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13 *Attorneys for Caesars World, Inc.*

14 **UNITED STATES DISTRICT COURT**  
15 **DISTRICT OF NEVADA**

16  
17 CAESARS WORLD, INC., a Florida  
corporation,

18  
19 Plaintiff,

20 v.

21 MARCEL JULY, an individual; and  
OCTAVIUS TOWER LLC, a Nevada limited  
22 liability company,

23 Defendants.

CASE NO.: 2:11-cv-00536-GMN-(CWH)

**PLAINTIFF CAESARS WORLD, INC.'S  
MOTION FOR RECONSIDERATION OF  
MINUTE ORDER DENYING VERIFIED  
PETITION FOR PERMISSION TO  
PRACTICE PRO HAC VICE BY DAVID J.  
STEWART**

**(Oral Argument Requested)**

24 Plaintiff Caesars World, Inc. ("Caesars"), by and through its undersigned designated  
25 counsel, hereby respectfully requests that this Court reconsider its Minute Order dated  
26 September 6, 2011 (Docket No. 31) (the "Minute Order"),<sup>1</sup> which denied the Verified Petition  
27

28 <sup>1</sup> A true and accurate copy of the Minute Order is attached hereto as Exhibit A.



1 For Permission To Practice Pro Hac Vice By David J. Stewart and Designation of Local Counsel  
2 (the "Stewart Petition"). Caesars bases this request upon the pleadings and records on file  
3 herein, the Memorandum of Points and Authorities set forth below, the Declaration of James D.  
4 Boyle attached hereto and incorporated herein by this reference as **Exhibit B** (the "Boyle  
5 Decl."), the Declaration of David J. Stewart attached hereto and incorporated herein by this  
6 reference as **Exhibit C** (the "Stewart Decl."), the Declaration of Nicholas J. Santoro attached  
7 hereto and incorporated herein by this reference as **Exhibit D** (the "Santoro Decl."), the other  
8 exhibits attached hereto, and any oral argument, as requested by Caesars, which is considered by  
9 this Court.

### 10 I. INTRODUCTION

11 Caesars is well-aware that this Court has many more important matters to address than a  
12 series of repeated filing errors regarding pro hac vice applications. Caesars is also well-aware  
13 that this Court's allowing for a pro hac vice admission is a privilege that should neither be taken  
14 for granted nor treated lightly.

15 With regard to the Stewart Petition, the error committed falls squarely on the shoulders of  
16 Caesars' designated local counsel ("Mr. Boyle") and his inadvertent submission to the Court of  
17 the wrong pro hac vice form twice, despite his having received the properly signed and  
18 completed form from Mr. Stewart and Caesars prior to the first filing in May 2011. Under such  
19 circumstances, Caesars respectfully requests that this Court not deprive Caesars of its chosen  
20 lead trial counsel in this action, and that it not deny Mr. Stewart the privilege of practicing in this  
21 action pro hac vice when he fully complied with the requirements necessary to be admitted to  
22 practice in this action.

23 Thus, Caesars respectfully requests that this Court reconsider the Minute Order and  
24 permit Mr. Stewart to refile a Verified Petition for Permission to Practice Pro Hac Vice. If this  
25 Court grants the relief sought by Caesars in this request, Mr. Boyle will submit a new pro hac  
26 vice application on behalf of Mr. Stewart that is compliant with the recently-revised LR IA 10-2,  
27 and Caesars (Santoro, Driggs, Walch, Kearney, Holley & Thompson ("SDW")) will pay the  
28 required filing fee. A copy of the new application Caesars would file if granted leave to do so,



1 together with the required Letter of Good Standing from the State Bar of Georgia, is attached as  
2 **Exhibit E** for the Court's review.

3 **II. PROCEDURAL OVERVIEW**

4 On May 23, 2011, Mr. Boyle filed the following two Verified Petitions For Permission to  
5 Practice In This Case Only By Attorney Not Admitted to the Bar of This Court and Designation  
6 of Local Counsel: (a) on behalf of David J. Stewart, Esq. (Docket No. 17); and (2) on behalf of  
7 Nadya Munasifi, Esq. (Docket No. 18). Boyle Decl., at ¶ 3. Mr. Stewart and Ms. Munasifi are  
8 both associated with the Atlanta, Georgia law firm of Alston & Bird, LLP. Prior to this date,  
9 both Mr. Stewart and Ms. Munasifi had fully and properly completed their respective pro hac  
10 vice applications and forwarded same to Mr. Boyle to file on their behalf as designated local  
11 counsel. Boyle Decl., at ¶ 3. Because Caesars is located in Las Vegas, Nevada, Mr. Boyle was  
12 responsible for obtaining signatures from Caesars in support of the respective applications, and  
13 he secured these signatures. Boyle Decl., at ¶ 3. Thus, Mr. Boyle had properly completed and  
14 signed forms for both Ms. Munasifi and Mr. Stewart in his possession prior to May 23, 2011.  
15 Boyle Decl., at ¶ 3.

16 This Court granted the application filed on behalf of Ms. Munasifi on June 15, 2011  
17 (Docket No. 25) without any issues. Boyle Decl., at ¶ 4. However, on this same date, the Court  
18 entered a Minute Order denying the application filed by Mr. Boyle on behalf of Mr. Stewart,  
19 stating:

20 Order DENYING Verified Petition [17] for Permission to Practice  
21 Pro Hac Vice and approving Designation of Local Counsel  
22 because it is incomplete and does not provide the required  
23 information. Counsel shall file an Amended Verified Petition  
within seven (7) days from the date of this minute order, or pay the  
appropriate filing fee again.

24 (Docket No. 24). Boyle Decl., at ¶ 4. The error that occurred resulted from Mr. Boyle's  
25 inadvertent filing of the draft document that had been sent to Mr. Stewart to complete, rather  
26 than the completed document that Mr. Stewart had returned to Mr. Boyle and that Caesars had  
27 signed. Boyle Decl., at ¶ 5.

28



1 In response to the Court's Minute Order, Mr. Boyle filed a Notice of Corrected  
2 Image/Document re [24] Order on Verified Petition for Permission to Practice Pro Hac Vice,  
3 [17] Verified Petition for Permission to Practice Pro Hac Vice by David J. Stewart and  
4 Designation of Local Counsel James D. Boyle (Docket No. 27) on June 15, 2011. Boyle Decl.,  
5 at ¶ 6. However, without knowledge that he had done so, Mr. Boyle errantly filed with the  
6 Notice a copy of the pro hac vice form that did not include the signature that he had obtained  
7 from Caesars, instead of the copy that did include such signature. Boyle Decl., at ¶ 6.

8 On September 6, 2011, the Court entered a Minute Order which stated:

9 Plaintiff Caesars World, Inc.'s Verified Petition for Permission to  
10 Practice Pro Hac Vice by David J. Stewart and Designation of  
11 Local Counsel James D. Boyle is still incomplete and missing the  
12 party's signature on page 5. Therefore, Plaintiff's Verified Petition  
for Permission to Practice Pro Hac Vice is hereby DENIED  
without leave to amend.

13 (Docket No. 31). Boyle Decl., at ¶ 7. Here again, the error occurred through Mr. Boyle's not  
14 ensuring that the completed application submitted to the Court by him included the signature that  
15 he had obtained from Caesars in support of Mr. Stewart's properly completed application. Boyle  
16 Decl., at ¶ 7.

17 Thus, even though Mr. Boyle had properly submitted the completed pro hac vice  
18 application on behalf of Ms. Munasifi, Mr. Boyle twice submitted the wrong application on  
19 behalf of Mr. Stewart—inadvertently, but also inexcusably—even though Mr. Stewart had  
20 provided Mr. Boyle with a complete and proper application and even though Mr. Boyle had  
21 obtained a signature from Caesars consenting to his designation as local counsel. Boyle Decl., at  
22 ¶ 8.

23 **III. MEMORANDUM OF POINTS AND AUTHORITIES**

24 Therefore, Caesars respectfully requests that this Court reconsider the finality of the  
25 Minute Order. Specifically, Caesars requests that this Court permit the filing of a new pro hac  
26 vice application on behalf of Mr. Stewart—which is compliant with revised LR IA 10-2 and  
27  
28

1 which includes payment of the required filing fee—and that this Court grant Mr. Stewart the  
2 privilege of practicing before this Court in the instant action.<sup>2</sup>

3 **A. THE STANDARD FOR RECONSIDERING THE MINUTE ORDER.**

4 A district court “possesses the inherent procedural power to reconsider, rescind, or  
5 modify an interlocutory order for cause seen by it to be sufficient” so long as it has jurisdiction.  
6 *City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 885 (9<sup>th</sup> Cir. 2001).  
7 This plenary power derives from the common law, and is not limited by the provisions of the  
8 Federal Rules of Civil Procedure, so long as it is not exercised inconsistently with those rules.  
9 *See id.*, at 886-87. A motion to reconsider an interlocutory order must set forth the following:  
10 (1) some valid reason why the court should revisit its prior order; and (2) facts or law of a  
11 “strongly convincing nature” in support of reversing the prior decision. *Frasure v. U.S.*, 256  
12 F.Supp.2d 1180, 1183 (D. Nev. 2003). “Reconsideration is appropriate if the district court (1) is  
13 presented with newly discovered evidence, (2) committed clear error or the initial decision was  
14 manifestly unjust, or (3) if there was an intervening change in the controlling law.” *School Dist.*  
15 *No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9<sup>th</sup> Cir. 1993). Moreover,  
16 “[t]here may also be other, highly unusual, circumstances warranting reconsideration.” *Id.*

17 **B. RECONSIDERATION IS APPROPRIATE TO REDRESS MR. BOYLE’S ERRORS.**

18 In the instant matter, reconsideration is appropriate to redress Mr. Boyle’s inadvertent  
19 errors, as inexcusable as those errors may be. As set forth above, Mr. Stewart properly  
20 completed his pro hac vice application in May 2011, and forwarded the same to Mr. Boyle.  
21 Boyle Decl., at ¶ 3. In turn, Mr. Boyle obtained a client signature for Mr. Stewart’s application  
22 before Mr. Boyle filed the first pro hac vice application on Mr. Stewart’s behalf with the Court.  
23 Boyle Decl., at ¶ 3. In similar fashion, Mr. Boyle received a properly completed application  
24 from Ms. Munasifi, submitted same with the requisite client signature, and this Court approved  
25 that application without any issues. Boyle Decl., at ¶ 3.

26 <sup>2</sup> Caesars notes that Mr. Stewart has previously been granted the privilege of practicing pro hac vice in this District  
27 in *Rio Properties, Inc. v. Rio International Interlink No. #863*, Civ. Action No. 2:99-cv-01653-PMP-(PAL), and *The*  
28 *SCO Group, Inc. v. AutoZone, Inc.*, Civ. Action No. 2:04-cv-237-R CJ-(GWF), and that Mr. Stewart has done so  
without incident and with the utmost professionalism.

1 Mr. Boyle ought to have submitted Mr. Stewart's properly completed application in the  
2 same manner as he did the application of Ms. Munasifi. He did not do so, and Mr. Boyle accepts  
3 that his inadvertent errors have created concern for this Court and resulted in issuance of the  
4 Minute Order. However, Mr. Boyle respectfully submits that his errors should not deprive  
5 Caesars of its chosen lead trial counsel in this action—a result that would be unjust to Caesars as  
6 the problems that befell the Stewart Petition occurred through no fault of Caesars or Mr. Stewart.  
7 Mr. Stewart is Caesars' primary outside trademark enforcement counsel, and as a result of his  
8 work in this role, Mr. Stewart has detailed knowledge regarding Caesars, its facilities, services,  
9 and trademark rights. *See* Stewart Decl., at ¶ 3. Mr. Stewart was also responsible for  
10 coordinating and supervising the filing of the domain name arbitration complaint against  
11 Defendant Marcel July in 2008 that is referenced in Paragraph 24 of the Complaint on file in this  
12 action. Stewart Decl., at ¶ 4. Mr. Stewart thus has a unique historical knowledge and  
13 perspective regarding the factual and legal issues of this case that Caesars will lose if he is  
14 denied the ability to practice in this case.

15 The Court's Minute Order is also unjust to Mr. Stewart in that it not only deprives him of  
16 the opportunity, at this Court's discretion, to practice in this action pro hac vice, it has the  
17 potential to create issues for Mr. Stewart in securing pro hac vice admission in cases before other  
18 courts. The pro hac vice forms of certain other federal courts, including the Eastern District of  
19 Texas where Mr. Stewart has a meaningful client relationship, require the applicant to identify  
20 any cases in other courts in which the applicant has been denied admission to practice. (A print-  
21 out of the pro hac vice admission form for the Eastern District of Texas is attached as **Exhibit C-**  
22 **1** (*see* form Question 6) to the Declaration of David J. Stewart.) If the opportunity arises for Mr.  
23 Stewart to seek admission to practice in these courts, he would be required to identify and  
24 explain the reasons for this Court's Minute Order, with the potential that he might be denied  
25 admission. *See* Stewart Decl., at ¶¶ 5-6. As noted above, Mr. Stewart has been granted pro hac  
26 vice admission in this Court previously and has discharged his obligations to the Court under the  
27 Federal and Local Rules both properly and professionally. Thus, the errors on Mr. Boyle's part  
28 do not reflect any failure by Mr. Stewart or Caesars to comply with this Court's rules.



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Based on the foregoing, Caesars believes that there are valid reasons why this Court should revisit its Minute Order, and that there are facts of a “strongly convincing nature” that support reversal of the Court’s Minute Order precluding Mr. Stewart from refileing a pro hac vice application for consideration by this Court. *See Frasure v. U.S.*, 256 F.Supp.2d at 1183.

**IV. CONCLUSION**

Caesars therefore respectfully requests that this Court reconsider the Minute Order, and permit Mr. Stewart to refile a Verified Petition for Permission to Practice Pro Hac Vice. As indicated above, if this Court grants the relief sought by Caesars in this request, Mr. Boyle will promptly submit the completed new pro hac vice application on behalf of Mr. Stewart (a copy of which is attached hereto as **Exhibit E**), that is fully compliant with revised LR IA 10-2, and Caesars (SDW) will pay the required filing fee. As set forth in the Declaration of Nicholas J. Santoro, which is attached hereto as **Exhibit D**, the law firm of Santoro, Driggs, Walch, Kearney, Holley & Thompson (1) accepts full responsibility for this situation, (2) accepts any sanction that the Court in its discretion may impose upon it, and (3) apologizes to the Court. Santoro Decl., at ¶¶ 4-8.

DATED this 12<sup>th</sup> day of September, 2011.

**SANTORO, DRIGGS, WALCH,  
KEARNEY, HOLLEY & THOMPSON**

/s/ James D. Boyle  
NICHOLAS J. SANTORO, ESQ.  
Nevada Bar No. 00532  
JAMES D. BOYLE, ESQ.  
Nevada Bar No. 08384  
400 South Fourth Street, Third Floor  
Las Vegas, Nevada 89101

**ALSTON & BIRD LLP**

NADYA MUNASIFI, ESQ. (admitted pro hac vice)  
Georgia Bar No. 156051  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424

*Attorneys for Caesars World, Inc.*



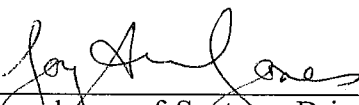
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**CERTIFICATE OF SERVICE**

Pursuant to Fed. R. Civ. P. 5(b), I certify that on the 12<sup>th</sup> day of September, 2011, I caused the document entitled **PLAINTIFF CAESARS WORLD, INC.'S MOTION FOR RECONSIDERATION OF MINUTE ORDER DENYING VERIFIED PETITION FOR PERMISSION TO PRACTICE PRO HAC VICE BY DAVID J. STEWART**, to be served as follows:

Attorneys of Record	Parties Represented	Method of Service
Michael W. Sanft, Esq. Sanft Law Group 520 South Fourth St. Suite 320 Las Vegas, Nevada 89101		<input type="checkbox"/> Personal Service <input checked="" type="checkbox"/> Email/E-File <input type="checkbox"/> Fax Service <input type="checkbox"/> Mail Service

DATED this 12<sup>th</sup> day of September, 2011.

  
An employee of Santoro, Driggs, Walch, Kearney,  
Holley & Thompson



**EXHIBIT A**

**EXHIBIT A**

Joy Jones

---

**From:** cmecf@nvd.uscourts.gov  
**Sent:** Tuesday, September 06, 2011 9:19 AM  
**To:** cmecfhelpdesk@nvd.uscourts.gov  
**Subject:** Activity in Case 2:11-cv-00536-GMN -CWH Caesars World, Inc. v. July et al Minute Order

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

**United States District Court**

**District of Nevada**

**Notice of Electronic Filing**

The following transaction was entered on 9/6/2011 at 9:18 AM PDT and filed on 9/6/2011

**Case Name:** Caesars World, Inc. v. July et al

**Case Number:** 2:11-cv-00536-GMN -CWH

**Filer:**

**Document Number:** 31(No document attached)

**Docket Text:**

**MINUTE ORDER IN CHAMBERS** of the Honorable Judge Gloria M. Navarro, on 9/6/2011. By Deputy Clerk: PCE. Plaintiff Caesars World, Inc.'s VERIFIED PETITION for Permission to Practice Pro Hac Vice by David J. Stewart and DESIGNATION of Local Counsel James D. Boyle is still incomplete and missing the party's signature on page 5. Therefore, Plaintiff's VERIFIED PETITION for Permission to Practice Pro Hac Vice is hereby DENIED without leave to amend. (no image attached) (Copies have been distributed pursuant to the NEF - PE)

**2:11-cv-00536-GMN -CWH Notice has been electronically mailed to:**

Nicholas J Santoro nsantoro@nevadafirm.com, bcibura@nevadafirm.com, usdcecf@nevadafirm.com

Michael W Sanft sanftlawgroup@mac.com, ashleydawn1.85@gmail.com

James D. Boyle jboyle@nevadafirm.com, jjones@nevadafirm.com, mtieu@nevadafirm.com, tiplit@nevadafirm.com

David J. Stewart dstewart@alston.com

Nadya M. Munasifi nadya.sand@alston.com

**2:11-cv-00536-GMN -CWH Notice has been delivered by other means to:**

9/7/2011

**EXHIBIT B**

**EXHIBIT B**



1 JAMES D. BOYLE, ESQ.  
Nevada Bar No. 08384  
2 jboyle@nevadafirm.com  
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3 KEARNEY, HOLLEY & THOMPSON  
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6 NADYA MUNASIFI, ESQ. (ADMITTED PRO HAC VICE)  
7 Georgia Bar No. 156051  
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Telephone: 404/881-7000  
10 Facsimile: 404/881-7777

11 *Attorneys for Caesars World, Inc.*

12  
13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15  
16 CAESARS WORLD, INC., a Florida  
corporation,

17 Plaintiff,

18 v.

19  
20 MARCEL JULY, an individual; and OCTAVIUS  
TOWER LLC, a Nevada limited liability  
21 company,

22 Defendants.

CASE NO.: 2:11-cv-00536-GMN-(CWH)

**DECLARATION OF JAMES D. BOYLE,  
ESQ. IN SUPPORT OF PLAINTIFF  
CAESARS WORLD, INC.'S MOTION  
FOR RECONSIDERATION OF MINUTE  
ORDER DENYING VERIFIED PETITION  
FOR PERMISSION TO PRACTICE PRO  
HAC VICE BY DAVID J. STEWART**

23  
24 I, JAMES D. BOYLE, declare under penalty of perjury that the following statements are  
25 true and correct:

26 1. I am one of the attorneys for Plaintiff Caesars World, Inc. ("Caesars") in the  
27 above-referenced matter. I am over the age of eighteen years and competent to testify to the  
28 matters set forth herein. I submit this Declaration in Support of Plaintiff Caesars World, Inc.'s



1 Motion For Reconsideration of Minute Order Denying Verified Petition for Permission to  
2 Practice Pro Hac Vice By David J. Stewart (the "Motion"). I have personal knowledge of the  
3 facts set forth herein and if called to do so, I could and would testify to the same.

4 2. Caesars is represented in this action by the law firm of Santoro, Driggs, Walch,  
5 Kearney, Holley & Thompson ("SDW") as its local counsel, and by the law firm of Alston &  
6 Bird LLP in Atlanta, Georgia, as its lead trial counsel. I am the primary local counsel in this  
7 matter, and I am the designated local counsel for Nadya Munasifi, Esq. of Alston & Bird, LLP,  
8 who has been admitted to practice pro hac vice in this matter.

9 3. On May 23, 2011, I filed the following two Verified Petitions For Permission to  
10 Practice In This Case Only By Attorney Not Admitted to the Bar of This Court and Designation  
11 of Local Counsel: (a) on behalf of David J. Stewart, Esq. (Docket No. 17); and (2) on behalf of  
12 Nadya Munasifi, Esq. (Docket No. 18). Prior to this date, both Mr. Stewart and Ms. Munasifi  
13 had fully and properly completed their respective pro hac vice applications and forwarded same  
14 to me to file on their behalf as designated local counsel. Because Caesars is located in Las  
15 Vegas, Nevada, I was responsible for obtaining signatures from Caesars in support of the  
16 respective applications, and I secured these signatures.

17 4. This Court granted the application filed on behalf of Ms. Munasifi on June 15,  
18 2011 (Docket No. 25) without any issues. However, on this same date, the Court entered a  
19 Minute Order denying the application filed by me on behalf of Mr. Stewart, stating:

20 Order DENYING Verified Petition [17] for Permission to Practice  
21 Pro Hac Vice and approving Designation of Local Counsel  
22 because it is incomplete and does not provide the required  
23 information. Counsel shall file an Amended Verified Petition  
within seven (7) days from the date of this minute order, or pay the  
appropriate filing fee again.

24 (Docket No. 24).

25 5. The error that occurred resulted from my inadvertent filing of the draft document  
26 that had been sent to Mr. Stewart to complete, rather than the completed document that Mr.  
27 Stewart had returned to me and that Caesars had signed.

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6. In response to the Court's Minute Order, I filed a Notice of Corrected Image/Document re [24] Order on Verified Petition for Permission to Practice Pro Hac Vice, [17] Verified Petition for Permission to Practice Pro Hac Vice by David J. Stewart and Designation of Local Counsel James D. Boyle (Docket No. 27) on June 15, 2011. However, without knowledge that I had done so, I errantly filed with the Notice a copy of the pro hac vice form that did not include the signature I had obtained from Caesars, instead of the copy that did include such signature.

7. On September 6, 2011, the Court entered a Minute Order which stated:  
  
Plaintiff Caesars World, Inc.'s Verified Petition for Permission to Practice Pro Hac Vice by David J. Stewart and Designation of Local Counsel James D. Boyle is still incomplete and missing the party's signature on page 5. Therefore, Plaintiff's Verified Petition for Permission to Practice Pro Hac Vice is hereby DENIED without leave to amend.

(Docket No. 31). Here again, the error occurred through my not ensuring that the completed application submitted to the court by me included the signature that I had obtained from Caesars in support of Mr. Stewart's properly completed application.

8. Thus, even though I had properly submitted the completed pro hac vice application on behalf of Ms. Munasifi, I twice submitted the wrong application on behalf of Mr. Stewart—inadvertently, but also inexcusably—even though Mr. Stewart had provided me with a complete and proper application by May 23, 2011, and even though I had obtained a signature from Caesars consenting to my designation as local counsel.

9. I do not believe that my inadvertent errors as stated above should deprive Caesars of its chosen lead trial counsel in this action, and should not deprive Mr. Stewart of an opportunity at the Court's discretion to practice in this action pro hac vice. The Court has my utmost assurance that no errors of this nature shall occur again.

I swear under penalty of perjury that the foregoing statements are true and correct.

Dated: September 12, 2011 \_\_\_\_\_ /s/ James D. Boyle  
James D. Boyle, Esq.

**EXHIBIT C**

**EXHIBIT C**



1 NICHOLAS J. SANTORO, ESQ.  
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JAMES D. BOYLE, ESQ.  
3 Nevada Bar No. 08384  
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11 Telephone: 404/881-7000  
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13 *Attorneys for Caesars World, Inc.*

14 UNITED STATES DISTRICT COURT  
15 DISTRICT OF NEVADA

16 CAESARS WORLD, INC., a Florida  
17 corporation,

18 Plaintiff,

19 v.  
20

21 MARCEL JULY, an individual; and  
OCTAVIUS TOWER LLC, a Nevada limited  
22 liability company,

23 Defendants.

CASE NO.: 2:11-cv-00536-GMN-(CWH)

**DECLARATION OF DAVID J. STEWART**

24 Pursuant to 28 U.S.C. § 1746, I, David J. Stewart, hereby declare as follows:

25 1. My name is David J. Stewart. I am of legal age and under no legal disability. I  
26 have personal knowledge of the facts in this Declaration and know them to be true and correct  
27 based upon my personal knowledge.  
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2. I am a partner with the law firm Alston & Bird, LLP in the firm's Atlanta, Georgia office.

3. I am Caesars' primary outside trademark enforcement counsel. As a result of my work in this role, I have detailed knowledge regarding Caesars, its facilities, services, and trademark rights.

4. I was responsible for coordinating and supervising the filing of the domain name arbitration complaint against Defendant Marcel July in 2008 that is referenced in Paragraph 24 of the Complaint. I therefore also have detailed and historical knowledge regarding the parties and issues in the present litigation.

5. I practice in a number of different jurisdictions across the United States on behalf of different trademark clients. One of my key clients is in Denton, Texas, which is located in the Eastern District of Texas. As a result, it is possible that I may need to appear in that court on my client's behalf in connection with the prosecution or defense of trademark claims.

6. Attached as Exhibit 1 is a true and correct copy of the pro hac vice admission form for the Eastern District of Texas, printed off from the court's website located at <http://www.txed.uscourts.gov/page1.shtml?location=rules> (Appendix K to the Local Rules). Item number 6 on the form states as follows: "6. Applicant has/has not had an application for admission to practice before another court denied (please circle appropriate language). If so, give complete information on a separate page."

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on September 12, 2011.

  
\_\_\_\_\_  
DAVID J. STEWART

**EXHIBIT C-1**

**EXHIBIT C-1**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
Beaumont DIVISION  
APPLICATION TO APPEAR PRO HAC VICE

1. This application is being made for the following: Case # \_\_\_\_\_  
Style: \_\_\_\_\_
2. Applicant is representing the following party/ies: \_\_\_\_\_
3. Applicant was admitted to practice in \_\_\_\_\_ (state) on \_\_\_\_\_ (date).
4. Applicant is in good standing and is otherwise eligible to practice law before this court.
5. Applicant is not currently suspended or disbarred in any other court.
6. Applicant has/has not had an application for admission to practice before another court denied (please circle appropriate language). If so, give complete information on a separate page.
7. Applicant has/has not ever had the privilege to practice before another court suspended (please circle). If so, give complete information on a separate page.
8. Applicant has/has not been disciplined by a court or Bar Association or committee thereof that would reflect unfavorably upon applicant's conduct, competency or fitness as a member of the Bar (please circle). If so, give complete information on a separate page.
9. Describe in detail on a separate page any charges, arrests or convictions for criminal offense(s) filed against you. Omit minor traffic offenses.
10. There are no pending grievances or criminal matters pending against the applicant.
11. Applicant has been admitted to practice in the following courts:  
\_\_\_\_\_
12. Applicant has read and will comply with the Local Rules of the Eastern District of Texas, including Rule AT-3, the "Standards of Practice to be Observed by Attorneys."
13. Applicant has included the requisite \$100 fee (see Local Rule AT-1(d)).
14. Applicant understands that he/she is being admitted for the limited purpose of appearing in the case specified above only.

**Application Oath:**

I, \_\_\_\_\_ do solemnly swear (or affirm) that the above information is true; that I will discharge the duties of attorney and counselor of this court faithfully; that I will demean myself uprightly under the law and the highest ethics of our profession; and that I will support and defend the Constitution of the United States.

Date \_\_\_\_\_

Signature \_\_\_\_\_

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
APPLICATION TO APPEAR PRO HAC VICE (Continued)**

Name (please print) \_\_\_\_\_  
State Bar Number \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
Address/P.O. Box: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_  
Secondary E-Mail Address: \_\_\_\_\_

Applicant is authorized to enter an appearance as counsel for the party/parties listed above. This application has been approved for the court on: \_\_\_\_\_

\_\_\_\_\_  
David J. Maland, Clerk  
U.S. District Court, Eastern District of Texas

By \_\_\_\_\_  
Deputy Clerk

**EXHIBIT D**

**EXHIBIT D**



1 NICHOLAS J. SANTORO, ESQ.  
Nevada Bar No. 00532  
2 nsantoro@nevadafirm.com  
JAMES D. BOYLE, ESQ.  
3 Nevada Bar No. 08384  
jboyle@nevadafirm.com  
4 SANTORO, DRIGGS, WALCH,  
KEARNEY, HOLLEY & THOMPSON  
5 400 South Fourth Street, Third Floor  
Las Vegas, Nevada 89101  
6 Telephone: 702/791-0308  
7 Facsimile: 702/791-1912

8 NADYA MUNASIFI, ESQ. (admitted *pro hac vice*)  
Georgia Bar No. 156051  
9 nmunasifi@alston.com  
ALSTON & BIRD LLP  
10 1201 West Peachtree Street  
Atlanta, Georgia 30309-3424  
11 Telephone: 404/881-7000  
12 Facsimile: 404/881-7777

13 *Attorneys for Caesars World, Inc.*

14  
15 **UNITED STATES DISTRICT COURT**  
16 **DISTRICT OF NEVADA**

17  
18 CAESARS WORLD, INC., a Florida  
corporation,

19  
20 Plaintiff,

21 v.

22 MARCEL JULY, an individual; and OCTAVIUS  
TOWER LLC, a Nevada limited liability  
23 company,

24 Defendants.  
25

CASE NO.: 2:11-cv-00536-GMN-(CWH)

**DECLARATION OF NICHOLAS J.  
SANTORO, ESQ. IN SUPPORT OF  
PLAINTIFF CAESARS WORLD, INC.'S  
MOTION FOR RECONSIDERATION OF  
MINUTE ORDER DENYING VERIFIED  
PETITION FOR PERMISSION TO  
PRACTICE PRO HAC VICE BY DAVID J.  
STEWART**

26 I, NICHOLAS J. SANTORO, declare under penalty of perjury that the following  
27 statements are true and correct:

28 ///



1           1.       I am over the age of eighteen years and competent to testify to the matters set  
2 forth herein. I submit this Declaration in Support of Plaintiff Caesars World, Inc.'s ("Caesars")  
3 Motion For Reconsideration of Minute Order Denying Verified Petition for Permission to  
4 Practice Pro Hac Vice By David J. Stewart (the "Motion"). I have personal knowledge of the  
5 facts set forth herein and if called to do so, I could and would testify to the same.

6           2.       Caesars is represented in this action by the law firm of Santoro, Driggs, Walch,  
7 Kearney, Holley & Thompson ("SDW") as its local counsel, and by the law firm of Alston &  
8 Bird LLP in Atlanta, Georgia, as its lead trial counsel.

9           3.       I have been a shareholder of SDW since approximately 1998. I am in charge of  
10 the legal work our firm does for Caesar's Entertainment and its affiliated companies, which I am  
11 proud to say have been clients of our firm for several years. As such, I oversee all of our firm's  
12 Caesars files.

13           4.       Attorney James D. Boyle was assigned the primary responsibility within our firm  
14 for the above-captioned litigation and has handled all day-to-day case requirements.

15           5.       I reviewed the Court's Minute Order dated September 6, 2011 and thereafter  
16 investigated the sequence of events leading up to its entry. Suffice it to say that I am  
17 embarrassed that our firm was unable to properly file a Verified Petition for Permission to  
18 Practice in This Case Only by Attorney Not Admitted to the Bar of This Court and Designation  
19 of Local Counsel on two successive attempts. There is no acceptable justification or excuse, and  
20 this level of practice falls far below both our firm's standards and what the Court may expect of  
21 seasoned counsel appearing before it.

22           6.       While Mr. Boyle may have relied upon his assistant to submit the correct  
23 documentation, and while I may have relied upon Mr. Boyle to ensure that the correct  
24 documentation was submitted to the Court, the ultimate responsibility is our firm's and mine. As  
25 a firm, we take this matter very seriously. I apologize to the Court on behalf of our firm and will  
26 henceforth personally ensure that there are no further mishaps of this sort.

27           7.       I wish to emphasize that the mistakes in these submissions were our firm's, only,  
28 and that neither Caesars nor any of the lawyers at the firm of Alston & Bird LLP bear any fault

1 or responsibility therefor. On behalf of our firm, I accept whatever sanction the Court may feel  
2 is just under the circumstances; I ask only that Caesars and Alston & Bird LLP not be penalized  
3 for a problem they had absolutely no role in creating.

4 8. I therefore respectfully request that the Court grant the within Motion in order to  
5 allow Caesars to be represented by Alston & Bird LLP in this matter, subject to whatever  
6 sanction the Court may in its discretion impose on our firm.

7 I swear under penalty of perjury that the foregoing statements are true and correct.

8  
9 Dated: 9/12/11

Nicholas J. Santoro  
Nicholas J. Santoro, Esq.

SANTORO, DRIGGS, WALCH,  
KEARNEY, HOLLEY & THOMPSON



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**EXHIBIT E**

**EXHIBIT E**

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

CAESARS WORLD, INC.,

Plaintiff,

vs.

MARCEL JULY, an individual; and OCTAVIUS  
TOWER LLC, a Nevada limited liability company,

Defendant(s).

Case # 2:11-cv-00536-GMN-(CWH)

**VERIFIED PETITION FOR  
PERMISSION TO PRACTICE  
IN THIS CASE ONLY BY  
ATTORNEY NOT ADMITTED  
TO THE BAR OF THIS COURT  
AND DESIGNATION OF  
LOCAL COUNSEL**

EFFECTIVE JUNE 1, 2004  
FILING FEE IS \$175.00

David J. Stewart

, Petitioner, respectfully represents to the Court:

1. That Petitioner resides at Atlanta  
(city)  
Fulton, Georgia  
(county) (state)

2. That Petitioner is an attorney at law and a member of the law firm of  
Alston & Bird LLP with offices at  
1201 West Peachtree Street  
(street address)  
Atlanta 30309-3424 404-881-7000  
(city) (zip code) (area code + telephone number)  
david.stewart@alston.com  
(Email address)

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3. That Petitioner has been retained personally or as a member of the law firm by Plaintiff, Caesars World, Inc. to provide legal representation in connection with [client(s)] the above-entitled case now pending before this Court.

4. That since 05/21/1991, Petitioner has been and presently is a member (date) in good standing of the bar of the highest Court of the State of Georgia where Petitioner regularly practices law. (state)

5. That Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States and Courts of other States on the dates indicated for each, and that Petitioner is presently a member in good standing of the bars of said Courts.

Court	Date Admitted	Bar Number
U.S. District Court for the Northern District of Georgia	5/21/1991	681149
U.S. 9th Circuit Court of Appeals	6/12/2001	681149
U.S. 4th Circuit Court of Appeals	2/11/2002	681149
U.S. 11th Circuit Court of Appeals	5/9/2008	681149
Georgia Courts of Appeal	5/21/1991	681149
Fulton County Superior Court	5/21/1991	681149

6. That there are or have been no disciplinary proceedings instituted against Petitioner, nor any suspension of any license, certificate or privilege to appear before any judicial, regulatory or administrative body, or any resignation or termination in order to avoid disciplinary or disbarment proceedings, except as described in detail below:

N/A

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7. Has Petitioner ever been denied admission to the State Bar of Nevada?. (If yes, give particulars of every denied admission):

No

8. That Petitioner is a member of good standing in the following Bar Associations:

Georgla Bar Association

9. Petitioner or any member of Petitioner's firm (or office if firm has offices in more than one city) with which Petitioner is associated has/have filed application(s) to appear as counsel under Local Rule IA 10-2 during the past three (3) years in the following matters:

Date of Application	Cause	Title of Court Administrative Body or Arbitrator	Was Application Granted or Denied
05/23/2011	Ceasars World v. July	U.S. District Court of Nevada	Denied
06/15/2011	Ceasars World v. July	U.S. District Court of Nevada	Denied

(If necessary, please attach a statement of additional applications)

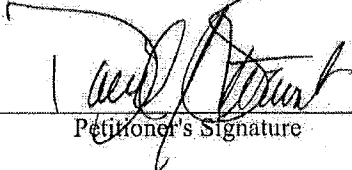
10. Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada.

11. Petitioner agrees to comply with the standards of professional conduct required of the members of the bar of this court.

12. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

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That Petitioner respectfully prays that Petitioner be admitted to practice before this Court  
FOR THE PURPOSES OF THIS CASE ONLY.

  
\_\_\_\_\_  
Petitioner's Signature

STATE OF Georgia )  
COUNTY OF Fulton )


David J. Stewart, Petitioner, being first duly sworn, deposes and says:

That the foregoing statements are true.

  
\_\_\_\_\_  
Petitioner's Signature

Subscribed and sworn to before me this

9th day of September, 2011

  
\_\_\_\_\_  
Notary Public, ~~Notary Public~~ County of Georgia  
My Commission Expires June 14, 2012

**DESIGNATION OF RESIDENT ATTORNEY  
ADMITTED TO THE BAR OF THIS COURT  
AND CONSENT THERETO.**

Pursuant to the requirements of the Local Rules of Practice for this Court, the Petitioner  
believes it to be in the best interests of the client(s) to designate James D. Boyle,  
Attorney at Law, member of the State of Nevada and previously admitted to practice before the  
above-entitled Court as associate residence counsel in this action. The address of said designated  
Nevada counsel is:

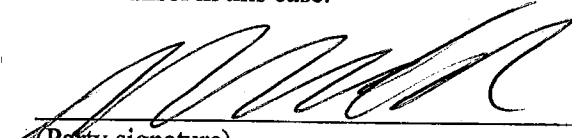
Santoro, Driggs, Walch, Kearney, Holley & Thompson  
400 South Fourth Street, Third Floor  
Las Vegas, Nevada 89101 Telephone: (702) 791-0308  
(Street, City, State, Zip Code and Telephone No.)

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By this designation the Petitioner and undersigned party(ies) agree that this designation constitutes agreement and authorization for the designated resident admitted counsel to sign stipulations binding on all of us.

**APPOINTMENT OF DESIGNATED RESIDENT NEVADA COUNSEL**

The undersigned party(ies) appoints James D. Boyle as his/her/their Designated Resident Nevada Counsel in this case.


  
\_\_\_\_\_  
(Party signature)

\_\_\_\_\_  
(Party signature)

\_\_\_\_\_  
(Party signature)

**CONSENT OF DESIGNEE**

The undersigned hereby consents to serve as associate resident Nevada counsel in this case.

  
\_\_\_\_\_  
Designated Resident Nevada Counsel's Signature      08384  
Bar number

APPROVED:

Dated: this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

# STATE BAR OF GEORGIA



Lawyers Serving the Public and the Justice System

**Mr. David James Stewart**  
**Alston & Bird LLP**  
**One Atlantic Center**  
**1201 West Peachtree Street**  
**Atlanta, GA 30309-3424**

**CURRENT STATUS:** Active Member-Good Standing  
**DATE OF ADMISSION:** 01/09/1991  
**BAR NUMBER:** 681149  
**TODAY'S DATE:** 09/09/2011

**Listed below are the public disciplinary actions, if any, which have been taken against this member:**

State Disciplinary Board Docket #	Supreme Court Docket #	Disposition	Date
N/A	N/A	N/A	N/A

The prerequisites for practicing law in the State of Georgia are as follows:

- Must be certified by the Office of Bar Admissions, either by Exam, or on Motion (Reciprocity).
- Sworn in to the Superior Court of Georgia, which is the highest court required to practice law in Georgia.
- Enrolled with the State Bar of Georgia, which is an arm of the Supreme Court of Georgia.

Attorneys licensed in Georgia and whose membership is current are eligible to practice law in Superior Court. Attorneys may, upon application, apply for admission to the Supreme, District and State Court of Appeals.

Under the privacy/confidentiality provision of the Bar Rule 4-221(d), any complaint against a member resolved prior to the filing and docketing of a disciplinary case in the Supreme Court is not a matter of public record, and may not be revealed without a waiver from the member. It is the policy of the State Bar of Georgia to answer any inquiry about a member by disclosing only those complaints that have been docketed in the Supreme Court. With respect to matters that are currently pending as active, undocketed cases, when an inquiry is received, the State Bar of Georgia shall not disclose the existence of those complaints. Such non-disclosure should not be construed to confirm the existence of confidential complaints since the vast majority of members in good standing are not the subjects of such confidential complaints.

This member is currently in "good standing" as termed and defined by State Bar Rule 1-204. The member is current in license fees and is not suspended or disbarred as of the date of this letter.



## STATE BAR OF GEORGIA

*Brandy Cleghorn*

Official Representative of the State Bar of Georgia

### HEADQUARTERS

104 Marietta Street, Suite 100  
Atlanta, Georgia 30303  
(404) 527-8700 ■ (800) 334-6865  
FAX (404) 527-8717  
www.gabar.org

### SOUTH GEORGIA

244 E. Second Street (Zip 31794)  
P.O. Box 1390  
Tifton, Georgia 31793-1390  
(229) 387-0446 ■ (800) 330-0446  
FAX (229) 382-7435