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## IN THE SUPREME COURT OF THE STATE OF NEVADA

2 WYNN RESORTS LIMITED, 3 Petitioners. 4 VS. 5 THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA. IN AND FOR THE 6 COUNTY OF CLARK: AND THE HONORABLE ELIZABETH 7 GONZALEZ, DISTRICT JUDGE, 8 DEPT. XI, 9 Respondent, 10 and 11 KAZUO OKADA. UNIVERSAL ENTERTAINMENT CORP. 12 AND ARUZE USA, INC..

Real Parties in Interest.

Case No.

Electronically Filed
Jul 20 2015 10:51 a.m.
Tracie K. Lindeman
WYNN RESPORTS LIVITED
MOTION TO FILE VOLUMES 1917 OF ITS APPENDIX UNDER
SEAL

### I. INTRODUCTION

Pursuant to Part VII of the Supreme Court Rules Governing Sealing and Redacting Court Records, Petitioner Wynn Resorts Limited ("WRL") hereby moves this Court to seal portions of its Appendix. The Appendix contains briefing with either sealed or redacted exhibits that were protected in the District Court pursuant to the Protective Order with Respect to Confidentiality entered by the District Court on February 14, 2013 pursuant to Nevada Rule of Civil Procedure 26(c).

### II. ANALYSIS

Rule 7 of Part VII of the Supreme Court Rules provides that sealed District Court records shall be made available to this Court on appeal but that those records "shall be sealed from public access" subject to further order of this Court. This Court will keep the documents under seal if there is an appropriate basis to do so under SRCR 3(4). SRCR 3(4) permits the sealing or redaction of the record when justified by compelling privacy or safety interests that outweigh the public

interest in access to the court record. The public interest in privacy outweighs the public interest in open cou'rt records when the sealing or redaction furthers a protective order entered under NRCP 26(c). SRCR 3(4)(b).

Here, the District Court, after briefing from the parties, entered a Protective Order with Respect to Confidentiality under NRCP 26(c) (the "Protective Order") (Ex. 1.) Pursuant to that Order, the parties are permitted to designate materials that contain "information that constitutes, reflects, or discloses nonpublic information, trade secrets, know-how, or other financial, proprietary, commercially sensitive, confidential business, marketing, regulatory, or strategic information (regarding business plans or strategies, technical data, and nonpublic designs)" as Confidential. (*Id.* at 2-3.) And, information that is designated as confidential may be filed with the Court and kept under seal and/or redacted upon motion of the filing party. (*Id.* at 9.)

In the present case, WRL and real parties in interest, Kazuo Okada, Universal Entertainment Corp. and Aruze USA, Inc. have designated certain materials as Confidential pursuant to and in accordance with the Protective Order. Moreover, the parties have filed certain pleadings under seal and/or redacted in accordance with the Protective Order. However, in order to present this issue to the Court, it is necessary to present the unredacted, unsealed versions to the Court. Thus, in order to avoid running afoul of the Protective Order, WRL seeks an order from this Court allowing it to file certain portions of its Appendix, which contain the unredacted versions of the filings, under seal. An Order permitting WRL to file these documents under seal will facilitate the Court's review of WRL's petition.

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# III. CONCLUSION

Based upon the foregoing, WRL respectfully requests that the Court permit it to file Volumes 11-17 of its Appendix under seal.

DATED this 20th day of July, 2015.

# PISANELLI BICE PLLC

By: /s/ Todd L. Bice
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#### 1 **CERTIFICATE OF SERVICE** 2 I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and 3 that on this 20th day of July, 2015, I electronically filed and served by electronic 4 mail and United States Mail a true and correct copy of the above and foregoing 5 WYNN RESPORTS LIMITED'S MOTION TO FILE VOLUMES 11-17 OF 6 ITS APPENDIX UNDER SEAL properly addressed to the following: SERVED VIA U.S. MAIL 8 J. Stephen Peek, Esq. Ronald L. Olson, Esq. Bryce K. Kunimoto, Esq. Mark B. Helm, Esq. Robert J. Cassity, Esq. Jeffrey Y. Wu, Esq. 10 Brian G. Anderson, Esq. MUNGER TOLLES & OLSON LLP **HOLLAND & HART LLP** 355 South Grand Avenue, 35th Floor 11 9555 Hillwood Drive, Second Floor Los Angeles, CA 90071-1560 12 Las Vegas, NV 89134 and William R. Urga, Esq. and 13 David S. Krakoff, Esq. Martin A. Little, Esq. 14 JOLLEY URGA WOODBURY Benjamin B. Klubes, Esq. Joseph J. Reilly, Esq. LITTLE 15 **BUCKLEY SANDLER LLP** 3800 Howard Hughes Parkway, 16th 16 1250 – 24th Street NW, Suite 700 Floor Las Vegas, NV 89169 Washington, DC 20037 17 Attorneys for Real Parties in Interest Attorneys for Elaine Wynn 18 Kazuo Okada; Universal Entertainment Corp.; Aruze USA, Inc. 19 Donald J. Campbell, Esq. SERVED VIA HAND-DELIERY 20 J. Colby Williams, Esq. The Honorable Elizabeth Gonzalez 21 **CAMPBELL & WILLIAMS** Eighth Judicial District court, Dept. XI 700 South 7th Street Regional Justice Center 22 200 Lewis Avenue Las Vegas, NV 89101 23 Las Vegas, Nevada 89155 Attorneys for Stephen Wynn Respondent 24 25 /s/ Shannon Thomas 26 An employee of PISANELLI BICE PLLC 27