EXHIBIT B

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1	JAMES D. BOYLE, ESQ.
	Nevada Bar No. 08384
2	jboyle@nevadafirm.com
2	SANTORO, DRIGGS, WALCH,
3	KEARNEY, HOLLEY & THOMPSON
4	400 South Fourth Street, Third Floor
	Las Vegas, Nevada 89101
5	Telephone: 702/791-0308
	Facsimile: 702/791-1912
6	
	DAVID J. STEWART, ESQ.
7	Georgia Bar. No. 681149
_	David.Stewart@alston.com
8	NADYA MUNASIFI SAND, ESQ.
9	Georgia Bar No. 156051
	Nadya.Sand@alston.com
10	ALSTON & BIRD LLP
	1201 West Peachtree Street
11	Atlanta, Georgia 30309-3424
	Telephone: 404/881-7000
12	Facsimile: 404/881-7777
	Attania of Community of the
13 I	Attorneys for Caesars World, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CAESARS WORLD, INC., a Florida corporation, | CASE NO.:

Plaintiff,

v.

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

Defendants.

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

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

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

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

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- 2. I am an attorney at Alston & Bird, LLP and counsel for Plaintiff Caesars World, Inc. ("Caesars") in the above-captioned matter. I make this Declaration in support of Caesars World, Inc.'s Emergency Motion to Compel and For Sanctions.
- 3. On Monday, February 20, 2012, I called Timothy Bennett, Esq., an attorney who works with Mr. Sanft, but who has not made an appearance in this case, regarding an email Caesars received from Marcel July ("July") unrelated to July's deposition.
- During the call, Mr. Bennett informed me that July had a conflict with personally appearing for his deposition, but could appear by telephone on the scheduled deposition date. Mr. Bennett did not know for certain why July was refusing to appear in person as noticed, but speculated that it was because of the expense of traveling to the United States. Mr. Bennett did not provide alternative dates for when July was available for his deposition.
- 5. I informed Mr. Bennett later that day that Caesars would not agree to a telephonic deposition. I told Mr. Bennett I would need to get back with him regarding the deposition date.
- 6. The following day, I emailed Messrs. Bennett and Sanft, informing them that Caesars would not withdraw its deposition notice because it was validly noticed and because Caesars had been trying for weeks without response to get July's cooperation in scheduling the deposition. I further requested that Mr. Sanft confirm whether his client would be attending the deposition as noticed. A true and correct copy of my email is attached as Exhibit 1.
- 7. On February 22, Mr. Bennett confirmed via email that July would not attend his deposition on Friday because of the expense of traveling to Las Vegas, and because "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." Mr. Bennett also informed Caesars for the first time that Mr. Sanft could not attend the scheduled deposition. No alternative dates for a deposition were proposed. A true and correct copy of Mr. Bennett's email is attached as Exhibit 2.
- 8. July claims that he is in the process of opening a new entertainment center in Las Vegas, Nevada, which is less than three miles from Santoro, Driggs, Walch, Kearney, Holley & Thompson, the location of July's noticed deposition. A true and correct copy of an email from

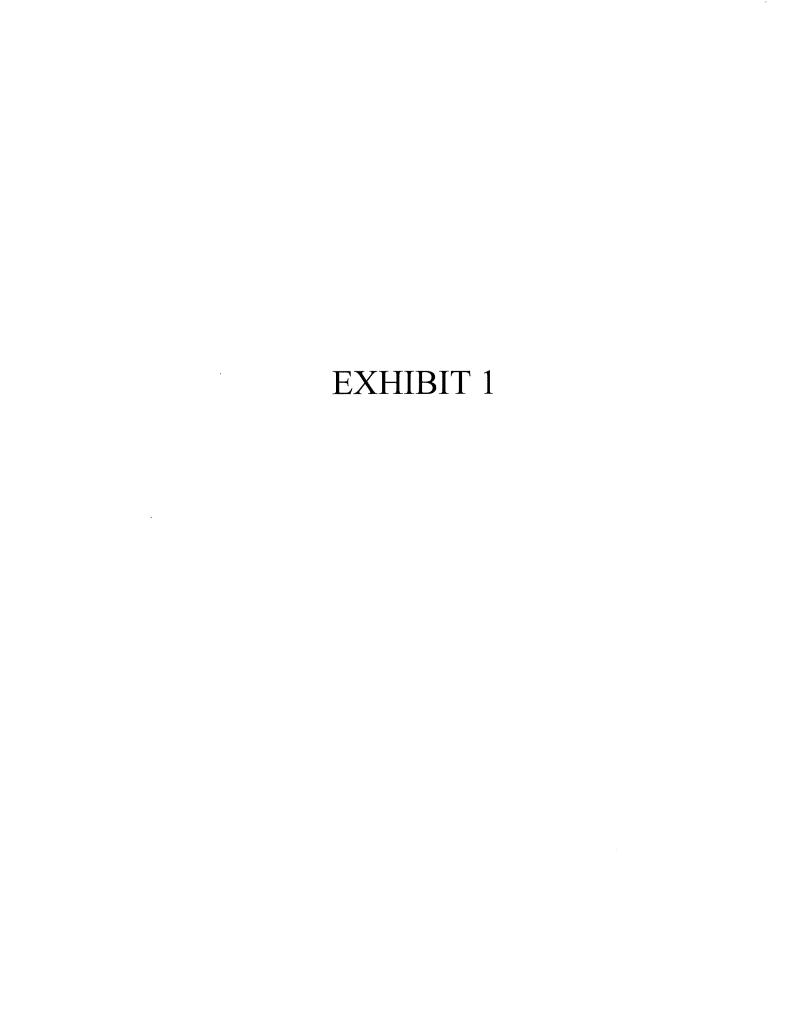
SANTORO, DRIGGS, WALCH, KEARNEY, HOLLEY & THOMPSON ■ March ■ March

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

- 3 -



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

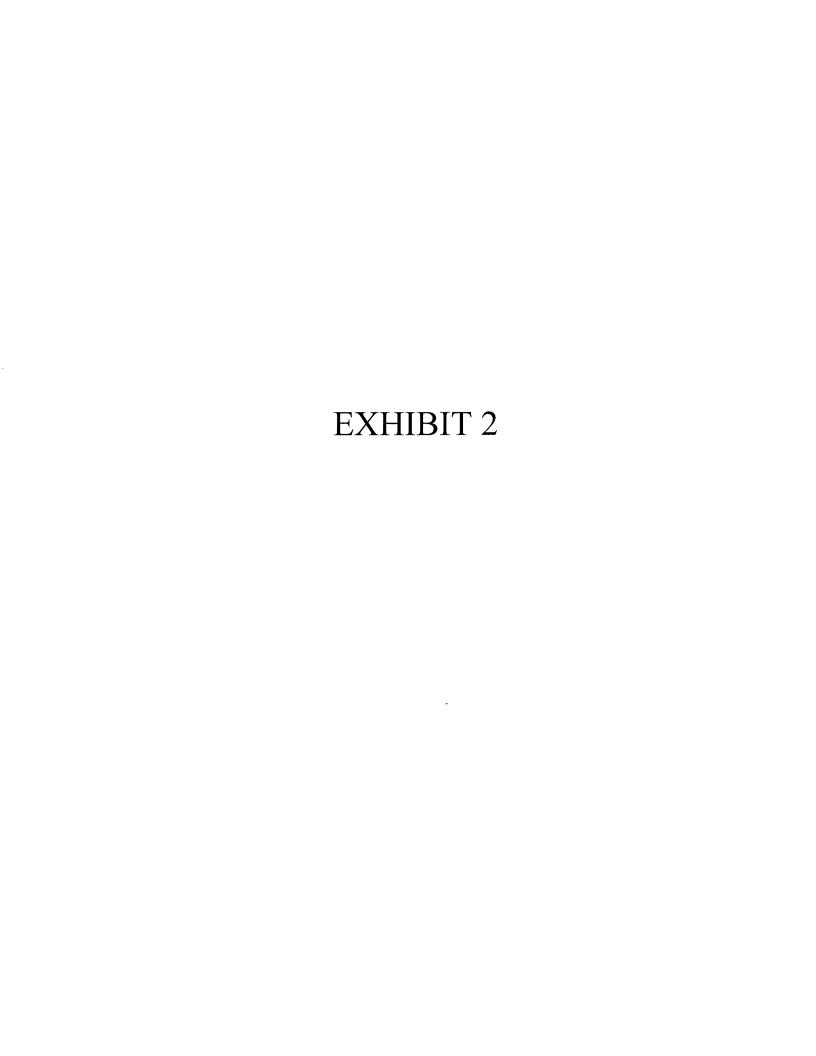
Michael and Tim,

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

Nadya Munasifi Sand, Esq.

Alston & Bird LLP 1201 West Peachtree Street Atlanta, Georgia 30309-3424 (404) 881-4565 Direct (404) 253-8215 Fax nadya.munasifi@alston.com www.alston.com



Sand, Nadya

From:

Tim Bennett <timrodriguezbennett@yahoo.com>

Sent:

Wednesday, February 22, 2012 1:58 PM

To:

Sand, Nadya

Cc: Subject: Mike Sanft; Bruce Stokes
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 depostion 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 <<u>Nadya.Sand@alston.com</u>> 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>

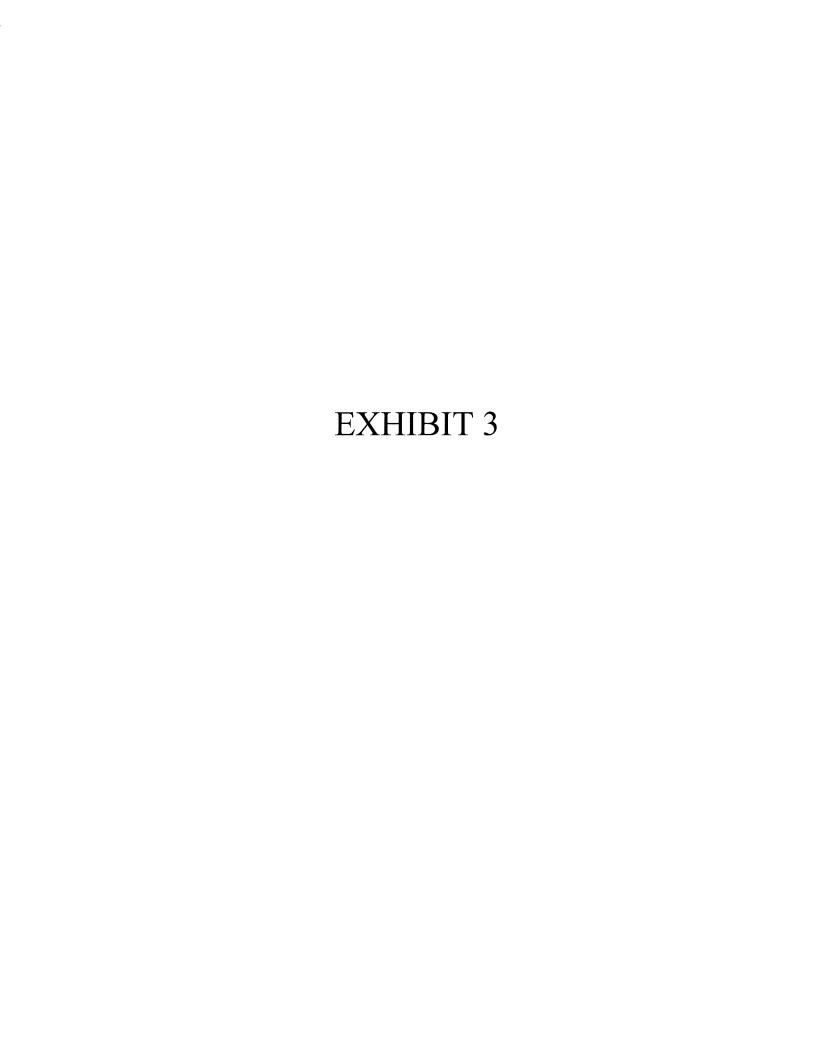
Date: Tuesday, February 21, 2012, 3:57 PM

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



Sand, Nadya

From:

Tim Bennett <timrodriguezbennett@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'" < timrodriguezbennett@yahoo.com>

Cc: "'M July'" < mjuly64@yahoo.com > Date: Monday, January 16, 2012, 5:12 PM

Live Concert & Entertainment Center

Concerts - Audio Recording Studio - Promotion Vorabilia Retail Store & Website - Video recording - CD & DVD Production Helping Unknown Bands get Known -- www.OctaviusTower.com

(TAWWS TOWER



Las Vegas (Las Vegas

Roller Hockey Cente www.lasvegasrollerhockey.c (702) 349-6526

2012/01/16

