

RECEIVED  
Las Vegas Drop Box  
SUPREME COURT

IN THE SUPREME COURT OF THE STATE OF NEVADA

2011 MAR 10 PM 4:10

1  
2  
3 TEVA PARENTERAL MEDICINES, INC.,  
4 A DELAWARE CORPORATION, F/K/A  
5 SICOR PHARMACEUTICALS, INC.;  
6 SICOR, INC.; BAXTER HEALTHCARE  
7 CORPORATION

8 Appellants,

9 VS.

Supreme Court Case No. 57085

10 HENRY CHANIN AND LORRAINE  
11 CHANIN, HUSBAND AND WIFE;  
12 GASTROENTEROLOGY CENTER OF  
13 NEVADA, LLP; DESERT SHADOW  
14 ENDOSCOPY CENTER, LLC, A  
15 NEVADA LIMITED LIABILITY  
16 COMPANY; RAJAT SOOD, M.D.;  
17 BOBBIE GLASS-SERAN, CRNA

18 Respondents.

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
**JOINDER OF *AMICUS* LAS VEGAS SANDS CORP.  
TO THE MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF AND  
*AMICUS CURIAE* BRIEF OF THE CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA IN SUPPORT OF APPELLANTS**

1 Pursuant to Nevada Rules of Appellate Procedure 28(i) and 29(a), Las Vegas Sands  
2 Corp. respectfully requests this Court's permission to join the Motion for Leave to File  
3 *Amicus Curiae* Brief and *Amicus Curiae* Brief of the Chamber of Commerce of the United  
4 States of America In Support of Appellants.

5 Amicus Las Vegas Sands Corp. joins in the unconstitutionality of the punitive  
6 damages argument made by amicus Chamber of Commerce of the United States of  
7 America in support of Appellants.

8  
9  
10 **INTEREST OF LAS VEGAS SANDS CORP.**

11 Las Vegas Sands Corp. ("Las Vegas Sands") is a Fortune 500 company  
12 headquartered in Las Vegas, Nevada. Las Vegas Sands is the leading global developer of  
13 destination properties (integrated resorts) that feature premium accommodations, world-  
14 class gaming and entertainment, convention and exhibition facilities, celebrity chef  
15 restaurants, and many other amenities. Las Vegas Sands owns and operates The Venetian  
16 Resort Hotel Casino, The Palazzo Resort Hotel Casino and The Sands Expo and  
17 Convention Center in Las Vegas, Nevada. Together these properties represent an  
18 integrated resort with approximately 7,100 suites and approximately 225,000 square feet of  
19 gaming space, which includes approximately 230 game tables and 2,640 slot machines.  
20 With approximately 1.2 million gross square feet of exhibit and meeting space, the Sands  
21 Expo and Convention Center is one of the largest overall trade show and convention  
22 facilities in the United States (as measured by net leasable square footage). In 2010,  
23 approximately 0.9 million visitors attended meetings, trade shows, and conventions at the  
24 Sands Expo and Convention Center and at the Las Vegas Sands' other meeting and  
25 conference facilities. Las Vegas Sands also owns and operates the Sands Casino Resort  
26 Bethlehem in Bethlehem, Pennsylvania, the Marina Bay Sands in Singapore, and the Sands  
27 Macao, The Venetian Macao Resort Hotel, the Four Seasons Hotel Macao, Cotai Strip, and  
28

1 the Plaza Casino all located in the Macau Special Administration Region of the People's  
2 Republic of China.

3 As a Nevada-based corporation with a major presence in the state's business  
4 community, Las Vegas Sands has a significant interest in the fair administration of  
5 punitive damages within the state's court system, in the procedures state courts employ in  
6 cases involving punitive damages, as well as in the process by which trial and appellate  
7 courts evaluate jury awards of punitive damages. As one of the largest private employers  
8 within Nevada, employing over 8,700 Nevada residents, Las Vegas Sands is particularly  
9 concerned about the chilling effect that a clearly unconstitutional punitive damages award  
10 like the one at issue in this case would have on business development and growth within  
11 the State. Las Vegas Sands has helped to diversify and improve the economy of Nevada  
12 and is directly responsible for creating thousands of jobs for Nevada residents. Las Vegas  
13 Sands continues to create new employment opportunities within the State. *A per se*  
14 unconstitutional punitive damages award such as the one upheld by the trial court in this  
15 case, if left undisturbed by this Court, will undermine the State's ability to attract and  
16 maintain business and investment. The imposition of a manifestly unconstitutional  
17 punitive damages award, such as that imposed by the trial court below, creates uncertainty,  
18 making it difficult for businesses to order their affairs, and it undermines the rule of law  
19 that is necessary for businesses like Las Vegas Sands to thrive in the State.

20  
21  
22 **PURPOSE OF JOINDER**

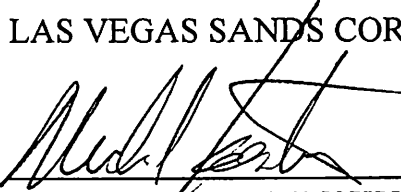
23 For the sake of judicial economy, Las Vegas Sands seeks to join the Chamber's  
24 Motion for Leave to File *Amicus Curiae* Brief and *Amicus Curiae* Brief to avoid any  
25 unnecessary duplication of perspective or filings from those non-parties that may be  
26 affected by the Court's ruling but are not represented in this matter.

27  
28

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

For the foregoing reasons, and pursuant to NRAP 28(i) and 29(a), proposed *amicus* Las Vegas Sands respectfully requests that this Court permit it to join the Chamber's Motion for Leave to File *Amicus Curiae* Brief and *Amicus Curiae* Brief.

Dated: March 10, 2011

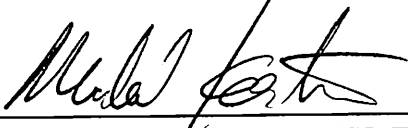
LAS VEGAS SANDS CORP.  
  
MICHAEL KOSTROMSKY, ESQ.  
Nevada Bar No. 004655  
Deputy General Counsel  
3355 Las Vegas Blvd. South  
Las Vegas, NV 89109  
Phone: (702) 414-5080  
Facsimile: (702) 414-4421

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

RULE 28A CERTIFICATION

I hereby certify that I have read the foregoing brief, and to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e), which requires every assertion in the brief regarding matters in the record to be supported by appropriate references to the record. I understand I may be subject to sanctions in the event this brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED: March 10, 2011

LAS VEGAS SANDS CORP.  
  
MICHAEL KOSTRINSKY, ESQ.  
Nevada Bar No. 004655  
Deputy General Counsel  
3355 Las Vegas Blvd. South  
Las Vegas, NV 89109  
Phone: (702) 414-5080  
Facsimile: (702) 414-4421

1 **CERTIFICATE OF SERVICE**

2 The undersigned does hereby certify that on March 10, 2011, I caused to be served  
3 a true and correct copy of the foregoing JOINDER OF LAS VEGAS SANDS CORP. TO  
4 THE MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF AND BRIEF OF  
5 *AMICUS CURIAE* CHAMBER OF COMMERCE OF THE UNITED STATES OF  
6 AMERICA IN SUPPORT OF APPELLANTS, by the method indicated:

- 7
- 8  **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax  
9 number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a).  
A printed transmission record is attached to the file copy of this document(s).
- 10  **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with  
11 postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed  
12 as set forth below.
- 13  **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight  
14 delivery service company for delivery to the addressee(s) on the next business day.
- 15  **BY PERSONAL DELIVERY:** by causing personal delivery by \_\_\_\_\_, a  
messenger service with which this firm maintains an account, of the document(s) listed  
16 above to the person(s) at the address(es) set forth below.
- 17  **BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for  
electronic filing and service upon the Court's Service List for the above-referenced case.

18 James R. Olson, Esq.  
19 Michael Stoberski, Esq.  
20 Max E. Corrick, II, Esq.  
21 OLSON, CANNON, GORMELY &  
22 DESRUISSEAUX  
23 9950 West Cheyenne Avenue  
24 Las Vegas, NV 89129

Robert T. Eglet, Esq.  
Robert M. Adams, Esq.  
Marni K. Rubin, Esq.  
MAINOR EGLET  
400 South Fourth Street, 6<sup>th</sup> Floor  
Las Vegas, NV 89101

*Attorneys for Respondent Henry Chanin*

*Attorneys for Appellants Teva Parenteral  
Medicines, Inc. f/k/a Sicor  
Pharmaceuticals, Inc., Sicor, Inc, and  
Baxter Healthcare Corporation*

25  
26  
27  
28

1 William A. Kemp, Esq.  
2 KEMP JONES & COULTHARD LLP  
3 3800 Howard Hughes Pkwy., 17<sup>th</sup> Floor  
4 Las Vegas, NV 89169

4 *Attorneys for Respondent*  
5 *Lorraine Chanin*

8 David M. MacDonald, Esq.  
9 Patrick F. Madden, Esq.  
10 MACDONALD DEVIN  
11 3800 Renaissance Tower  
12 1201 Elm Street  
13 Dallas, TX 75270

12 *Attorneys for Respondents*  
13 *Gastroenterology of Nevada, LLP & Desert*  
14 *Shadow Endoscopy Center, LLC*

15 Robert S. Qualey, Esq.  
16 Cybill L. Dotson, Esq.  
17 DOTSON & QUALEY  
18 2320 Paseo Del Prado, Bldg. B, Ste. 205  
19 Las Vegas, NV 89102

19 *Attorneys for Respondent Bobbie Glass-*  
20 *Seran, CRNA*

Michael M. Edwards, Esq.  
WILSON ELSER MOSKOWITZ  
EDELMAN & DICKER LLP  
300 South Fourth Street, 11<sup>th</sup> Floor  
Las Vegas, NV 89101

*Attorneys for Respondents Gastroenterology*  
*of Nevada, LLP & Desert Shadow*  
*Endoscopy Center, LLC*

Lynn M. Hansen, Esq.  
JIMMERSON HANSEN  
415 South Sixth Street, Ste. 100  
Las Vegas, NV 89101

*Attorneys for Respondent Rajat Sood, M.D.*

21  
22   
23 An employee of Las Vegas Sands Corp.  
24  
25  
26  
27  
28