23                                 By: /s/ Todd L. Bice

24   James J. Pisanelli, Esq., Bar No. 4027  
25   Todd L. Bice, Esq., Bar No. 4534  
26   Debra L. Spinelli, Esq., Bar No. 9695  
27   Jordan T. Smith, Esq., Bar No. 12097  
28   400 South 7th Street, Suite 300  
  Las Vegas, Nevada 89101

Attorneys for Plaintiff Steven C. Jacobs

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this  
3 9th day of July, 2015, I caused to be sent via electronic mail and United States Mail, postage  
4 prepaid, a true and correct copy of the above and foregoing **NOTICE OF NRCP 30(b)(6)**  
5 **VIDEOTAPED DEPOSITION OF LAS VEGAS SANDS CORP.** properly addressed to the  
6 following:

7  
8 J. Stephen Peek, Esq.  
9 Robert J. Cassity, Esq.  
10 HOLLAND & HART  
11 9555 Hillwood Drive, Second Floor  
12 Las Vegas, NV 89134  
13 [speek@hollandhart.com](mailto:speek@hollandhart.com)  
14 [rcassity@hollandhart.com](mailto:rcassity@hollandhart.com)

15 Michael E. Lackey, Jr., Esq.  
16 MAYER BROWN LLP  
17 1999 K Street, N.W.  
18 Washington, DC 20006  
19 [mlackey@mayerbrown.com](mailto:mlackey@mayerbrown.com)

20 J. Randall Jones, Esq.  
21 Mark M. Jones, Esq.  
22 KEMP, JONES & COULTHARD  
23 3800 Howard Hughes Parkway, 17th Floor  
24 Las Vegas, NV 89169  
25 [jrj@kempjones.com](mailto:jrj@kempjones.com)  
26 [mmj@kempjones.com](mailto:mmj@kempjones.com)

27 Steve Morris, Esq.  
28 Rosa Solis-Rainey, Esq.  
MORRIS LAW GROUP  
900 Bank of America Plaza  
300 South Fourth Street  
Las Vegas, NV 89101  
[sm@morrislawgroup.com](mailto:sm@morrislawgroup.com)  
[rsr@morrislawgroup.com](mailto:rsr@morrislawgroup.com)

24 /s/ Kimberly Peets  
25 An employee of PISANELLI BICE PLLC

# EXHIBIT 1

# EXHIBIT 1

June 16, 2009

PRIVATE & CONFIDENTIAL

Mr. Jacobs, Steve  
979 Crest Valley Dr.  
Atlanta GA,  
30027  
USA

Dear Mr. Jacobs,

LETTER OF APPOINTMENT FOR EXECUTIVE

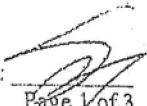
On behalf of Venetian Macau Limited ("the Company"), I am pleased to offer you the following position based upon the terms and conditions outlined in this letter and referenced employment materials.

1. Job Title: President - Macau
2. Department: Executive Office
3. Job Grade: A
4. Reports to: President and Chief Operating Officer, subject to change at the Company's discretion.
5. Effective Date: Upon issuance of Macau Work Permit
6. Original Date of Hire: Upon issuance of Macau Work Permit
7. Point of Hire: USA
8. Working Location: Macau SAR (in any of the properties owned by the company or any of its affiliates)
9. Employee's Marital Status: Married with one dependent
10. Major Compensation Elements:

- (a) Base Salary: You will be paid a salary of Eight hundred Seventy thousand Three hundred and Fifty Patacas (MOP870,350.00), PER MONTH (the equivalent to one million three hundred

SJ000004

Venetian Macau Limited  
威尼斯人澳門股份有限公司

Employee's signature: 

Page 1 of 3

thousand USD per annum). Salary will be reviewed annually in accordance with the Company's compensation policies. The Company shall reimburse you of all out of pocket expenses incurred by you and approved by the President and Chief Operating Officer.

11. Work Schedule Exemption: You are not subject to work scheduling.
12. Employment Location: Macau SAR, subject to change at the Company's discretion.
13. Gross Salary: Salary tax, as assessed by the government of Macau SAR as well as any other tax liabilities as assessed by any government will be your own responsibility.
14. Governing Law: You acknowledge that this agreement is governed by and interpreted in accordance with Macau SAR law, and the courts of Macau SAR shall have exclusive jurisdiction over any legal proceedings related to this agreement.
15. Policies and Procedures: You agree to comply with all the Company's Policies and Procedures, which may be changed from time to time at the discretion of the Company.
16. Benefits Program: You will be eligible to participate in the benefit programs of the Company on the terms and conditions as offered to your grade level. Details of the benefit programs are described in the Team Member Handbook and similar materials which will be provided to you. You agree that except for those specific benefits that are required under Macau SAR law, all other benefit programs may be changed or cancelled from time to time at the discretion of the Company.
17. Term: This agreement shall remain valid for a period of two year provided however, that both parties may terminate this Agreement at any time, without cause, upon the giving not less than three (3) days advance notice to the other party.

Note:

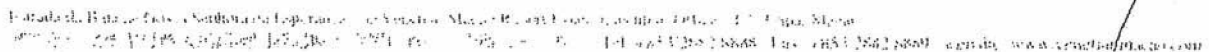
- (a) As a condition of employment, you must obtain a satisfactory security clearance, criminal record, by the relevant authorities.
- (b) Background checks will be conducted on all team members. The employment shall be subject to successful completion of such background checks.
- (c) If you do not hold a Macau Resident Card, this appointment is subject to your obtaining a valid work permit to work in Macau SAR. The Company will assist you in this process by providing you information and guidance; however, it is your responsibility to complete all requested

**SJ000005**

Employee's signature: \_\_\_\_\_

Page 2 of 3





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.

Case Number: 68265

Electronically Filed  
Aug 27 2015 04:43 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

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.

Case No. 68275

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

Petitioners,

vs.

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.

**PETITIONER'S MOTION TO SUPPLEMENT RECORD IN SUPPORT  
OF PETITION FOR WRIT OF PROHIBITION OR  
MANDAMUS RE MAY 28, 2015 ORDER**

***CONSIDERATION REQUESTED ON OR BEFORE SEPTEMBER 1, 2015***

MORRIS LAW GROUP  
Steve Morris, Bar No. 1543  
Rosa Solis-Rainey, Bar No. 7921  
Ryan M. Lower, Bar No. 9108  
900 Bank of America Plaza  
300 South Fourth Street  
Las Vegas, NV 89101  
Telephone No.: (702) 474-9400

HOLLAND & HART LLP  
J. Stephen Peek, Bar No. 1758  
Robert J. Cassity, Bar No. 9779  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, NV 89134  
Telephone No.: (702) 669-4600

KEMP, JONES & COULTHARD,  
LLP J. Randall Jones, Bar No. 1927  
Mark M. Jones, Bar No. 267  
3800 Howard Hughes Pkwy, 17th Fl.  
Las Vegas, NV 89169  
Telephone No.: (702) 385-6000

Alan M. Dershowitz  
(*pro hac vice*)  
1575 Massachusetts Avenue  
Cambridge, MA 02138  
Telephone No.: (617) 319-9892

Attorneys for Petitioner,  
Sands China Ltd.

Petitioner Sands China Ltd. ("SCL") respectfully submits this motion to supplement the record in Case No. 68265, consolidated with Cases No. 68275 and 68309, with recent district court rulings that further support SCL's request to reassign this case to a different district judge. Because oral argument on the three cases is scheduled on September 1, 2015, Petitioner respectfully asks that the motion be considered on an expedited basis. The current district court's recent rulings on discovery issues, not yet memorialized in written orders, continue to evidence this jurist's bias and hostility toward Defendants and further calls into question her ability to preside over this case as an impartial judicial officer. *See* Petition at 48-50.

While each of the district court's discovery rulings could be individually viewed as a "bad" call, collectively they demonstrate the apparent bias that the district court holds against Defendants, which provides an "objectively reasonable basis for questioning" the court's impartiality, and its ability to effectively and manage this litigation. *In re IBM Corp*, 45 F.3d 641, 644 (2d Cir. 1995); *see also United States v. Torkington*, 874 F.2d 1444, 1446 (11th Cir. 1989)("remarks by judge during trial may give rise to inference of bias or prejudice," *e.g.*, dismissing SCL's position on scheduling with the remark, "This is bullshit." PA 2942:9-19). "[T]he judicial system has the obligation of preserving public confidence in the impartial and fair administration of justice." *Id.* These rulings and this intemperate outburst in open court should not be excused as exercises of discretion.

**A. Disparate Treatment of Parties on Similar Issues.**

As this Court is aware from the record, Jacobs was terminated on July 23, 2010 after having been appointed as President and CEO of

Macau operations the preceding year. *See* Ex. 1, Letter of Appointment. Despite his short employment tenure, Jacobs' has propounded exceptionally and unreasonably broad discovery and sought Rule 30(b)(6) testimony from SCL's parent company on 76 topics, some of which are related to SCL and all of which are not only overbroad, but temporally unlimited and *outside* the period of Jacobs's employment. *See* Ex. 2 Jacobs' Not. of NRCP 30(b)(6) Videotaped Deposition of Las Vegas Sands Corp. ("LVSC"). Upon receipt of this Notice, LVSC promptly notified Plaintiff's counsel that the topics were objectionable and that LVSC would need to seek the protection of the Court with regard to the notice. *See* Ex. 3, LVSC Mot. for Protective Order at 3, ¶ 3. LVSC also explained that due to the large number of 30(b)(6) topics, it would need additional time to present its objections. Counsel was also informed that LVSC could not be prepared to present a witness on the scheduled date, July 28, 2015. The parties then agreed to meet and confer at 2 p.m. on the afternoon of that same day, more than four hours *after* the noticed start time for the objected-to deposition. *Id.* ¶ 5. At the same time, Jacobs demanded that LVSC's Motion for Protective Order be filed by July 31, 2015. *Id.*

In view of these negotiations to meet and confer on 30(b)(6) topics and witness preparation, Jacobs could not have had a reasonable expectation that the PMK deposition he noticed on 76 topics would go forward on the same day, July 28. Jacobs nonetheless took a non-appearance and rushed to court to seek sanctions for the non-appearance of the witness he knew would not appear. Ex. 4, Pl's Mot. for Sanctions.<sup>1</sup> The

---

<sup>1</sup> Ex. 3A and 4A are the related oppositions to the respective motions referenced in Exhibits 3 and 4. The oppositions are provided only to ensure a complete record; they are not substantively needed for the principal issue in this motion, which is to illuminate the lack of equal treatment.

crux of Jacobs' motion was that despite the negotiations, the deposition date had not been formally vacated, and that LVSC did not file its motion for a protective order on the day demanded by Plaintiff, Friday, July 31. LVSC filed its motion *one judicial day later*, Monday, August 3. Ex. 3, LVSC Mot. for Protective Order.

Plaintiff did not contend he expected a witness on July 28. *See* Ex. 4. He apparently documented the announced non-appearance as a tactic in gamesmanship. On these facts, and with no explanation as to how the sanction bore any connection to the alleged misconduct, the district court sanctioned SCL's affiliate, LVSC, and ordered it to pay the "entire cost of the court reporter for the entire 30(b)(6) deposition process." Ex. 5, Aug. 13, 2015 Hrg. Tr. at 26:7-9. A sanction shifting the court reporter's costs (which presumably includes the videographer who appears with the reporter at every deposition) for multiple days of deposition is not reasonable for the non-appearance of a Rule 30(b)(6) deponent that Jacobs's counsel was expressly told weeks earlier could not be prepared or presented to testify on that date. At the same time, Jacobs' counsel implicitly agreed that he would provide additional time to address the dozens of topics to be covered. He in fact agreed to confer about the topics at 2:00 p.m. on the afternoon of the same day that the 9:30 a.m. 30(b)(6) deposition had been notified to commence.

The district court's propensity to sanction for discovery-related rule violations, however, appears to be triggered only when Defendants are targeted for sanctions. For example, several days ago, when Jacobs filed a motion for a protective order to prevent SCL from pursuing third-party discovery without even attempting to satisfy the meet and confer requirement set forth in Nev. R. Civ. P. 26(c) and E.D.C.R. 2.34, the district

court ignored his disregard of the rule. After flatly ignoring SCL's counsel's offer to meet and confer about the third-party subpoenas at issue, Jacobs filed a motion for protective order, claiming he was not provided notice of the subpoenas– a claim he was later forced to withdraw when evidence of receipt of the notice was provided. *See* Ex 6, Pl.'s Mot. for Protect. Order re Third Pty Subpoenas; Ex. 7, SCL's Opp'n to Mot. for Protective Order re Third Pty Subpoenas.

Notwithstanding Jacobs's direct violation of Nev. R. Civ. P. 26(c) and E.D.C.R. 2.34, the district court rejected SCL's contention that, in accord with her prior rulings, a discovery motion filed without a Rule 2.34 meet and confer would and should not be entertained. Ex. 8, Aug. 24, 2015 Hrg. Tr. at 5:4-24. The district court not only ignored her own prior rulings in considering Jacobs's irregular motion, but she also rejected SCL's request for an award of the fees and costs incurred *as a direct result of Plaintiff's violation of these rules*. *Id.* at 16:5 - 7; Ex. 7 at 6. The district court's readiness to sanction Defendants without regard to proportionality between the sanction and alleged rule violation, and her refusal to hold Jacobs accountable for his inappropriate rule-violating motion for a protective order again demonstrates the district court's bias against the Defendants and her inability to deal with them impartially. This double standard in meting out discovery sanctions further highlights why this case should be reassigned.

**B. One-Sided Discovery Rulings Permitting Overbroad Scope.**

The district court's "*concern*" with protecting Plaintiff from narrow and timely discovery, while endorsing almost unlimited discovery for him that also exceeds the bounds of relevance to this Macau wrongful termination action, confirms her animus toward Defendants. *See* Ex. 8 at

16:8 - 17:5 (justifying setting of expedited hearing because a recipient of a third-party subpoena elected to respond in advance of due date and say he had no responsive documents because that could have resulted in production of documents to SCL, when Plaintiff mistakenly claimed lack of notice).

No such concern is shown for Defendants. For example, among the 76Rule 30(b)(6) topics Jacobs tendered that are impossibly overbroad and objectionable are numbers 16 - 18, calling for LVSC to produce a company witness on the following topics, for a 5-year period preceding the date of Jacobs' termination, and more than three years prior to his hire:

No. 16. Any suspected violation of the Foreign Corrupt Practices Act by any LVSC officer, employee, agent or representative that in any way relates to, references, or concerns Macau and/or China.

No. 17. All investigations conducted concerning any officer, employee, agent or representative of LVSC as to potential violations of Foreign Corrupt Practices Act that in any way relates to, references or concerns Macau and/or China.

No. 18. Any suspected violations of the Foreign Corrupt Practices Act by any Sands China, officer, employee, agent or representative that in any way relates to, references or concerns Macau and/or China.

Ex. 2 at 3. Las Vegas Sands sought protection from these vague and/or impossibly overbroad topics that are without temporal limits. Ex. 6, Aug. 13, 2015 Hrg. Tr. at 13-24. Notwithstanding Jacobs' short tenure with SCL, on August 13 the district court ordered LVSC to search for and produce non-electronic information on FCPA "investigations" (as distinguished from "suspected violations," among many other topics) for *five years prior* to Jacobs' termination, and to prepare PMK witnesses to testify on those topics, despite the fact Plaintiff was employed in Macau for only several



months. *See* Ex. 1 (hire date); Ex. 6, August 13, 2015 Hrg. Tr. at 32:9-14; and Ex. 9, Aug. 6, 2015 Hrg. Tr. at 18-22.

The double-standard in imposing unreasonably overbroad discovery obligations on Defendants while at the same time, shielding Plaintiff from narrowly tailored discovery from him further demonstrates the district court's bias toward Defendants.

### CONCLUSION

For these and the reasons set forth in the briefing, Petition at 48-50; Reply at 22-25, this case should be reassigned.

MORRIS LAW GROUP

By: /s/ STEVE MORRIS

Steve Morris, Bar No. 1543  
Rosa Solis-Rainey, Bar No. 7921  
Ryan M. Lower, Bar No. 9108  
900 Bank of America Plaza  
300 South Fourth Street  
Las Vegas, NV 89101

KEMP JONES & COULTHARD, LLP  
J. Randall Jones, Bar No. 1927  
Mark M. Jones, Bar No. 267  
3800 Howard Hughes Pkwy., 17th Fl.  
Las Vegas, NV 89169

HOLLAND & HART LLP  
J. Stephen Peek, Esq., Bar No. 1758  
Robert J. Cassity, Esq., Bar No. 9779  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, NV 89134

Alan M. Dershowitz  
(pro hac vice)  
1575 Massachusetts Avenue  
Cambridge, MA 02138  
Telephone No.: (617) 319-9892

Attorneys for Petitioner,  
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: **PETITIONER'S MOTION TO SUPPLEMENT RECORD IN SUPPORT OF PETITION FOR WRIT OF PROHIBITION OR MANDAMUS RE MAY 28, 2015 ORDER** 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  
Todd L. Bice  
Debra Spinelli  
Pisanelli Bice  
PISANELLI BICE PLLC  
400 South 7th Street  
Las Vegas, NV 89101  
**Attorneys for Steven C. Jacobs, Real Party in Interest**

DATED this 27th day of August, 2015.

By: /s/ PATRICIA FERRUGIA