

EXHIBIT B



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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 corporation,

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

17 Plaintiff,

**DECLARATION OF NADYA MUNASIFI
SAND IN SUPPORT OF CAESARS
WORLD, INC.'S EMERGENCY
MOTION TO COMPEL AND FOR
SANCTIONS**

18 v.

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

21 Defendants.

22 Pursuant to 28 U.S.C. § 1746 and L.R. 26-7, I, Nadya Munasifi Sand, declare as follows:

23 1. I am over eighteen years of age and suffer from no legal disability. I am familiar
24 with the facts and circumstances in this action and am personally knowledgeable of the matters
25 set forth in this declaration and, if called upon to do so, I could and would testify competently to
26 the facts set forth herein.

1 2. I am an attorney at Alston & Bird, LLP and counsel for Plaintiff Caesars World,
2 Inc. (“Caesars”) in the above-captioned matter. I make this Declaration in support of Caesars
3 World, Inc.’s Emergency Motion to Compel and For Sanctions.

4 3. On Monday, February 20, 2012, I called Timothy Bennett, Esq., an attorney who
5 works with Mr. Sanft, but who has not made an appearance in this case, regarding an email
6 Caesars received from Marcel July (“July”) unrelated to July’s deposition.

7 4. During the call, Mr. Bennett informed me that July had a conflict with personally
8 appearing for his deposition, but could appear by telephone on the scheduled deposition date.
9 Mr. Bennett did not know for certain why July was refusing to appear in person as noticed, but
10 speculated that it was because of the expense of traveling to the United States. Mr. Bennett did
11 not provide alternative dates for when July was available for his deposition.

12 5. I informed Mr. Bennett later that day that Caesars would not agree to a telephonic
13 deposition. I told Mr. Bennett I would need to get back with him regarding the deposition date.

14 6. The following day, I emailed Messrs. Bennett and Sanft, informing them that
15 Caesars would not withdraw its deposition notice because it was validly noticed and because
16 Caesars had been trying for weeks without response to get July’s cooperation in scheduling the
17 deposition. I further requested that Mr. Sanft confirm whether his client would be attending the
18 deposition as noticed. A true and correct copy of my email is attached as Exhibit 1.

19 7. On February 22, Mr. Bennett confirmed via email that July would not attend his
20 deposition on Friday because of the expense of traveling to Las Vegas, and because “he believes
21 that the burden of such a travel at any time for a deposition would outweigh the benefit that may
22 be conferred by a mere telephonic appearance on such an occasion.” Mr. Bennett also informed
23 Caesars for the first time that Mr. Sanft could not attend the scheduled deposition. No alternative
24 dates for a deposition were proposed. A true and correct copy of Mr. Bennett’s email is attached
25 as Exhibit 2.

26 8. July claims that he is in the process of opening a new entertainment center in Las
27 Vegas, Nevada, which is less than three miles from Santoro, Driggs, Walch, Kearney, Holley &
28 Thompson, the location of July’s noticed deposition. A true and correct copy of an email from



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Mr. Bennett about the entertainment center and pictures of the outside of the entertainment center are attached as Exhibit 3.

Executed on this 28th day of February, 2012.


NADYA MUNASIFI SAND

EXHIBIT 1

Sand, Nadya

From: Sand, Nadya
Sent: Tuesday, February 21, 2012 5:57 PM
To: timothy.bennett@webmail.azbar.org; sanftlawgroup@mac.com
Cc: Stewart, David; jboyle@nevadafirm.com
Subject: Deposition of Marcel July

Michael and Tim,

In response to my conversation yesterday with Tim, we have spoken with our client regarding Friday's deposition. We believe the Notice of Deposition was validly issued. And, because of the limited time remaining in discovery, Caesars does not agree to withdraw that Notice, which requires Marcel July to personally appear for his deposition on Friday, February 24, in Las Vegas. Please let us know by noon tomorrow whether your client will be appearing for his deposition.

Regards,
Nadya

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EXHIBIT 2

Sand, Nadya

From: Tim Bennett <timrodriguezbenett@yahoo.com>
Sent: Wednesday, February 22, 2012 1:58 PM
To: Sand, Nadya
Cc: Mike Sanft; Bruce Stokes
Subject: Re: Deposition of Marcel July

Hi Nadya,

Mr. July will not be able to be at a deposition in Las Vegas on Friday the 24th. As we discussed, his reasons have to do with the undue burden of personally appearing in Las Vegas, which would require an expensive travel and stay. Moreover, he believes that the burden of such a travel at any time for a deposition would outweigh the benefit that may be conferred by a mere telephonic appearance on such an occasion.

Further, no attorney is available for a deposition on Friday the 24th. Mr. Sanft is apparently scheduled to be in Nye County, Nevada all day Friday for matters involving criminal defendants facing Federal charges. I am unavailable both because I have multiple court hearings in Mohave County, Arizona, and more generally because I am not licensed on a *pro hac vice* basis or otherwise. As we discussed on the phone, it is one thing for me to aid Mr. July at a mediation on a consultory basis, but another to hold myself out as a representative with standing to give legal advice and make objections.

My hope is that we might yet come to other scheduling arrangements and possibly revise our view that Marcel must appear in person, as opposed to telephonically, at a deposition. I think we are all in agreement that Marcel's deposition would be beneficial to the parties, and of course, well within your client's rights under the Rules. Mr. July's only concern, apart from having legal representation with standing to be so, is time and place.

Tim

--- On Tue, 2/21/12, Sand, Nadya <Nadya.Sand@alston.com> wrote:

From: Sand, Nadya <Nadya.Sand@alston.com>
Subject: Deposition of Marcel July
To: "timothy.bennett@webmail.azbar.org" <timothy.bennett@webmail.azbar.org>, "sanftlawgroup@mac.com" <sanftlawgroup@mac.com>
Cc: "Stewart, David" <David.Stewart@alston.com>, "jboyle@nevadafirm.com" <jboyle@nevadafirm.com>
Date: Tuesday, February 21, 2012, 3:57 PM

Michael and Tim,

In response to my conversation yesterday with Tim, we have spoken with our client regarding Friday's deposition. We believe the Notice of Deposition was validly issued. And, because of the limited time remaining in discovery, Caesars does not agree to withdraw that Notice, which requires Marcel July to personally appear for his deposition on Friday, February 24, in Las Vegas. Please let us know by noon tomorrow whether your client will be appearing for his deposition.

Regards,
Nadya

EXHIBIT 3

Sand, Nadya

From: Tim Bennett <timrodriguezbenett@yahoo.com>
Sent: Wednesday, January 18, 2012 4:48 PM
To: Sand, Nadya; Mike Sanft
Subject: Fw: Entertainment Center Sign
Attachments: 100_0491.JPG; 100_0488.JPG; 100_0489.JPG; 100_0490.JPG

Hi Nadya,

I also received these photos that I think are pertinent. As you know, Mr. July has plans open his own "Octavius Tower" establishment in Vegas. These photos indicate some signage that has apparently been placed there.

Sorry to inundate you with stuff today. It was really nice talking to you earlier, definitely a break in the work day.

Thanks, and I still have that objection and motion in process.

Tim

--- On **Mon, 1/16/12**, **Bruce Stokes** <nova1572@frontiernet.net> wrote:

From: Bruce Stokes <nova1572@frontiernet.net>
Subject: Entertainment Center Sign
To: "Tim Bennett" <timrodriguezbenett@yahoo.com>
Cc: "M July" <mjuly64@yahoo.com>
Date: Monday, January 16, 2012, 5:12 PM

2011 Live Concert & Entertainment Center
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2012/01/16

