



CLERK OF THE COURT

1 MINV
2 Allen Lichtenstein
3 Nevada Bar No.:3992
4 3315Russell Road, No. 222
5 Las Vegas, NV 89120
6 (702) 433-2666 – phone
7 (702) 433-9591 – fax
8 allaw@lvcoxmail.com

6 Attorney for Proposed Intervenors,
7 Campaign for Accountability

8 STEVEN C. JACOBS;)
9)
10 Plaintiff,)
11 v.)
12 LAS VEGAS SANDS CORP., a Nevada)
13 Corporation; SHELDON G. ADELSON,)
14 in his individual and representative)
15 capacities; DOES I-X; and ROE)
16 CORPORATIONS I-X;)
17 Defendants.)

Case No.: A-10-627691-B

Dept. No.: XI

**MOTION TO INTERVENE AND
IN SUPPORT OF UNSEALING THE
VICKERS REPORTS, BY
CAMPAIGN FOR ACCOUNTABILITY**

17 Comes now the Campaign for Accountability (“CfA”) by and through the undersigned attorney
18 and files this Motion to Intervene in the above captioned case, pursuant to NRCP 20 and NRCP 24.
19 The purpose of this proposed intervention is to allow CfA to request and argue for the unsealing of
20 material previously filed in this case, under seal – the so-called Vickers Reports. NRCP 24(a) directs
21 the district court to approve a timely application to intervene of right when either (1) a statute grants
22 an unconditional right to intervene, or (2) "the applicant claims an interest relating to the [subject]
23 property . . . and the applicant is so situated that the disposition of the action may, as a practical
24 matter, impair or impede the applicant's ability to protect that interest, unless the applicant's interest
25 is adequately protected by existing parties. *Am. Home Assur. Co. v. Eighth Judicial Dist. Court*, 122
26 Nev. 1229, 1235, 147 P.3d 1120, 1124 (2006).
27
28

1 While the named parties have argued about this issue, their moving papers and responses have
2 all focused on those parties' individual interests. However, the Nevada Supreme Court has made
3 it clear that the question of the public access to judicially-filed documents also involves questions
4 of public interest that often transcend the individual interests of the individual parties. *See, Howard*
5 *v. State*, 291 P.3d 137 (Nev. 2012).
6

7 With acute awareness of the presumption favoring public access to judicial records and
8 documents, federal and state courts have decided that a court may exercise its inherent
9 authority to seal those materials only where the public's right to access is outweighed by
competing interests.

10 *Id.* at 241.

11 Here, no such showing has been made by any of the named parties. The public interest issue has
12 been virtually ignored. Thus, it has become necessary for CfA to intervene, in order to insure that
13 the important public interest served by unsealing the Vickers Reports is adequately presented to the
14 Court.
15

16 It should be noted that on May 29, 2015, non-party Guardian News & Media, LLC ("Guardian"),
17 filed a similar Motion to Intervene and Unseal Court Records. Because the Guardian's Motion and
18 the instant CfA Motion involve similar, albeit not identical, issues and arguments, Proposed
19 Intervenor, CfA, requests that both motions be heard on the same day. A hearing on the Guardian's
20 Motion is scheduled for hearing on July 10, 2015.
21

22 CfA's Motion is made based on all pleadings and papers on file herein and the Memorandum
23 of Points and Authorities attached hereto and any further argument and evidence as may be presented
24 at hearing. Because of the pendency of motions in this case, it is requested that the Motion to
25 Intervene be heard on an expedited basis.
26

27 Dated this 8th day of June 2015

28 Respectfully submitted by:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/ Allen Lichtenstein
Allen Lichtenstein
Nevada Bar No.:3992
3315Russell Road, No. 222
Las Vegas, NV 89120
(702) 433-2666 – phone
(702) 433-9591 – fax
allaw@lvcoxmail.com

Attorney for Proposed Intervenors,
Campaign for Accountability

NOTICE OF MOTION

To: All parties and their counsel

PLEASE TAKE NOTICE that the undersigned will bring Proposed Intervenor’ Campaign for
Accountability (“CfA”) Motion to Intervene and Unseal Court Records in Department XI of the
Eighth Judicial District Court, Clark County, Nevada Clark County, on the 10 day of
July, 2015, at In Chambers o’clock or as soon thereafter as counsel can be
heard.

/s/ Allen Lichtenstein
Allen Lichtenstein
Nevada Bar No.:3992
3315Russell Road, No. 222
Las Vegas, NV 89120
(702) 433-2666 – phone
(702) 433-9591 – fax
allaw@lvcoxmail.com

Attorney for Proposed Intervenors,
Campaign for Accountability

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Pursuant to NRCF 20 and 24, Campaign for Accountability (“CfA”), a nonpartisan public
4 interest organization, moves this Court to join in the action of petitioner Guardian News &
5 Media LLC, (“The Guardian”), which is seeking an order permitting it to intervene as a non-party
6 in the above-captioned matter; and to unseal Exhibit 1100. Exhibit 1100 consists of the Vickers
7 Reports, which were prepared by International Risk Limited, a private investigative firm that
8 employed an investigator named Steve Vickers. These reports allegedly reveal possible business
9 ties between the Las Vegas Sands Corporation (“LVS”) and Cheung Chi Tai and Heung Wah
10 Keung, high ranking members of Chinese triads.
11

12
13 In addition to the public interest rationale – see also the Guardian’s Motion – CfA seeks
14 access to these documents to serve the compelling public interest in learning the extent to which
15 Sheldon Adelson (“Adelson”), Chairman and CEO of LVS, a Defendant in this action, has used
16 money acquired through criminal activity in his Macau casinos to make campaign contributions
17 to candidates for public office.
18

19 Given the scope of Defendant Adelson’s past campaign contributions and his pledge to
20 spend hundreds of millions more in the upcoming election cycle, the source of his contributions
21 and the possibility that he may be using the campaign contribution process to launder illegally
22 acquired money are matters of significant public interest. The Vickers Reports are likely to shed
23 light on these issues and provide the public with invaluable information.
24

25 CfA is a newly formed project of a 501(c)(3) public charity, with a mission of exposing
26 misconduct and malfeasance in public life. CfA examines issues of corporate accountability,
27 public officials, and those who seek to influence public officials. As its first action, CfA on
28

1 behalf of stockholder Stephen Silberstein, sued the U.S. Securities and Exchange Commission
2 (“SEC”) challenging as arbitrary, capricious, and contrary to law the SEC’s refusal to grant the
3 petition of Mr. Silberstein for a rulemaking that would require public companies to disclose
4 corporate funds used for political contributions. Like most of America, CfA is concerned with
5 the pernicious effect from the flood of anonymous money that has poured into our elections,
6 affording the public no opportunity to understand the true sources and interests that are funding
7 individual political candidates.

8
9 CfA’s interest in this arena extends to the activities of Sheldon Adelson, who has pledged
10 to be one of the largest individual donors in the upcoming elections. Access to the requested
11 documents will inform and enhance public awareness of Mr. Adelson’s role in electoral politics
12 and provide the transparency necessary for the public to hold responsible, the officials and
13 candidates for public office who accept his money.

14 **II. STATEMENT OF FACTS**

15
16 This Court, in determining its jurisdiction to hear this case, considered a wealth of
17 documents filed under seal that included the Vickers Reports. These reports reportedly explore
18 possible business ties between LVS and several alleged organized crime figures in China,
19 Cheung Chi Tai and Heung Wah Keung. Although the precise contents of these reports have not
20 been revealed publicly, their very subject indicates they are likely to confirm whether LVS was
21 willfully doing business with organized crime figures in China known to be engaging in
22 corruption and money laundering in Macau, the locus of Mr. Sheldon’s most lucrative gambling
23 interests.

24
25
26 Opening the Sands Macao in 2004 transformed Adelson from a minor player in the
27 gambling world, to “the undisputed top dog in the \$150 billion global gaming industry and a
28

1 major political power broker in Israel and the US.” Muhammed Cohen, Sands Macao: The
2 House that Built Sheldon Adelson, *Forbes*, May 15, 2014, available at
3 [http://www.forbes.com/sites/muhammadcohen/2014/05/15/sands-macao-the-house-that-built-](http://www.forbes.com/sites/muhammadcohen/2014/05/15/sands-macao-the-house-that-built-sheldon-adelson/)
4 [sheldon-adelson/](http://www.forbes.com/sites/muhammadcohen/2014/05/15/sands-macao-the-house-that-built-sheldon-adelson/). The Macau casinos are responsible for Adelson’s great wealth; he is
5 reportedly worth over \$29 billion and is one of the globe’s richest men.
6

7 According to Steve Vickers, author of the Vickers Reports and a former intelligence
8 officer with the Hong Kong police and a specialist in triad activities, Macau long has had deep
9 ties to organized crime. Katie Hunt, The Dark Side of Asia’s Gambling Mecca, *CNN*, June 18,
10 2013, available at <http://www.cnn.com/2013/06/17/world/asia/macau-dark-side/>. Casinos,
11 including those operated by LVS, rely on VIPs brought in from China by junket operators. As
12 Vickers has explained, “junkets are an integral part of the gaming scene and they facilitate the
13 transfer of funds, the finding of high rollers and they facilitate the breaching of Chinese capital
14 controls.” *Id.* “It is common knowledge that the operation of VIP rooms in Macau casinos had
15 long been dominated by Asian organized crime . . .” U.S.-China Economic Security Review
16 Commission, 2013 Report to Congress, p. 358 (113 Cong., 2d sess. Nov. 2013), available at
17 [http://origin.www.uscc.gov/sites/default/files/annual_reports/Complete%202013%20Annual%20](http://origin.www.uscc.gov/sites/default/files/annual_reports/Complete%202013%20Annual%20Report.PDF)
18 [Report.PDF](http://origin.www.uscc.gov/sites/default/files/annual_reports/Complete%202013%20Annual%20Report.PDF). Casinos in Macau, including subsidiaries of U.S. licensed casinos, are heavily
19 dependent on the junket system as the primary source of income. *Id.* at 360. “Without the
20 junkets, none of the U.S. casino operators would make a red cent.” *Id.* at 360-61.
21
22
23

24 According to former LVS president William Weidner, junkets channel as much as \$3
25 billion a month from the Chinese mainland to Macau. Matt Isaacs, Lowell Bergman and Stephen
26 Engelberg, Inside the Investigation of Leading Republican Money Man Sheldon Adelson, *Pro*
27 *Publica*, July 16, 2012. *Id.* One junket company with which the Venetian Macau entered into a
28

1 credit agreement was financed by Cheung Chi Tai, named in a U.S. Senate report as the leader of
2 a triad. *Id.*; Asian Organized Crime, Hearing Before the Permanent Subcomm. On Investigations
3 of the S. Comm. On Governmental Affairs, (102nd Cong. 1991). A LVS subsidiary also appears
4 to have had a relationship with another triad member, Charles Heung. *Id.*

6 U.S. regulators have described the junket operators as offering money laundering services.
7 They attract high-stakes gamblers to VIP rooms in the Macau casinos and, in return, receive a
8 commission on the amount of chips they deal and percent of the gambling losses incurred by the
9 client. *Id.* at 360. Given the extent to which casinos in Macau rely on junket operators, LVS
10 likely has been involved in money laundering.¹

12 Adelson asserts strong control over his Macau casinos. As this Court found in its
13 Amended Decision and Order issued May 28, 2015 (“Amended Decision”), Adelson is not just
14 Chairman of the Board of Directors of LVS, but also of Sands China Limited (“SCL”).
15 Amended Decision at ¶¶ 22-23. LVS owns approximately 70% of SCL’s stock and includes
16 SCL as part of its consolidated filings with the U.S. Securities and Exchange Commission.
17 Amended Decision at ¶ 26. SCL is the indirect owner and operator of the majority of LVS’s
18 Macau operations, which include the Sands Macau, the Venetian Macau, Four Seasons Macau

21 ¹ LVS previously settled a money laundering case with the government. In 2013, to avoid criminal
22 prosecution, the Las Vegas Sands agreed to return more than \$47 million sent to the Venetian casino
23 by drug trafficker Zhenli Ye Gon, “who at the end of 2006 or early 2007 was the largest all-cash, up-
24 front gambler the Venetian Palazzo had ever had.” U.S. Department of Justice, “Operator of
25 Venetian Resort in Las Vegas Agrees to Return over \$47 Million After Receiving Money Under
26 Suspicious Circumstances,” August 27, 2013, *available at*
27 <http://www.justice.gov/usao/cac/Pressroom/2013/1110.html>. Among other legal violations, the Las
28 Vegas Sands allowed Ye Gon to transfer funds into an account that did not identify its association
with the Venetian – an aviation account used to pay pilots operating the company’s aircraft. Casino
personnel also permitted Ye Gon to wire money incrementally rather than in larger lump sums,
despite his having specifically explained that he wired the money incrementally to hide the transfers
from the government. *Id.*

1 and other operations that support these properties. Amended Decision at ¶¶ 27-28.

2 This Court also found that whether or not other employees, such as Steven C. Jacobs
3 (“Jacobs”), plaintiff in the underlying action, had the title of chief executive officer of SCL,
4 Adelson was and remains the CEO of the entire organization. Amended Decision at ¶ 49.
5 “Adelson and LVS assert an extraordinary amount of control over SCL . . . Adelson and LVS’s
6 control over SCL goes far beyond the ordinary relationship of parent to subsidiary.” Amended
7 Decision at ¶ 110. The Court explained, “Even though Jacobs and others at SCL were permitted
8 to provide recommendations, the decisions – large and small – were ultimately made by Adelson
9 and LVS in Las Vegas.” Amended Decision at ¶ 112. Thus, it strains credulity to believe the
10 junket operators could engage in illegal conduct without Adelson’s knowledge and at least tacit
11 approval. The Vickers Reports, commissioned by LVS, would likely shed light on Adelson’s
12 knowledge of and relationship with the junket operators.

15 Adelson is one of the nation’s top political donors, reportedly spending \$150 million in
16 an effort to unseat President Barack Obama in the 2012 election. Peter Stone, Sheldon Adelson
17 Spent Far More on Campaign than Previously Known, *Huffington Post*, December 3, 2012,
18 available at [http://www.huffingtonpost.com/2012/12/03/sheldon-adelson-2012-](http://www.huffingtonpost.com/2012/12/03/sheldon-adelson-2012-election_n_2223589.html)
19 [election_n_2223589.html](http://www.huffingtonpost.com/2012/12/03/sheldon-adelson-2012-election_n_2223589.html). Adelson and his wife contributed at least \$98 million to 34 different
20 candidates and groups that reveal their contributions. Theodoric Meyer, How Much Did Sheldon
21 Adelson Really Spend on Campaign 2012, *Pro Publica*, December 20, 2012, available at
22 [http://www.propublica.org/article/how-much-did-sheldon-adelson-really-spend-on-campaign-](http://www.propublica.org/article/how-much-did-sheldon-adelson-really-spend-on-campaign-2012)
23 [2012](http://www.propublica.org/article/how-much-did-sheldon-adelson-really-spend-on-campaign-2012). They also contributed between \$45-\$55 million to nonprofit groups that do not disclose
24 their donors. Stone, *Huffington Post*, Dec. 3, 2012. Adelson was the largest single donor
25 funding the 2012 presidential race and has indicated he will spend significant amounts in the
26
27
28

1 2016 race. He is so avidly courted by Republican presidential aspirants that the press frequently
2 refers to the efforts to secure his financial backing as the “Adelson primary.” *See, e.g.*, Kenneth
3 P. Vogel, ‘Sheldon Adelson primary’ Cranks Up Next Month, *Politico*, March 17, 2015.

4
5 U.S. law prohibits foreign nationals from directly or indirectly making any contributions
6 in connection with federal, state or local elections. 2 U.S.C. § 441e. Given the extent to which
7 Adelson’s wealth derives from his Macau casinos – and the extent to which the Macau casinos
8 derive their profits from the junkets, which are controlled by the triads and are heavily involved
9 in money laundering – it is quite possible Macau organized crime funds have wound up in the
10 coffers of candidates for federal office and/or in the treasuries of so-called dark money groups
11 supporting them.

12
13 In an interview with *PBS*, Senator John McCain noted, “much of Mr. Adelson’s casino
14 profits that go to him come from his casino in Macau . . . which says that, obviously, maybe in a
15 roundabout way, foreign money is coming into an American campaign – political campaigns.”

16 Interview with Sen. John McCain, *PBS News Hour*, June 14, 2012, available at

17 http://www.pbs.org/newshour/bb/politics-jan-june12-mccain_06-14/.

18 19 **III. ARGUMENT**

20 **A. Non-Party Intervener CfA Should Be Permitted to Enter the Case as an** 21 **Intervenor Under Nevada Procedures to Protect and Exercise Important** 22 **First Amendment Rights Accorded Members of the General Public.**

23 NRCP 24(b) provides in pertinent part: “Upon timely application anyone may be permitted
24 to intervene in an action: (1) when a statute confers a conditional right to intervene; or (2) when
25 an applicant’s claim or defense and the main action have a question of law or fact in common.”

26 Federal courts, interpreting the nearly identical federal counterpart to NRCP 24(b), have
27 routinely extended this right of intervention by non-parties to civil actions pursuant to Fed. R.
28

1 Civ. P. 24(b) to challenge confidentiality or protective orders entered in a particular matter. *See*,
2 *e.g.*, *Beckman Indus., Inc. v. Internat'l Ins. Co.*, 966 F.2d 470 (9th Cir.), *cert. denied*, 506 U.S.
3 868;; *Pansy v. Borough of Stroudsburg*, 23 F.3d 772 (3d Cir. 1994); *Public Citizen Liggett*
4 *Group, Inc.*, 858 F.2d 775 (1st Cir.), *cert. denied*, 488 U.S. 1030 (1989).

6 NRCP 20(a) provides: “All persons may join in one action as plaintiffs if they assert any right
7 to relief jointly, severally, or in the alternative in respect of or arising out of the same transaction,
8 occurrence, or series of transactions or occurrences and if any question of law or fact common to
9 all these persons will arise in the action.”

10 Here, CfA seeks access to documents currently under seal, a purpose that fits squarely within
11 the underlying purpose of both NRCP 20(a) and NRCP 24(b). As The Guardian previously filed
12 a motion to intervene and unseal the same court records CfA seeks unsealed, CfA’s action is
13 properly viewed in conjunction with The Guardian’s. Without the intervention of both The
14 Guardian and CfA, the strong public interest in these documents will not be fully represented,
15 disserving the public’s constitutional and common law right of public access to judicial
16 documents.
17 documents.

18
19 **B. CfA’s Right to Challenge the Confidentiality of the Vickers Reports is**
20 **Based on the First Amendment and the Right of Public Access**
21 **to Judicial Documents.**

22 “The common law right of public access to judicial documents is said to predate the
23 Constitution.” *United States v. Amodeo*, 44 F.3d 141, 145 (2d Cir. 1995). Following this
24 common law principle, the United States Supreme Court has recognized the public’s right to
25 inspect and copy court documents and otherwise have access to judicial proceedings. *Nixon v.*
26 *Warner Communications, Inc.*, 435 U.S. 589, 597 (1978). This right, which includes access to
27 records and documents in judicial proceedings, is anchored in the value of keeping “a watchful
28

1 eye on the workings of public agencies” and in publishing “information concerning the operation
2 of government, *id.* at 597-98, and it stems from both the First Amendment and the common law.
3 *See, e.g., Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 604 (1982); *Richmond*
4 *Newspapers, Inc. v. Virginia*, 448 U.S. 555, 588 (1980). Acting on this recognition from the
5 Supreme Court, lower courts repeatedly have recognized this First Amendment right extends to
6 civil proceedings. *See, e.g., Kamakana v. City & Cnty. Of Honolulu*, 447 F.3d 1172 (9th Cir.
7 2006).

9 Moreover, in the State of Nevada, there is a presumption all stages of court proceedings
10 should be open to the public. *See, e.g., Stephens Media LLC v. Eighth Judicial District Court*,
11 221 P.3d 1240, 1248 (Nev. 2009). Such public access “inherently promotes public scrutiny of
12 the judicial process,” which in turn “enhances both the fairness of . . . and the public confidence
13 in” our justice system. *Id., citing Forum Communications v. Paulson*, 752 N.W.2d 177, 181
14 (N.D. 2008).

16 To overcome this presumption of openness, a litigant under Nevada law must identify a
17 compelling privacy or safety interest that outweighs the public interest in access to the court
18 record. *Jones v. Nev. Comm'n on Judicial Discipline*, 318 P.3d 1078, 1085 (Nev. 2014).

20 Supreme Court Rule 3 provides procedures for sealing court records or
21 documents in civil cases. It states that when a motion is made to seal, the
22 information to be sealed remains confidential for a reasonable period until
23 the court determines whether appropriate grounds exist for sealing the
24 records. See SRCR 3. Courts may only seal their records or documents
25 when the sealing is "justified by identified compelling privacy or safety
26 interests that outweigh the public interest in access to the court record."
27 SRCR 3(4) This presumption favoring public access to judicial records
28 and documents is only overcome when the party requesting the sealing of a
record or document demonstrates that "the public right of access is
outweighed by a significant competing interest." *Howard v. State*, 128
Nev. , , 291 P.3d 137, 142 (2012) (discussing SRCR 3).

318 P.3d at 1085.

1 Further, if a court finds such a compelling interest, any sealing order must require the least
2 restrictive means and duration. *Charles v. Second Judicial Dist. Court of Nev.*, 2014 Nev.
3 Unpub. LEXIS 1035, *1 (Nev. 2014), citing *Howard*, 291 P.3d at 142-143.
4

5 **C. Because the Vickers Reports Involve Information Concerning Possible**
6 **Corruption in Nevada’s Gaming Industry, the Public Interest Value of**
7 **Unsealing this Material is Particularly Crucial.**

8 Because of the unique nature of the gaming industry in Nevada, public scrutiny and
9 transparency are necessary to avoid any possible taint or suggestion of corruption. The purpose
10 of this public interest is “to protect the public health, safety, morals, good order and general
11 welfare of the inhabitants of the State of Nevada, and to preserve the competitive economy and
12 the policies of free competition of the State of Nevada.” *State v. Rosenthal*, 93 Nev. 36, 43, 559
13 P.2d 830, 834 (1977). Further, “gaming is a privilege conferred by the state and does not carry
14 with it the rights inherent in useful trades and occupations.” *Id.* at 44, citing *State ex rel. Grimes*
15 *v. Board*, 53 Nev. 364, 1 P.2d 570 (1931); *Dunn v. Tax Commission*, 67 Nev. 173, 216 P.2d 985
16 (1950). The vital necessity of public confidence in the integrity of those who operate gaming
17 establishments in Nevada is explicitly stated in NRS 463.0129.
18

19 **NRS 463.0129** Public policy of state concerning gaming; license or
20 approval revocable privilege.

21 1. The Legislature hereby finds, and declares to be the public policy of
22 this state, that:

23 (a) The gaming industry is vitally important to the economy of the State
24 and the general welfare of the inhabitants.

25 (b) The continued growth and success of gaming is dependent upon public
26 confidence and trust that licensed gaming and the manufacture, sale and
27 distribution of gaming devices and associated equipment are conducted
28 honestly and competitively, that establishments which hold restricted and
nonrestricted licenses where gaming is conducted and where gambling
devices are operated do not unduly impact the quality of life enjoyed by
residents of the surrounding neighborhoods, that the rights of the creditors
of licensees are protected and that gaming is free from criminal and
corruptive elements.

1 Thus, strong public interest in unsealing the Vickers Reports is undeniable. The Reports
2 address possible corruption involving Nevada gaming licensees. Both the Legislature and the
3 Nevada Supreme Court have unequivocally designated avoidance of corruption in the gaming
4 industry as of paramount public interest.
5

6 Yet, a party wishing to keep certain documents under seal can still overcome the public
7 interest by showing “compelling privacy or safety interest that outweigh the public interest in
8 access to the court record.” *Jones, supra*.

9 **D. None of the Named Parties Have Justified Denying Public Access to the Vicker**
10 **Reports.**

11 In *Howard, supra*, the Nevada Supreme Court set forth examples of court records that
12 may be properly sealed by the Court. The list includes:

13 records containing privileged attorney-client communications where the
14 privilege has not been waived, records containing information that is
15 permitted or required under federal or Nevada law to be sealed, and
16 records containing information the sealing of which is justified or required
by an identified significant competing interest.

17 *Howard*, 291 P.3d at 143.

18 No assertion has been made that the Vickers Reports fall into any of these categories.
19 Instead, here, Defendant Las Vegas Sands has followed its near universal practice of seeking to
20 bar public access to judicial proceedings in which it is a litigant, but has offered no real
21 justification – compelling or otherwise – to justify withholding the Vickers Reports from public
22 view.² In Defendants’ November 26, 2014 Motion to Designate the Vickers Reports as Highly
23 Confidential Documents, nowhere does it discuss, mention or even acknowledge the public
24

25
26 ² It is quite likely other documents also under seal would be of significant public interest and we
27 urge the Court to unseal all exhibits except where a party has established a compelling need for
28 continued secrecy.

1 interest standard for unsealing documents. Instead, their argument relies virtually entirely on the
2 confidentiality agreement between the parties. Yet, parties to a case cannot override the public
3 policy implications of the Supreme Court's presumption of openness, simply because they
4 choose to litigate in private. Their private agreements cannot trump important public policy
5 considerations, as expressed in *Howard and Jones*.

7 Similarly, on page 2 of Defendants' January 5, 2015 Request for an Evidentiary Hearing, they
8 list what they view as the only three salient questions for the Court concerning the Vickers
9 Reports.

- 11 1) Who commissioned each of the three Vickers' Reports;
- 12 2) The purpose for which each report was commissioned; and
- 13 3) Whether any of the Reports is relevant to jurisdiction over SCL.

14 Nowhere was there any mention of whether there is any private interest overriding the
15 powerful public interest in favor of disclosure. Also, it should be noted that whether or not the
16 Vickers Reports are relevant to jurisdiction is not a question that goes to the issue of whether
17 there is any basis to alter the presumption that disclosure is in the public interest. By contrast,
18 the public interest in how public corporations operate and the role of the profits they generate in
19 public elections overwhelms any *di minimis* interest in secrecy.

21 For years allegations of criminality and ties to the powerful Chinese triads have
22 surrounded Mr. Adelson's Macau gambling operation. At the same time, it is his Macau casinos
23 that have so greatly enriched Mr. Adelson, providing him the ability to yield control through the
24 payment of campaign contributions over a significant segment of the political system.

25 Mr. Adelson's alleged close ties to illegal and corrupt foreign practices raise very serious and
26 credible questions, not only about possible corruption in the Nevada gaming industry, but also
27 about whether those practices have financed his campaign activities and whether he has used the
28

1 anonymity of campaign contributions to launder illegally obtained foreign funds. The Vickers
2 Reports will shed light on these questions and inform the significant public interests at stake.
3 Accordingly, they should be unsealed and open to the public given the strong public interest in
4 disclosure and the complete absence of any “clearly articulated and compelling reason” to keep
5 the Vickers Reports under seal. *Katzman v. Victoria’s Secret Catalogue*, 923 F. Supp. 580, 588
6 (S.D.N.Y. 1996).
7

8 IV. CONCLUSION

9 The presumption of openness afforded our judicial proceedings must be zealously protected
10 and can be overcome only by the most compelling need for secrecy with no reasonable
11 alternative available. *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 13-14 (1986).
12 Accordingly, Campaign for Accountability respectfully requests that this Court grant this
13 application to intervene and unseal Exhibit 1100, the Vickers Reports. In the alternative, should
14 the Court so choose, CfA requests that this Motion be treated as an Amicus brief and Motion for
15 Leave to file an Amicus Brief.
16

17 Dated this 8th day of June 2015

18 Respectfully submitted by:

19 /s/ Allen Lichtenstein
20 Allen Lichtenstein
21 Nevada Bar No.:3992
22 3315Russell Road, No. 222
23 Las Vegas, NV 89120
24 (702) 433-2666 – phone
25 (702) 433-9591 – fax
26 allaw@lvcoxmail.com

27 Attorney for Proposed Intervenors,
28 Campaign for Accountability

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2015, I served all parties in the above titled case with the foregoing Motion to Intervene, via the Court's electronic filing and service system, and/or the United States Mail, addressed to the following:

James Pianelli, Esq.
Pisanelli Bice, PLLC
400 S. 7th Street
Suite 300
Las Vegas, NV 89101

J. Stephan Peek, Esq.
Holland and Hart
9555 Hillwood Drive
2nd Floor
Las Vegas, NV 89134

Steven L. Morris, Esq.
Morris Legal Group
300 South Fourth Street
Las Vegas, NV 89101

Jon Randall Jones, Esq.
Kemp, Jones & Coulthard, LLP
Wells Fargo Tower
3800 Howard Hughes Parkway
Seventeenth Floor
Las Vegas, Nevada 89169

David J. Merrill, Esq
David J. Merrill P.C.
10161 Park Run Drive, Suite 150
Las Vegas, NV 89145

/s/ Allen Lichtenstein