

IN THE SUPREME COURT OF THE STATE OF NEVADA

CAESARS LINQ, LLC, A DELAWARE
LIMITED-LIABILITY COMPANY; AND
CAESARS ENTERTAINMENT
CORPORATION, A FOREIGN
CORPORATION,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
NANCY L. ALLF, DISTRICT JUDGE,

Respondents,

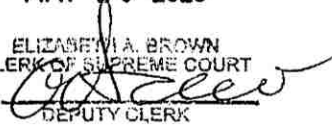
and

RUBBER CHICKEN LLC, D/B/A
JOKELAND, A DOMESTIC LIMITED-
LIABILITY COMPANY; ROJAS
TALENT GROUP, INC., A FOREIGN
CORPORATION; OGLIO
ENTERTAINMENT, LLC, A DOMESTIC
LIMITED-LIABILITY COMPANY;
CARL CAPRIOGLIO, INDIVIDUALLY;
AND EDWIN ROJAS, INDIVIDUALLY,
Real Parties in Interest.

No. 84852

FILED

MAY 25 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This is a petition for a writ of mandamus challenging a district court order denying a motion to strike deposition errata sheets.

This matter arises from an intellectual property dispute. Real parties in interest Rubber Chicken LLC; Rojas Talent Group, Inc.; Oglio Entertainment, LLC; Carl Caprioglio; and Edwin Rojas (collectively, Caprioglio and Rojas), sued petitioners Caesars LINQ, LLC and Caesars

Entertainment Corporation (collectively, Caesars) over scrapped plans to build a comedy club at LINQ.

During the course of litigation, Caesars deposed Caprioglio and Rojas. Caprioglio and Rojas then served Caesars with errata sheets significantly changing their deposition testimony. Caesars moved to strike these changes. The district court denied Caesars' request to strike the errata sheets but permitted additional discovery regarding the changed testimony. The district court did not allow Caesars to conduct discovery regarding any attorney-client communications relating to the changes.

Caesars petitions for a writ of mandamus, asking this court to vacate the district court order and direct that the modifications to the deposition testimony be struck. Caesars also asks this court to direct the district court to allow Caesars to conduct discovery regarding the attorney-client communications regarding the errata sheets.

A writ of mandamus “compel[s] the performance of an act which the law especially enjoins as a duty resulting from an office, trust or station.” NRS 34.160. Mandamus is an extraordinary remedy. “Where a district court is entrusted with discretion on an issue, the petitioner’s burden to demonstrate a clear legal right to a particular course of action by that court is substantial” *Walker v. Second Judicial Dist. Court*, 136 Nev. 678, 680, 476 P.3d 1194, 1196 (2020) (emphasis omitted).

Discovery orders fall within the district court’s discretion. *Okada v. Eighth Judicial Dist. Court*, 131 Nev. 834, 839, 359 P.3d 1106, 1110 (2015) (citing *Club Vista Fin. Servs, LLC v. Eighth Judicial Dist. Court*, 128 Nev. 224, 228, 276 P.3d 246, 249 (2012)). “[T]his court typically will not exercise its discretion to review a pretrial discovery order unless

the order could result in irreparable prejudice . . . or [the] order require[s] disclosure of privileged information.” *Vanguard Piping Sys., Inc. v. Eighth Judicial Dist. Court.*, 129 Nev. 602, 606, 309 P.3d 1017, 1019 (2013).

We determine that exercise of the court’s discretion is not warranted here. First, the district court order will not result in irreparable harm or require the disclosure of privileged information. While Caesars argues that Caprioglio and Rojas’s changes to their discovery testimonies in the errata sheets harm its summary judgment prospects, this harm is speculative. And the district court’s order did not result in the discovery of any privileged information.

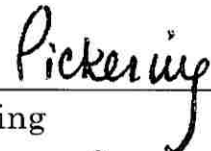
Second, Caesars has a plain legal remedy. Caesars can appeal the final judgment, whether that follows from a jury verdict or a motion for summary judgment or judgment as a matter of law. NRAP 3A(b). “This court has previously pointed out, on several occasions, that the right to appeal is generally an adequate legal remedy that precludes writ relief.” *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).


While Caesars argues for the first time in its reply brief that the interpretation of NRCP 30(e) presents a matter of first impression, we determine that advisory mandamus is not appropriate here. Caesars does not explain how judicial economy would be promoted by this court’s interlocutory review, nor how clarification of NRCP 30(e)’s meaning presents an immediate issue of statewide importance. *Id.* at 228, 88 P.3d at 844 (“Petitioners carry the burden of demonstrating that extraordinary relief is warranted.”); *see also Weaver v. State, Dep’t of Motor Vehicles*, 121 Nev. 494, 502, 117 P.3d 193, 198-99 (2005) (explaining that this court need

not consider issues raised for the first time in a reply brief). For these reasons, we

ORDER the petition DENIED.


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Bell

cc: Hon. Nancy L. Alf, District Judge
Leonard Law, PC
Santoro Whitmire
Armstrong Teasdale, LLP/Las Vegas
Lagomarsino Law
Eighth Judicial District Court Clerk