

EXHIBIT D

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21 *Attorneys for Caesars World, Inc.*

22 UNITED STATES DISTRICT COURT

23 DISTRICT OF NEVADA

24 CAESARS WORLD, INC., a Florida
25 corporation,

26 Plaintiff,

27 v.

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

31 Defendants.

CASE NO.: 2:11-CV-0536 GMN-CWH

CAESARS WORLD, INC.'S FIRST
REQUEST FOR PRODUCTION OF
DOCUMENTS AND THINGS TO
OCTAVIUS TOWER LLC

32 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure (the "Federal
33 Rules"), Caesars World, Inc. ("Caesars") serves these requests for the production of documents
34 and things upon Defendant Octavius Tower LLC ("OTLLC").

1 Responsive documents and information should be served on Caesars via its counsel,
2 David J. Stewart, at Alston & Bird LLP, One Atlantic Center, 1201 West Peachtree Street,
3 Atlanta, Georgia, 30309, within thirty (30) days of service hereof.

4 Each Request set forth below is addressed to the knowledge of OTLLC, as well as to the
5 knowledge, information and documents in the possession, custody or control of OTLLC's
6 attorneys, accountants, agents, employees, officers, directors, investigators, consultants and other
7 representatives. Thus, when a Request is directed to OTLLC, it is also directed to each of the
8 above-described persons.

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10 **DEFINITIONS AND INSTRUCTIONS**

11 Caesars incorporates herein the Definitions set forth in Caesars World, Inc.'s First Set of
12 Interrogatories to Octavius Tower LLC, served concurrently herewith.

13 **REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

- 14 1. Documents sufficient to identify OTLLC's current and former officers, directors, and
15 management level employees.
- 16 2. Documents sufficient to identify each person or entity that has an ownership interest
17 in OTLLC.
- 18 3. All agreements between OTLLC and July.
- 19 4. All trademark license agreements between OTLLC and any third party that relate to
20 use of any mark or name that includes the phrase OCTAVIUS TOWER in the United States.
- 21 5. All documents that refer or relate to each musical performance OTLLC has given
22 under any mark that includes the phrase OCTAVIUS TOWER in the United States, if any.
- 23 6. All documents that refer or relate to each variety show OTLLC has given under any
24 mark that includes the phrase OCTAVIUS TOWER Marks in the United States, if any.
- 25 7. All documents that refer or relate to each news show OTLLC has given under any
26 mark that includes the phrase OCTAVIUS TOWER in the United States, if any.
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1 8. All documents that refer or relate to each comedy show OTLLC has given under any
2 mark that includes the phrase OCTAVIUS TOWER in the United States, if any.

3 9. All documents that refer or relate to each floor show OTLLC has given under any
4 mark that includes the phrase OCTAVIUS TOWER in the United States, if any.

5 10. All documents that refer or relate to the services “renting sound systems, stages,
6 lighting and laser-light equipment and also setting up, testing and dismantling the stages and
7 related equipment” provided by OTLLC under any mark that includes the phrase OCTAVIUS
8 TOWER in the United States.

9 11. Documents sufficient to identify each good and service offered by OTLLC under the
10 any mark that includes the phrase OCTAVIUS TOWER in the United States not listed in
11 Requests 5-10.
12

13 12. Documents sufficient to identify OTLLC’s target customers for each of the goods and
14 services it offers under any mark that includes the phrase OCTAVIUS TOWER in the United
15 States.

16 13. Documents sufficient to identify the date OTLLC first used the mark OCTAVIUS
17 TOWER in the United States.
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19 14. All trademark searches performed by OTLLC regarding any mark or name that
20 includes the term “Octavius.”

21 15. All non-privileged documents relating to any applications OTLLC has filed to
22 register a mark that includes the term “octavius” in the United States, including, but not limited
23 to, notes, correspondence, communications, forms, memorandums, specimens of use, office
24 actions, office action responses, and registrations.

25 16. Copies of all consumer satisfaction surveys, feedback cards, consumer complaints, or
26 other documents that reflect any feedback, response, impression or opinion by any consumer
27 regarding OTLLC or OTLLC’s goods or services.

- 1 17. All surveys, studies, polls, or focus group interviews of any kind or nature regarding
2 the OCTAVIUS TOWER mark.
- 3 18. All documents that refer or relate to the domain names <caesarspalacetower.com>,
4 <caesarspalacetowers.com>, <caesarspalacetowerslasvegas.com>, <caesarstowers.com>, and
5 <caesarstower.com>.
- 6 19. Copies of all websites that have been available over the Internet at any time at any of
7 the domain names identified in Request 18.
- 8 20. All documents that refer or relate to the domain names <octaviustower.com>,
9 <octaviustowers.com>, <octaviustowerlasvegas.com>, and <octaviustowerlasvegas.com>.
- 10 21. Copies of all websites that have been available over the Internet at any time at any of
11 the domain names identified in Request 20.
- 12 22. All documents that evidence or support July's allegation in Paragraph 75 of his
13 Answer and Counterclaims that "[d]uring the years 1996 through 2003, Octavius Tower, LLC
14 maintained the Website promoting concerts, bands, and streaming videos of performances."
- 15 23. Copies of all advertising, marketing or promotional materials, whether by OTLLC or
16 any third party, that refer or relate to any goods or services OTLLC has offered in the United
17 States under any mark that includes the phrase OCTAVIUS TOWER, including, but not limited
18 to, the following: newspaper, magazine or other print advertisement; brochures, stationery,
19 pamphlets, posters, flyers, or other printed materials; all text or scripts and video or audio
20 recordings of all television, radio, or other broadcast materials; all screen images, websites or
21 banner advertisements; and all photographs, specifications and drawings of all billboards and
22 signage.
- 23 24. Documents sufficient to identify where and when the advertising, marketing or
24 promotional materials produced in response to Document Request No. 23 above were broadcast,
25 published, disseminated, distributed, displayed or otherwise used.
- 26
27

- 1 25. Documents sufficient to identify by year all amounts spent on advertising, promoting
2 and marketing any goods or services OTLLC has offered under any mark that includes the
3 phrase OCTAVIUS TOWER in the United States.
- 4 26. Documents sufficient to identify individuals responsible for advertising, promoting
5 and marketing OTLLC's goods or services under any mark that includes the phrase OCTAVIUS
6 TOWER in the United States.
- 7 27. Copies of all newspaper, magazine, Internet or other articles, press or other publicity
8 regarding goods or services offered by OTLLC under any mark that includes the phrase
9 OCTAVIUS TOWER in the United States.
- 10 28. All non-privileged correspondence or communications between OTLLC or its
11 counsel and any third party regarding Caesars or its use of the mark OCTAVIUS TOWER.
- 12 29. All non-privileged correspondence or communications between OTLLC and any third
13 party regarding OTLLC's use of any mark that includes the phrase OCTAVIUS TOWER.
- 14 30. Documents sufficient to identify by year all amounts OTLLC has spent on
15 advertising, promoting or marketing its goods and services in the United States under the
16 OCTAVIUS TOWER mark.
- 17 31. Documents sufficient to identify all Google Adwords and other search engine
18 keywords OTLLC has purchased that include the term "Caesars" or "Octavius."
- 19 32. All documents that refer or relate to any Facebook or Twitter accounts for OTLLC's
20 goods or services sold under any mark that includes the phrase OCTAVIUS TOWER.
- 21 33. All documents that refer or relate to any state trademark registration or application
22 OTLLC has filed at any time in the United States for any mark that includes the phrase
23 OCTAVIUS TOWER.
- 24 34. Documents sufficient to identify when OTLLC first learned of Caesars' use of the
25 OCTAVIUS TOWER mark.
- 26 35. All documents that refer or relate to the entertainment center referenced in Paragraph
27 87 of July's Answer and Counterclaims.

- 1 36. All documents that refer or relate to any instance of consumer confusion or inquiry
2 OTLLC contends has occurred as a result of Caesars' use of the OCTAVIUS TOWER mark.
- 3 37. To the extent not produced in response to the foregoing requests, all documents that
4 support an allegation that the Caesars' OCTAVIUS TOWER mark infringes the July's or
5 OTLLC's OCTAVIUS TOWER mark.
- 6 38. All documents that support OTLLC's affirmative defenses listed in OTLLC's
7 Answer.
- 8 39. All documents that relate to any planned concerts for the band Octavius Tower in the
9 United States.
- 10 40. To the extent not produced in response to Request No. 35 above, all documents that
11 relate to the planned opening of the Octavius Tower Entertainment Center in Las Vegas.
- 12 41. To the extent not produced in response to the foregoing requests, all non-privileged
13 documents that refer or relate to Caesars or the Caesars OCTAVIUS TOWER mark.
- 14 42. Documents sufficient to identify OTLLC's gross and net sales by year from the sale
15 of OTLLC's goods and services offered under marks that include the phrase OCTAVIUS
16 TOWER in the United States.
- 17 43. Documents sufficient to identify OTLLC's gross and net revenues by year from the
18 sale of OTLLC's goods and services offered under marks that include the phrase OCTAVIUS
19 TOWER in the United States.
- 20 44. Documents sufficient to identify OTLLC's gross and net profit by year from the sale
21 of OTLLC's goods and services offered under marks that include the phrase OCTAVIUS
22 TOWER in the United States.
- 23 45. All documents and things OTLLC relied upon or referenced in responding to Caesars'
24 First Set of Interrogatories.
- 25 46. All written statements or other documents pertaining to the testimony or possible
26 testimony of any fact witnesses OTLLC may call to testify in this proceeding, including
27 documents sufficient to show the identity of any such person.

1 47. All documents relating to any work performed for OTLLC, or at OTLLC's request or
2 direction, by any person or persons whom OTLLC intends to call as an expert witness on its
3 behalf in this proceeding, including, but not limited to, *curricula vitae* of any such persons,
4 correspondence with any such persons, engagement or fee arrangements with any such persons,
5 any documents OTLLC has provided to or received from any such persons, and any preliminary
6 or final opinion or observations of any such persons.

7 Dated this 8th day of September, 2011.

8 /Nadya M. Munasifi/

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21 Las Vegas, Nevada 89101

22 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 8th day of September, 2011, I caused the document entitled **CAESARS WORLD, INC.'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS TO OCTAVIUS TOWER LLC**, 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 checked="" type="checkbox"/> Mail Service

DATED this 8th day of September, 2011.

 /s/ Nadya Munasifi
Nadya Munasifi

EXHIBIT E

Sand, Nadya

From: Stewart, David
Sent: Tuesday, October 18, 2011 10:28 PM
To: Christian Kaldenhoff
Cc: sanftlawgroup@mac.com; Jim Boyle; Sand, Nadya
Subject: RE:

Christian:

In response to your letter from yesterday, we have consistently indicated to you and Michael that what we are interested in is mediation, and the parties jointly represented to the court that they intended to pursue mediation. We continue to believe that this case can and should be settled, but we do not believe it can be settled without lawyers present to discuss the relevant legal issues and a mediator to help the parties bridge the gap between their respective positions. We are not interested in settlement discussion other than in a mediation format. Understanding that this is not acceptable to your client, we intend to move forward with the case. Discovery responses to our first document requests and interrogatories to Mr. July and Octavius Tower, LLC are now past due. Please provide complete responses by the end of this week.

Sincerely,

David J. Stewart | Alston & Bird LLP

One Atlantic Center | 1201 West Peachtree Street | Atlanta, GA 30309

Phone: 404-881-7952 | Fax: 404-253-8381 | Email: david.stewart@alston.com

EXHIBIT F

Sand, Nadya

From: Sand, Nadya
Sent: Thursday, October 20, 2011 1:02 PM
To: sanftlawgroup@mac.com
Cc: Stewart, David
Subject: Discovery in Caesars v. Marcel July

Hi Michael,

It was nice speaking with you yesterday, and receiving a status update from you. I spoke with Caesars regarding your request for an extension of time until next Friday, October 28, to respond to Caesars' first document requests and interrogatories to July and Octavius Tower, LLC. Caesars has granted the extension with the understanding that by next Friday we will receive complete answers to our interrogatories and all documents responsive to our requests, and not just written objections. Documents responsive to our requests can be sent to my attention at the following address:

Nadya Munasifi, Esq.
Alston & Bird LLP
1201 West Peachtree Street
Atlanta, Georgia 30309-3424

Please confirm receipt of this email, and good luck at your trial this week,
Nadya