

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

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4
5 SEAN KENNENDY, et al.,

6 Plaintiffs,

7 vs.

8 LAS VEGAS SANDS CORP., et al.,

9 Defendants.

2:17-cv-00880-JCM-VCF

ORDER

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11 On July 30, 2018, defendants delivered to chambers, for in camera review, a copy of the final audit
12 report which was the subject of defendants' Motion for Protective Order ECF No. 95. The transmittal
13 letter from defense counsel states that additional related documents, including draft versions and
14 information exchanged between the parties, were not provided for review.

15 I find that three pages of the submission should be produced to plaintiffs, as the staffing
16 information on pages 8 and 9 is relevant to (1) plaintiffs' claim that they were engaged to wait for flight
17 assignments and (2) defendants' assertion, in defense, that the plaintiffs were off duty when not assigned
18 flight duties and thus waiting to be engaged. Accordingly, I have determined that pages 1, 8 and 9 of the
19 VanAllen Corporate Aviation Benchmarking report must be produced.


20 The documents to be produced are in the 14 page report for "Target Participants," fleets with five
21 or more aircraft and/or serve VVIP clientele. Five "peer" participants are analyzed in comparison with
22 defendants. Page 1 sets the context for the comparative staffing levels reported on pages 8 and 9. The
23 remainder of the documents submitted in camera need not be produced.

24 This decision is based on the scope of discovery established by Fed. R. Civ. P. 26(b)(1) and does
25 not address relevance of these documents under Fed. R. Evid. 401.

1 IT IS HEREBY ORDERED that, on or before August 7, 2018, defendants must deliver to plaintiffs
2 copies of pages 1, 8 and 9 of the 14 page VanAllen Corporate Aviation Benchmarking report, as described
3 more particularly above.

4 IT IS FURTHER ORDERED that, on or before August 7, 2018, any additional documents not yet
5 produced for in camera review, which relate to the three pages ordered produced, must be delivered to
6 chambers for in camera inspection, including draft versions and information exchanged between the
7 parties. If there are no such additional documents, defense counsel shall file a certification to that effect
8 on or before August 7, 2018.

9 DATED this 1st day of August, 2018.



CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE