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*Attorneys for Caesars Entertainment Corp.
and Rio Properties LLC*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARINA DISTRICT DEVELOPMENT
CO., LLC d/b/a BORGATA HOTEL
CASINO & SPA,

Plaintiff,

vs.

PHILIP D. IVEY, JR. and CHENG YIN
SUN,

Defendants.

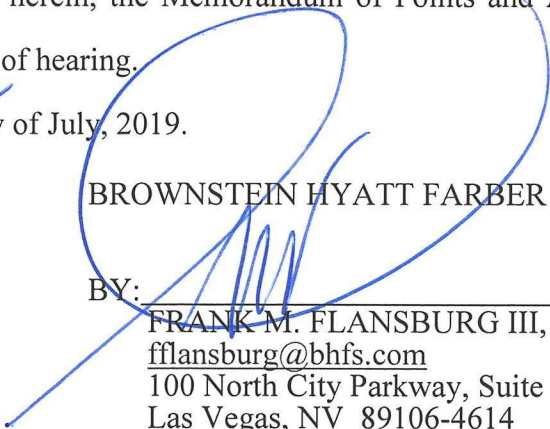
CASE NO.: 2:19-MS-00054

**CAESARS ENTERTAINMENT CORP. AND
RIO PROPERTIES LLC'S RETURN IN
RESPONSE TO WRIT OF EXECUTION**

Caesars Entertainment Corp. and Rio Properties LLC (collectively "*Caesars*"), by and through the law firm of Brownstein Hyatt Farber Schreck, LLP hereby file their Return in Response to Writ of Execution (the "*Response*"). This Response is made and based upon the pleadings and papers on file herein, the Memorandum of Points and Authorities, and any oral argument allowed at the time of hearing.

DATED this 17th day of July, 2019.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

BY: 

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MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS.

On June 27, 2019, Mr. Jeremy Klausner directed correspondence to Michelle Bushore and N. Lynne Hughes concerning a Writ of Execution to be served on Caesars.¹ Plaintiff Marina District Development Co., LLC applied to the Court for issuance of a Writ of Execution; and the Court issued a Writ of Execution dated June 18, 2019, seeking to garnish funds due to Philip D. Ivey, Jr. (the “*Ivey Writ*”). See ECF No. 3. On June 27, 2019, the United States Marshal Service served the Ivey Writ on Caesars.²

II. DISCUSSION.

Any process to enforce a judgment for the payment of money proceeds through a writ of execution pursuant to Fed. R. Civ. P. 69. See *Henry v. Rizzolo*, 2012 W.L. 4867725 (D. Nev. 2012). The procedure and execution must accord with the procedure of the state where the court is located. See Fed. R. Civ. P. 69(a)(1). Thus, a writ issued by a Federal District Court in Nevada is a writ of execution enforced by the United States Marshal Service according to the Nevada state procedures. See *Rizzolo* at *2 (citing Fed. R. Civ. P. 69 and *Mackey v. Lanier Collection Agency & Service, Inc.*, 486 U.S. 825, 834 (1988)).

In Nevada, garnishment proceedings are governed by Chapter 31 of the Nevada Revised Statutes. See *Frank Settlemeyer & Sons, Inc. v. Smith & Harmer, Ltd.*, 197 P.3d 1051, 1056 (Nev. 2000). A garnishee, upon whom a writ of garnishment has been duly served, shall not pay any debt due or to become due to the defendant; and, the garnishee shall retain the possession and deliver to the officer all money due to the defendant. See NRS 31.310.1. After delivering to the Marshal all money due to the defendant, the garnishee is relieved from further liability. See NRS 31.310.2.

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¹ Correspondence from Mr. Klausner is attached as **Exhibit 1**.

² The United States Marshal Service is attached as **Exhibit 2**.

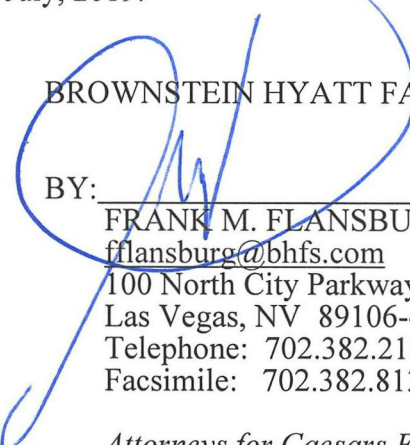
In this case, this Court issued the Writ of Execution served on Caesars restraining delivery of any money due to Mr. Ivey. Since the time of service of the Writ of Execution, Caesars had in its possession the total amount of \$124,410.00 (the "*Ivey Funds*"). Caesars is not the employer of Mr. Ivey; Caesars is not a financial institution; and Caesars does not know of any additional debts due to Mr. Ivey. Thus, Caesars has delivered the total Ivey Funds to the United States Marshal Service, fulfilling its obligations and relieving itself of further liability pursuant to NRS 31.310.2.³

III. CONCLUSION.

After being served with the Ivey Writ, Caesars sequestered the Ivey Funds. Caesars now submits this Response with payment to the United States Marshal Service of the Ivey funds. Therefore, the Ivey Writ is satisfied by Caesars; and Caesars is relieved of further liability.

DATED this 17 day of July, 2019.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

BY: 

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and Rio Properties LLC*

³ The copy of the payment of the Ivey Funds is attached as **Exhibit 3**.

EXHIBIT 1

Jeremy Klausner Law, P.C.

Jeremy Klausner
jklausner@klausnerlegal.com

21 Sheffield Terrace
West Orange, New Jersey 07052
(973) 671-5331
www.klausnerlegal.com

June 27, 2019

Via Electronic Mail

Ms. Michelle Bushore
Executive Vice President, General Counsel, Chief Legal, Risk & Security Officer
Caesars Entertainment
One Caesars Palace Drive
Las Vegas, NV 89109

Ms. N. Lynne Hughes
Vice President Legal Affairs
Caesars Entertainment
Park Place and the Boardwalk
Atlantic City, NJ 08401

RE: Caesars Entertainment/Rio/WSOP Writ of Execution

Dear Ms. Bushore and Ms. Hughes:

Please be advised that I represent Marina District Development Co., LLC (“Borgata”) with respect to Borgata’s case against Philip Ivey and Cheung Yin Sun. You may recall that we obtained a judgment against Ivey and Sun for \$10.1M as a result of the baccarat edge sorting scheme. You may also be aware that Mr. Ivey is currently playing in WSOP Event #58 (\$50,000 Poker Player’s Championship). As of the end of day 3, Mr. Ivey is the chip leader and “in the money” as one of the final twelve entrants. Today we had a writ of execution from the District of Nevada served by the U.S. Marshal on Caesars Entertainment/Rio/WSOP at the Rio in Las Vegas, Nevada. The writ was personally delivered to Jack Effel, WSOP tournament director. A copy is attached. The writ attaches any assets due Mr. Ivey from Caesars/Rio/WSOP, including his payout for Event #58 (and WSOP bracelet if he is the winner). We also had a writ of execution issued from the District of New Jersey to Caesars Interactive Entertainment, Inc. (WSOP.com). Although the NJ writ has not been served, it is in process for service by the U.S. Marshal in Camden. Please ensure that Caesars/Rio/WSOP does not make any payments to Mr. Ivey in violation of the duly served writ. When the current event is over, we or the U.S. Marshal will provide instructions for payment. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Jeremy M. Klausner

Attachment

cc: Joseph A Corbo, Jr., Esq.

EXHIBIT 2

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF MARINA DISTRICT DEVELOPMENT CO., LLC	COURT CASE NUMBER 2:19-MS-54
DEFENDANT PHILIP D. IVEY, JR.	TYPE OF PROCESS WRIT OF EXECUTION
NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN SERVE AT CAESARS ENTERTAINMENT CORP., D/B/A RIO LAS VEGAS and/or WORLD SERIES OF POKER ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 3700 W. Flamingo Road, Las Vegas, NV 89103	

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285	1
JEREMY KLAUSNER 21 SHEFFIELD TER. WEST ORANGE, NJ 07052	Number of parties to be served in this case	
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold

Account Name: Phillip D. Ivey, Jr. (A/K/A Phil Ivey)

Signature of Attorney other Originator requesting service on behalf of: <i>Jeremy Klausner</i>	☒ PLAINTIFF ☐ DEFENDANT	TELEPHONE NUMBER (973) 671-5331	DATE 6/27/2019
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin No. 48	District to Serve No. 48	Signature of Authorized USMS Deputy or Clerk <i>[Signature]</i>	Date 27 JUN 2019
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I hereby certify and return that ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above) JACK EFFEL - VICE PRES POKER	☐ A person of suitable age and discretion then residing in defendant's usual place of abode
Address (complete only different than shown above)	Date 6/27/19 Time 1234 ☐ am ☒ pm Signature of U.S. Marshal or Deputy <i>[Signature]</i>

Service Fee \$65	Total Mileage Charges including endeavors \$5.80	Forwarding Fee 0	Total Charges \$70.80	Advance Deposits \$70.80	Amount owed to U.S. Marshal* or (Amount of Refund*) 0
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REMARKS:

- PRINT 5 COPIES:**
1. CLERK OF THE COURT
 2. USMS RECORD
 3. NOTICE OF SERVICE
 4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
 5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

EXHIBIT 3

Bank of America
ACH R/T 122400724

36318
94-72/1224 NV
2006

**RIO PROPERTIES INC.
DBA RIO SUITE HOTEL CASINO**

PAY TO THE
ORDER OF

PHILLIP D IVEY JR C/O UNITED STATES MARSHALS SERVICE

July 16, 2019

\$
124,410.00

ONE HUNDRED TWENTY-FOUR THOUSAND FOUR HUNDRED TEN AND XX / 100*****

DOLLARS

9811 W CHARLESTON BLVD
LAS VEGAS, NV 89117
UNITED STATES OF AMERICA

MEMO

EV#58 PL\$8

[Signature]
[Signature]
AUTHORIZED SIGNATURE

⑆036318⑆ ⑆122400724⑆ 501012632101⑆