

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 WYNN RESORTS LIMITED,

Case No. _____

3 Petitioners,

Electronically Filed
Jul 20 2015 10:58 a.m.

4 vs.

Tracie K. Lindeman
Clerk of Supreme Court

5 THE EIGHTH JUDICIAL DISTRICT
6 COURT OF THE STATE OF
7 NEVADA, IN AND FOR THE
8 COUNTY OF CLARK; AND THE
9 HONORABLE ELIZABETH
10 GONZALEZ, DISTRICT JUDGE,
11 DEPT. XI,

**APPENDIX IN SUPPORT OF
PETITIONER WYNN RESORTS
LIMITED'S PETITION FOR
WRIT OF PROHIBITION OR
ALTERNATIVELY, MANDAMUS**

9 Respondent,

VOLUME 7 OF 17

10 and

11 KAZUO OKADA, UNIVERSAL
12 ENTERTAINMENT CORP.
13 AND ARUZE USA, INC..

13 Real Parties in Interest.

14
15 DATED this 17th day of July, 2015.

16 PISANELLI BICE PLLC

17
18 By: /s/ Todd L. Bice

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 17th day of July, 2015, I electronically filed and served by electronic mail and United States Mail a true and correct copy of the above and foregoing **APPENDIX IN SUPPORT OF PETITIONER WYNN RESORTS LIMITED'S PETITION FOR WRIT OF PROHIBITION OR ALTERNATIVELY, MANDAMUS** properly addressed to the following:

SERVED VIA U.S. MAIL

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SERVED VIA HAND-DELIERY

The Honorable Elizabeth Gonzalez
Eighth Judicial District court, Dept. XI
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155

/s/ Cinda Towne
An employee of PISANELLI BICE PLLC

- The United States of America's Motion to File *Ex Parte* Declaration Under Seal, submitted on October 28, 2013 and filed on October 30, 2013;

The Court also considered the arguments of counsel presented at the hearing. And, good cause appearing therefor:

THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES that the United States of America's Motion for Extension of Temporary Stay is GRANTED as follows:

1. The Temporary Stay of Discovery previously ordered in the above-referenced action shall be extended for a period of six (6) months, until May 5, 2014;
2. Notwithstanding the extension of the discovery stay ordered herein, all parties shall serve their respective responses to the discovery requests that were outstanding and due at the time the original discovery stay was entered on May 2, 2013, and may serve supplemental responses, if any, to those requests; and
3. During the period of the extended discovery stay ordered herein, the parties may file discovery motions related to the discovery responses addressed in Paragraph 2 above as well as other discovery responses that have been previously served in the action. The parties shall not take depositions or serve any new discovery requests during the extended discovery stay.

THE COURT FURTHER HEREBY ORDERS, ADJUDGES, AND DECREES that, based upon the oral confirmation by all parties during the hearing that each and all had no opposition, and FINDING that sealing is justified by a compelling safety interest identified by the United States of America that outweighs the public interest in access to the subject document, the United States of America's Motion to File *Ex Parte* Declaration Under Seal is GRANTED.

THE COURT FURTHER HEREBY ORDERS, ADJUDGES, AND DECREES that the United States of America's *Ex Parte* Declaration shall be filed under seal.

DATED this 23 day of December, 2013.


THE HONORABLE ELIZABETH GONZALEZ
DISTRICT COURT JUDGE

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Respectfully submitted by:

DATED this 14th day of December, 2013.

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Approved as to form by:

DATED this 13th day of December, 2013.

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Attorneys for Elaine P. Wynn

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By: _____

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America

Approved as to form and substance by:

DATED this 12th of day of December, 2013.

JOLLY URGIA WIRTH WOODBURY &
STANDISH

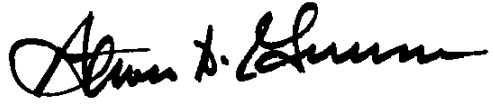
By: _____

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27 *Defendants/Counterclaimants Aruze USA, Inc.*
28 *and Universal Entertainment Corp.*

17 **DISTRICT COURT**

18 **CLARK COUNTY, NEVADA**

19 WYNN RESORTS, LIMITED, a Nevada
20 corporation,

21 Plaintiff,

22 v.

23 KAZUO OKADA, an individual, ARUZE USA,
24 INC., a Nevada corporation, and UNIVERSAL
25 ENTERTAINMENT CORP., a Japanese
26 corporation,

27 Defendants.

28 AND ALL RELATED CLAIMS.

CASE NO.: A-12-656710-B
DEPT. NO.: XI


**NOTICE OF ENTRY OF ORDER (1)
DENYING UNITED STATES OF
AMERICA'S MOTION FOR SECOND
EXTENSION OF TEMPORARY STAY
OF DISCOVERY AND (2) GRANTING
UNITED STATES OF AMERICA'S
MOTION TO FILE UNDER SEAL EX
PARTE DECLARATION**

Electronic Filing Case

1 Please be advised that and Order (1) Denying the United States of America's Motion for
2 Second Extension of Temporary Stay of Discovery and (2) Granting the United States of
3 America's Motion to File Under Seal *Ex Parte* Declaration was entered on the 20th day of June,
4 2014. A copy of the filed order is attached.

5 DATED this 23rd day of June 2014.

6
7 By


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17 Attorneys for Defendant Kazuo Okada and
18 Defendants/Counterclaimants Aruze USA, Inc.
19 and Universal Entertainment Corp.
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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of June, 2014, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER (1) DENYING UNITED STATES OF AMERICA'S MOTION FOR SECOND EXTENSION OF TEMPORARY STAY OF DISCOVERY AND (2) GRANTING UNITED STATES OF AMERICA'S MOTION TO FILE UNDER SEAL EX PARTE DECLARATION** was served by the following method(s):

☒ Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

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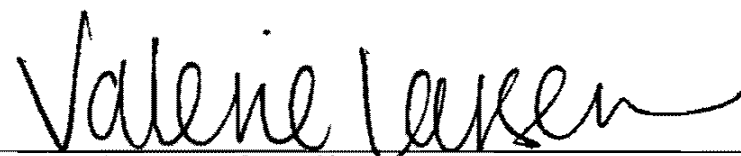
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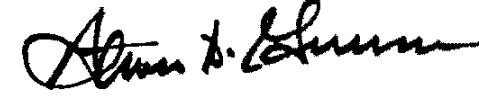
*Attorneys for Intervenor United States of
America*

☐ Email: by electronically delivering a copy via email to the following e-mail address:

☐ Facsimile: by faxing a copy to the following numbers referenced below:



An Employee of Holland & Hart LLP



CLERK OF THE COURT

1 **ORDR**

2
3
4 **DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**

6 WYNN RESORTS, LIMITED, a Nevada
7 corporation,

8 Plaintiff,

9 v.

10 KAZUO OKADA, an individual, ARUZE USA,
11 INC., a Nevada corporation, and UNIVERSAL
ENTERTAINMENT CORP., a Japanese
corporation,

12 Defendants.

CASE NO.: A-12-656710-B
DEPT. NO.: XI

**ORDER (1) DENYING UNITED STATES
OF AMERICA'S MOTION FOR SECOND
EXTENSION OF TEMPORARY STAY
OF DISCOVERY AND (2) GRANTING
UNITED STATES OF AMERICA'S
MOTION TO FILE UNDER SEAL EX
PARTE DECLARATION**

Electronic Filing Case

Hearing Date: May 2, 2014
Hearing Time: 8:30 a.m.

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14
15 The United States of America's Motion for Second Extension of Temporary Stay of
16 Discovery and for Order Shortening Time (the "Motion for Second Extension of Temporary
17 Stay"), filed on April 30, 2014, came before this Court for hearing on May 2, 2014 at 8:30 a.m.
18 The Motion for Second Extension of Temporary Stay was supported by an *Ex Parte* Declaration
19 in Support of Motion for Second Extension of Temporary Stay, which the United States of
20 America submitted to the Court *in camera* on April 29, 2014 simultaneously with the submission
21 of its Motion to Filed Under Seal *Ex Parte* Declaration in Support of Motion for Second
22 Extension of Temporary Stay (the "Motion to File *Ex Parte* Declaration Under Seal").

23 The Court considered the following papers:

- 24
- The United States of America's Motion for Second Extension of Temporary Stay, filed April 30, 2014;
 - 25 • The United States of America's Motion to File *Ex Parte* Declaration Under Seal, filed April 30, 2014;
 - 26 • The United States of America's supporting *Ex Parte* Declaration submitted *in camera* on April 29, 2014;
 - 27 • Elaine P. Wynn's Response to the United States of America's Motion for Second
 - 28 Extension of Temporary Stay of Discovery, filed May 1, 2014; and

- Defendants' Response to the United States of America's Motion for Second Extension of Temporary Stay of Discovery, filed May 1, 2014.

The Court also considered the arguments of counsel presented at the hearing, during which it stated:

- "Before any discovery *responses* or disclosures are served upon any other party in this case they will be served upon counsel for United States, who may then request that that information or certain portions of the information in those disclosures not be disclosed," (Tr. 22-23) (emphasis added); and
- "This places a burden upon the government to review discovery *requests* and make a decision as to whether they're really going to slow my case down. That's really what it does. It makes them take that affirmative step." (Tr. 27) (emphasis added).

Upon further consideration, and for good cause appearing:

IT IS HEREBY ORDERED that the United States of America's Motion for Second Extension of Temporary Stay is DENIED.

IT IS FURTHER ORDERED that due to the positions taken in the United States of America's Motion for Second Extension of Temporary Stay and the *Ex Parte* Declaration, and pending further order of this Court or until the 26th day of November, 2014, whichever is earlier the parties' discovery activities shall be subject to the following protocol:

1. **Service of Discovery Materials on DOJ.** Prior to the service of any (a) notice of deposition or subpoena; (b) request for production of documents, interrogatory, request for admission, or other discovery request; or (c) disclosure or supplemental disclosure (including any disclosure of persons who may have knowledge), pursuant to NRCP 16.1(a) (other than a disclosure and/or document(s) that is/are responsive to a discovery request) (collectively, "Discovery Materials"), the party seeking to serve the Discovery Materials (the "Serving Party") must first provide them to Intervenor United States of America (the "DOJ"), at the following electronic address, unless an alternative delivery method is agreed to with the DOJ: Laura.Perkins@usdoj.gov. Similarly, any party that previously served a request constituting Discovery Materials to which any response remains pending (also a "Serving Party") must provide such Discovery Materials to the DOJ promptly after entry of this Order. The time within which any party or non-party must respond to such previously served requests is suspended until

1 a notification specific to such request is provided in accordance with paragraphs 3 or 5 of this
2 Order or the suspension is lifted by further order of this Court. A non-party recipient of a
3 previously served request must, in addition, be provided with a copy of this Order in order for the
4 suspension of its obligation to respond to be lifted.

5 2. **DOJ Objection Process.** Within seven (7) calendar days of service on the DOJ of
6 any Discovery Materials (including weekends and holidays and without extending time pursuant
7 to NRCR Rule 6(a) (last sentence) or 6(e) ("Calendar Days")), the DOJ shall serve the Serving
8 Party by hand or e-mail with written objections, if any, to all or any portion of the Discovery
9 Materials and the basis for any such objections.

10 3. **Confer Process.** If the Serving Party disagrees with any of the DOJ's objections,
11 the Serving Party must confer with the DOJ regarding the objection(s) within 5 Calendar Days
12 from the date the DOJ served the objection(s). If there is no disagreement or a disagreement is
13 resolved at any time, then the Serving Party shall proceed, in accordance with any such
14 resolution, either [i] to serve the Discovery Materials (or, in the case of an outstanding request, to
15 so notify the recipient of the request) or [ii] to notify the parties that it is not disclosing under
16 NRCR 16.1 certain names, information and/or documents based on the DOJ's objections.

17 4. **Dispute Process.** If the Serving Party and the DOJ are unable to resolve their
18 disagreement within 15 Calendar Days of the date of service on the DOJ of the Discovery
19 Materials, the DOJ must file a motion on Order Shortening Time with the Court to prevent the
20 service of all or any portion of the Discovery Materials (or to continue the suspension of time
21 within which to respond to such objectionable outstanding request). Any party may have 5
22 Calendar Days to respond to DOJ's motion.

23 5. **Waiver of Objections.** If the DOJ does not object by the time specified in
24 paragraph 2 or does not file a motion by the time specified in the preceding paragraph, the
25 Serving Party may proceed to serve the Discovery Materials (or, in the case of an outstanding
26 request, may notify the recipient of the request).

1 6. **Requirements While Objection is Pending.** Until the expiration of the Filing
2 Period or, if a motion is filed by the DOJ during the Filing Period, pending the Court's disposition
3 of any motion regarding the DOJ's objection(s), the Serving Party shall not serve any Discovery
4 Materials to which the DOJ interposed an objection but shall serve Discovery Materials for which
5 there was no objection.

6 7. **Notice to Non-Parties.** Any/all subpoenas served on non-parties after the date of
7 this Order must be accompanied by a copy of this Order by the Serving Party. In addition, all
8 non-parties previously served with a subpoena shall be provided with a copy of this Order
9 immediately upon entry by the Serving Party.

10 8. **Other Motions Allowed.** Nothing in this Order shall prevent any party from
11 filing a motion for a protective order or motion to compel relating to any Discovery Materials
12 subject to this Order consistent with the rules of the Court and the Nevada Rules of Civil
13 Procedure.

14 9. **Protective Order.** As an intervening party in this action, the DOJ is bound by the
15 terms applicable to parties in the Protective Order With Respect to Confidentiality entered by this
16 Court on February 13, 2013 (the "Protective Order").

17 10. **Certification.** Any Discovery Material(s) served after the date of this Order must
18 be accompanied by a copy of this Order and a certification by the Serving Party that either (a) the
19 DOJ has not objected to the Discovery Material(s), (b) the DOJ has waived any objection to such
20 Discovery Material(s) by failing to lodge a timely objection under paragraph 2 of this Order or
21 file a timely motion under paragraph 4 of this Order, or (c) the Court has over-ruled DOJ's
22 objection(s) to such Discovery Material(s).

23 IT IS FURTHER ORDERED that, no opposition to the Motion to File *Ex Parte*
24 Declaration Under Seal having been received, and FINDING that sealing is justified by a
25 compelling safety interest identified by the DOJ that outweighs the public interest in access to the
26 subject document pursuant to Rule 3 of the Nevada Rules for Sealing and Redacting Court
27
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1 Records, the United States of America's Motion to File *Ex Parte* Declaration Under Seal is
2 GRANTED and the United States of America's *Ex Parte* Declaration shall be sealed.

3 Dated this 20th day of June, 2014.

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5 DISTRICT COURT JUDGE
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and Universal Entertainment Corp.*

DISTRICT COURT

CLARK COUNTY, NEVADA

WYNN RESORTS, LIMITED, a Nevada
corporation,

Plaintiff,

v.

KAZUO OKADA, an individual, ARUZE USA,
INC., a Nevada corporation, and UNIVERSAL
ENTERTAINMENT CORP., a Japanese
corporation,

Defendants.

AND ALL RELATED CLAIMS.

CASE NO.: A-12-656710-B
DEPT NO.: XI

**DEFENDANT KAZUO OKADA AND
COUNTERCLAIMANTS-DEFENDANTS
ARUZE USA, INC. AND UNIVERSAL
ENTERTAINMENT CORPORATION'S
SECOND REQUEST FOR PRODUCTION
OF DOCUMENTS TO WYNN RESORTS,
LIMITED**

Electronic Filing Case

1 **PROPOUNDING PARTY:** DEFENDANT KAZUO OKADA AND
2 COUNTERCLAIMANTS-DEFENDANTS ARUZE USA,
3 INC. AND UNIVERSAL ENTERTAINMENT
CORPORATION

4 **RESPONDING PARTY:** PLAINTIFF AND COUNTERDEFENDANT WYNN
RESORTS, LIMITED

5 **SET NO.:** TWO

6 Pursuant to NEV. R. CIV. P. 34, Defendant KAZUO OKADA and
7 Counterclaimants-Defendants ARUZE USA, INC. and UNIVERSAL ENTERTAINMENT
8 CORPORATION (collectively, the “Aruze Parties”) hereby request that Plaintiff and
9 Counterdefendant WYNN RESORTS, LIMITED produce the following documents and things
10 for inspection and copying in this Second Request for Production of Documents (the
11 “Requests”). Such production shall be made within thirty (30) days of service, at Holland &
12 Hart LLP, 9555 Hillwood Drive, 2nd Floor, Las Vegas, Nevada 89134. The documents and
13 things subject to these Requests shall remain available to the Aruze Parties’ counsel until such
14 inspection and copying can be reasonably completed.

15 **DEFINITIONS**

16 Unless otherwise specifically stated in the body of a particular Request, the following
17 terms and phrases in the Requests shall have the following meaning:

- 18 1. The term “accuracy” means the quality or state of being correct or
19 precise.
- 20 2. The term “affiliate” means a joint venture partner or a Person linked by
21 direct, indirect, or common equity ownership.
- 22 3. The term “analysis” means an investigation or assessment of a business
23 or Person or subject.
- 24 4. The term “Archfield” refers to Archfield Limited, including but not
25 limited to its predecessors, successors, parents, subsidiaries, divisions and affiliates, and each of
26 their respective current and former officers, directors, agents, attorneys, accountants,
27 employees, representatives, partners, and other Persons occupying similar positions or
28

1 performing similar functions, and all other Persons acting or purporting to act on its behalf or
2 under its control.

3 5. The term “Arkin Group” refers to The Arkin Group LLC, including but
4 not limited to its predecessors, successors, parents, subsidiaries, divisions and affiliates, and
5 each of their respective current and former officers, directors, agents, attorneys, accountants,
6 employees, representatives, partners, and other Persons occupying similar positions or
7 performing similar functions, and all other Persons acting or purporting to act on its behalf or
8 under its control.

9 6. The term “Articles of Incorporation” refers to WRL’s Articles of
10 Incorporation and all amendments, including but not limited to the first Articles of
11 Incorporation dated June 3, 2002 and the Second Amended and Restated Articles of
12 Incorporation dated September 16, 2002.

13 7. The term “Aruze Parties” refers to Kazuo Okada, Aruze USA, Inc., and
14 Universal Entertainment Corporation.

15 8. The term “Aruze USA” refers to Aruze USA, Inc., and its predecessors,
16 successors, parents, subsidiaries, divisions and affiliates, and each of their respective current
17 and former officers, directors, agents, attorneys, accountants, employees, representatives,
18 partners, and other Persons occupying similar positions or performing similar functions, and all
19 other Persons acting or purporting to act on its behalf or under its control.

20 9. The term “Assignment of Interest” means the Assignment of Membership
21 Interest entered into by Aruze USA and WRL on or about September 24, 2002, and any
22 amendments thereto or restatements thereof.

23 10. The term “Baron” means Baron Asset Fund and its predecessors,
24 successors, parents, subsidiaries, committees, subcommittees, divisions and affiliates, and each
25 of their respective current and former officers, directors, agents, attorneys, accountants,
26 employees, representatives, partners, and other Persons occupying similar positions or
27 performing similar functions, and all other Persons acting or purporting to act on its behalf or
28 under its control.

1 11. The term “Books and Records” means those Documents that accurately
2 and fairly reflect the company’s assets, transactions, and economic events.

3 12. The term “Business Plans” means any Document that describes the
4 businesses future and plans the company intends or is considering to take to grow revenues and
5 to expand and/or operate.

6 13. The term “Buy-Sell Agreement” means the Buy-Sell Agreement entered
7 into by Aruze USA, Stephen A. Wynn, and Mr. Okada on or about June 13, 2002, any
8 amendments thereto or restatements thereof, and the cancellation thereof.

9 14. The term “China” refers to People’s Republic of China, including but not
10 limited to Macau and Hong Kong.

11 15. The term “the Commission” means the Nevada Gaming Commission and
12 its respective current and former officers, directors, agents, attorneys, accountants, employees,
13 representatives, partners, members, and other Persons occupying similar positions or performing
14 similar functions, and all other Persons acting or purporting to act on its behalf or under its
15 control.

16 16. The term “Communication(s)” means the transmission of information (in
17 the form of facts, ideas, inquiries or otherwise) by any medium, including, without limitation,
18 orally, by personal meeting, in writing, by telephone, letter, telegraph, teleconference, facsimile,
19 telex, telecopy, wire, radio, television, electronic mail, magnetic tape, floppy disk, diagram,
20 graph, chart, drawing, text message, chat room, social media including Facebook and Twitter, or
21 posting or other display on the Internet or the World Wide Web.

22 17. The term “concerning” shall mean, without limitation, anything that, in
23 whole or in part, contains, constitutes, compromises, deals with, describes, evidences, embodies,
24 reflects, refers to, relates to, mentions, defines, bears upon, pertains directly or indirectly to,
25 discusses, alludes to, responds to, mentions, memorializes, records, comments upon, analyzes,
26 explains, summarizes, or is in any other way relevant to the particular subject matter identified.

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1 18. The term "Contribution Agreement" refers to the Contribution
2 Agreement entered into among WRL, Stephen A. Wynn, Aruze USA, Baron Asset Fund, and
3 the Kenneth R. Wynn Family Trust on or about June 11, 2002.

4 19. The term "Cotai" refers to the Cotai area of Macau.

5 20. The term "Cotai Land Concession" refers to any land concession contract
6 granted by the government of Macau with respect to WRL and the Cotai, including without
7 limitation the concession described in WRL's Form 8-K, originally filed on March 2, 2012, then
8 re-filed on May 2, 2012.

9 21. The term "Counterdefendant(s)" refers to Stephen A. Wynn, Kimmarie
10 Sinatra, Linda Chen, Ray R. Irani, Russell Goldsmith, Robert J. Miller, John A. Moran, Marc D.
11 Schorr, Alvin V. Shoemaker, Boone Wayson, Elaine P. Wynn, Allan Zeman, individually and
12 collectively, and each Person's agents, representatives, associates, attorneys, and all other
13 Persons acting or purporting to act on each Person's behalf or under each Person's control.

14 22. The term "Development of Casino Resorts" means any conduct by any
15 party that relates to the planning, building, establishing, promoting, creation, or formation of a
16 facility which houses and accommodates certain types of gambling activities.

17 23. The term "Document(s)" includes, but is not limited to, any written,
18 typed, printed, recorded or graphic matter, however produced or reproduced, of any type or
19 description, regardless of origin or location, including but not limited to any and all
20 correspondence, minutes, records, tables, charts, analyses, graphs, regulations, investigation
21 results, microfiche or microfilm, training materials, electronic records, electronic logs,
22 schedules, reports, audits, guidelines, policies, protocols, reviews, assessments, budgets,
23 standing order directives, post orders, manuals, memoranda, notes, lists, logs, notations, contact
24 sheets, calendar and diary entries, letters (sent or received), telegrams, faxes, telexes, messages
25 (including but not limited to reports of telephone conversations and conferences), studies,
26 rosters, schedules, booklets, circulars, bulletins, instructions, papers, files, minutes, emails,
27 summaries, bulletins, questionnaires, contracts, memoranda or agreements, requests for
28 proposals or responses to requests for proposals, assignments, licenses, ledgers, books of

1 account, orders, invoices, statements, bills, checks, vouchers, notebooks, receipts,
2 acknowledgments, data processing cards, computer generated matter, photographs,
3 photographic negatives, phonograph records, tape recordings, evaluations, video recordings,
4 wire recordings, discs, other mechanical recording transcripts or logs of any such recordings, all
5 other data compilations from which information can be obtained, or translated if necessary, and
6 any other tangible thing of a similar nature. Each Request for a Document or Documents shall
7 be deemed to call for the production of the original Document or Documents to the extent that
8 they are in or subject to, directly or indirectly, the control of the party to whom these Requests
9 for Production are directed. In addition, each Request should be considered as including but not
10 limited to all copies and, to the extent applicable, preliminary drafts of Documents that differ in
11 any respect from the original or final draft or from each other (*e.g.*, by reason of differences in
12 form or content or by reason of handwritten notes or comments having been added to one copy
13 of a Document but not on the original or other copies thereof).

14 24. The term “due diligence” means an investigation or assessment of a
15 business or Person or subject.

16 25. The term “Duff & Phelps” refers to Duff & Phelps, LLC, including but
17 not limited to its predecessors, successors, parents, subsidiaries, divisions and affiliates, and
18 each of their respective current and former officers, directors, agents, attorneys, accountants,
19 employees, representatives, partners, and other Persons occupying similar positions or
20 performing similar functions, and all other Persons acting or purporting to act on its behalf or
21 under its control.

22 26. The term “Fourth Amended Counterclaim” refers to the Fourth Amended
23 Counterclaim of Aruze USA, Inc. and Universal Entertainment Corp. filed in this action on
24 November 26, 2013.

25 27. The term “Freeh Report” refers to the report prepared by Freeh Sporkin
26 under the direction of WRL’s Compliance Committee, attached as Exhibit 1 to WRL’s Second
27 Amended Complaint.

28

1 28. The term “Freeh Sporkin” refers to Freeh Sporkin & Sullivan LLP (n/k/a
2 Pepper Hamilton LLP), including but not limited to its predecessors, successors, parents,
3 subsidiaries, divisions and affiliates, and each of their respective current and former partners
4 (including but not limited to Louis J. Freeh), employees, representatives, agents, attorneys,
5 accountants, and other Persons occupying similar positions or performing similar functions, and
6 all other Persons acting or purporting to act on its behalf or under its control.

7 29. The term “Government Official” refers to any officer or employee of a
8 government or any department, agency, or instrumentality thereof, or of a public international
9 organization, or any Person acting in an official capacity for or on behalf of any such
10 government or department, agency, or instrumentality, or for or on behalf of any such public
11 international organization. As used here, “public international organization” means (i) an
12 organization that is designated by Executive order pursuant to section 288 of title 22 of the
13 United States Code; or (ii) any other international organization that is designated by the
14 President by Executive order for the purposes of this section, effective as of the date of
15 publication of such order in the Federal Register.

16 30. The term “Investigation(s)” includes but is not limited to any research,
17 examination, review, study, assessment, analysis, diligence, or inquiry into the matter stated in
18 the Request, whether formal or informal.

19 31. The term “IPO” means the initial public offering of WRL.

20 32. The term “the LLC” means Valvino Lamore, LLC and its predecessors,
21 successors, parents, subsidiaries, committees, subcommittees, divisions and affiliates, and each
22 of their respective current and former officers, directors, agents, attorneys, accountants,
23 employees, representatives, partners, members, and other Persons occupying similar positions
24 or performing similar functions, and all other Persons acting or purporting to act on its behalf or
25 under its control.

26 33. The term “Macau” refers to the Macau special administrative region of
27 the People’s Republic of China, including but not limited to the Macau Peninsula itself, Cotai,
28 and the islands of Taipa and Coloane.

1 34. The term “Moelis” refers to Moelis & Company, including but not
2 limited to its predecessors, successors, parents, subsidiaries, divisions and affiliates, and each of
3 their respective current and former officers, directors, agents, attorneys, accountants,
4 employees, representatives, partners, and other Persons occupying similar positions or
5 performing similar functions, and all other Persons acting or purporting to act on its behalf or
6 under its control.

7 35. The term “Mr. Okada” refers to Kazuo Okada, and his agents,
8 representatives, associates, attorneys, and all other Persons acting or purporting to act on his
9 behalf or under his control.

10 36. The term “the NGCB” means the Nevada State Gaming Control Board
11 and its respective current and former officers, directors, agents, attorneys, accountants,
12 employees, representatives, partners, members, and other Persons occupying similar positions
13 or performing similar functions, and all other Persons acting or purporting to act on its behalf or
14 under its control.

15 37. The term “Operating Agreement” means the Operating Agreement of the
16 LLC and any and all amendments thereto or restatements thereof.

17 38. The term “Person(s)” shall mean any natural person or legal entity,
18 including, without limitation, any business, legal, or governmental entity or association.
19 References to any Person shall include that Person’s officers, directors, employees, partners,
20 agents, representatives, corporate parents, predecessors, successors, subsidiaries, and Affiliates.

21 39. The term “Philippines” refers to Republic of the Philippines.

22 40. The terms “Policy” or “Policies” refers to policies, procedures,
23 regulations, guidelines, manuals, processes, directives, rules, regulations, and post orders.

24 41. The term “Second Amended Complaint” refers to the Second Amended
25 Complaint filed in this action on April 22, 2013.

26 42. The term “Stephen A. Wynn” refers to Stephen A. Wynn and his agents,
27 representatives, associates, attorneys, and all other Persons acting or purporting to act on his
28 behalf or under his control.

1 43. The term "Stockholders Agreement" refers to any and all agreements
2 entered into by Stephen A. Wynn and/or Elaine P. Wynn as shareholders of WRL stock, as
3 amended, including but not limited to

- 4 • the Stockholders Agreement, entered into on or about April 11, 2002, by and
5 among Stephen A. Wynn, Aruze USA, and Baron Asset Fund;
- 6 • the Waiver and Consent, entered into on or about July 31, 2009, by and
7 among Stephen A. Wynn, Baron Investment Funds Trust, and Aruze USA;
- 8 • the Amendment to Stockholders Agreement, entered into on or about
9 November 8, 2008, by and among Stephen A. Wynn and Aruze USA;
- 10 • the Waiver and Consent, entered into on or about August 13, 2009, by and
11 among Stephen A. Wynn and Aruze USA;
- 12 • the Amended and Restated Stockholders Agreement, entered into on or about
13 January 6, 2010, by and among Stephen A. Wynn, Elaine P. Wynn, and
14 Aruze USA;
- 15 • the Waiver and Consent, entered into on or about November 24, by and
16 among Stephen A. Wynn, Elaine P. Wynn, and Aruze USA; and
- 17 • the Waiver and Consent, entered into on or about December 15, 2010, by and
18 among Stephen A. Wynn, Elaine P. Wynn, and Aruze USA.

19 44. The term "Term Sheet" means the Term Sheet entered into by the LLC
20 and Aruze USA on or about October 3, 2000.

21 45. The term "Universal" refers to Universal Entertainment Corporation, and
22 its predecessors, successors, parents, subsidiaries, divisions and affiliates, and each of their
23 respective current and former officers, directors, agents, attorneys, accountants, employees,
24 representatives, partners, and other Persons occupying similar positions or performing similar
25 functions, and all other Persons acting or purporting to act on its behalf or under its control.

26 46. The term "Valuation" means the process of determining the worth of an
27 item, and the worth as determined by that process.

28

48. The term “Wynn Macau” refers to Wynn Macau, Limited, and its predecessors, successors, parents, subsidiaries, divisions and affiliates, and each of their respective current and former officers, directors, agents, attorneys, accountants, employees, representatives, partners, and other Persons occupying similar positions or performing similar functions, and all other Persons acting or purporting to act on its behalf or under its control.

10 49. The terms “WRL,” “You” and “Your” refer to Plaintiff and
11 Counterdefendant Wynn Resorts, Limited, and its predecessors, successors, parents,
12 subsidiaries, committees, subcommittees, divisions and affiliates, and each of their respective
13 current and former officers, directors, agents, attorneys, accountants, employees,
14 representatives, partners, and other Persons occupying similar positions or performing similar
15 functions, and all other Persons acting or purporting to act on its behalf or under its control,
16 including but not limited to Wynn Macau and Wynn Las Vegas.

18 1. Each Request calls for (1) the production of Documents in Your
19 possession, custody, or control; or (2) in the possession, custody, or control of another, other
20 than the Aruze Parties, if You have the ability or right to obtain originals or copies of such
21 Documents, whether or not such right or ability has been exercised.

2. If You withhold any Document, whether in whole or in part, as a result of some claimed limitation, including but not limited to a claim of privilege, You must supply a list of the Documents being withheld, indicating as to each: (a) the author, sender, writer, addressor or initiator; (b) all addressees, recipients and intended recipients, including but not limited to any blind copies indicated; (c) the date created or transmitted; (d) the subject matter and subject matter indicated on the Document, if any; and (e) the claimed grounds for nonproduction.

1 3. Whenever a Document is not produced in full or is produced in redacted
2 form, so indicate on the Document and state with particularity the reason or reasons it is not
3 being produced in full and describe those portions of the Document which are not being
4 produced.

5 4. Unless otherwise indicated, the Requests herein call for Documents that
6 were dated or created, or came into Your possession, custody or control at any time during the
7 period from March 1, 2000 to the present.

8 5. The Aruze Parties reserve their rights to serve supplemental requests for
9 Documents as necessary.

10 6. The Requests below are continuing in nature. If, after making Your
11 initial production and inspection, You obtain or become aware of any further Documents
12 responsive to these Requests, You are requested to produce such additional Documents to the
13 Aruze Parties.

14 7. It is not necessary to provide multiple copies of completely identical
15 Documents that are responsive to more than one Request. In the event that a Document
16 responsive to a given Request is being produced in response to another Request, You may
17 produce only one copy of the Document.

18 8. In order to bring within the scope of these Requests all information that
19 might otherwise be construed to be outside of their scope, the following rules of construction
20 apply: (a) the singular shall include the plural and vice versa; (b) the connectives “and” and “or”
21 shall be construed either disjunctively or conjunctively as necessary to bring within the scope of
22 the Request all responses that might otherwise be construed to be outside its scope; (c) the terms
23 “any,” “all” and “each” shall be read to mean any, all, each, and every; (d) the present term shall
24 be construed to include the past term and vice versa; (e) “on or about” when used in conjunction
25 with a specified date means the period beginning two weeks before and ending two weeks after
26 the specified date; and (f) references to employees, officers, directors or agents shall include
27 both current and former employees, officers, directors and agents.
28

1 9. You are to produce each Document requested herein in its entirety,
2 without deletion or excision, and shall include all attachments, appendices, exhibits, lists,
3 schedules, or other Documents at any time affixed thereto, regardless of whether You consider
4 the entire Document to be relevant or responsive to the Requests. A request for Documents
5 shall be deemed to include a request for any or all transmittal sheets, cover letters, exhibits,
6 enclosures, or attachments to the Documents, in addition to the Document itself, without
7 abbreviation or expurgation.

8 10. The Documents to be produced shall be organized and labeled to
9 correspond to each Document request herein. All Documents that are physically attached to
10 each other when located for production shall be left so attached. Documents that are segregated
11 or separated from other Documents, whether by use of binders, files, subfiles, or by dividers,
12 tabs, or any other method, shall be left so segregated or separated. All labels or other forms of
13 identification contained, placed, attached, or appended on or to any binders, files, subfiles,
14 dividers, or tabs shall be produced.

15 11. If any Document requested herein that was formerly in Your possession,
16 custody or control has been destroyed, discarded, or otherwise lost, the Document shall be
17 identified by stating: (a) the nature of the Document, the number of pages, its subject matter and
18 its contents, including but not limited to any attachments or appendices; (b) the author of the
19 Document and all Persons to whom it was sent, including but not limited to cover copies or
20 blind copies; (c) the date on which the Document was prepared or transmitted; (d) the date on
21 which the Document was lost, discarded, or destroyed; (e) the Person who authorized and
22 carried out the destruction; and (f) the name of any custodian of any existing copies of the
23 Document. If no Documents or things exist that are responsive to a particular paragraph of
24 these requests, so state in writing.

25 12. Each Request shall be construed independently and without reference to
26 other requests.

27 13. All electronically stored information (“ESI”) and any other Document
28 produced in electronic format, including but not limited to any hard copy Documents copied and

1 produced in electronic format, shall be produced in accordance with the ESI Protocol as agreed
2 between the parties.

3 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

4 **REQUEST FOR PRODUCTION NO. 76:**

5 All Documents constituting a translation of a Communication between an Aruze Party
6 on one hand and Stephen A. Wynn and/or WRL on the other hand.

7 **REQUEST FOR PRODUCTION NO. 77:**

8 Documents sufficient to identify translators used by Stephen A. Wynn and/or WRL in
9 his, its, and/or their dealings with the Aruze Parties.

10 **REQUEST FOR PRODUCTION NO. 78:**

11 All Documents concerning Communications with any press or public relations agents,
12 spokespersons, or similar Persons concerning the Aruze Parties and any of the following: the
13 Operating Agreement, WRL's incorporation, WRL's IPO, or the redemption of Aruze USA's
14 shares.

15 **REQUEST FOR PRODUCTION NO. 79:**

16 All Documents concerning Communications with the NGCB, the Commission, or other
17 gaming authority concerning the redemption provisions in the Articles of Incorporation,
18 Operating Agreement, Buy-Sell Agreement, or other Document governing WRL or a
19 predecessor.

20 **REQUEST FOR PRODUCTION NO. 80:**

21 The Books and Records of the LLC, the Desert Inn, and any related entities covering the
22 period from the time Stephen A. Wynn created or acquired the entity through November 30,
23 2000.

24 **REQUEST FOR PRODUCTION NO. 81:**

25 All Documents concerning personal meetings between Mr. Okada and Stephen A. Wynn
26 in which they planned to or did discuss a potential business relationship/partnership or the
27 business/partnership agreements.
28

1 **REQUEST FOR PRODUCTION NO. 82:**

2 Documents sufficient to identify each investment bank or other advisor or consultant
3 (for example, Kotite & Kotite and Churchill Capital LLC) involved in the formation of the LLC
4 or in adding an Aruze Party as a member of the LLC.

5 **REQUEST FOR PRODUCTION NO. 83:**

6 All Documents concerning the Aruze Parties' suitability, licensing, or other similar
7 determination through the date of the IPO.

8 **REQUEST FOR PRODUCTION NO. 84:**

9 All Documents concerning the Term Sheet signing event at Stephen A. Wynn's home in
10 October 2000, including but not limited to any invitations, press releases/notices, photographs,
11 or other recordings thereof.

12 **REQUEST FOR PRODUCTION NO. 85:**

13 All Documents concerning any meetings between Mr. Okada and Stephen A. Wynn
14 without counsel present concerning the Term Sheet and/or Operating Agreement, including but
15 not limited to any occurring between October 23 and November 30, 2000.

16 **REQUEST FOR PRODUCTION NO. 86:**

17 All Documents concerning the addition of a new member to the LLC and the selection
18 of Baron as that member, including but not limited to the reason for adding a new member,
19 other Persons considered for membership, and the selection process.

20 **REQUEST FOR PRODUCTION NO. 87:**

21 All Documents concerning the necessity for the Second Amended Operating Agreement,
22 and its redemption provisions, including but not limited to all such Documents reflecting
23 Communications with banks, investors, or other third parties.

24 **REQUEST FOR PRODUCTION NO. 88:**

25 All Documents concerning any meeting among Stephen A. Wynn, Marc Rubinstein, and
26 Mr. Okada in Tokyo between May 1, 2001 and April 11, 2002 in which redemption was
27 discussed.

28

REQUEST FOR PRODUCTION NO. 89:

All Documents concerning Stephen A. Wynn, Wynn Macau, or WRL's obtaining the Macau land interest and license, including but not limited to any Communications with consultants, finders, bankers, lobbyists, middlemen, or intermediaries of any type.

REQUEST FOR PRODUCTION NO. 90:

All Documents concerning the admission or potential admission of Steve Marnell or John Moran as members of the LLC.

REQUEST FOR PRODUCTION NO. 91:

All Documents concerning Communications with banks, investors, or other third parties concerning the necessity of the Third Amended Operating Agreement and its contents, including but not limited to the redemption provisions per ¶ 20.

REQUEST FOR PRODUCTION NO. 92:

All Documents concerning Communications with the Aruze Parties concerning the Third Amended Operating Agreement, including but not limited to the redemption provisions per ¶ 20.

REQUEST FOR PRODUCTION NO. 93:

All Documents concerning actions taken by Stephen A. Wynn as attorney-in-fact under ¶ 14 of the Third Amended Operating Agreement, including but not limited to:

- a) Documents concerning any actions taken by Stephen A. Wynn pursuant to ¶ 12 of the Third Amended Operating Agreement;
- b) Documents concerning financing under ¶ 12(e)-(g) and any other financing efforts for the Macau project; and
- c) Documents concerning ¶ 14 and powers thereunder.

REQUEST FOR PRODUCTION NO. 94:

All Documents concerning the exercise of the power of attorney granted in Part 2(c) of the Stockholders Agreement, including but not limited to Documents concerning the incorporation, IPO, or other structuring or organization of WRL.

REQUEST FOR PRODUCTION NO. 95:

All Documents concerning the options and any other rights granted to Marc Schorr or Kenneth Wynn or related entities under Part 3(b) of the Stockholders Agreement, including but not limited to Documents or Communications related to the exercise or potential exercise of those rights or options.

REQUEST FOR PRODUCTION NO. 96:

All Documents concerning any Investigation, research, or discussion of the suitability, license-ability, gaming problem, or any related concerns of Marc Schorr or Kenneth Wynn before granting the rights or options described in Request 95 or before the exercise or potential exercise of those rights and options, or at any other time.

REQUEST FOR PRODUCTION NO. 97:

All Documents concerning Communications with the Aruze Parties concerning the Buy-Sell Agreement, its terms, and its termination.

REQUEST FOR PRODUCTION NO. 98:

All Documents concerning a suggestion, requirement, or necessity for the Buy-Sell Agreement, including but not limited to any Documents concerning Communications with bankers, investors, financiers, WRL Board members, Counterdefendants, or other parties.

REQUEST FOR PRODUCTION NO. 99:

Any Documents concerning, during the pendency of the Buy-Sell Agreement, a potential “licensing event” as defined in the Buy-Sell Agreement as “(i) a recommendation by the Nevada State Gaming Control Board to the Nevada Gaming Commission that the applications of Aruze Parent, Aruze, and/or Okada be denied, or that Aruze Parent, Aruze, and/or Okada be found unsuitable; (ii) a vote by the Nevada Gaming Commission to deny the applications of Aruze Parent, Aruze, and/or Okada, or to find Aruze Parent, Aruze, and/or Okada unsuitable; (iii) a request for withdrawal of applications by Aruze Parent, Aruze, and/or Okada in respect of the Company; or (iv) failure of Aruze Parent, Aruze and/or Okada to file all necessary applications in respect of the Company within 90 days after the filing of the application by the Company.”

1 **REQUEST FOR PRODUCTION NO. 100:**

2 All Documents concerning shares held in escrow under the Buy-Sell Agreement.

3 **REQUEST FOR PRODUCTION NO. 101:**

4 All Documents concerning the creation and use of the power of attorney contained in the
5 Third Amendment to the Operating Agreement as it applies to and was carried over into the
6 Contribution Agreement, including but not limited to any notice provided by Stephen A. Wynn
7 to the other members before or after its exercise.

8 **REQUEST FOR PRODUCTION NO. 102:**

9 All Documents concerning the assignment of membership interests as anticipated in
10 paragraph 2 of the Contribution Agreement and carried out in the Assignment of Interest.

11 **REQUEST FOR PRODUCTION NO. 103:**

12 All Documents concerning the Kenneth R. Wynn Family Trust transaction contained in
13 the Contribution Agreement and referred to as the "KRW Transaction," including but not
14 limited to whether that transaction occurred, its terms, any determinations as to suitability or
15 license-ability made in association therewith, and any side agreements related to that
16 transaction.

17 **REQUEST FOR PRODUCTION NO. 104:**

18 All Documents concerning the Aruze Parties' express written consent to the changes the
19 Amended and Restated Articles of Incorporation made to the transfer restrictions or other terms
20 of the Shareholders' Agreement or Contribution Agreement.

21 **REQUEST FOR PRODUCTION NO. 105:**

22 All Documents concerning WRL's initial Articles of Incorporation.

23 **REQUEST FOR PRODUCTION NO. 106:**

24 All Documents concerning:

- 25 a) the transition from the original Articles of Incorporation to the Restated and
26 Amended Articles of Incorporation; and
27 b) from the Restated and Amended Articles of Incorporation to the Second
28 Amended and Restated Articles of Incorporation,

1 including but not limited to the addition of Section VII as it appears in the Amended and Second
2 Amended Articles.

3 **REQUEST FOR PRODUCTION NO. 107:**

4 All Documents concerning the necessity of including Section VII as it appears in the
5 Amended and Second Amended articles.

6 **REQUEST FOR PRODUCTION NO. 108:**

7 Any Documents concerning the meaning of “good faith” as it appears in Section 7 of
8 Article VII of the Amended and Second Amended articles, including but not limited to any
9 Documents concerning Communications relating thereto, or concerning whether the redemption
10 of the Aruze Parties’ stock was in good faith.

11 **REQUEST FOR PRODUCTION NO. 109:**

12 All Documents concerning the reasons for or necessity of the changes to the Articles
13 from the original to the Restated and Second Restated Articles of Incorporation, including but
14 not limited to Article III, IV, V, and VII of the Amended and Second Amended articles.

15 **REQUEST FOR PRODUCTION NO. 110:**

16 To the extent not called for by any of the requests above: All Documents concerning the
17 negotiation, drafting, and execution of the

- 18 a) Term Sheet;
19 b) Operating Agreement;
20 c) Buy-Sell Agreement;
21 d) Assignment of Interest; and
22 e) the IPO if the Doc also concerns the Aruze Parties,

23 including but not limited to all Documents concerning Communications concerning such
24 Documents with the Aruze Parties, Baron, WRL, Stephen A. Wynn, and any third parties.

25 **REQUEST FOR PRODUCTION NO. 111:**

26 To the extent not called for by any of the requests above: All Documents concerning
27 non-privileged Communications between or among Stephen A. Wynn’s WRL’s, and/or or any
28 other Counterdefendant’s attorneys about or with any Aruze Party (including any representative

1 of any Aruze Party), concerning a business relationship or potential business relationship
2 between an Aruze Party on one hand and Stephen A. Wynn, WRL and/or any other
3 Counterdefendant on the other hand.

4 **REQUEST FOR PRODUCTION NO. 112:**

5 All Documents concerning the spending by WRL, Stephen A. Wynn, or Wynn Macau in
6 Macau and elsewhere that is identified as contributing to the "Macau Reimbursement Amount,"
7 including the ultimate intended recipient of any funds that passed through consultants or other
8 middlemen or intermediaries, and an accounting of how those funds were spent.

9 **REQUEST FOR PRODUCTION NO. 113:**

10 All Documents concerning the creation, founding, funding, incorporation, and
11 membership/shareholders of Wynn Macau.

12 **REQUEST FOR PRODUCTION NO. 114:**

13 All Documents concerning Communications with the Government of Macau or any
14 Government Official in Macau concerning the licensing, acquisition, concession, or similar
15 grant to WRL, Stephen A. Wynn, Wynn Macau, or any related entities.

16 **REQUEST FOR PRODUCTION NO. 115:**

17 All Documents concerning any third parties involved in the Valuation and contribution
18 of the "Macau Interest" or "Macau Reimbursement Amount" as identified in the Third
19 Amended Operating Agreement, including but not limited to those referenced in the Valvino
20 Lamore LLC History of Capital Contribution report dated April 23, 2002.

21 **REQUEST FOR PRODUCTION NO. 116:**

22 All Documents concerning Communications by the Managing Member of the LLC
23 where it advanced the expenses to Wynn Macau in the amount of \$327,041 on or about June 17,
24 2002.

25 **REQUEST FOR PRODUCTION NO. 117:**

26 All Documents concerning the \$22.5M deposit with the Macau Government that was
27 later reimbursed to Stephen A. Wynn.

28

1 **REQUEST FOR PRODUCTION NO. 118:**

2 All Documents concerning Communications with any Government Official in China or
3 Hong Kong concerning:

- 4 a) the Cotai Land Concession,
5 b) the sub-concession that was awarded to Melco-PBL, or
6 c) the Macau Government's waiver of the complementary tax following the sub-
7 concession transaction,

8 including but not limited to all Documents concerning Communications with Mr. Francis So,
9 Mr. Edmund Ho, Mr. Francis Tam, and Mr. Chui Sai On.

10 **REQUEST FOR PRODUCTION NO. 119:**

11 All Documents concerning Melco-PLB's owners, principals, agents, shareholders,
12 personnel, or affiliates concerning the sub-concession grant described in Request 118.

13 **REQUEST FOR PRODUCTION NO. 120:**

14 All Documents concerning any Persons advising on the concession and sub-concession
15 grant described in Request 118, including but not limited to any law firms/attorneys, finders,
16 third party consultants, investors, investment banks, and lobbyists.

17 **REQUEST FOR PRODUCTION NO. 121:**

18 All Documents concerning any meetings or potential meetings between Chief Executive
19 Edmund Ho and Stephen A. Wynn, including but not limited to any trips by Edmund Ho to Las
20 Vegas or meetings in Edmund Ho's Macau office.

21 **REQUEST FOR PRODUCTION NO. 122:**

22 All Documents concerning Communications with David Green (Arthur Anderson) and
23 the Casino Concession Tender Committee (including Dr. Jorge Oliveira, Francis Tam, Manuel
24 das Neves, Eric Ho, and each Person's agents, representatives, associates, attorneys, or other
25 Persons purporting to act on each Person's behalf) concerning Stephen A. Wynn, WRL, and/or
26 Wynn Macau's bid and evaluation for the concession described in Request 118.

1 **REQUEST FOR PRODUCTION NO. 123:**

2 All Documents concerning and requests issued by David Green and the Casino
3 Concession Tender Committee.

4 **REQUEST FOR PRODUCTION NO. 124:**

5 All Documents concerning Investigations by regulatory agencies involving alleged
6 irregularities and/or corruption in the 2002 Macau concession tender process.

7 **REQUEST FOR PRODUCTION NO. 125:**

8 All Documents concerning Communications between Stephen A. Wynn, WRL, or Wynn
9 Macau on the one hand, and Mr. Alan Zeman on the other.

10 **REQUEST FOR PRODUCTION NO. 126:**

11 All Documents concerning Communications between Stephen A. Wynn, WRL, or Wynn
12 Macau on the one hand, and the original shareholders of Wynn Macau on the other, to include:
13 Wong Chi Seng ("CS Wong"), Yani Kwan (aka Kwan Yan Chi), Li Tai Foon, Kwan Yan Ming
14 "Wilson," S.H.W. & Co Ltd, SKKG Ltd, L'Arc de Triomphe Ltd, and Classic Wave Ltd, to
15 include but not limited to Documents concerning Communications concerning the Share
16 Subscription and Shareholders Agreement dated October 15, 2002.

17 **REQUEST FOR PRODUCTION NO. 127:**

18 All Documents concerning Communications between Stephen A. Wynn, WRL, or Wynn
19 Macau on the one hand, and Mr. Marc Schorr and/or Ms. Linda Chen on the other, concerning
20 the Cotai Land Concession and related transactions.

21 **REQUEST FOR PRODUCTION NO. 128:**

22 All Documents concerning Communications between Stephen A. Wynn, Mr. Marc
23 Schorr, Ms. Linda Chen, WRL or Wynn Macau on the one hand, and Tien Chiao Entertainment
24 & Investment Co. Ltd.; Chinese Limitada; or any of the owners, principals, agents,
25 shareholders, personnel, or affiliates of either entity on the other.

26 **REQUEST FOR PRODUCTION NO. 129:**

27 All Documents concerning Communications between Stephen A. Wynn, WRL, or Wynn
28 Macau on the one hand, and any Government Official related to the Cotai Land Concession on

1 the other, including but not limited to: Francis So, Finance Secretary Francis Tam, or Land
2 Secretaries Mr. Ao Man Long and Mr. Lau Si You.

3 **REQUEST FOR PRODUCTION NO. 130:**

4 All Documents concerning any and all Persons advising on the Cotai Land Concession,
5 to include but not limited to any law firms/attorneys, finders, third party consultants, investors,
6 investment banks, and lobbyists.

7 **REQUEST FOR PRODUCTION NO. 131:**

8 All Documents concerning any due diligence on the Cotai Land Concession, the
9 affiliated parties (to include but not limited to Tien Chiao and Chinese Limitada) and their
10 representatives (to include but not limited to Mr. Ho Ho, Mr. Cliff Cheong, shareholders,
11 directors, principals, investors, finders or other third party consultants).

12 **REQUEST FOR PRODUCTION NO. 132:**

13 All Documents concerning the September 9, 2011 Wynn Macau Board's acceptance of
14 the Cotai Land Concession.

15 **REQUEST FOR PRODUCTION NO. 133:**

16 All Documents concerning Tien Chiao Entertainment & Investment Co. Ltd.'s, Chinese
17 Limitada, Mr. Ho Ho, and/or Mr. Cliff Cheong's rights to land or business interests in or around
18 the Cotai Land Concession area.

19 **REQUEST FOR PRODUCTION NO. 134:**

20 All Documents concerning minutes and records of any Board meetings and/or
21 presentations to Stephen A. Wynn and/or any of his affiliated entities' Boards concerning Joint
22 Ventures, Agreements, and/or terms with Tien Chiao Entertainment & Investment Co. Ltd.
23 and/or Chinese Limitada.

24 **REQUEST FOR PRODUCTION NO. 135:**

25 All Documents concerning any Joint Ventures, Agreements, and/or terms with Tien
26 Chiao Entertainment & Investment Co. Ltd. and/or Chinese Limitada.

REQUEST FOR PRODUCTION NO. 136:

All Documents concerning Communications between Stephen A. Wynn and Mr. Jose Vai Chi "Cliff" Cheong.

REQUEST FOR PRODUCTION NO. 137:

All Documents of incorporation and list of shareholders of Cotai Land Development Co. Ltd, Wynn Cotai Holding Co., Cotai Partner, Ltd., Palo Real Estate Company Limited, Tien Chiao, and Chinese Limitada.

REQUEST FOR PRODUCTION NO. 138:

All Documents concerning Communications between Stephen A. Wynn, WRL, or Wynn Macau on the one hand, and Mr. Zhang Luchuan and Ms. Conie Li (Tien Chiao shareholders) on the other, including but not limited to those concerning the Cotai Land Concession.

REQUEST FOR PRODUCTION NO. 139:

All Documents preserved for and/or requested by the U.S. Department of Justice, U.S. Securities and Exchange Commission, the Hong Kong Independent Commission Against Corruption (ICAC), Hong Kong Securities and Futures Commissions (SFC), or any other investigative agency, concerning the Cotai Land Concession.

REQUEST FOR PRODUCTION NO. 140:

All Documents concerning New City Logistics.

REQUEST FOR PRODUCTION NO. 141:

All Documents concerning Communications with He Japo, He Gangyong, and/or Chan Mei Seung regarding the Cotai Land Concession.

REQUEST FOR PRODUCTION NO. 142:

All applications, draft applications, and other requests filed by Cotai Land Development, Wynn Cotai Holding Co., Cotai Partner, Ltd., Palo Real Estate Company Limited, Tien Chiao, and/or Chinese Limitada with the Macau Government, including but not limited to:

- a) Any applications or draft application for gaming licenses, renewals, or filings with the Public Water Works;

- 1 b) Any applications, draft applications, or requests to the Macau Government for
2 consent for an interest in the casino/land concessionaire to be given to a third
3 party; and
4 c) Any and all economic and feasibility studies (to include drafts) prepared for
5 and/or presented to the Macau Government.

6 **REQUEST FOR PRODUCTION NO. 143:**

7 All Documents concerning any payments of land premium deposits, or other requested
8 or required transfer of funds, to the Macau Government or Macau Government Officials made
9 by Wynn Macau, Cotai Land Development, Wynn Cotai Holding Co., Cotai Partner, Ltd., Palo
10 Real Estate Company Limited, Tien Chiao, and/or Chinese Limitada.

11 **REQUEST FOR PRODUCTION NO. 144:**

12 All Documents concerning any plans or purported plans for the development by Tien
13 Chiao and/or Chinese Limitada of an 18,000 sq. meter parcel.

14 **REQUEST FOR PRODUCTION NO. 145:**

15 All Documents concerning any plans, purported plans, or references to a “Taiwan Guest
16 House” to be developed in or around the Cotai Land Concession.

17 **REQUEST FOR PRODUCTION NO. 146:**

18 All Documents concerning the transfer of funds by Stephen A. Wynn, WRL, or Wynn
19 Macau to Tien Chiao, Chinese Limitada, to include: Mr. Ho Ho, Mr. Cliff Cheong, and/or any
20 representative of each.

21 **REQUEST FOR PRODUCTION NO. 147:**

22 In a Wall Street Journal Article dated July 1, 2012 entitled “In Wynn’s Macau Deal, a
23 Web of Political Ties,” it states that “[Stephen A. Wynn] said his company vetted Ho Ho and
24 his associates thoroughly because he and other executives were very aware of the Foreign
25 Corrupt Practices Act.” Regardless of whether Stephen A. Wynn agrees with statement
26 attributed to him in this article, produce all Documents concerning this vetting, including any
27 which contain the names of Ho Ho’s associates that were vetted by WRL, Wynn Macau or
28 anyone acting on their behalf.

1 **REQUEST FOR PRODUCTION NO. 148:**

2 In a Wall Street Journal Article dated July 1, 2012 entitled “In Wynn’s Macau Deal, a
3 Web of Political Ties,” it states that “Mr. Wynn said he also got Macau to agree to give him a
4 contiguous plot of land instead of the plot initially under discussion which was divided by a
5 road. Mr. Wynn said he had earlier been troubled by this layout: ‘How are we gonna do
6 something sexy with a street going through the middle.’” Produce all Documents concerning
7 Wynn Macau or WRL’s attempt to obtain a contiguous plot of land instead of the plot initially
8 under discussion which was divided by “a street going through the middle.”

9 **REQUEST FOR PRODUCTION NO. 149:**

10 In an article published by Innovate Gaming entitled “Wynn set to start construction on
11 \$3.5bm Cotai resort” dated February 8, 2013, Stephen A. Wynn was quoted as stating the
12 following: “We’re first (light-rail) stop on Cotai between the ferry terminal and the airport.”
13 “The stop is right at the middle of the lake we’re building that’s roughly the size of Bellagio . . .
14 We’re meeting in many, many ways the challenge of our neighbors and hoping to get the folks
15 in the other hotels to experience our own.” Produce all Documents concerning Wynn Macau’s
16 efforts to obtain a light-rail stop in front of its Cotai Property.

17 **REQUEST FOR PRODUCTION NO. 150:**

18 All Documents concerning Mr. Okada’s May 2011 objection and vote against WRL’s
19 decision to donate \$135 million to the University of Macau Development Fund including
20 without limitation to Documents concerning:

- 21 a) any discussions among WRL Board members;
22 b) WRL Board minutes; or
23 c) assessments, Investigations, and analyses conducted by the WRL Board.

24 **REQUEST FOR PRODUCTION NO. 151:**

25 In a draft Memorandum of Understanding with The University of Macau and The
26 University of Macau Development Foundation (UMDF) (WRL-000749-000750 Confidential)
27 (produced in Case No. A-12-654522 B “Books & Records Suit”), paragraph 1 references the
28 donation as occurring over “sixteen consecutive years” from 2011 through 2026. Produce all

1 Documents concerning why the donation period was reduced from 16 years (through 2026) to
2 11 years (through 2022).

3 **REQUEST FOR PRODUCTION NO. 152:**

4 All Documents concerning Communications between Stephen A. Wynn, WRL, or Wynn
5 Macau on the one hand, and Mr. Chu Sai On, Mr. Jeffrey Lam, Mr. Peter Lam Kem Seng, Mr.
6 Iao Man Leng, and/or any representative of each or the other.

7 **REQUEST FOR PRODUCTION NO. 153:**

8 All Documents concerning Communications between Stephen A. Wynn, WRL, or Wynn
9 Macau on the one hand, and Mr. Marc Schorr and/or Ms. Linda Chen on the other, concerning
10 the \$135M University of Macau donation.

11 **REQUEST FOR PRODUCTION NO. 154:**

12 All Documents concerning any and all Persons advising on the University of Macau
13 donation, to include but not limited to any law firms/attorneys, third party consultants,
14 investment bankers, and lobbyists.

15 **REQUEST FOR PRODUCTION NO. 155:**

16 All Documents concerning any due diligence on the University of Macau donation or
17 any related Persons/parties of the University of Macau and University of Macau Development
18 Foundation ("UMDF").

19 **REQUEST FOR PRODUCTION NO. 156:**

20 All Documents concerning Communications between Stephen A. Wynn, WRL, or Wynn
21 Macau on the one hand, and the University of Macau, the UMDF, or any representative or
22 affiliate of each on the other.

23 **REQUEST FOR PRODUCTION NO. 157:**

24 All Documents concerning the names and contact information for all known members of
25 the UMDF from January 2010 to present, including any list of such Persons or information
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REQUEST FOR PRODUCTION NO. 158:

All Documents concerning any plans or purported plans for the funds donated to the University of Macau, to include, but not limited to, any plans for an academy, an endowment fund, a new business program on Henquin Island, and/or a database to be open to the public.

REQUEST FOR PRODUCTION NO. 159:

All Documents concerning the transfer of funds by Stephen A. Wynn, WRL, or Wynn Macau to the University of Macau, UMDF, and/or any representative or affiliate of each.

REQUEST FOR PRODUCTION NO. 160:

In the Minutes of Meeting by the Board of Directors of WRL, dated April 18, 2011, it states that Stephen A. Wynn advised that the \$135 million donation would be used to “fund an endowment for a new business program to be established by the University at its expansion in Henquin Island.” (Books & Records Suit: WRL-000001-000002 Confidential). Produce all Documents concerning the following:

- a) any efforts or discussions with the University of Macau, UMDF, the Macau government or any third parties relating to any plans for Wynn Macau, or its affiliated companies, to obtain any interest in land that is presently occupied by the University of Macau (Cotai campus).
- b) any vendors, architects, construction companies or contractors who may provide any services or materials for any construction projects that have been or will be funded, in whole or in part, by any proceeds of the \$135 million donation.
- c) the University of Macau or UMDF’s “long term needs,” as referenced in the April 18, 2011 Minutes of Meeting (Books & Records Suit: WRL-000002 Confidential).

REQUEST FOR PRODUCTION NO. 161:

In the WRL Agenda for the Telephonic board meeting to be held on April 18, 2011, a memo entitled “Donation to the University of Macau/University of Macau Development Foundation” (Books & Records Suit: WRL-000906 Confidential) states “Wynn Macau’s contribution will be the inaugural contribution for the establishment of ‘The Asia-Pacific

1 Economics and Management Academy.’” Produce all Documents concerning the establishment
2 of this Academy and its budgetary needs over the next 11 years.

3 **REQUEST FOR PRODUCTION NO. 162:**

4 Per Wynn Macau’s Anti-Corruption Policy, which states that it is also the policy of
5 “Wynn Resorts, Limited and their affiliates” (Books & Records Suit: WRL-000927
6 Confidential) “the FCPA’s books-and-records provision requires Wynn to make and keep
7 accurate books, records, and accounts, which, in reasonable detail, accurately and fairly reflect
8 all transactions and disposition of assets At a minimum, Wynn’s books and records must
9 reflect the recipient and/or beneficiary, amount, nature, purpose, and date of all expenditures.”
10 (Books & Records Suit: WRL-000931 Confidential). Produce all of WRL and Wynn Macau’s
11 Documents which “in reasonable detail, accurately and fairly reflect all transactions and
12 disposition of assets” relating to the \$135 million donation which includes, but is not limited to,
13 “journal entries, original invoices and receipts, [] expense reports” and Documents showing the
14 “recipient and/or beneficiary, amount, nature, purpose and date of all expenditures.”

15 **REQUEST FOR PRODUCTION NO. 163:**

16 In an email from Ed Chen to Heidi Lei, dated May 13, 2011 (WYNN00007876 –
17 Confidential), which references the vendor “Fundacau para o Desenvolvimento da Universidade
18 de Macau,” Mr. Chen instructs Ms. Lei: “Please use this email as an approval for an exception.
19 We will have to issue a urgent check this morning.” Produce all Documents concerning the
20 urgent need to issue a check the morning of May 13, 2011. Also produce all Documents
21 concerning why the approval of this check is “an exception.”

22 **REQUEST FOR PRODUCTION NO. 164:**

23 A letter dated November 9, 2011 from the law firm of Glaser Weil Fink Jacobs Howard
24 Avechen & Shapiro LLP to Alston & Bird LLP, (Books & Records Suit: WRL-000947
25 Confidential) relating to “Wynn Resorts (Macau) S.A. Donation to the University of Macau
26 Foundation” states: “The donation was not solicited by any member of the Macau or Chinese
27 governments. Rather, the donation was initiated by the Company in an effort to give back to the
28

community of Macau.” Produce all Documents concerning the “initiation by the Company” to provide this donation to the University of Macau or UMDf.

REQUEST FOR PRODUCTION NO. 165:

The “Donation Summary Provided to the Wynn Macau, Limited Board of Directors” (Books & Records Suit: WRL-000938 Confidential) states that: “The Academy will focus on bringing a premier management and economics based educational experience to the residents of Macau by bringing together business and academic leaders throughout the Asia-Pacific Region to conduct seminars and courses for the enrolled students.” Produce all Documents identifying the business and academic leaders who are planning to conduct seminars and courses. Also produce all Documents concerning any compensation these business and academic leaders will or may receive for their services to the University of Macau.

REQUEST FOR PRODUCTION NO. 166:

All Documents concerning Communications between Stephen A. Wynn, WRL, or Wynn Macau on the one hand, and Mr. Zhang Luchuan, Mr. Lam Wai, Mr. Ho Ping, “Dore”, Charles Heung, Mr. Ho Hoi, and/or any representative of each on the other.

REQUEST FOR PRODUCTION NO. 167:

All Documents concerning Communications between Stephen A. Wynn, WRL, or Wynn Macau on the one hand, and Golden Win Entertainment, Onnang Construction, Take Roll Ltd., Far East International, San Francisco Group, United VIP Club, and Shui Ming, to include any owners, principals, agents, shareholders, personnel, affiliates, or third party consultants and representatives of each on the other.

REQUEST FOR PRODUCTION NO. 168:

All Documents concerning WRL’s Business Plans and activities in the gaming industry in the Philippines.

REQUEST FOR PRODUCTION NO. 169:

All Documents concerning any potential or actual trip by any employee, director, officer, or representative of WRL to the Philippines relating to the Aruze Parties’ Business Plans and activities in the Philippines.

REQUEST FOR PRODUCTION NO. 170:

All Documents concerning the “investigation” referred to in paragraph 23 of the Second Amended Complaint, including without limitation (a) all Documents concerning the decision to undertake the Investigation; (b) Documents sufficient to show the identities of all individuals participating in the Investigation; (c) all Documents collected, reviewed or prepared during the Investigation; and (d) copies of all draft and final versions of the “written report” referred to in paragraph 23.

REQUEST FOR PRODUCTION NO. 171:

All Documents concerning the July 2010 Board meeting referred to in paragraphs 23 and 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 172:

All Documents concerning the “direct inquiry” referred to in paragraph 28 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 173:

All Documents concerning WRL’s retention of the Arkin Group and the Arkin Group’s Investigation referred to in Paragraphs 30-33 of the Second Amended Complaint, including without limitation:

- a) all Documents concerning the decision to retain the Arkin Group;
- b) all Documents concerning the terms of the retention of the Arkin Group, including the terms of its compensation;
- c) all Documents concerning Communications between WRL and the Arkin Group, including all Documents provided by WRL to the Arkin Group;
- d) Documents sufficient to show the identities of all individuals that interacted with the Arkin Group in the scope of the retention, including but not limited to the WRL employees, as well as Philippine officials and other industry and government contacts interviewed by the Arkin Group;
- e) all Documents used at or created as a result of interviews conducted by the Arkin Group in the scope of the retention;

- 1 f) all Documents concerning Communications with the Aruze Parties concerning
- 2 the Investigation;
- 3 g) all Documents collected, reviewed or prepared by the Arkin Group during this
- 4 retention, including copies of all draft and final versions of any “written reports”
- 5 referred to in Paragraph 30 of the Second Amended Complaint;
- 6 h) all Documents concerning Communications relating to the Arkin Group
- 7 Investigation and/or its findings, including Communications between WRL and
- 8 any Person outside of WRL; and
- 9 i) all Documents concerning any assessment by WRL, including the WRL Board of
- 10 the accuracy of the Arkin Reports.

11 **REQUEST FOR PRODUCTION NO. 174:**

12 All Documents concerning the WRL Compliance Committee’s retention of Archfield
13 and Archfield’s Investigation referred to in Paragraph 36 of the Second Amended Complaint,
14 including without limitation:

- 15 a) all Documents concerning the decision to retain Archfield;
- 16 b) all Documents concerning the terms of the retention of the Archfield, including
- 17 the terms of its compensation;
- 18 c) all Documents concerning Communications between WRL and Archfield,
- 19 including but not limited to all Documents provided by WRL to Archfield;
- 20 d) Documents sufficient to show the identities of all individuals that interacted with
- 21 Archfield in the scope of the retention, including but not limited to all individuals
- 22 interviewed by Archfield;
- 23 e) all Documents used at or created as a result of, interviews conducted by the
- 24 Archfield in the scope of the retention;
- 25 f) all Documents collected, reviewed or prepared by Archfield during this retention;
- 26 g) all Documents concerning the “results of Archfield’s investigation” referred to in
- 27 paragraph 37 of the Second Amended Complaint;
- 28

- 1 h) all Documents concerning the assertion attributed to Archfield in paragraph 39 of
2 the Second Amended Complaint that “former Chairman Genuino and former
3 President Arroyo were ‘strongly rumored to have profited from their relationship
4 with Okada’”;
- 5 i) all Documents concerning Communications with the Aruze Parties concerning
6 the Investigation;
- 7 j) all Documents concerning the Archfield Investigation and/or its findings,
8 including but not limited to Documents concerning Communications between
9 WRL and any Person or entity outside of WRL; and
- 10 k) all Documents concerning any assessment by WRL, including the WRL Board,
11 of the accuracy of the Archfield reports.

12 **REQUEST FOR PRODUCTION NO. 175:**

13 All Documents concerning any discussion at any meeting of the WRL Board or
14 Compliance Committee concerning issues related to the Aruze Parties’ Business Plans and
15 activities in the Philippines.

16 **REQUEST FOR PRODUCTION NO. 176:**

17 All Documents concerning the July 28, 2011 Board meeting referred to in paragraph 36
18 of the Second Amended Complaint.

19 **REQUEST FOR PRODUCTION NO. 177:**

20 All Documents concerning the meeting between “WRL management” and “Mr. Okada’s
21 attorneys” referred to in paragraph 40 of the Second Amended Complaint, including all
22 Documents concerning the “investigations” and “investigative ‘report’” referred to in paragraph
23 104 of the Fourth Amended Counterclaim and all Documents concerning the “‘competitive’
24 concerns” referred to in paragraph 108 of the Fourth Amended Counterclaim.

25 **REQUEST FOR PRODUCTION NO. 178:**

26 All Documents that WRL believes support findings by WRL, Louis Freeh, Freeh
27 Sporkin, Arkin Group, or Archfield relating to the Aruze Parties’ Business Plans and activities
28 in the Philippines.

1 **REQUEST FOR PRODUCTION NO. 179:**

2 All Documents that formed the basis for the “concern” expressed by Kimmarie Sinatra
3 on June 9, 2011 that a contemplated loan from WRL to Aruze USA could be unlawful in any
4 way.

5 **REQUEST FOR PRODUCTION NO. 180:**

6 All Documents concerning Kimmarie Sinatra’s understanding in or around 2011 that a
7 loan from WRL to Aruze USA may be unlawful.

8 **REQUEST FOR PRODUCTION NO. 181:**

9 All Documents concerning the drafting of the side letter by Kimmarie Sinatra on or
10 around May 16, 2011, including but not limited to Ms. Sinatra’s addition of “to the extent
11 compliant with all state and federal laws” to the draft letter.

12 **REQUEST FOR PRODUCTION NO. 182:**

13 All Documents concerning the reason(s) Stephen A. Wynn requested that Aruze USA
14 consent to a transfer of Elaine Wynn’s securities under the Stockholders Agreement in exchange
15 for a loan from WRL to Aruze USA.

16 **REQUEST FOR PRODUCTION NO. 183:**

17 All Documents concerning Communications to, from, or including Kimmarie Sinatra
18 and/or Stephen A. Wynn from May 16, 2011 to June 9, 2011 concerning the applicability of
19 Section 402 of the Sarbanes-Oxley Act to the contemplated loan from WRL to Aruze USA.

20 **REQUEST FOR PRODUCTION NO. 184:**

21 All Documents concerning Kimmarie Sinatra’s training or understanding with respect to
22 Section 402 of the Sarbanes-Oxley Act.

23 **REQUEST FOR PRODUCTION NO. 185:**

24 All Documents concerning Kimmarie Sinatra’s responsibilities concerning WRL’s
25 compliance with Section 402 of the Sarbanes-Oxley Act.
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1 **REQUEST FOR PRODUCTION NO. 186:**

2 All Documents concerning any discussions within WRL, and/or between Stephen A.
3 Wynn and Kimmarie Sinatra, concerning consideration of the request by Mr. Okada that Aruze
4 USA be allowed to pledge some of its WRL stock.

5 **REQUEST FOR PRODUCTION NO. 187:**

6 All Documents concerning any discussions within WRL, and/or between Stephen A.
7 Wynn and Kimmarie Sinatra, concerning any consideration whatsoever of the Investigation by
8 WRL into the activities of the Aruze Parties in the Philippines and how the Investigation relates
9 to Mr. Okada's request to pledge some of Aruze USA's WRL stock.

10 **REQUEST FOR PRODUCTION NO. 188:**

11 All Documents concerning any discussions within WRL, and/or between Stephen A.
12 Wynn and Kimmarie Sinatra, concerning any consideration whatsoever of the Investigation by
13 WRL into the activities of the Aruze Parties in the Philippines and how the Investigation relates
14 to Mr. Wynn's offer that WRL provide a loan to Aruze USA.

15 **REQUEST FOR PRODUCTION NO. 189:**

16 All Documents concerning the telephone conference involving Kimmarie Sinatra and
17 Aruze USA counsel that took place on July 15, 2011.

18 **REQUEST FOR PRODUCTION NO. 190:**

19 All Documents concerning the telephone conversation between Kimmarie Sinatra and
20 Aruze USA that took place on September 23, 2011.

21 **REQUEST FOR PRODUCTION NO. 191:**

22 All Documents concerning Kimmarie Sinatra's involvement, including but not limited to
23 in person, via telephone, or providing materials or information in advance, in the decision by the
24 WRL Compliance Committee to not permit a loan from WRL to Aruze USA or to provide a
25 "backstop" to a loan from Deutsche Bank to Aruze USA.

26 **REQUEST FOR PRODUCTION NO. 192:**

27 All Documents concerning Stephen A. Wynn's involvement, including but not limited to
28 in person, via telephone, or providing materials or information in advance, in the decision by the

1 WRL Compliance Committee to not permit a loan from WRL to Aruze USA or to provide a
2 “backstop” to a loan from Deutsche Bank to Aruze USA.

3 **REQUEST FOR PRODUCTION NO. 193:**

4 All Documents concerning or reflecting Stephen A. Wynn’s involvement in and/or
5 control over the WRL Compliance Committee.

6 **REQUEST FOR PRODUCTION NO. 194:**

7 All Documents concerning Communications concerning WRL exchanged between
8 Kimmarie Sinatra and any Person not acting at that time on behalf of WRL, including but not
9 limited to topics related to the redemption of the Aruze Parties’ shares; the loan referred to in
10 Paragraph 88 of the Fourth Amended Counterclaim; and the loan WRL attempted to procure for
11 the Aruze Parties, and any Documents related to these Communications.

12 **REQUEST FOR PRODUCTION NO. 195:**

13 All Documents concerning any discussions between WRL and Aruze USA in 2011 or
14 2012 that WRL would purchase WRL shares from Aruze USA.

15 **REQUEST FOR PRODUCTION NO. 196:**

16 All Documents concerning Stephen A. Wynn’s refusal of Mr. Okada’s request for a
17 release from the Stockholders Agreement in exchange for a pledge of shares, as referenced by
18 Kimmarie Sinatra in the email produced at WYNN00004913.

19 **REQUEST FOR PRODUCTION NO. 197:**

20 All Documents concerning Stephen A. Wynn’s offer to “assist in identifying a buyer for
21 the aruze[sic] shares that would be willing to enter into the stockholders agreement,” as
22 referenced by Kimmarie Sinatra in the email produced at WYNN00004913.

23 **REQUEST FOR PRODUCTION NO. 198:**

24 All Documents concerning Kimmarie Sinatra’s statement that WRL would “agree to
25 purchase” Aruze USA’s WRL shares “if necessary,” as referenced in the email produced at
26 WYNN00004911.

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1 **REQUEST FOR PRODUCTION NO. 199:**

2 All Documents concerning any proposal by WRL or its representatives that Aruze USA
3 would be allowed to sell or pledge its WRL shares, but with a right of first refusal to Stephen A.
4 Wynn to purchase the shares.

5 **REQUEST FOR PRODUCTION NO. 200:**

6 All Documents concerning any offer conveyed by Stephen A. Wynn, either personally
7 or through intermediaries, to purchase Aruze USA's stock in exchange for Stephen A. Wynn
8 not releasing the Freeh Report.

9 **REQUEST FOR PRODUCTION NO. 201:**

10 All Documents concerning WRL's 2012 annual meeting of the stockholders or any
11 stockholder meeting held for the purpose of electing Class I directors, including without
12 limitation WRL's proxy statements.

13 **REQUEST FOR PRODUCTION NO. 202:**

14 All Documents concerning submissions to the Nominating and Corporate Governance
15 Committee of WRL concerning the nomination of individuals to serve as directors of WRL, as
16 required by paragraph 2(a) of the Stockholders Agreement, other than those nominated by
17 Aruze USA in 2012.

18 **REQUEST FOR PRODUCTION NO. 203:**

19 All Documents concerning Stephen A. Wynn's refusal or acceptance to endorse
20 individuals nominated to serve as directors of WRL, including without limitation to Documents
21 concerning any discussions Stephen A. Wynn had about those endorsements.

22 **REQUEST FOR PRODUCTION NO. 204:**

23 All Documents concerning the Amended and Restated Stockholders Agreement, enacted
24 on January 6, 2010, including without limitation to Documents concerning (a) Elaine Wynn
25 being made a party to the Stockholders Agreement, alleged in paragraph 72 of the Fourth
26 Amended Counterclaim; (b) the amended language altering the Stockholders Agreement
27 language concerning Aruze USA's right to nominate directors as long as the majority of
28

1 nominees were endorsed by Stephen A. Wynn, as alleged in paragraph 73 of the Fourth
2 Amended Counterclaim.

3 **REQUEST FOR PRODUCTION NO. 205:**

4 All Documents concerning Mr. Okada's January 24, 2013 letter to the WRL Board
5 concerning WRL's "Cotai Strip" casino development project in Macau, including without
6 limitation to Documents concerning:

- 7 a) any discussions among WRL Board members;
- 8 b) WRL Board minutes; or
- 9 c) assessments, Investigations, and analyses conducted by the WRL Board.

10 **REQUEST FOR PRODUCTION NO. 206:**

11 All Documents concerning WRL's donation of a \$10 million Ming vase to the Macau
12 Museum in 2006, including without limitation to Documents concerning:

- 13 a) any Communications among WRL Board members;
- 14 b) WRL Board minutes;
- 15 c) assessments, Investigations, and analyses conducted by the WRL Board; or
- 16 d) SEC or other governmental filings.

17 **REQUEST FOR PRODUCTION NO. 207:**

18 All Documents concerning Stephen A. Wynn's statements concerning the reasons for
19 Elaine Wynn's interest in transferring her WRL shares, including without limitation transcripts
20 of meetings alleged in paragraph 85 of the Fourth Amended Counterclaim.

21 **REQUEST FOR PRODUCTION NO. 208:**

22 All Documents concerning Stephen A. Wynn's divorce from Elaine Wynn, including
23 without limitation any Documents concerning:

- 24 a) the divorce settlement;
- 25 b) Communications between Stephen A. Wynn or his representatives and Elaine
26 Wynn or her representatives; or
- 27 c) any due diligence, assessments, Investigations, and analyses related to the assets
28 of either Stephen A. Wynn or Elaine Wynn.

1 **REQUEST FOR PRODUCTION NO. 209:**

2 All Documents concerning the Valuation of Stephen A. Wynn or Elaine Wynn's shares
3 of WRL for the purpose of their divorce or separation.

4 **REQUEST FOR PRODUCTION NO. 210:**

5 All WRL Compliance Committee Documents concerning Universal's investments in the
6 Philippines, including without limitation Documents concerning any Communications between
7 Kevin Tourek and Frank Schreck on or around April 4, 2008.

8 **REQUEST FOR PRODUCTION NO. 211:**

9 All Documents concerning public remarks by Stephen A. Wynn concerning Universal's
10 pursuit of a casino project in the Philippines, including but not limited to talking points,
11 memoranda, handwritten notes, Documents concerning Communications, outlines, and/or
12 transcripts.

13 **REQUEST FOR PRODUCTION NO. 212:**

14 All Documents concerning the "direct inquiry by WRL management" referenced in
15 paragraph 28 of the Second Amended Complaint.

16 **REQUEST FOR PRODUCTION NO. 213:**

17 All Documents concerning WRL's determination, referenced in Paragraph 29 of the
18 Second Amended Complaint, that further inquiry was warranted into Mr. Okada's Business
19 Plans and activities in the Philippines.

20 **REQUEST FOR PRODUCTION NO. 214:**

21 All Documents concerning WRL's allegation in Paragraph 34 of the Second Amended
22 Complaint that "Mr. Okada stated that he personally rejected WRL's anti-bribery rules and
23 regulations, as well as legal prohibitions against making such payments to government
24 officials."

25 **REQUEST FOR PRODUCTION NO. 215:**

26 All Documents concerning Communications between WRL and the NGCB, the FBI,
27 DOJ, and/or the Philippine Department of Justice concerning Mr. Okada, Universal, and/or
28 Aruze USA and their affiliates.

REQUEST FOR PRODUCTION NO. 216:

All Documents concerning Communications between WRL and news organizations, including but not limited to Reuters, concerning Mr. Okada, Universal, and/or Aruze USA and their affiliates.

REQUEST FOR PRODUCTION NO. 217:

All Documents concerning or supporting WRL's allegation in Paragraph 67 of the Second Amended Complaint that "despite requests to do so at Board meetings and in conversations with senior executives of WRL, Mr. Okada refused to supply information about his activities in the Philippines and indeed refused to confirm even that he had determined to proceed with his Philippine project."

REQUEST FOR PRODUCTION NO. 218:

All Documents concerning or supporting WRL's allegation in Paragraph 67 of the Second Amended Complaint that "through his counsel, Mr. Okada refused to cooperate with the Company's Investigations concerning his activities in the Philippines or to provide any explanation for the troubling evidence that was brought to Mr. Okada and his counsel's attention by WRL and its attorneys."

REQUEST FOR PRODUCTION NO. 219:

All Documents concerning or supporting WRL's allegation in Paragraph 68 of the Second Amended Complaint that "Mr. Okada purposefully covered his tracks to prevent WRL from discovering the extent of his questionable conduct."

REQUEST FOR PRODUCTION NO. 220:

All Documents concerning or supporting the statement, on page 5 of WRL's Memorandum of Points and Authorities in support its Opposition to Mr. Okada's Petition for a Writ of Mandamus, that the value of Aruze USA Inc.'s shares of WRL is approximately \$2.9 billion.

REQUEST FOR PRODUCTION NO. 221:

All Documents concerning WRL's retention of Moelis for a Valuation of Aruze USA's shares in WRL, including without limitation:

- a) all Documents concerning the decision to retain Moelis;
- b) all Documents concerning the terms of the retention of Moelis, including the terms of its compensation;
- c) all Documents concerning Communications between WRL and Moelis;
- d) all Documents collected, reviewed or prepared by Moelis during this retention;
- e) all draft and final versions of the Valuation conducted by Moelis; or
- f) all Documents concerning Communications with any Person or entity outside of WRL concerning the Valuation.

REQUEST FOR PRODUCTION NO. 222:

All Documents concerning WRL's retention of Duff & Phelps for a solvency and surplus analysis related to the purported redemption of Aruze USA's shares in WRL, including without limitation:

- a) all Documents concerning the decision to retain the Duff & Phelps;
- b) all Documents concerning the terms of the retention of Duff & Phelps, including the terms of its compensation;
- c) all Documents concerning Communications between WRL and Duff & Phelps;
- d) all Documents collected, reviewed or prepared by Duff & Phelps during this retention;
- e) all draft and final versions of the report prepared by Duff & Phelps; or
- f) all Documents concerning Communications with any Person or entity outside of WRL concerning the report.

REQUEST FOR PRODUCTION NO. 223:

All Documents concerning, underlying, supporting, and/or used for preparing the WRL's Form 8-K released on March 2, 2012.

REQUEST FOR PRODUCTION NO. 224:

All Documents from concerning Stephen A. Wynn's, a member of the WRL Board's, a Counterdefendant's, WRL's, or any other Persons' licensing, suitability, or other similar determination by the NGCB, the Commission, or similar bodies of any other state, nation, tribe,

1 or other governmental unit, including but not limited to Missouri, Illinois, Mississippi,
2 Massachusetts, the Philippines, China, Macau, or Japan, or any decisions not to seek such a
3 determination because of concerns about a negative outcome.

4 **REQUEST FOR PRODUCTION NO. 225:**

5 All Documents concerning the divorce or separation of Stephen A. Wynn and Elaine
6 Wynn affecting the control, operation, ownership, management of, or otherwise related to,
7 WRL, including any Documents reflecting on the suitability or license-ability of the parties, and
8 any related or side agreements.

9 **REQUEST FOR PRODUCTION NO. 226:**

10 All Documents concerning any potential or threatened determination of unsuitability of
11 WRL or any Counterdefendant by any state or local gaming regulatory body in the United
12 States, including but not limited to Massachusetts and Pennsylvania. Specifically, this request
13 includes any Documents concerning any investigation of WRL's acquisition or purchase of land
14 located on Waters Avenue in Everett, Massachusetts and any potential connection with previous
15 owners Charles Lightbody and Gary P. DeCicco.

16 **REQUEST FOR PRODUCTION NO. 227:**

17 All Documents concerning WRL's acquisition of property on Waters Avenue on
18 Everett, Massachusetts, including but not limited to any Communications with or concerning
19 Charles Lightbody, Gary DeCicco, or any Person affiliated with either.

20 **REQUEST FOR PRODUCTION NO. 228:**

21 All Documents from 2008 to present concerning discussions and/or agreements between
22 WRL and Mayor Carlo DeMaria, including but not limited to any related to WRL's acquisition
23 or purchase of land located on Waters Avenue in Everett, Massachusetts, for a possible casino
24 project.

25 **REQUEST FOR PRODUCTION NO. 229:**

26 All Documents concerning the loss or revocation of gaming licenses held by WRL or
27 any Counterdefendant from any state or local gaming regulatory body in the United States.
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1 **REQUEST FOR PRODUCTION NO. 230:**

2 All Documents concerning the loss or potential loss or revocation of gaming licenses
3 held by WRL or any Counterdefendant from any state or local gaming regulatory body in the
4 United States.

5 **REQUEST FOR PRODUCTION NO. 231:**

6 All Documents concerning any determination of unsuitability of WRL or any
7 Counterdefendant by any gaming regulatory body not located in the United States.

8 **REQUEST FOR PRODUCTION NO. 232:**

9 All Documents concerning any potential or threatened determination of unsuitability of
10 WRL or any Counterdefendant by any gaming regulatory body not located in the United States.

11 **REQUEST FOR PRODUCTION NO. 233:**

12 All Documents concerning the loss or revocation of gaming licenses held by WRL or
13 any Counterdefendant from any gaming regulatory body not located in the United States.

14 **REQUEST FOR PRODUCTION NO. 234:**

15 All Documents concerning any potential loss or revocation of gaming licenses held by
16 WRL or any Counterdefendant from any gaming regulatory body not located in the United
17 States.

18 **REQUEST FOR PRODUCTION NO. 235:**

19 All Documents concerning any instance where Stephen A. Wynn and/or WRL were
20 accused by former business partners of prematurely or improperly terminating a business
21 relationship related to the Development of Casino Resorts, excluding the present matter.

22 **REQUEST FOR PRODUCTION NO. 236:**

23 All Documents concerning the dispute between Victor Draï and Stephen A. Wynn
24 concerning Stephen A. Wynn's termination of a management contract with Draï related to clubs
25 operated by Stephen A. Wynn.

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1 **REQUEST FOR PRODUCTION NO. 237:**

2 All Documents concerning any ongoing, pending, or threatened litigation against
3 Stephen A. Wynn and/or WRL concerning the termination of business relationships related to
4 casino development, excluding the current matter.

5 **REQUEST FOR PRODUCTION NO. 238:**

6 All Documents sufficient to identify all current partnerships or other business
7 relationship between Stephen A. Wynn and/or WRL and any other entity for the purposes of
8 casino development, to include any disclosed or non-disclosed agreements with Charles
9 Lightbody and Gary P. DeCicco.

10 **REQUEST FOR PRODUCTION NO. 239:**

11 All Documents sufficient to identify all past partnerships or other business relationships
12 between Stephen A. Wynn and/or WRL and any other entity for the purposes of casino
13 development, excluding Stephen A. Wynn's partnership with any Defendant.

14 **REQUEST FOR PRODUCTION NO. 240:**

15 All Documents concerning any Investigation conducted by WRL's Gaming Compliance
16 Committee pursuant to the requirement (referred to in Paragraph 14 of the Second Amended
17 Complaint) that it "investigate senior officers, directors, and key employees to protect WRL
18 from becoming associated from [sic] any unsuitable persons."

19 **REQUEST FOR PRODUCTION NO. 241:**

20 Documents sufficient to identify all subjects of Investigations conducted by WRL's
21 Gaming Compliance Committee related to the Committee's requirement (referred to in
22 Paragraph 14 of the Second Amended Complaint) that it "investigate senior officers, directors,
23 and key employees to protect WRL from becoming associated from [sic] any unsuitable
24 persons."

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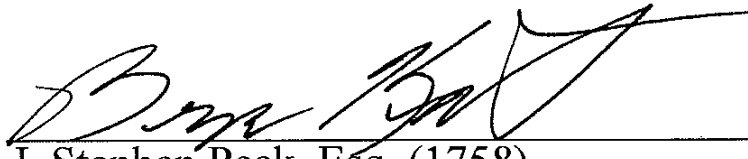
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REQUEST FOR PRODUCTION NO. 242:

All Documents concerning any Investigation conducted by WRL's Gaming Compliance Committee concerning the potential determination of Stephen A. Wynn as an unsuitable party by any gaming regulatory body.

DATED this 8th day of August, 2014.

By 

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and Universal Entertainment Corp.*

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of August, 2014, a true and correct copy of the foregoing **DEFENDANT KAZUO OKADA AND COUNTERCLAIMANTS- DEFENDANTS ARUZE USA, INC. AND UNIVERSAL ENTERTAINMENT CORPORATION'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS TO WYNN RESORTS, LIMITED** was served by the following method(s):

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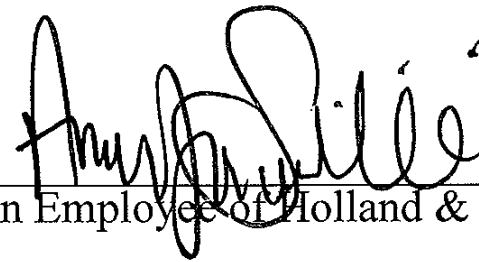
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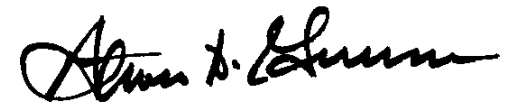
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CLERK OF THE COURT

TRAN

DISTRICT COURT

CLARK COUNTY, NEVADA

* * * * *

WYNN RESORTS, LIMITED,

Plaintiff,

vs.

KAZUO OKADA, UNIVERSAL
ENTERTAINMENT CORP., ARUZE USA
INC.,

Defendants.

CASE NO. A-12-656710

DEPT. NO. XI

Transcript of Proceedings

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

**WYNN'S MOTION TO ENTER ITS VERSION OF THE PROPOSED ESI
PROTOCOL AND APPLICATION FOR ORDER SHORTENING TIME**

TUESDAY, OCTOBER 14, 2014

SEE APPEARANCES ON PAGE 2

RECORDED BY:

JILL HAWKINS, DISTRICT COURT

TRANSCRIBED BY:

KRISTEN LUNKWITZ

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

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4 ROBERT L. SHAPIRO, ESQ.

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(Appearing via telephone)

7 For the Universal parties: ROBERT J. CASSITY, ESQ.

8 For Elaine P. Wynn: WILLIAM R. URGAS, ESQ.

9 For Steve Wynn: DON J. CAMPBELL, ESQ.
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1 TUESDAY, OCTOBER 14, 2014 8:29 A.M.

2

3 THE COURT: Do we think somebody is calling in?
4 Is that what all the gossiping is going --

5 MR. PEEK: Your Honor, we had somebody from
6 Washington D.C. calling, Joe Riley [phonetic] and --

7 THE COURT: Maybe not.

8 MR. PEEK: Maybe not.

9 THE COURT: Okay. So, could everybody please
10 identify themselves for purposes of the record, starting at
11 the short table?

12 MR. PEEK: Go ahead.

13 MR. CASSITY: Robert Cassity, Your Honor, on
14 behalf of the Universal parties.

15 MR. PEEK: And good morning, Your Honor. Stephen
16 Peek on behalf of the Aruze parties.

17 MS. SPINELLI: Debra Spinelli, Your Honor, good
18 morning, on behalf of Wynn Resorts.

19 MR. PISANELLI: Good morning, Your Honor. James
20 Pisanelli on behalf of Wynn Resorts and various of the
21 Director defendants.

22 MR. CAMPBELL: Don Jude Campbell on behalf of
23 Steve Wynn.

24 MR. SHAPIRO: Robert Shapiro on behalf of the Wynn
25 Resorts.

1 MR. URGAS: William Urga on behalf of Mrs. Wynn.

2 THE COURT: I want to start our discussion with

3 asking Mr. Pisanelli and Peek to pretend you are talking

4 about this issue last Thursday and tell me whether your

5 positions would be different than the position we're

6 talking about today because remember, we try to be

7 consistent and --

8 MR. PISANELLI: Of course we do.

9 THE COURT: -- moderate.

10 MR. PISANELLI: I understand your point, Your

11 Honor.

12 THE COURT: Okay. So, with that, it's your

13 motion.

14 MR. PISANELLI: Thank you.

15 Your Honor, with the theme of perfect consistency,

16 let me be brief.

17 THE COURT: By the way, I finished the first two

18 boxes.

19 MR. PEEK: Oh my gosh. That's good.

20 MR. PISANELLI: Did you get any sleep? Not much.

21 MR. PEEK: And why are you here, Your Honor?

22 THE COURT: My courtroom is under construction.

23 So I am currently borrowing courtrooms for the duration

24 until I start picking a jury.

25 MR. PEEK: Okay. Are you doing something to it

1 just because of the CityCenter case?

2 THE COURT: Yes.

3 MR. PEEK: Well I hope they get to pay for it,
4 Your Honor.

5 MR. PISANELLI: Exclusively because of that.

6 So, Your Honor, the basis of the motion today is
7 the very unremarkable proposition that a party's only
8 obligated to produce in civil litigation documents that are
9 responsive to what's being requested and discoverable and
10 that really is the heart of what we're talking about here.

11 The frustration from our perspective stems really
12 from a pattern of behavior that dates all the way back to
13 the *Books and Records* [phonetic] case. You recall that.
14 Starting there and moving through these ESI protocols, and
15 meet and confers, and discussions that will be coming to
16 you soon about predictive coding, there's a constant theme
17 that's coming from the defendants, respectfully, and that
18 is --

19 MR. PEEK: Sorry, Your Honor.

20 MR. PISANELLI: -- the attempt to obtain something
21 --

22 THE COURT: By the way, I read documents in
23 Portuguese yesterday. I'm not so good at Portuguese.

24 MR. PEEK: So you may have to get some help, Your
25 Honor.

1 MR. PISANELLI: I don't know that I would
2 recognize that it was in Portuguese but for deductive
3 reasoning.

4 But the point is this, Your Honor. The Okada
5 parties at every turn when we start trying to even just set
6 forth the parameters and the rules of discovery, seem to be
7 trying to set -- to rig the game, so to speak, to get them
8 places where they otherwise would not be entitled to go.

9 This motion before you is not as it has been
10 framed by the Okada parties in their Opposition. There
11 they seem to take the strong --

12 THE COURT: Hold on a second.

13 MR. PISANELLI: Yes, ma'am.

14 THE COURT: Sandy, your person.

15 THE CLERK: Good morning, Department 11.

16 MR. KRAKOFF: Hi this is David Krakoff calling for
17 the hearing before Judge Gonzalez in the --

18 MR. PEEK: That's --

19 MR. KRAKOFF: -- Wynn litigation.

20 THE CLERK: Yes.

21 THE COURT: All right. I'm not sure if you're
22 going --

23 MR. PEEK: That's my co-counsel.

24 THE COURT: -- to be able to hear. Unfortunately
25 we had to use a different courtroom today and our acoustics

1 are not as good as usual, but you're on the phone and
2 everybody is here.

3 Mr. Pisanelli, you may continue.

4 MR. PISANELLI: Thank you, Your Honor.

5 So, in the Opposition we saw the straw man set up
6 that we are asking you to anoint us as the gatekeeper for
7 all things relevant and that is not at all what this motion
8 is about. I can tell you, Your Honor, very simply there's
9 a distinction today, in today's motion, between
10 responsiveness and relevance. This is not a debate over
11 relevancy.

12 I can assure you, you're probably not going to be
13 happy to hear this, but you're also, I'm sure, not going to
14 surprised. We will be back before you --

15 THE COURT: Really?

16 MR. PISANELLI: -- for the overreaching on
17 relevance.

18 THE COURT: That was sarcasm.

19 MR. PISANELLI: Sure. I picked up on that.

20 We have 300 something request for production of
21 documents from the Okada parties that go so far beyond the
22 pale it becomes painfully obvious that there's an attempt
23 to use these documents for a purpose other than this
24 litigation because there is no connection whatsoever to
25 what we're talking about. That's --

1 THE COURT: But isn't that why we --

2 MR. PISANELLI: -- not what I'm talking about.

3 THE COURT: -- have the highly confidential
4 designation under the Protective Order?

5 MR. PISANELLI: The highly confidential, Your
6 Honor, has to do -- it doesn't substitute -- two things.
7 It doesn't substitute the relevance analysis because we
8 still come before Your Honor and can present to you when
9 the irrelevant issues that were before the Court, and
10 there's reasons to do that, of course. Right? There --
11 sometimes it's being used for an improper purpose.
12 Sometimes it is so highly important to us and can't have
13 anything to do with the case.

14 But here's what I'm talking about today. Today we
15 simply said that there are going to be -- in negotiations
16 with the Okada parties, we point out that there are going
17 to be times when there's compilation documents.

18 The easiest example I could give you would be
19 Board of Director minutes. Board of Directors,
20 hypothetically, talks about Mr. Okada as item number 1 and
21 talks about remodeling rooms at the Encore as item number
22 2. They've never asked for anything having to do with
23 remodeling the rooms and, of course, I'm using the
24 simplistic example and our point is this.

25 When we have a document that has lots of

1 information in it, some responsive, the rest not, not a
2 relevancy issue, just not responsive to what they're even
3 looking for, then all we're saying is you don't get more
4 than what Rule 26 would entitle you to. We're going to
5 give you everything you are entitled to by way of the
6 information on the document and we will keep our
7 privileged, secret, confidential information to ourselves.

8 If there's --

9 THE COURT: Well that's different. Keeping
10 privileged secret or information that is truly a trade
11 secret of confidential --

12 MR. PISANELLI: Yeah.

13 THE COURT: -- from your competitor or from
14 somebody else is different than --

15 MR. PISANELLI: Sure.

16 THE COURT: -- what you're talking about which is
17 redaction for relevance purposes.

18 MR. PISANELLI: It's really not relevance. We
19 have relevance, Your Honor, we're going to come to you.
20 We're not asking you to take -- to empower us --

21 THE COURT: Well, using the board minutes as an
22 example, Mr. --

23 MR. PISANELLI: Right.

24 THE COURT: -- Pisanelli.

25 MR. PISANELLI: But what I'm saying --

1 THE COURT: And item 1, which is Mr. Okada, --
2 MR. PISANELLI: Yeah.
3 THE COURT: -- item 2, which is the room
4 renovations, --
5 MR. PISANELLI: Yeah.
6 THE COURT: -- are you saying you want to redact
7 item number 2?
8 MR. PISANELLI: Yes.
9 THE COURT: Okay.
10 MR. PISANELLI: Because it was never requested.
11 THE COURT: No.
12 MR. PISANELLI: It was never requested, Your
13 Honor.
14 THE COURT: I understand what you're saying.
15 MR. PISANELLI: And it's easy to say no when I use
16 a simple example like a room renovation, but understand
17 that we're talking about a person who is a competitor of
18 ours now. He is in the marketplace --
19 THE COURT: Well, why don't use a different
20 example? You have item number 1, which is Okada, --
21 MR. PISANELLI: Yes.
22 THE COURT: -- item number 2, which is the room
23 renovations, and item number 3, which is a plan to expand
24 somewhere else in the Far East.
25 MR. PISANELLI: Right.

1 THE COURT: You could certainly redact item number
2 3 as being subject to a trade secret, confidential
3 information that might give your competitor an advantage
4 and should be therefore protected. That one I believe and
5 I agree with you, but just simply on relevance, I think
6 we're going down the wrong path.

7 MR. PISANELLI: And, Your Honor, -- I'm being
8 reminded that some of the things that are coming up, that
9 will come up in these documents, are far more important
10 than room renovations.

11 THE COURT: Absolutely.

12 MR. PISANELLI: We're talking about compliance
13 issues, regulatory compliance. We're talking about
14 confidential things for employees and their privacy rights,
15 talking about other board members and what their business
16 and opportunities may or may not be. So, there's a whole
17 spectrum of information here and I understand your point
18 because I've -- in remaining consistent with what we've
19 always debated before you, relevance is a really touchy
20 issue because it doesn't necessarily have to be relevant in
21 order to be discoverable. I get that point and I'm not
22 asking you to give me any more power than I would have in
23 this case or any other case.

24 All I'm talking about here is when it's not
25 responsive to anything they've even asked for. I'm not

1 saying it's irrelevant. You've asked for it and it's
2 relevant to this case, I'm saying it's not even responsive
3 to what you want, Mr. Okada, and therefore I'm just going
4 to protect my information.

5 If there's something irrelevant that they've asked
6 for, and that's everywhere in these 300 plus, I'm going to
7 bring that to your attention. We've already objected. We
8 have -- for instance, in their papers, they make reference
9 to the Arkin Report and they try to use that as an example
10 of how we are being too narrow in our interpretation. Our
11 point was only this and I think this really highlights this
12 problem. When we have a relevance problem in the Arkin
13 Report, we say: We're going to give you the issues from
14 the Arkin Report that touch upon this case, but when you
15 put in, in your request, including but not limited to
16 what's in this case. In other words, give me every single
17 thing with an Arkin fingerprint on it, well that's not
18 relevant to this dispute and I'll bring that to Her Honor
19 to resolve.

20 We've never said we are the police, we are
21 redacting it, we're going to do it ourselves. So this
22 issue today is only on documents that don't even fall
23 within anything they've asked for and --

24 THE COURT: They're not saying documents. You're
25 saying portions --

1 MR. PISANELLI: Portions, yes. And an important -
2 -

3 THE COURT: -- of documents.

4 MR. PISANELLI: And an important point that I
5 think should be taken into consideration here is it's not
6 going to be a mystery to anybody about what we're doing.
7 We're going to treat these documents that have multiple
8 different topics in them, some responsive, some not, the
9 same way we would any other privileged issue and create a
10 log. We're going to keep them fully informed and keep Your
11 Honor fully informed so we can have a fair debate like we
12 will on actual privileges or on other issues.

13 So, I don't want to be circular or beat a dead
14 horse here, my point is this. We have a competitor who has
15 abused already, Your Honor, the confidentiality order --
16 stip and protective order. Recall, we had issues having to
17 do with the appendix for the [Indiscernible] Report. The
18 appendix was labeled highly confidential. There was a
19 debate of whether it should be confidential. It was used
20 for some -- and given to someone who is not designated as
21 an expert in this case and it was published.

22 And so we don't feel a great deal of comfort by
23 just stamping something when these defendants, and I'm not
24 pointing a finger at any particular lawyer at all, but this
25 -- these parties have already shown a proclivity to take

1 that information and use it for an ulterior purpose.

2 The only thing we're asking for in this motion is
3 to let us give them what they ask for and we'll do that and
4 if we think they're asking for too much, we'll come to you
5 and tell you that, but if we have information they didn't
6 even ask for, then all we're asking is for the ability to
7 protect ourselves. We will inform them. We will inform
8 you. We'll never do anything secret to say that this is
9 nonresponsive, you didn't even ask for this stuff, and
10 here's a lot of the general subject matter. I don't think
11 there's any harm there. In light of what we've seen from
12 the overreaching from the Okada parties and like what we've
13 seen from their abuse of confidential information they've
14 already seen, I think it's a fair compromise to allow these
15 two now competitors to conduct themselves in this case
16 without harming themselves outside of this courtroom.

17 THE COURT: Anything else?

18 MR. PISANELLI: No.

19 THE COURT: Thank you. Mr. Peek.

20 MR. PISANELLI: Oh, I'm sorry. Thank you, Steve.

21 MR. PEEK: Might as well use it.

22 Good morning, Your Honor. I'll try to stick to
23 the issues of the ESI protocol and not go to, you know, --
24 go somewhere else with these issues, but I think that we
25 have to focus on a couple of things and I heard what the

1 Court was saying. So, I want to focus a little bit on
2 where the Court is going with respect to what it considers
3 information that the plaintiffs might be able to redact.

4 I first want to start out, at least thematically,
5 with at least what we've pointed out in our papers. First,
6 we know that the Nevada Supreme Court has not spoken to
7 this issue of whether or not redactions are permitted. We
8 know, however, that a number of other courts have spoken on
9 this issue and yes, there are three or four cases across
10 the United States, the *Schiller* case, the *Beauchem* case, if
11 I'm saying it correctly, the *Spano* case, that have at least
12 addressed this issue and have allowed redactions, but there
13 is a plethora of other authority that have all been -- all
14 have addressed that same issue that we saw in *Schiller*,
15 which is a First Amendment case. *Beauchem*, which is just a
16 really small case and *Spano*, which is a very large case
17 against Boeing, and have all severely criticized and if you
18 -- we read the cases, we know they severely criticize the
19 holdings in *Schiller*, *Beauchem*, and *Spano*, and distinguish
20 them.

21 And what each of them say, not only is redaction
22 not permitted, because a document is a document and you are
23 supposed to keep and produce documents that are kept in the
24 ordinary course of business. Board minutes is a good
25 example of that. It is one document that is kept in the

1 ordinary course of business. It should be produced.

2 It's not -- it doesn't talk about where you have a
3 series of separate documents. Each of these cases also
4 addresses the fact that in most of them, but not all of
5 them, there were at least stipulated protective orders and
6 the Court has already noted that there is a protection
7 available to Wynn under the stipulated protection order.
8 They had the opportunity at the time that they drafted and
9 submitted to you and negotiated and submitted to you their
10 protective order, to address the issue of redaction because
11 there is a paragraph that says redaction is allowed. And
12 you go through that paragraph, and nowhere within the body
13 of that paragraph do you find any provision that says: We
14 may redact for trade secrets, proprietary information,
15 other highly confidential information.

16 No. What they do say is: What we will do is we
17 will produce that kind of information and we will designate
18 it as highly confidential so only the attorneys can use it.

19 I was surprised to hear Mr. Pisanelli then, you
20 know, go back to things in the past because I had this
21 discussion with Ms. Spinelli about: Don't taint me with my
22 predecessor counsel what may have been done with the use of
23 the documents before. But I heard that again. I'm not
24 going to give those to my client, as they suggested I'm
25 going to do. That's the purpose of highly confidential,

1 attorneys' eyes only. So there is the added protection
2 that Wynn has available to it in their negotiated, their
3 drafted, stipulated Protective Order.

4 So, when you say, Your Honor: Well, maybe you can
5 be the gatekeeper of trade secrets, maybe you can, Wynn, be
6 the gatekeeper of what you consider to be, in your
7 discretion, just as they in their own discretion redeemed
8 wrongfully Mr. Okada's stock. They want to have that same
9 discretion that they undertook two years -- two and a half
10 years ago when they took his stock wrongfully and they want
11 to be that gatekeeper.

12 Well, the cases say: No. You have the
13 protections. In each of them, as a -- each of the cases,
14 as they discuss what the protections are, talk, Your Honor,
15 about why it is that one should not allow redaction, why it
16 is that redactions create more hardship, not only for the
17 party, but more hardships and contentiousness for the
18 parties, because what we're going to see is redactions, a
19 redaction log, I would assume that they would do a
20 redaction log if they get their way, a dispute over their
21 redaction log, a meet and confer over their redaction log,
22 more and more motion practice as we have seen, as you said
23 in the other case from last Thursday, that has burdened
24 this Court as opposed to the protections allowed by the
25 highly confidential designation. That's their protection.

1 That's what they bargained for in this case.

2 As the *MillerCoors* talked about when it addressed
3 the cases that permit redaction, the *Spano* case, the
4 *Beauchem* case, and the *Schiller* case, and said these
5 decisions are not necessarily irreconcilable. The themes
6 which purvey each of them are: One, redaction of otherwise
7 discoverable documents is the exception rather than the
8 rule. And that's what each of those cases said. *Schiller*
9 was a First Amendment case. *Spano* was a large, complex
10 litigation that dealt with a specific plan and they were
11 looking at other plans, other benefit plans.

12 Two, ordinarily, the fact that the producing party
13 is not harmed by producing irrelevant information or by
14 producing said information, which is subject to a
15 protective order restricting its dissemination and use,
16 renders redaction both unnecessary and potentially
17 disruptive to the orderly resolution of the case.

18 And, thirdly, in distinguishing the cases, the
19 Court should not be burdened with an in-camera inspection
20 of redacted documents merely to confirm the relevance or
21 irrelevance of redacted information, but only when
22 necessary to protect privileged material whose production
23 might waive the privilege.

24 It's only attorney-client work product privilege,
25 not this other privilege or this other trade secret because

1 that's protected.

2 So, when we look at it, there's case authority
3 that does not support their position. In fact, the
4 majority rule is not to permit redaction for the reasons
5 that I just discussed. The second part of it is there is a
6 stipulated protective order. And, thirdly, the burden on
7 the Court.

8 Redaction, as we know it, is an alteration of
9 evidence and an alteration should not be permitted. A
10 party should not take upon itself to decide unilaterally
11 when context is necessary and what might be or might not be
12 useful or useless to the case. That's the reason for
13 protective orders. They're available to shield irrelevant
14 but important to keep confidential information and unless
15 the protective order permits partial production, a document
16 should be produced in its entirety.

17 There's no basis, Your Honor, for redaction here
18 and there's no basis really to even allow that kind of
19 partial redaction that I've heard the Court suggest that
20 they might be able to -- that the Wynn parties might be
21 able to do, which had to do with what they consider to be
22 trade secrets held from a competitor in Asia for a project
23 that they have rejected.

24 And, remember, Your Honor, in the first Complaint
25 and the First Amended Complaint, they addressed the --

1 THE COURT: You're not talking about the one that
2 Mr. Hejmanowski filed, you're talking about in this
3 particular case --

4 MR. PEEK: I -- and I -- yes.

5 THE COURT: Okay.

6 MR. PEEK: Not Mr. Hejmanowski. I'm talking about
7 the Wynn parties.

8 THE COURT: All right.

9 MR. PEEK: Their first Complaint, their First
10 Amended Complaint, and now their Second Amended Complaint.

11 They dropped those allegations of confidentiality
12 and competitiveness from that Second Amended Complaint.
13 They're now barred from now rewriting history and saying to
14 you, as they say in their opening papers, that we're trying
15 to protect this from a competitor who has taken an
16 opportunity. That's all been dropped. That is not part of
17 their current Complaint. They dropped it out of the Second
18 Amended Complaint.

19 So they now come to you and say: Oh, we have
20 these concerns that if we disclose under a highly
21 confidential matter to an officer of this Court that that
22 officer of this Court will then pass on these trade secrets
23 to its client who will then use them in the operation in a
24 casino in the Philippines. That's what their thematic is.
25 We're so concerned about that thematic that it was dropped

1 from their Complaint.

2 And now they come back and they resurrect it
3 because they seem to think it resonates with the Court of
4 protects -- the need to protect that information. That's
5 why they negotiated, that's why they drafted, that's why
6 the included as highly confidential, and that's why they
7 left it out of paragraph 7. If they wanted it in paragraph
8 7, if it was so important to them in 2013 when they
9 presented it to this Court, they would have included it in
10 redactions allowed.

11 We all know my opponent. They're very capable
12 lawyers. They're very thoughtful. They're very far
13 thinking. They didn't think about this or they did, as I
14 believe, and didn't include it in redaction allowed because
15 they knew it wouldn't pass muster with this Court. And it
16 ought not do that today.

17 Thank you.

18 THE COURT: Thank you, Mr. Peek. Mr. Pisanelli,
19 anything else?

20 MR. PISANELLI: Yes, Your Honor.

21 MR. PEEK: And, by the way, Your Honor, we agreed
22 sort of on a motion practice here to -- Debbie wanted to
23 take the lead on this. I could have easily taken the lead
24 on this --

25 THE COURT: I understand. I'm going to --

1 MR. PEEK: So, --

2 THE COURT: It doesn't matter which of you is the

3 proponent.

4 MR. PEEK: Okay.

5 THE COURT: I'm going to rule the same.

6 MR. PEEK: No, I understand, but I -- what it did

7 is -- and I've been there on this.

8 THE COURT: I just want you guys to remember on

9 the other case how nice you're being to each other in this

10 case.

11 Mr. Pisanelli.

12 MR. PISANELLI: This is nice, Your Honor.

13 MR. PEEK: I don't consider --

14 THE COURT: This is nice. I was saying yes, --

15 MR. PISANELLI: Oh, I'm sorry. I thought --

16 THE COURT: -- this is nice.

17 MR. PISANELLI: All right.

18 THE COURT: Last Thursday --

19 MR. PISANELLI: So --

20 THE COURT: -- was not so nice.

21 MR. PISANELLI: So counsel, again, offers to frame

22 our case for us because this straw man red herring seems to

23 be the easier argument than what we're actually making.

24 First of all, the fact that we're not suing over

25 the Philippines doesn't mean that we don't have concerns

1 about discovery and allowing someone into our chambers, so
2 to speak, to have access to everything we have. He is
3 still, nonetheless, a competitor and that is an issue that
4 resonates whether or not we're suing him on that particular
5 topic. So that's the red herring. That is meaningless to
6 this debate.

7 There is also a very important point to be made
8 here about this concept of the gatekeeper. Counsel tells
9 you, Your Honor, there's nothing in this record that should
10 inspire you to allow us to be the gatekeeper and my
11 response to that is we are all gatekeepers when it comes to
12 discovery. All of us. In every single request we give to
13 us and they give to us, we are necessarily a gatekeeper to
14 decide what do we have that is responsive to what you've
15 requested. If we were not those gatekeepers on the concept
16 of responsiveness, then the discovery would simply say:
17 Wynn, every document you have goes to them, on anything;
18 Okada, anything you have goes to this side. You don't get
19 to decide responsiveness. But, of course, that's not what
20 the rules require.

21 So telling you, don't let them decide what's
22 responsive, misses our point altogether. He's continuing
23 to argue, and even cites cases having to do with relevance.
24 My point, as I said earlier, is this is not a relevance
25 issue. Those issues will be litigated extensively before

1 you because of the overreaching. This is simply an issue
2 of not giving anything that's not discoverable. The
3 difference between the application of confidentiality order
4 and the authority cited by Okada is we are talking about
5 nondiscoverable documents in our motion, which we would
6 like part of the ESI protocol and they keep going back to
7 saying: Relevance, relevance, relevance. And that's not
8 my point at all.

9 So, this issue that we're getting too much power
10 as the gatekeeper is a misnomer. We all have power. We
11 all have to exercise it. We have to exercise it subject to
12 your authority and discipline. If we misstep on being
13 overly protective, I'll use that phrase, but I assure you,
14 between the logs and the debates that will come before you,
15 Your Honor will always maintain control over relevance.

16 When the issue of relevance is resolved, then we
17 will see whether the confidentiality order is good enough
18 or whether the history of what part or the other of abusing
19 that confidentiality order shows that we have to be extra
20 careful in how we protect the secrets and important
21 information from one party and, of course, I'm talking
22 about here the very important information from the Wynn.

23 The authority that you've seen, and counsel refers
24 to you, Your Honor, misses the point as well because there
25 those documents -- those cases were talking about a party

1 that unilaterally started talking things off and redacting,
2 calling them irrelevant, even though they were being
3 requested. That's not what we're talking about here.

4 You've seen that in the authorities, even some of
5 the authorities that they have cited to, it was the
6 unilateral exercise of authority without Court permission
7 is what got some of those parties in trouble, the failure
8 to even put privilege logs, etcetera. Those parties were
9 acting secretly, which is exactly opposite of what we are
10 asking you to do.

11 The very simple issue that we ask for here is that
12 if it is not discoverable, you didn't even ask for it, but
13 it happens to be in a document that has something good, we
14 will fulfill all of our professional responsibilities and
15 produce what is responsive and take out what is not and we
16 will come to you when we think they're asking for too much.

17 This concept of gatekeeper and relevance is a red
18 herring having nothing to do with what we're talking about
19 here.

20 THE COURT: Thank you. The subject to any orders,
21 the parties may make redactions only for a privilege or
22 other recognized categorizes of protections which may
23 include, but is not limited to: privacy issues, personnel
24 issues, confidentiality, and true trade secret issues.

25 If there is anything else that someone

1 specifically thinks needs to be redacted rather than
2 produced in a highly confidential format, a motion needs to
3 be filed with respect to either that document or categories
4 of documents related to that.

5 MR. PISANELLI: So, Your Honor, just from a
6 mechanical standpoint, it would seem to me that what makes
7 most sense is treating the list of issues and concerns that
8 you've just told us about, treating them similarly -- how
9 we -- similar to how we would treat a privilege. In other
10 words, protect yourself in advance, redact, and it is the
11 redacting party's obligation to come to you and tell you
12 why.

13 MR. PEEK: No.

14 MR. PISANELLI: I mean, the point is we're not
15 going to --

16 THE COURT: Mr. Peek is arguing with you about
17 some --

18 MR. PISANELLI: I can --

19 THE COURT: -- thing. I'm not even sure what

20 MR. PISANELLI: I can --

21 MR. PEEK: He knows that. He knows I --

22 MR. PISANELLI: I can hear him and I assure him
23 I'll get out of the way of this podium when I'm finished
24 speaking.

25 THE COURT: Okay.

1 MR. PISANELLI: So my point is --

2 THE COURT: Say that again, Mr. Pisanelli, so I

3 understand better because I missed what you were saying.

4 MR. PISANELLI: Yeah, all I'm saying is that we

5 protect ourselves in the first instance, that if we believe

6 redaction is appropriate, based upon the instruction that

7 you just gave us, --

8 THE COURT: That did not include relevance.

9 MR. PISANELLI: I understand.

10 THE COURT: Okay.

11 MR. PISANELLI: I'm talking about the categories

12 you just gave us. We will redact and protect ourselves and

13 put it on a log for presentation to the other side and if

14 the other side has a dispute, then we will follow the same

15 mechanism we always follow on regular --

16 THE COURT: But first --

17 MR. PISANELLI: -- privilege issues.

18 THE COURT: -- we'll confer with each other and

19 see --

20 MR. PISANELLI: Of course.

21 THE COURT: -- if you can reach an agreement.

22 MR. PISANELLI: Yeah, --

23 THE COURT: After that very productive experience,

24 --

25 MR. PISANELLI: Yes.

1 THE COURT: -- then someone will file a motion.
2 MR. PISANELLI: Right. And so, my only point is
3 to under -- for all of us to understand that it is
4 protection --
5 THE COURT: For instance, --
6 MR. PISANELLI: -- first, not --
7 THE COURT: -- in your board meeting minutes,
8 there is a concern about a particular individual's
9 continued employment.
10 MR. PISANELLI: Yeah.
11 THE COURT: That is something that you should
12 protect.
13 MR. PISANELLI: Very good.
14 THE COURT: For a number of various reasons,
15 despite there being a highly confidential designation. I'm
16 not going to mess with you because you do that, but if you
17 decide that the room renovations at the Wynn should be
18 redacted, I'm going to not be happy with that.
19 MR. PISANELLI: I understand, Your Honor.
20 THE COURT: Okay.
21 MR. PISANELLI: Very good.
22 MR. PEEK: Your Honor, --
23 THE COURT: Mr. Peek, was there something else?
24 MR. PEEK: The --
25 THE COURT: Before I go to my part of the morning.

1 MR. PEEK: Yeah, the clarification really because
2 you -- it -- when I heard your order, you said -- you gave
3 a, sort of the examples, including and not limited to.

4 THE COURT: Yes.

5 MR. PEEK: One of them was the phrase
6 confidential.

7 THE COURT: Yes.

8 MR. PEEK: And what concerns me is when you look,
9 for example, at our Stipulated Protective Order or any one
10 that we ever use, it has generally a definition of
11 confidential, which generally is a lower standard than the
12 highly confidential. So, what I'm concerned about is the -
13 - sort of the loose interpretation of that --

14 THE COURT: What I'm talking about --

15 MR. PEEK: -- phrase confidential, --

16 THE COURT: -- confidential --

17 MR. PEEK: -- so I wanted to have it clarity
18 [sic].

19 THE COURT: What I'm talking about when I use the
20 term confidential are things that would otherwise be
21 protected, arguably under the Trade Secret Act.

22 MR. PEEK: Okay. I --

23 THE COURT: That's the --

24 MR. PEEK: -- understand that.

25 THE COURT: -- kind of the thing I'm using when I

1 say confidential, it's not because you guys are talking
2 about a business plan. But if they want to do it for a
3 business plan, but if I review three of them, they may get
4 sanction.

5 MR. PEEK: Okay. I understand, Your Honor. So
6 you're -- really, when you said confidential, you were sort
7 of really referring to -- because the next sentence or the
8 next word was trade secret.

9 THE COURT: That is correct because I used those
10 terms together a lot for a reason.

11 MR. PEEK: Okay. But I don't want to confuse them
12 and make --

13 THE COURT: I am not using the same --

14 MR. PEEK: -- confidential even broader.

15 THE COURT: -- definition as contained in your
16 Protective Order for my use of the term of confidential.
17 I'm --

18 MR. PEEK: Okay. As long as we're not using that
19 same definition, I'm fine and we're using the USGA
20 [phonetic].

21 THE COURT: Well --

22 MR. PEEK: The --

23 THE COURT: -- that's my example. That's my
24 example, Mr. Peek.

25 MR. PEEK: Okay.

1 MR. PISANELLI: And that last remark is important
2 to us because --

3 THE COURT: Okay.

4 MR. PISANELLI: -- his business plans are going to
5 fall under a lot of those categories. And so we'll take
6 these document --

7 THE COURT: Not --

8 MR. PISANELLI: -- by document --

9 THE COURT: -- necessarily.

10 MR. PISANELLI: I understand your point, Your
11 Honor. Everything has to be taken individually to see what
12 it's purpose is, what dangers are, what concerns we have
13 for protection, etcetera, and we will exercise our
14 discretion in good faith, and when we have a disagreement,
15 we'll do our best, as you said, to try and resolve it and
16 bring it to your attention first. And then --

17 THE COURT: And then you're going to work it out.

18 MR. PEEK: And, Your Honor, as part of that order,
19 does it include the obligation on the Wynn parties to do a
20 redaction log?

21 THE COURT: On whatever party is doing the
22 redaction, there is an obligation --

23 MR. PEEK: Just --

24 THE COURT: -- to do a nice privilege log, not the
25 kind that I was saddles with through the last several

1 months in the case that we talked about on Thursday.

2 MR. PEEK: Your Honor, I -- Ms. Spinelli and I can
3 both tell you that our privilege logs in this case do
4 contain the information that you set forth in your various
5 minute orders. We've certainly worked those issues out.
6 So that's what you're talking about is that same
7 information that's the -- that is in your minute order, the
8 seven or eight categories --

9 THE COURT: Yes.

10 MR. PEEK: -- that you say we have to do because
11 that's --

12 THE COURT:

13 MR. PEEK: -- fine with us.

14 THE COURT: -- categories I always require when I
15 get a privilege log.

16 MR. PEEK: Okay.

17 THE COURT: Don't leave. I'm still talking to you
18 guys. You can't leave yet.

19 MR. PISANELLI: Your Honor, --

20 THE COURT: What, Mr. Urga?

21 MR. PISANELLI: -- Mr. Urga points out an
22 important point, and I think you recognize this, but just
23 to make sure we're all clear. Much of -- not much, but one
24 of the categories of things that we're concerned about, as
25 I said earlier, is compliance issues. We will protect

1 those necessarily because we have to, for many different
2 reasons, including --

3 THE COURT: Right.

4 MR. PISANELLI: -- legal responsibilities. So,
5 again, I don't know that it's smart for us to start
6 throwing out categories --

7 THE COURT: I don't --

8 MR. PISANELLI: -- and figuring it out in advance
9 --

10 THE COURT: I do not limit the categories for a
11 reason. There are a number of types of documents, given
12 some of the disputes in this case, that will arguably and
13 should be protected.

14 MR. PISANELLI: All right.

15 MR. PEEK: And we both understand *Laxalt versus*
16 *McClatchy* as well, Your Honor.

17 THE COURT: Okay.

18 MR. PEEK: Which may be governed by that.

19 THE COURT: So, let us talk about something you
20 sent me. On September 22nd or so, you did a stipulated
21 scheduling order that I signed off on. I have some
22 questions before I issue the trial setting order. And so
23 I've been holding this until I next saw you.

24 Does the time estimate that you have included,
25 which is about 13 weeks, include jury selection?

1 MR. PISANELLI: I don't think it does. That was
2 just the actual trial --

3 THE COURT: Okay. So your need four months --

4 MR. PISANELLI: -- as far as --

5 THE COURT: -- for trial. So, here's my next
6 question. Do you want to start before the holiday season
7 or wait until after the end of the year in 2016 and start
8 in 2017?

9 MR. PISANELLI: Your Honor, from our perspective,
10 if you keep in mind, we think this case is far more narrow
11 than the Okada parties do, so we didn't believe that this
12 was going to be a 13 week trial or even an eight week
13 trial. And so starting before makes sense to us because we
14 don't think it's going to take that long.

15 MR. PEEK: Your Honor, having -- unless you were
16 to conduct this trial much like you're doing in CityCenter
17 where you're going full day, four days a week, --

18 THE COURT: If I'm going four months, we will do
19 that.

20 MR. PEEK: I do think it is at least a three month
21 trial and perhaps Mr. Krakoff can address that, too,
22 because he will be co-lead counsel with me on this matter.

23 David, are you still there?

24 MR. KRAKOFF: Yes, I am. I think that's a fair
25 estimate and I would suggest that, with the Court's

1 permission and party agreement, that a trial of that length
2 begin after the holidays.

3 MR. PEEK: And, Your Honor, I do think, Your
4 Honor, at least three to four months.

5 THE COURT: So then let me just give you the one
6 caveat that I'm different from other people. That means
7 I'm going to need your draft version of the jury
8 questionnaire sometime in the middle of September 2016. So
9 let's say September 16th, 2016. That was the only date --

10 MR. PEEK: So you allow jury questionnaires?
11 Thank you, Your Honor.

12 THE COURT: I do, but I've got to have a lot of
13 lead time, given my recent experience.

14 MR. PEEK: Okay.

15 THE COURT: Because I think that given some of the
16 parties involved, it may be a little tricky to get a jury
17 for you.

18 MR. PEEK: You know, Your Honor, from our
19 perspective, as I've said on different occasions, we
20 believe this case is a Business Judgment Rule case. That
21 makes it pretty narrow, what was the Board presented with.
22 We don't have to go back and recreate history. So we think
23 it's going to be a short trial, but, with that said, sky is
24 not going to fall, from our perspective, if, because of the
25 management of your schedule or even counsel's schedule, we

1 go past the holidays to begin. My only concern on when we
2 start, and I don't know the answer to this off the top of
3 my head, is to make sure that we're all on the same page
4 with the 5-year rule. As long as that's being protected,
5 we're fine with when we start this trial.

6 THE COURT: Okay. Do you guys want to tell me
7 when you think the 5-year rule runs?

8 MR. PEEK: It would be February 19th at 2 a.m. in
9 the morning on 2017.

10 MR. PISANELLI: We've been stayed, so that's
11 probably not right.

12 MR. PEEK: Oh, you're right.

13 MR. PISANELLI: We'll work it out.

14 MR. PEEK: There's a -- at least a --

15 THE COURT: Do we consider the --

16 MR. PEEK: I don't even know if we count the --

17 THE COURT: Do we consider the DOJ stay a stay?

18 MR. PEEK: I would, Your Honor, because we didn't
19 conduct the --

20 THE COURT: See, I don't think the Nevada Supreme
21 Court would. That's why I require stipulations because I'm
22 not entirely clear on what the Nevada Supreme Court thinks
23 a stay is.

24 MR. PEEK: So we need a --

25 THE COURT: Even when they issue one --

1 MR. PISANELLI: If we --

2 THE COURT: -- that orders me to stay cases.

3 MR. PISANELLI: If we do a stip, we'll get rid of

4 this and then we'll have --

5 THE COURT: Yeah, you guys --

6 MR. PISANELLI: -- lots of flexibility on the

7 trial date.

8 THE COURT: All right. Here's my next issue.

9 MR. PEEK: Are you okay then to -- if she -- okay.

10 So you're not going to set it today?

11 THE COURT: I have to go back and talk to Dan

12 because he didn't give me 2017. He only gave me through

13 2016, but I thought of it as I was running down the

14 elevator to -- you know, do you want to split a trial

15 between Christmas and New Year's and --

16 MR. PISANELLI: If you start it at the new year in

17 '17, you won't hear much extra from us.

18 MR. PEEK: And Mr. Pisanelli and I, along with the

19 other parties, will work out the 5-year issue.

20 MR. PISANELLI: Fair enough.

21 THE COURT: Lovely.

22 So, let me go to my next issue. I have a Motion

23 for Partial Summary Judgment by Mr. Peek that's scheduled

24 for October 21st at 8:30 and then I have a Motion for

25 Partial Summary Judgment from, I believe, the Wynn parties

1 that is scheduled on the chamber's calendar on November
2 14th.

3 MR. PEEK: No. That's our other motion. It's a
4 12(c) --

5 THE COURT: Your motion.

6 MR. PEEK: -- motion, Your Honor, and we actually
7 submitted yesterday a request for oral argument. I don't
8 know --

9 THE COURT: So --

10 MR. PEEK: We would like to be heard on that on
11 the 13th.

12 THE COURT: I'm going to move it to November 13th.

13 MR. PEEK: Yes, Your Honor. That would be fine.
14 That was the date that we --

15 THE COURT: 10:30.

16 MR. PEEK: -- actually put in our notice.

17 THE COURT: So Dulce will move it.

18 Now, here's -- as you know, there is a caveat to
19 that, if Mr. Roos and others are still keeping me busy,
20 then I'm going to have to move hearings to Mondays, but I'm
21 probably not going to make that decision now. I know I'm
22 going to do Mondays, but I'm still setting things on
23 Tuesdays and Thursdays.

24 MR. PEEK: Is --

25 THE COURT: Because at some point, somebody might

1 see the light of day.

2 MR. PEEK: So would that be Tuesday the 12th, then,
3 Your Honor, if you moved it because I think Mr. Krakoff had
4 some scheduling issues.

5 THE COURT: Thursday the 13th.

6 MR. PEEK: Thursday the 13th. Mr. Krakoff, if she
7 has to move it, would the 17th of November work for you?

8 MR. KRAKOFF: That is difficult. I'm supposed to
9 be in Washington for a conference that I'm speaking at, but
10 if it's necessary, of course, Your Honor, I will move that.
11 I could also do the prior Monday if that is preferable to
12 the Court's calendar.

13 THE COURT: Well, here's the issue. If we get to
14 that point, we'll call you and we'll work out -- we'll
15 suggest a date and if you don't like it, we'll agree to a
16 day. It's not like you're under significant time
17 constraints at the moment, but I didn't want it on the
18 chamber's calendar.

19 Anything else that I can do to help you today?

20 MR. PEEK: And, Your Honor, there is one more
21 thing and this is -- just so that the Court understands, we
22 -- Ms. Spinelli and are probably -- the whole team here
23 will be back together in front of you on a predictive
24 coding issue. We have come real close, I think, to
25 predictive coding through numerous meet and confers. I

1 don't think we'll resolve them, but we'll be back in front
2 of you and we may try to do it on shortened time as well,
3 but Ms. Spinelli and I will work that out.

4 THE COURT: Well, send me an OST and I'll try to
5 find a courtroom.

6 MR. PEEK: Okay. Thank you, Your Honor.

7 THE COURT: Have a nice day. Thank you for your
8 patience.

9 MR. PEEK: Thank you.

10 MR. PISANELLI: Thank you.

11 MR. KRAKOFF: Thank you, Your Honor.

12

13 PROCEEDING CONCLUDED AT 9:08 A.M.

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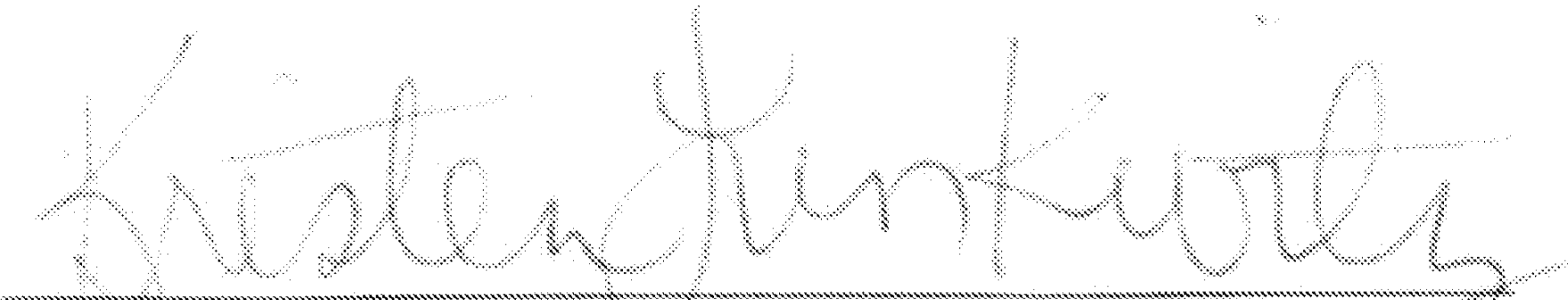
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CERTIFICATION

I certify that the foregoing is a correct transcript from the audio-visual recording of the proceedings in the above-entitled matter.

AFFIRMATION

I affirm that this transcript does not contain the social security or tax identification number of any person or entity.

A handwritten signature in cursive script, reading "Kristen Lunkwitz", is written over a horizontal dotted line.

KRISTEN LUNKWITZ
INDEPENDENT TRANSCRIBER

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DISTRICT COURT

CLARK COUNTY, NEVADA

WYNN RESORTS, LIMITED, a Nevada
Corporation,

Plaintiff,

vs.

KAZUO OKADA, an individual, ARUZE
USA, INC., a Nevada corporation, and
UNIVERSAL ENTERTAINMENT CORP.,
a Japanese corporation,

Defendants.

AND ALL RELATED CLAIMS

Case No.: A-12-656710-B

Dept. No.: XI

**WYNN RESORTS, LIMITED'S
RESPONSES AND OBJECTIONS TO
DEFENDANTS' SECOND REQUEST
FOR PRODUCTION OF DOCUMENTS**

Pursuant to Nevada Rule of Civil Procedure 34, Plaintiff/Counterdefendant Wynn Resorts, Limited ("Wynn Resorts" or the "Company"), by and through its undersigned counsel of record, hereby responds and objects to Defendants Kazuo Okada and Defendants/Counterclaimants Aruze USA, Inc. and Universal Entertainment Corporation's (collectively, "Defendants" or "Okada Parties") Second Request for Production of Documents.

DEFINITIONS AND GENERAL OBJECTIONS

A. "Nondiscoverable/Irrelevant" - The request in question concerns a matter that is not relevant to the subject matter of this litigation or the claims and defenses asserted in the action, and is not reasonably calculated to lead to the discovery of admissible evidence.

B. "Unduly burdensome" - The request in question seeks discovery that is unduly burdensome or expensive, taking into account the needs of the case, limitations in the party's resources, and the importance of the issues at stake in the litigation.

C. "Vague" - The request in question contains a word or phrase that is not adequately defined, or the overall request is confusing or ambiguous, and Wynn Resorts is unable to reasonably ascertain what documents Defendants seek in the request.

D. "Overly broad" - The request in question seeks documents beyond the scope of, or beyond the time period relevant to, the subject matter of this litigation and, accordingly, seeks documents that are nondiscoverable/irrelevant and the request is unduly burdensome.

E. Wynn Resorts objects to Defendants' requests to the extent they seek any information protected by any absolute or qualified privilege or exemption, including, but not limited to, the attorney-client privilege, a common interest privilege, the attorney work-product doctrine, and the consulting expert exemption.

F. Wynn Resorts objects to Defendants' requests on the grounds that they are unduly burdensome and that much of the documents requested may be obtained by Defendants from other sources more conveniently, less expensively, and with less burden.

G. Documents will be provided on the basis of documents available to and located by Wynn Resorts at this time. There may be other and further documents of which Wynn Resorts, despite its reasonable investigation and inquiry to date, is presently unaware or remains in the

1 process of gathering and/or reviewing. Wynn Resorts, therefore, reserves the right to modify or
2 enlarge any response with such pertinent additional documents as it may subsequently discover.

3 H. No incidental or implied admissions will be made by the responses. The fact that
4 Wynn Resorts may respond or object to any request, or any part thereof, shall not be deemed an
5 admission that Wynn Resorts accepts or admits the existence of any fact set forth or assumed by
6 such request, or that such response constitutes admissible evidence. The fact that Wynn Resorts
7 responds to a part of any request is not to be deemed a waiver by it of its objections, including
8 privilege, to other parts of the request in question.

9 I. Wynn Resorts objects to any request to the extent that it would impose upon the
10 Company greater duties than are set forth under the Nevada Rules of Civil Procedure. When
11 necessary, Wynn Resorts will supplement its responses to requests as required by the Nevada
12 Rules of Civil Procedure.

13 J. Each response will be subject to all objections as to competence, relevance,
14 materiality, propriety, and admissibility, and to any and all other objections on any ground that
15 would require the exclusion from evidence of any statement herein if any such statements were
16 made by a witness present and testifying at trial, all of which objections and grounds are expressly
17 reserved and may be interposed at trial.

18 K. Wynn Resorts objects to Instruction 1 of the Requests, to the extent it purports to
19 require Wynn Resorts to produce documents that are not in its possession, custody or control, as it
20 imposes duties greater than those set forth under Nevada Rule of Civil Procedure 34.

21 L. Wynn Resorts objects to Instructions 2 and 11 of the Requests to the extent they
22 purport to require Wynn Resorts to provide a log of documents withheld on the basis of any
23 "limitation" other than a claim of privilege or work product protection, as it imposes duties greater
24 than those set forth under the Nevada Rules of Civil Procedure.

25 M. Wynn Resorts objects to the time period set forth in Instruction 4 of the Requests
26 as overly broad. To the extent that Wynn Resorts does not object to these Requests, it will search
27 for responsive documents during the time period April 21, 2000 to December 31, 2012.

28

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 76:

All Documents constituting a translation of a Communication between an Aruze Party on one hand and Stephen A. Wynn and/or WRL on the other hand.

RESPONSE TO REQUEST FOR PRODUCTION NO. 76:

Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in time (*i.e.*, unlimited) (2) overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) overly broad in scope inasmuch as it seeks "[a]ll Documents constituting a translation of a Communication. . ." regardless of the topic of any such communication or document; (4) it seeks documents and information unrelated to the subject matter of this action and unrelated to any claim or defense asserted in this action, and thus (5) is unduly burdensome, and (6) not reasonably calculated to lead to the discovery of admissible evidence. The Request also (7) is unduly burdensome to the extent it seeks documents already in Defendants' possession through this action and/or the writ proceeding; (8) to the extent this Request seeks records other than those of the Company, this Request is not properly directed to Wynn Resorts; and (9) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the law.

Subject to and without waiving said objections, Wynn Resorts will produce any discoverable documents responsive to this Request (as Wynn Resorts understands the Request) that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 77:

Documents sufficient to identify translators used by Stephen A. Wynn and/or WRL in his, its, and/or their dealings with the Aruze Parties.

RESPONSE TO REQUEST FOR PRODUCTION NO. 77:

Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, it seeks document regardless of subject matter); (3) it seeks non-discoverable/irrelevant documents and information unrelated to the subject matter of this action and unrelated to any claim or defense asserted in this action, and thus (4) is overly broad; (5) unduly burdensome, and (6) not reasonably calculated to lead to the discovery of admissible evidence in this action. The Request also (7) is unduly burdensome to the extent it seeks documents already in Defendants' possession through this action and/or the writ proceeding; (8) is vague and ambiguous as to what and how many documents may be "sufficient" according to Defendants to identify translators; (9) it is unduly burdensome inasmuch as the information sought by the request is more efficient and less burdensome if posed in the form of an interrogatory rather than a vague and burdensome document request; and (10) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the law.

Subject to and without waiving said objections, Wynn Resorts will produce any discoverable documents responsive to this Request (as Wynn Resorts understands the Request) that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 78:

All Documents concerning Communications with any press or public relations agents, spokespersons, or similar Persons concerning the Aruze Parties and any of the following: the Operating Agreement, WRL's incorporation, WRL's IPO, or the redemption of Aruze USA's shares.

RESPONSE TO REQUEST FOR PRODUCTION NO. 78:

Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad (*i.e.*, unlimited) in time; (2) it is overly broad in scope in that it seeks "[a]ll Documents

1 concerning. . . " a list of very broad items. This Request essentially seeks all documents
2 concerning any communication with any press that references the Aruze Parties, and "the
3 Operating Agreement, WRL's incorporation, WRL's IPO, or the redemption of Aruze USA's
4 shares;" and it is thus (3) overly broad; (4) unduly burdensome; and (5) not reasonably calculated
5 to lead to the discovery of admissible evidence in this action. The Request also (6) is
6 objectionable to the extent it seeks information and documents protected by the attorney-client
7 privilege, common interest privilege, work product doctrine, and/or any other privilege or
8 protection afforded under the law; and (7) the terms "public relations agents, spokespersons, or
9 similar Persons" are undefined and, under the circumstances, vague and ambiguous, requiring
10 speculation as to its intended meaning (*i.e.*, does it seek to invade a privilege or protection).

11 Subject to and without waiving said objections, Wynn Resorts will produce any
12 discoverable documents responsive to this Request (as Wynn Resorts understands the Request)
13 that are not otherwise privileged or protected, to the extent such documents exist and can be
14 located through a reasonable search and review process. Discovery is continuing, and
15 Wynn Resorts reserves the right to supplement this response as discovery continues.

16 **REQUEST FOR PRODUCTION NO. 79:**

17 All Documents concerning Communications with the NGCB, the Commission, or other
18 gaming authority concerning the redemption provisions in the Articles of Incorporation,
19 Operating Agreement, Buy-Sell Agreement, or other document governing WRL or a predecessor.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 79**

21 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad
22 (*i.e.*, unlimited) in time; (2) it is overly broad in scope ("[a]ll Documents concerning. . ."); and
23 thus (3) it is unduly burdensome; and (4) not reasonably calculated to lead to the discovery of
24 admissible evidence in this action. In addition, (5) to the extent this Request seeks documents by
25 and between Wynn Resorts and Nevada gaming regulators, the Request seeks documents and
26 communications protected by NRS 463.3407 and NRS 463.120; and (6) it is objectionable to the
27 extent it seeks information and communications protected by the attorney-client privilege,
28

1 common interest privilege, the work product doctrine, and/or any other privilege or protection
2 afforded under the law.

3 Subject to and without waiving said objections, Wynn Resorts will produce any
4 discoverable documents responsive to this Request (as Wynn Resorts understands the Request)
5 that are not otherwise privileged or protected, to the extent such documents exist and can be
6 located through a reasonable search and review process. Discovery is continuing, and
7 Wynn Resorts reserves the right to supplement this response as discovery continues.

8 **REQUEST FOR PRODUCTION NO. 80:**

9 The Books and Records of the LLC, the Desert Inn, and any related entities covering the
10 period from the time Stephen A. Wynn created or acquired the entity through November 30,
11 2000.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 80:**

13 Wynn Resorts objects to this Request on the following grounds: (1) it is unduly
14 burdensome and harassing because it is duplicative of the requests that Mr. Okada made (and to
15 which Wynn Resorts already fully complied) in the books and records proceeding, Case No. A-
16 12-654522-B, which, when pending was coordinated with this action for purposes of discovery.
17 In addition, Wynn Resorts previously disclosed these documents in this action as well; (2) it is
18 overly broad in scope in that it seeks non-discoverable/irrelevant documents and fails to identify
19 any specific category of documents or any connection to the claims or defenses in this action.
20 Thus, (3) the Request is not reasonably calculated to lead to the discovery of admissible evidence
21 in this action. The Request also (4) is a fishing expedition designed to annoy and harass; and
22 (5) is objectionable to the extent it seeks information and communications protected by the
23 attorney-client privilege, common interest privilege, the work product doctrine, and/or any other
24 privilege or protection afforded under the law.

25 Subject to and without waiving said objections, Wynn Resorts will produce any additional
26 discoverable documents that may be responsive to this Request (as Wynn Resorts understands the
27 Request) that are not otherwise privileged or protected, to the extent such documents exist and
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1 can be located through a reasonable search and review process. Discovery is continuing, and
2 Wynn Resorts reserves the right to supplement this response as discovery continues.

3 **REQUEST FOR PRODUCTION NO. 81:**

4 All Documents concerning personal meetings between Mr. Okada and Stephen A. Wynn
5 in which they planned to or did discuss a potential business relationship/partnership or the
6 business/partnership agreements.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 81:**

8 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
9 time (*i.e.*, unlimited) and (2) overly broad in scope ("[a]ll Documents concerning. . ."); (3) and
10 therefore is not reasonably calculated to lead to the discovery of admissible evidence in this
11 action. The Request (4) is also unduly burdensome to the extent it seeks documents already in
12 Defendants' possession through the writ proceeding or this action, and/or seeks documents already
13 in Defendant's possession without regard to these proceedings; (5) the terms "personal meetings,"
14 "potential business relationship/partners" and "business/partnership agreements" are vague,
15 ambiguous, and undefined, and require speculation as to their intended meaning; (6) to the extent
16 this Request seeks records other than those of the Company, this Request is not properly directed
17 to Wynn Resorts; and (7) it is objectionable to the extent it seeks information and
18 communications protected by the attorney-client privilege, common interest privilege, the work
19 product doctrine, and/or any other privilege or protection afforded under the law.

20 Subject to and without waiving said objections, Wynn Resorts will produce any
21 discoverable documents responsive to this Request (as Wynn Resorts understands the Request)
22 that are not otherwise privileged or protected, to the extent such documents exist and can be
23 located through a reasonable search and review process. Discovery is continuing, and
24 Wynn Resorts reserves the right to supplement this response as discovery continues.

25 **REQUEST FOR PRODUCTION NO. 82:**

26 Documents sufficient to identify each investment bank or other advisor or consultant (for
27 example, Kotite & Kotite and Churchill Capital LLC) involved in the formation of the LLC or in
28 adding an Aruze Party as a member of the LLC.

RESPONSE TO REQUEST FOR PRODUCTION NO. 82:

Wynn Resorts objects to this Request on the following grounds: (1) it seeks non-discoverable/irrelevant documents unrelated to the subject matter of this action and unrelated to any claim or defense asserted in this action, and thus (2) is overly broad, (3) unduly burdensome, and (4) not reasonably calculated to lead to the discovery of admissible evidence. The Request is also (5) vague and ambiguous as to what and how many documents may be "sufficient" according to Defendants to investment banks, advisors, or consultants; (6) is a fishing expedition designed to annoy and/or harass; (7) is unduly burdensome to the extent it seeks documents already in Defendants' possession through the writ proceeding or this action, and/or seeks documents already in Defendants' possession without regard to these proceedings; (8) is unduly burdensome inasmuch as the information sought by the request is more efficient and less burdensome if posed in the form of an interrogatory rather than a vague and burdensome document request; and (9) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the law.

In light of the foregoing, Wynn Resorts will not respond to this Request unless and until Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of admissible evidence in relation to any allegation or defense and/or a court order compels the production after a finding of discoverability.

REQUEST FOR PRODUCTION NO. 83:

All Documents concerning the Aruze Parties' suitability, licensing, or other similar determination through the date of the IPO.

RESPONSE TO REQUEST FOR PRODUCTION NO. 83:

Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in scope (e.g., "[a]ll Documents. . ."); (2) the term/phrase "other similar determination" is undefined, vague and ambiguous, requiring speculation as to its intended meaning; (3) it is unduly burdensome to the extent it seeks documents already in and/or solely in Defendants' (or their agents') possession, custody, or control, which Defendants should be disclosing in this action;

(4) to the extent that this Request seeks documents by and between Wynn Resorts and Nevada gaming regulators, the Request seeks documents and communications protected by NRS 463.3407 and NRS 463.120; and (5) the Request is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the law.

Subject to and without waiving said objections, Wynn Resorts will produce any discoverable documents responsive to this Request (as Wynn Resorts understands the Request) that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 84:

All Documents concerning the Term Sheet signing event at Stephen A. Wynn's home in October 2000, including but not limited to any invitations, press releases/notices, photographs, or other records thereof.

RESPONSE TO REQUEST FOR PRODUCTION NO. 84:

Wynn Resorts objects to this Request on the following grounds: (1) it seeks non-discoverable/irrelevant documents unrelated to the subject matter of this action and unrelated to any claim or defense asserted in this action, and thus (2) is overly broad, (3) unduly burdensome, and (4) not reasonably calculated to lead to the discovery of admissible evidence in this action. The Request also (5) overly broad in that it seeks "[a]ll Documents concerning the Term Sheet signing event . . . ;" and (6) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the law.

Subject to and without waiving said objections, Wynn Resorts will produce any discoverable documents responsive to this Request (as Wynn Resorts understands the Request) that are not otherwise privileged or protected, to the extent such documents exist and can be

1 located through a reasonable search and review process. Discovery is continuing, and
2 Wynn Resorts reserves the right to supplement this response as discovery continues.

3 **REQUEST FOR PRODUCTION NO. 85:**

4 All Documents concerning any meetings between Mr. Okada and Stephen A. Wynn
5 without counsel present concerning the Term Sheet and/or Operating Agreement, including but
6 not limited to any occurring between October 23 and November 30, 2000.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 85:**

8 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad and
9 in time (*i.e.*, unlimited) and (2) overly broad in scope in that it seeks "[a]ll Documents concerning
10 . ." any meeting, ant any time, between Mr. Okada and Mr. Wynn that concerned the Term Sheet
11 or the Operating Agreement; (3) it seeks non-discoverable/irrelevant documents that are not
12 related nor relevant to the subject matter, claims, and/or defenses in this action and is not
13 reasonably calculated to lead to the discovery of admissible evidence in this action; (4) it is
14 unduly burdensome to the extent it seeks documents already in Defendants' (or their agents')
15 possession, custody, or control; (5) to the extent this Request seeks records other than those of the
16 Company, this Request is not properly directed to Wynn Resorts; (6) it is objectionable to the
17 extent it seeks information and communications protected by the attorney-client privilege,
18 common interest privilege, the work product doctrine, and/or any other privilege or protection
19 afforded under the law; and (7) it is unduly burdensome to the extent it is duplicative of other
20 Requests herein (*e.g.*, Request No. 84).

21 Subject to and without waiving said objections, Wynn Resorts will produce any
22 discoverable documents responsive to this Request (as Wynn Resorts understands the Request)
23 that are not otherwise privileged or protected, to the extent such documents exist and can be
24 located through a reasonable search and review process. Discovery is continuing, and
25 Wynn Resorts reserves the right to supplement this response as discovery continues.

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REQUEST FOR PRODUCTION NO. 86:

All Documents concerning the addition of a new member to the LLC and the selection of Baron as that member, including but not limited to the reason for adding a new member, other Persons considered for membership, and the selection process.

RESPONSE TO REQUEST FOR PRODUCTION NO. 86:

Wynn Resorts objects to this Request on the following grounds: (1) it is unduly burdensome as it seeks non-discoverable/irrelevant documents that are not related nor relevant to the subject matter, claims, and/or defenses in this action, and is therefore not reasonably calculated to lead to the discovery of admissible evidence in this action; (2) it is a harassing fishing expedition; (3) it is unduly burdensome to the extent it seeks documents already in Defendants' possession through the writ proceeding or this action, and/or seeks documents already in Defendants' possession without regard to these proceedings; (4) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, work product doctrine, and/or any other privilege or protection afforded under the law; and (5) it is unduly burdensome to the extent it is duplicative of other Requests propounded by the Okada Parties (*e.g.*, Request No. 10).

In light of the foregoing, Wynn Resorts will not respond to this Request unless and until Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of admissible evidence in relation to any allegation or defense and/or a court order compels the production after a finding of discoverability.

REQUEST FOR PRODUCTION NO. 87:

All Documents concerning the necessity for the Second Amended Operating Agreement, and its redemption provisions, including but not limited to all such Documents reflecting Communications with banks, investors, or other third parties.

RESPONSE TO REQUEST FOR PRODUCTION NO. 87:

Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in that it twice seeks "[a]ll Documents . . . ," (2) it is overly broad in that it "[a]ll Documents reflecting Communications. . . " by any person or entity with various and then any third parties

1 concerning the "necessity" of the Second Amended Operating Agreement; (3) it is overly broad
2 (*i.e.*, unlimited) in time; and thus (4) it is not reasonably calculated to lead to the discovery of
3 admissible evidence in this action. The Request also (5) is unduly burdensome to the extent it
4 seeks documents already in Defendants' (or their agents') possession, custody or control; (6) the
5 term "necessity" is undefined and, under the circumstances, vague and ambiguous, requiring
6 speculation as to its intended meaning; and (7) it is objectionable to the extent it seeks
7 information and communications protected by the attorney-client privilege, common interest
8 privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

9 Subject to and without waiving said objections, Wynn Resorts responds as follows:
10 Wynn Resorts will produce any discoverable documents that are not otherwise privileged or
11 protected related to the redemption provisions in the Second Amended Operating Agreement, to
12 the extent such documents exist and can be located through a reasonable search and review
13 process. If, however, the Okada Parties are seeking specific documents or communications that
14 they believe exist with a particular third party, the Okada Parties must clarify this Request to state
15 such a request with particularity. Discovery is continuing, and Wynn Resorts reserves the right to
16 supplement this response as discovery continues.

17 **REQUEST FOR PRODUCTION NO. 88:**

18 All Documents concerning any meeting among Stephen A. Wynn, Marc Rubinstein, and
19 Mr. Okada in Tokyo between May 1, 2001 and April 11, 2002 in which redemption was
20 discussed.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 88:**

22 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad and
23 unduly burdensome in that it seeks "[a]ll Documents . . . "; (2) it is overly broad, vague and
24 ambiguous, and unduly burdensome in that it appears to seek documents related to one or more
25 meetings that may have taken place among three people, without any specificity as to dates or
26 how many meetings there may have been, if any; (3) it assumes facts (*i.e.*, that redemption was
27 discussed by Stephen A. Wynn, March Rubinstein, and Mr. Okada); (4) it is unduly burdensome
28 to the extent it seeks documents already in Defendants' (or their agents') possession, custody or

1 control; (5) to the extent this Request seeks records other than those of the Company, this Request
2 is not properly directed to Wynn Resorts; and (6) it is objectionable to the extent it seeks
3 information and communications protected by the attorney-client privilege, common interest
4 privilege, the work product doctrine, and/or any other privilege or protection afforded under the
5 law (*e.g.*, it is phrased to seek "all documents," and one of the three named individuals is former
6 general counsel for Wynn Resorts).

7 Subject to and without waiving said objections, Wynn Resorts will produce any
8 discoverable documents responsive to this Request (as Wynn Resorts understands the Request)
9 that are not otherwise privileged or protected, to the extent such documents exist and can be
10 located through a reasonable search and review process. Discovery is continuing, and Wynn
11 Resorts reserves the right to supplement this response as discovery continues.

12 **REQUEST FOR PRODUCTION NO. 89:**

13 All Documents concerning Stephen A. Wynn, Wynn Macau, or WRL's obtaining the
14 Macau land interest and license, including but not limited to any Communications with
15 consultants, finders, bankers, lobbyists, middlemen, or intermediaries of any type.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 89:**

17 Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents
18 and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, Stephen A.
19 Wynn, Wynn Macau, or WRL's obtaining the Macau land interest and license) and thus is
20 (2) overly broad; (3) unduly burdensome; and (4) not reasonably calculated to lead to the
21 discovery of admissible evidence in this action; (5) it is overly broad and unduly burdensome in
22 scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time (*i.e.*, unlimited); (7) it is a blatant
23 fishing expedition designed to annoy and harass; (8) it seeks confidential and proprietary
24 information (which, again, is unrelated to the claims or defenses in this action and thus is not
25 reasonably calculated to lead to the discovery of admissible evidence in this action); (9) to the
26 extent this Request seeks documents from Wynn Macau, a non-party to this action, a Rule 34
27 request is insufficient to compel the production of this third-party's records and Defendants are
28 required to follow the appropriate legal processes to compel the records of a third party; (10) to

1 the extent the Request seeks documents from Wynn Macau that reside only in Macau, the Request
2 seeks documents containing personal information of third parties protected by the Macau Personal
3 Data Privacy Act; (11) to the extent this Request seeks documents related to the bidding process
4 and tender for the Macau license (which includes land), Wynn Resorts objects based upon
5 Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing gaming
6 concessionaires, operators, and the tender process. Section I, Article 16 provides as follows:
7 "The bidding processes, the documents and data included, as well as all documents and data
8 related to the tender, are confidential and cannot be accessed or consulted by third parties";
9 (12) it is objectionable to the extent it seeks information and communications protected by the
10 attorney-client privilege, common interest privilege, the work product doctrine, and/or any other
11 privilege or protection afforded under the law; and (13) it is unduly burdensome and harassing
12 because it is duplicative of and/or overlaps with requests Defendants already propounded
13 (to which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 51) and
14 duplicative of and/or overlaps with multiple other requests herein (*e.g.*, Request Nos. 89, 118,
15 119, 120, 122, 122, 128-135, 137-139, 141-149).

16 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
17 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
18 admissible evidence in relation to any allegation or defense and/or a court order compels the
19 production after a finding of discoverability.

20 **REQUEST FOR PRODUCTION NO. 90:**

21 All Documents concerning the admission or potential admission of Steve Marnell or
22 John Moran as members of the LLC.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 90:**

24 Wynn Resorts objects to this Request on the following grounds: (1) it seeks non-
25 discoverable/irrelevant documents and information neither related nor relevant to the subject
26 matter of this action, nor any claim or defense asserted in this action, and thus (2) is overly broad;
27 (3) unduly burdensome, and (4) not reasonably calculated to lead to the discovery of admissible
28 evidence. The Request also (5) is overly broad and unduly burdensome in scope in that it seeks

1 "[a]ll Documents . . . ; (6) it is an improper and invasive fishing expedition into other individuals
2 and designed only to annoy and harass; and (7) it is objectionable to the extent it seeks
3 information and documents protected by the attorney-client privilege, common interest privilege,
4 work product doctrine, and/or any other privilege or protection afforded under the law.

5 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
6 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
7 admissible evidence in relation to any allegation or defense and/or a court order compels the
8 production after a finding of discoverability.

9 **REQUEST FOR PRODUCTION NO. 91:**

10 All Documents concerning Communications with banks, investors, or other third parties
11 concerning the necessity of the Third Amended Operating Agreement and its contents, including
12 but not limited to the redemption provisions per ¶ 20.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 91:**

14 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
15 that it twice seeks "[a]ll Documents . . . ," (2) it is overly broad in that it "[a]ll Documents
16 concerning Communications. . . " by any person or entity with various and any third parties
17 concerning the "necessity" of the Third Amended Operating Agreement; (3) it is overly broad
18 (*i.e.*, unlimited) in time; and thus (4) it is not reasonably calculated to lead to the discovery of
19 admissible evidence in this action. The Request also (5) is unduly burdensome to the extent it
20 seeks documents already in Defendants' (or their agents') possession, custody or control; (6) the
21 term "necessity" is undefined and, under the circumstances, vague and ambiguous, requiring
22 speculation as to its intended meaning; and (7) it is objectionable to the extent it seeks
23 information and communications protected by the attorney-client privilege, common interest
24 privilege, the work product doctrine, and/or any other privilege or protection afforded under the
25 law.

26 Subject to and without waiving said objections, Wynn Resorts responds as follows:
27 Wynn Resorts will produce any discoverable documents that are not otherwise privileged or
28 protected related to the redemption provisions in the Third Amended Operating Agreement, to the

1 extent such documents exist and can be located through a reasonable search and review process.
2 If, however, the Okada Parties are seeking specific documents or communications that they
3 believe exist with a particular third party, the Okada Parties must clarify this Request to state such
4 a request with particularity. Discovery is continuing, and Wynn Resorts reserves the right to
5 supplement this response as discovery continues.

6 **REQUEST FOR PRODUCTION NO. 92:**

7 All Documents concerning Communications with the Aruze Parties concerning the Third
8 Amended Operating Agreement, including but not limited to the redemption provisions per ¶ 20.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 92:**

10 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad
11 (*i.e.*, unlimited) in time; (2) it is unduly burdensome to the extent this Request seeks
12 Wynn Resorts to produce copies of communications already in Defendants' (or their agents')
13 possession, custody, or control; (3) it is overly broad in scope in that it seeks "[a]ll Documents"
14 that "concern" or relate to the Okada Parties and the Third Amended Operating Agreement,
15 "including but not limited to the redemption provision. . . ." This Request also (4) is
16 objectionable to the extent it seeks information and communications protected by the attorney-
17 client privilege, common interest privilege, work product doctrine, and/or any other privilege or
18 protection afforded under the law; and (5) is unduly burdensome and harassing to the extent it is
19 duplicative or overlapping all or in part with other of the Okada Parties' Requests
20 (*e.g.*, Request No. 91).

21 Subject to and without waiving said objections, Wynn Resorts responds as follows:
22 Wynn Resorts will produce any discoverable documents that are not otherwise privileged or
23 protected related to the redemption provisions in the Third Amended Operating Agreement, to the
24 extent such documents exist and can be located through a reasonable search and review process.
25 If, however, the Okada Parties are seeking specific documents or communications that they
26 believe exist, the Okada Parties must clarify this Request to state such a request with particularity.
27 Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as
28 discovery continues.

REQUEST FOR PRODUCTION NO. 93:

All Documents concerning actions taken by Stephen A. Wynn as attorney-in-fact under ¶ 14 of the Third Amended Operating Agreement, including but not limited to:

- a) Documents concerning any actions taken by Stephen A. Wynn pursuant to ¶ 12 of the Third Amended Operating Agreement;
- b) Documents concerning financing under ¶ 12(e)-(g) and any other financing efforts for the Macau project; and
- c) Documents concerning ¶ 14 and powers thereunder.

RESPONSE TO REQUEST FOR PRODUCTION NO. 93:

Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in scope in that it seeks "[a]ll Documents. . ."; (2) it is overly broad in scope because the Request is not connected, relevant, or related to the subject matter of this action, nor any claim or defense asserted in this action; thus it is (3) unduly burdensome; and (4) not reasonably calculated to lead to the discovery of admissible evidence in this action. (5) The Request, and its corresponding sub-parts, is overly broad and unduly burdensome in scope as it essentially seeks all documents related to actions that Stephen A. Wynn may have taken, pursuant to the authority expressly granted in both ¶¶ 12 and 14 of the Third Operating Agreement (a document executed by the Okada Parties), related to a number of subject matters and acts that are not at all relevant nor related to the subject matter of this action, or any claim or defense asserted in this action. (6) The Request is overly broad and unduly burdensome in that it essentially seeks, among other things, all documents that relate to and/or lead up to Wynn Resorts initial public offering; (7) it is unduly burdensome to the extent it seeks documents already in Defendants' possession through this action and/or the writ proceeding; (8) to the extent this Request seeks documents related to the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as follows: "The bidding processes, the documents and data included, as well as all documents and data related to the tender, are confidential and cannot be accessed or consulted by third parties . . .

1 ."; and (9) is objectionable to the extent it seeks information and documents protected by the
2 attorney-client privilege, common interest privilege, work product doctrine, and/or any other
3 privilege or protection afforded under the law.

4 Subject to and without waiving said objections, Wynn Resorts responds as follows:
5 Wynn Resorts will produce any discoverable documents that are not otherwise privileged or
6 protected that are responsive to this Request as it relates to ¶ 14 of the Third Amended Operating
7 Agreement, to the extent such documents exist and can be located through a reasonable search
8 and review process. However, due to its over breadth as drafted, Wynn Resorts will not respond
9 or produce any documents related to ¶ 12 (or any of its subparts) unless and until Defendants
10 clarify and/or demonstrate how the Request (and/or any of its subparts) is/are reasonably
11 calculated to lead to the discovery of admissible evidence in relation to any allegation or defense
12 and/or a court order compels the production after a finding of discoverability. Discovery is
13 continuing, and Wynn Resorts reserves the right to supplement this response as discovery
14 continues.

15 **REQUEST FOR PRODUCTION NO. 94:**

16 All Documents concerning the exercise of the power of attorney granted in Part 2(c) of the
17 Stockholders Agreement, including but not limited to Documents concerning the incorporation,
18 IPO, or other structuring or organization of WRL.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 94:**

20 Wynn Resorts objects to this Request on the following grounds: (1) it is confusing, vague,
21 and ambiguous inasmuch as the term "Stockholders Agreement," as defined by the Okada Parties
22 includes seven different documents, including, among other documents, an original agreement,
23 and amendment to the agreement, and an amended and restated agreement. The original and the
24 amended and restated "Stockholders Agreement[s]" contain two different provisions as their
25 respective ¶ 2(c), rendering this Request confusing and ambiguous; (2) the term "Stockholders
26 Agreement" as defined by the Okada Parties is further confusing because it is defined as "any and
27 all agreements entered into by and between Stephen A. Wynn and/or Elaine P. Wynn as
28 shareholders of WRL," and fails to acknowledge that Aruze USA entered into the agreements.

1 Therefore, the term, as defined, is vague and ambiguous, especially as it relates to this Request
2 inasmuch as ¶ 2(c) of the original agreement (which Mr. Okada signed) concerns a covenant by
3 Aruze. The Request also (3) is also overly broad in time (*i.e.*, unlimited); (4) overly broad in
4 scope (*e.g.*, "[a]ll Documents. . ."); (5) overly broad and unduly burdensome in that it essentially
5 seeks, among other things, all documents that relate to and/or lead up to Wynn Resorts initial
6 public offering; (6) it is unduly burdensome to the extent it seeks documents already in
7 Defendants' possession through this action and/or the writ proceeding; and (7) is objectionable to
8 the extent it seeks information and documents protected by the attorney-client privilege, common
9 interest privilege, work product doctrine, and/or any other privilege or protection afforded under
10 the law.

11 Subject to and without waiving said objections, Wynn Resorts responds as follows:
12 Wynn Resorts will produce any discoverable documents that are not otherwise privileged or
13 protected that are responsive to this Request, to the extent such documents exist and can be
14 located through a reasonable search and review process.

15 **REQUEST FOR PRODUCTION NO. 95:**

16 All Documents concerning the options and any other rights granted to Marc Schorr or
17 Kenneth Wynn or related entities under Part 3(b) of the Stockholders Agreement, including but
18 not limited to Documents or Communications related to the exercise or potential exercise of those
19 rights or options.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 95:**

21 Wynn Resorts objects to this Request on the following grounds: (1) it is confusing, vague,
22 and ambiguous inasmuch as the term "Stockholders Agreement," as defined by the Okada Parties
23 includes seven different documents, including, among other documents, an original agreement,
24 and amendment to the agreement, and an amended and restated agreement. The original and the
25 amended and restated "Stockholders Agreement[s]" contain two different provisions as their
26 respective ¶ 3(b), rendering this Request confusing and ambiguous; (2) the term "Stockholders
27 Agreement" as defined by the Okada Parties is further confusing because it is defined as "any and
28 all agreements entered into by and between Stephen A. Wynn and/or Elaine P. Wynn as

shareholders of WRL," and fails to acknowledge that Aruze USA entered into the agreements. Therefore, the term, as defined, is vague and ambiguous, requiring speculation as to the intended meaning. (3) The term "related entities" is vague and ambiguous, requiring speculation as to its intended meaning. In addition, the Request (4) is overly broad in scope in that it seeks "[a]ll Documents. . ."; (5) is overly broad in scope because the Request is not connected, relevant, or related to the subject matter of this action, nor any claim or defense asserted in this action. Specifically, the options that Mr. Wynn granted Marc D. Schorr and Kenneth R. Wynn have no connection to the subject matter of this action. Thus, the Request is (6) unduly burdensome; and (7) not reasonably calculated to lead to the discovery of admissible evidence in this action. Rather, (8) the Request is an invasive fishing expedition designed to annoy and harass. (9) To the extent this Request seeks records other than those of the Company, this Request is not properly directed to Wynn Resorts. The Request also (10) seeks confidential, sensitive, commercial and/or financial information (again, which is unrelated to the subject matter of the action), including that of third parties; (11) is unduly burdensome to the extent it seeks documents already in Defendants' possession, custody, or control (or that of their agents); (12) it is unduly burdensome and harassing to the extent it overlaps with other requests the Okada Parties propounded (to which Wynn Resorts already responded) (*e.g.*, Request No. 57); and (13) is objectionable to the extent it seeks information and documents protected by the attorney-client privilege, common interest privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

In light of the foregoing, Wynn Resorts will not respond to this Request unless and until Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of admissible evidence in relation to any allegation or defense and/or a court order compels the production after a finding of discoverability.

REQUEST FOR PRODUCTION NO. 96

All Documents concerning any Investigation, research, or discussion of the suitability, license-ability, gaming problem, or any related concerns of Marc Schorr or Kenneth Wynn before granting the rights or options described in Request 95 or before the exercise or potential exercise of those rights and options, or at any other time.

RESPONSE TO REQUEST FOR PRODUCTION NO. 96

Wynn Resorts objects to this Request on the following grounds: (1) Inasmuch as this Request incorporates or refers to Request No. 95, Wynn Resorts incorporates its objections to Request No. 95 as though fully restated herein; (2) the terms "research," "gaming problem," and "potential exercise" are undefined, vague and ambiguous, requiring speculation as to their intended meanings; (3) it assumes facts; (4) it is overly broad in time (*i.e.*, unlimited); (5) it is overly broad in scope in that it seeks "[a]ll Documents. . ."; (6) it is overly broad in scope because the Request is not connected, relevant, or related to the subject matter of this action, nor any claim or defense asserted in this action. Specifically, the options that Mr. Wynn granted Marc D. Schorr and Kenneth R. Wynn have no connection to the subject matter of this action. Thus, the Request is (7) unduly burdensome; and (8) not reasonably calculated to lead to the discovery of admissible evidence in this action. Rather, (9) the Request is an invasive fishing expedition designed to annoy and harass. (10) To the extent this Request seeks records other than those of the Company, this Request is not properly directed to Wynn Resorts. The Request also (11) seeks confidential, sensitive, commercial and/or financial information (again, which is unrelated to the subject matter of the action), including that of third parties; (12) is unduly burdensome to the extent it seeks documents already in Defendants' possession, custody, or control (or that of their agents); and (13) is objectionable to the extent it seeks information and documents protected by the attorney-client privilege, common interest privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

In light of the foregoing, Wynn Resorts will not respond to this Request unless and until Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of admissible evidence in relation to any allegation or defense and/or a court order compels the production after a finding of discoverability.

REQUEST FOR PRODUCTION NO. 97:

All Documents concerning Communications with the Aruze Parties concerning the Buy-Sell Agreement, its terms, and its termination.

RESPONSE TO REQUEST FOR PRODUCTION NO. 97:

Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad (*i.e.*, unlimited) in time; (2) it is overly broad in scope in that it seeks "[a]ll Documents" that "concern[]" or relate to the Okada Parties and the Buy-Sell Agreement, and thus (3) it is not reasonably calculated to lead to the discovery of admissible evidence. This Request also (4) is unduly burdensome to the extent this Request seeks Wynn Resorts to produce copies of communications already in Defendants' (or their agents') possession, custody, or control; (5) to the extent this Request seeks records other than those of the Company (since the Company is not a party to the Buy-Sell Agreement), this Request is not properly directed to Wynn Resorts; (6) is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, work product doctrine, and/or any other privilege or protection afforded under the law; and (7) is unduly burdensome and harassing to the extent it is duplicative of or overlaps with all or part of the Okada Parties' other many Requests (*e.g.*, Request No. 98).

Subject to and without waiving said objections, Wynn Resorts responds as follows: Wynn Resorts will produce any discoverable documents responsive to this Request (as Wynn Resorts understands the Request) that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process. If, however, the Okada Parties are seeking specific documents or communications that they believe exist with a particular third party, the Okada Parties must clarify this Request to state such a request with particularity. Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 98:

All Documents concerning a suggestion, requirement, or necessity for the Buy-Sell Agreement, including but not limited to any Documents concerning Communications with bankers, investors, financiers, WRL Board members, Counterdefendants, or other parties.

RESPONSE TO REQUEST FOR PRODUCTION NO. 98:

Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad and unduly burdensome as it essentially seeks "[a]ll Documents" and "any Documents concerning Communications" by any person or entity with various and then any third-parties concerning the Buy-Sell Agreement; (2) it is vague and ambiguous as to what exactly the Okada Parties are seeking via this Request. The terms or phrases "suggestion . . . for the Buy-Sell Agreement," "necessity" and "other parties" are undefined and, under the circumstances, vague and ambiguous, requiring speculation as to their intended meanings; (3) it is overly broad (*i.e.*, unlimited) in time; and thus (4) it is not reasonably calculated to lead to the discovery of admissible evidence in this action. The Request also (5) is unduly burdensome to the extent it seeks documents already in Defendants' (or their agents') possession, custody or control; (6) to the extent this Request seeks records other than those of the Company (since the Company is not a party to the Buy-Sell Agreement), this Request is not properly directed to Wynn Resorts; and (7) the Request is objectionable to the extent it seeks information and documents protected by the attorney-client privilege, common interest privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

Subject to and without waiving said objections, Wynn Resorts responds as follows: Wynn Resorts will produce any discoverable documents responsive to this Request (as Wynn Resorts understands the Request) that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process. If, however, the Okada Parties are seeking specific documents or communications that they believe exist with a particular "party," the Okada Parties must clarify this Request to state such a request with particularity. Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 99:

Any Documents concerning, during the pendency of the Buy-Sell Agreement, a potential "licensing event" as defined in the Buy-Sell Agreement as "(i) a recommendation by the Nevada State Gaming Control Board to the Nevada Gaming Commission that the applications of

1 Aruze Parent, Aruze, and/or Okada be denied, or that Aruze Parent, Aruze, and/or Okada be
2 found unsuitable; (ii) a vote by the Nevada Gaming Commission to deny the applications of
3 Aruze Parent, Aruze, and/or Okada, or to find Aruze Parent, Aruze, and/or Okada unsuitable;
4 (iii) a request for withdrawal of applications by Aruze Parent, Aruze, and/or Okada in respect of
5 the Company; or (iv) failure of Aruze Parent, Aruze and/or Okada to file all necessary
6 applications in respect of the Company within 90 days after the filing of the application by the
7 Company."

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 99:**

9 Wynn Resorts objects to this Request on the following grounds: (1) it is unduly
10 burdensome to the extent it seeks documents in Defendants' possession, custody, or control (or
11 that of their agents); (2) to the extent this Request seeks records other than those of the Company
12 (since Wynn Resorts was not a party to the Buy-Sell Agreement), this Request is not properly
13 directed to Wynn Resorts; (3) it is vague and ambiguous as to the phrase "during the pendency of
14 the Buy-Sell Agreement" in light of the previous filings in this action; and (4) it is objectionable
15 to the extent it seeks information and documents protected by the attorney-client privilege,
16 common interest privilege, work product doctrine, and/or any other privilege or protection
17 afforded under the law.

18 Subject to and without waiving said objections, Wynn Resorts will produce any
19 discoverable documents responsive to this Request (as Wynn Resorts understands the Request)
20 that are not otherwise privileged or protected, to the extent such documents exist and can be
21 located through a reasonable search and review process. Discovery is continuing, and
22 Wynn Resorts reserves the right to supplement this response as discovery continues.

23 **REQUEST FOR PRODUCTION NO. 100:**

24 All Documents concerning shares held in escrow under the Buy-Sell Agreement.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 100:**

26 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
27 time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents . . ."); (3) it seeks
28 documents and information unrelated to the subject matter of this action and unrelated to any

1 claim or defense asserted in this action (*e.g.*, there is no dispute or allegation related to the shares
2 being held in escrow), and thus (4) it is overly broad; (5) unduly burdensome, and (6) not
3 reasonably calculated to lead to the discovery of admissible evidence in this action. The Request
4 also (7) is unduly burdensome to the extent it seeks documents already in Defendants' possession,
5 custody, or control (or that of their agents); (8) to the extent this Request seeks records other than
6 those of the Company (since Wynn Resorts was not a party to the Buy-Sell Agreement), this
7 Request is not properly directed to Wynn Resorts; and (9) is objectionable to the extent it seeks
8 information and documents protected by the attorney-client privilege, common interest privilege,
9 work product doctrine, and/or any other privilege or protection afforded under the law.

10 Subject to and without waiving said objections, Wynn Resorts will produce any
11 discoverable documents responsive to this Request (as Wynn Resorts understands the Request)
12 that are not otherwise privileged or protected, to the extent such documents exist and can be
13 located through a reasonable search and review process. Discovery is continuing, and
14 Wynn Resorts reserves the right to supplement this response as discovery continues.

15 **REQUEST FOR PRODUCTION NO. 101:**

16 All Documents concerning the creation and use of the power of attorney contained in the
17 Third Amendment to the Operating Agreement as it applies to and was carried over into the
18 Contribution Agreement, including but not limited to any notice provided by Stephen A. Wynn to
19 the other members before or after its exercise.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 101:**

21 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
22 scope in that it seeks "[a]ll Documents. . ."; (2) it is vague and ambiguous as to what documents
23 the Okada Parties are actually seeking via this Request; (3) the phrase "creation . . . of the power
24 of attorney" is undefined, vague and ambiguous, requiring speculation as to its intended meaning;
25 (4) it is vague, ambiguous, unintelligible and overbroad in seeking "[a]ll Documents concerning
26 the . . . use of the power of attorney . . . carried over into the Contribution Agreement;" (5) it is
27 unduly burdensome to the extent it seeks documents already in Defendants' possession through
28 this action and/or the writ proceeding; (6) it is unduly burdensome to the extent it seeks

documents in Defendants' possession, custody, or control (or that of their agents); (7) it assumes facts and obligations; and (8) is objectionable to the extent it seeks information and documents protected by the attorney-client privilege, common interest privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

Subject to and without waiving said objections, Wynn Resorts will produce discoverable documents responsive to this Request (as Wynn Resorts understands the Request) that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 102:

All Documents concerning the assignment of membership interests as anticipated in paragraph 2 of the Contribution Agreement and carried out in the Assignment of Interest.

RESPONSE TO REQUEST FOR PRODUCTION NO. 102:

Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in scope in that it seeks "[a]ll Documents. . ."; (2) it is vague and ambiguous as to what documents the Okada Parties are actually seeking via this Request; (3) it is unduly burdensome to the extent it seeks documents already in Defendants' possession through this action and/or the writ proceeding; (4) it is unduly burdensome to the extent it seeks documents in Defendants' possession, custody, or control (or that of their agents); (5) it is unduly burdensome and harassing to the extent it overlaps with other requests propounded by the Okada Parties (to which Wynn Resorts already responded) (*e.g.*, Request No. 57); and (6) it is objectionable to the extent it seeks information and documents protected by the attorney-client privilege, common interest privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

Subject to and without waiving said objections, Wynn Resorts will produce any discoverable documents responsive to this Request (as Wynn Resorts understands the Request) that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 103:

All Documents concerning the Kenneth R. Wynn Family Trust transaction contained in the Contribution Agreement and referred to as the "KRW Transaction," including but not limited to whether that transaction occurred, its terms, any determinations as to suitability or license-ability made in association therewith, and any side agreements related to that transaction.

RESPONSE TO REQUEST FOR PRODUCTION NO. 103:

Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) is overly broad in scope because the Request is not connected, relevant, or related to the subject matter of this action, nor any claim or defense asserted in this action. Specifically, the "Kenneth R. Wynn Family Trust transaction") have no connection to the subject matter of this action. Thus, the Request is (4) unduly burdensome; and (5) not reasonably calculated to lead to the discovery of admissible evidence in this action. Rather, (6) the Request is an invasive fishing expedition designed to annoy and harass. The Request also (7) assumes facts; (8) seeks confidential, sensitive, commercial and/or financial information (again, which is unrelated to the subject matter of the action), including that of third parties; (9) is unduly burdensome to the extent it seeks documents already in Defendants' possession, custody, or control (or that of their agents); and (10) is objectionable to the extent it seeks information and documents protected by the attorney-client privilege, common interest privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

In light of the foregoing, Wynn Resorts will not respond to this Request unless and until Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of admissible evidence in relation to any allegation or defense and/or a court order compels the production after a finding of discoverability.

REQUEST FOR PRODUCTION NO. 104:

All Documents concerning the Aruze Parties' express written consent to the changes the Amended and Restated Articles of Incorporation made to the transfer restrictions or other terms of the Shareholders' Agreement or Contribution Agreement.

RESPONSE TO REQUEST FOR PRODUCTION NO. 104:

Wynn Resorts objects to this Request on the following grounds: (1) the term "Shareholders' Agreement," although capitalized and appearing to be a defined term, is undefined, vague and ambiguous, requiring speculation as to its intended meaning; (2) to the extent the Okada Parties intended to refer to the "Stockholders Agreement," the Request is confusing, vague, and ambiguous inasmuch as the term "Stockholders Agreement," as defined by the Okada Parties, includes seven different documents, including, among other documents, an original agreement, and amendment to the agreement, and an amended and restated agreement; (3) the term "Stockholders Agreement" as defined by the Okada Parties is further confusing because it is defined as "any and all agreements entered into by and between Stephen A. Wynn and/or Elaine P. Wynn as shareholders of WRL," and fails to acknowledge that Aruze USA entered into the agreements. The Request also (4) is also overly broad in time (*i.e.*, unlimited); (5) overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (6) unduly burdensome to the extent it seeks documents already in Defendants' possession through this action and/or the writ proceeding; (7) is unduly burdensome to the extent it seeks documents already in Defendants' possession, custody, or control (or that of their agents); (8) assumes facts and obligations; and (9) is objectionable to the extent it seeks information and documents protected by the attorney-client privilege, common interest privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

Subject to and without waiving said objections, Wynn Resorts responds as follows: Wynn Resorts will produce any discoverable documents responsive to this Request (as Wynn Resorts understands the Request) that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process.

REQUEST FOR PRODUCTION NO. 105:

All Documents concerning WRL's initial Articles of Incorporation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 105:

Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in time (*i.e.*, unlimited); (2) overly broad in scope (*e.g.*, "[a]ll Documents . . ."); (3) it is overly broad

1 in scope in that it asks for all and any documents in any way related to the initial Articles of
2 Incorporation, without regard to any allegation, claim or defense that would narrow such an
3 overly broad Request; (4) due to the over breadth, this Request is unduly burdensome, and (5) not
4 reasonably calculated to lead to the discovery of admissible evidence in this action. The Request
5 also (6) is unduly burdensome to the extent it seeks documents already in Defendants' possession
6 through this action and/or the writ proceeding; (7) it is unduly burdensome to the extent it is
7 duplicative of and/or overlaps with other requests propounded by the Okada Parties (to which
8 Wynn Resorts previously responded) (*e.g.*, Request No. 57); and (8) is objectionable to the extent
9 it seeks information and documents protected by the attorney-client privilege, common interest
10 privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

11 Subject to and without waiving said objections, Wynn Resorts responds as follows:
12 Wynn Resorts will produce any discoverable documents that are not otherwise privileged or
13 protected that are responsive to this Request, to the extent such documents exist and can be
14 located through a reasonable search and review process.

15 **REQUEST FOR PRODUCTION NO. 106:**

16 All Documents concerning:

- 17 (a) the transition from the original Articles of Incorporation to the Restated and
18 Amended Articles of Incorporation; and
19 (b) from the Restated and Amended Articles of Incorporation to the Second Amended
20 and Restated Articles of Incorporation,

21 including but not limited to the addition of Section VII as it appears in the Amended and Second
22 Amended Articles.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 106:**

24 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
25 time (*i.e.*, unlimited); (2) overly broad in scope (*e.g.*, "[a]ll Documents . . ."); (3) it is vague and
26 ambiguous with respect to what is meant by "the transition" between the referenced versions of
27 the Articles of incorporation; (4) it is overly broad in scope in that it asks for all and any
28 documents in any way related to any and all provisions in three separate documents, without

1 regard to any allegation, claim or defense that would narrow such an overly broad Request. In
2 fact, the Okada Parties specifically expanded the Request so as to include documents unrelated to
3 any claim or request (i.e., "including but not limited to the addition to Section VII [the redemption
4 provision]. . . ."); (5) due to the over breadth, this Request is unduly burdensome, and (6) not
5 reasonably calculated to lead to the discovery of admissible evidence in this action. The Request
6 also (7) is unduly burdensome to the extent it seeks documents already in Defendants' possession
7 through this action and/or the writ proceeding; (8) it is unduly burdensome to the extent it is
8 duplicative of and/or overlaps with other requests propounded by the Okada Parties (to which
9 Wynn Resorts previously responded) (*e.g.*, Request Nos. 57, 105); and (9) is objectionable to the
10 extent it seeks information and documents protected by the attorney-client privilege, common
11 interest privilege, work product doctrine, and/or any other privilege or protection afforded under
12 the law.

13 Subject to and without waiving said objections, Wynn Resorts responds as follows:
14 Wynn Resorts will produce any discoverable documents responsive to this Request (as
15 Wynn Resorts understands the Request) that are not otherwise privileged or protected related to
16 "the addition of Section VII as it appears in the Amended and Second Amended Articles," to the
17 extent such documents exist and can be located through a reasonable search and review process.
18 If, however, the Okada Parties are seeking documents on other subject matters, the Okada Parties
19 must clarify this Request to state such a request with particularity. Discovery is continuing, and
20 Wynn Resorts reserves the right to supplement this response as discovery continues.

21 **REQUEST FOR PRODUCTION NO. 107:**

22 All Documents concerning the necessity of including Section VII as it appears in the
23 Amended and Second Amended Articles.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 107:**

25 Wynn Resorts objects to this Request on the following grounds: (1) it is unduly
26 burdensome and harassing because it is duplicative of and/or overlaps with other Requests
27 propounded by the Okada Parties (*e.g.*, Request Nos. 57, 106, 109); (2) it is overly broad in scope
28 (*e.g.*, "[a]ll Documents. . ."); and (3) it is overly broad (*i.e.*, unlimited) in time; and thus (4) it is

1 not reasonably calculated to lead to the discovery of admissible evidence in this action. The
2 Request also (5) is unduly burdensome to the extent it seeks documents already in Defendants' (or
3 their agents') possession, custody or control; (6) the term "necessity" is undefined and, under the
4 circumstances, vague and ambiguous, requiring speculation as to its intended meaning; (7) it is
5 confusing, vague, and ambiguous as to what the Okada Parties are actually seeking via this
6 Request; and (8) it is objectionable to the extent it seeks information and communications
7 protected by the attorney-client privilege, common interest privilege, work product doctrine,
8 and/or any other privilege or protection afforded under the law.

9 Subject to and without waiving said objections, Wynn Resorts will produce any
10 discoverable documents responsive to this Request (as Wynn Resorts understands the Request)
11 that are not otherwise privileged or protected, to the extent such documents exist and can be
12 located through a reasonable search and review process. Discovery is continuing, and
13 Wynn Resorts reserves the right to supplement this response as discovery continues.

14 **REQUEST FOR PRODUCTION NO. 108:**

15 Any Documents concerning the meaning of "good faith" as it appears in Section 7 of
16 Article VII of the Amended and Second Amended Articles, including but not limited to any
17 Documents concerning Communications relating thereto, or concerning whether the redemption
18 of the Aruze Parties' stock was in good faith.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 108:**

20 Wynn Resorts objects to this Request on the following grounds: (1) it is confusing, vague,
21 and ambiguous as to what the Okada Parties are actually seeking via this Request; (2) it is overly
22 burdensome to the extent it seeks documents already in Defendants' possession through this action
23 and/or the writ proceeding; (3) it is unduly burdensome and harassing to the extent it is
24 duplicative of other requests propounded by the Okada Parties (*e.g.*, Request Nos. 57, 106, 107,
25 109); (4) it assumes facts; and (5) it is objectionable to the extent it seeks information and
26 communications protected by the attorney-client privilege, common interest privilege, work
27 product doctrine, and/or any other privilege or protection afforded under the law.

1 Subject to and without waiving said objections, Wynn Resorts will produce any
2 discoverable documents responsive to this Request (as Wynn Resorts understands the Request)
3 that are not otherwise privileged or protected, to the extent such documents exist and can be
4 located through a reasonable search and review process. Discovery is continuing, and
5 Wynn Resorts reserves the right to supplement this response as discovery continues.

6 **REQUEST FOR PRODUCTION NO. 109:**

7 All Documents concerning the reasons for or necessity of the changes to the Articles from
8 the original to the Restated and Second Restated Articles of Incorporation, including but not
9 limited to Article III, IV, V, and VII of the Amended and Second Amended articles.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 109:**

11 Wynn Resorts objects to this Request on the following grounds: (1) it is unduly
12 burdensome and harassing because it is duplicative of and/or overlaps with other Requests
13 propounded by the Okada Parties (*e.g.*, Request Nos. 57, 106, 107); (2) it is overly broad
14 (*i.e.*, unlimited) in time; (3) overly broad in scope (*e.g.*, "[a]ll Documents. . ."); and (4) overly
15 broad in scope in that it seeks documents from four broad provisions of the articles without regard
16 to any claim or defense in this action. It is thus (5) unduly burdensome; and (6) not reasonably
17 calculated to lead to the discovery of admissible evidence in this action. The Request also (7) is
18 unduly burdensome to the extent it seeks documents already in Defendants' (or their agents')
19 possession, custody or control; (8) the term "necessity" is undefined and, under the circumstances,
20 vague and ambiguous, requiring speculation as to its intended meaning; (9) it is confusing, vague,
21 and ambiguous as to what the Okada Parties are actually seeking via this Request; and (10) it is
22 objectionable to the extent it seeks information and communications protected by the attorney-
23 client privilege, common interest privilege, work product doctrine, and/or any other privilege or
24 protection afforded under the law.

25 Subject to and without waiving said objections, Wynn Resorts will produce any
26 discoverable documents responsive to this Request (as Wynn Resorts understands the Request)
27 that are not otherwise privileged or protected, to the extent such documents exist and can be
28

1 located through a reasonable search and review process. Discovery is continuing, and
2 Wynn Resorts reserves the right to supplement this response as discovery continues.

3 **REQUEST FOR PRODUCTION NO. 110:**

4 To the extent not called for by any of the requests above: All Documents concerning the
5 negotiation, drafting, and execution of the

- 6 a) Term Sheet;
- 7 b) Operating Agreement
- 8 c) Buy-Sell Agreement;
- 9 d) Assignment of Interest; and
- 10 e) The IPO if the Doc also concerns the Aruze Parties,

11 including but not limited to all Documents concerning Communications concerning such
12 Documents with the Aruze Parties, Baron, WRL, Stephen A. Wynn, and any third parties.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 110:**

14 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad
15 (*i.e.*, unlimited) in time; (2) it is overly broad in scope (*e.g.*, it seeks "[a]ll Documents. . ."; (3) it is
16 also overly broad in scope in that it seeks "[a]ll Documents concerning the negotiation, drafting,
17 and execution. . ." of four separate corporate documents *and* the IPO *and* "[a]ll Documents
18 concerning Communications" with anyone, including "any third parties" regarding these
19 documents, without any attempt to connect or narrow the Request to the subject matter of this
20 action or to any claim or defense asserted in this action, and thus (4) it is unduly burdensome; and
21 (5) it is not reasonably calculated to lead to the discovery of admissible evidence in this action;
22 (6) it is vague and ambiguous as to what is meant by the Request for documents related to the IPO
23 "if the Doc also concerns the Aruze Parties," requiring speculation as to its intended, subjective
24 meaning; (7) it is unduly burdensome to the extent it seeks documents already in Defendants'
25 possession, custody, or control (or that of their agents); (8) it is unduly burdensome to the extent
26 all or portions of it are duplicative of and/or overlap with multiple other requests propounded by
27 Defendants; (9) to the extent this Request seeks records other than those of the Company, this
28 Request is not properly directed to Wynn Resorts; and (10) it is objectionable to the extent it

1 seeks information and documents protected by the attorney-client privilege, common interest
2 privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

3 Subject to and without waiving said objections, Wynn Resorts will produce any
4 discoverable documents responsive to this Request (as Wynn Resorts understands the Request)
5 that are not otherwise privileged or protected, to the extent such documents exist and can be
6 located through a reasonable search and review process. Discovery is continuing, and
7 Wynn Resorts reserves the right to supplement this response as discovery continues.

8 **REQUEST FOR PRODUCTION NO. 111:**

9 To the extent not called for by any of the requests above: All Documents concerning
10 non-privileged Communications between or among Stephen A. Wynn's WRL's, and/or any other
11 Counterdefendant's attorneys about or with any Aruze Party (including any representative of any
12 Aruze Party), concerning a business relationship or potential business relationship between an
13 Aruze Party on one hand and Stephen A. Wynn, WRL and/or any other Counterdefendant on the
14 other hand.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 111:**

16 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
17 time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents . . ."); (3) it is also
18 overly broad in scope because it seems to seek documents not relevant or related to the subject
19 matter of this action, or any claim or defense asserted in this action; it thus is (4) unduly
20 burdensome; and (5) not reasonably calculated to lead to the discovery of admissible evidence in
21 this action; (6) it is unduly burdensome because it expressly seeks documents already in
22 Defendants' possession, custody, or control; (7) the terms "business relationship" and "potential
23 business relationship" are vague and ambiguous, requiring speculation as to their intended
24 meanings; and (8) it is unduly burdensome and harassing to the extent it is duplicative of other
25 requests herein (*e.g.*, Request No. 81).

26 Subject to and without waiving said objections, Wynn Resorts will produce any
27 discoverable documents responsive to this Request (as Wynn Resorts understands the Request)
28 that are not otherwise privileged or protected, to the extent such documents exist and can be

1 located through a reasonable search and review process. Discovery is continuing, and
2 Wynn Resorts reserves the right to supplement this response as discovery continues.

3 **REQUEST FOR PRODUCTION NO. 112:**

4 All Documents concerning the spending by WRL, Stephen A. Wynn, or Wynn Macau in
5 Macau and elsewhere that is identified as contributing to the "Macau Reimbursement Amount,"
6 including the ultimate intended recipient of any funds that passed through consultants or other
7 middlemen or intermediaries, and an accounting of how those funds were spent.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 112:**

9 Wynn Resorts objects to this Request on the following grounds: (1) it is unduly
10 burdensome and harassing because it is duplicative of requests Defendants already propounded
11 (to which Wynn Resorts already responded) in this action (*e.g.*, Request No. 2) and a request in
12 the books and records action (Request B), which, when pending, was coordinated with this
13 current action for purposes of discovery; (2) it is overly broad and unduly burdensome in that it
14 seeks "[a]ll Documents . . ."; (3) it seeks documents and information unrelated to the subject
15 matter of this action or to any claim or defense asserted in this action, and thus it is
16 (4) overly broad, (5) unduly burdensome, and (6) not reasonably calculated to lead to the
17 discovery of admissible evidence in this action; (7) it is unduly burdensome to the extent it seeks
18 documents already in Defendants' possession, custody, or control through the writ proceeding and
19 this action; (8) it is overly broad in time (*i.e.*, unlimited); (9) it is a fishing expedition with an
20 improper purpose inasmuch as the request is broader than that made in the writ proceeding
21 (*i.e.*, related to the "Macau Interest") while Okada was a director (though not exercising any
22 duties or responsibilities) but at the same time seeks documents unrelated to a claim or defense in
23 this action; (10) to the extent this Request seeks documents related to the bidding process and
24 tender for the Macau license (which includes land), Wynn Resorts objects based upon
25 Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing gaming
26 concessionaires, operators, and the tender process. Section I, Article 16 provides as follows:
27 "The bidding processes, the documents and data included, as well as all documents and data
28 related to the tender, are confidential and cannot be accessed or consulted by third parties";

1 and (11) it is objectionable to the extent it seeks information and communications protected by the
2 attorney-client privilege, common interest privilege, work product doctrine, and/or any other
3 privilege or protection afforded under the law.

4 Subject to and without waiving said objections, Wynn Resorts incorporates its response to
5 Request No. 2 as though previously restated herein. In addition, Wynn Resorts will produce any
6 additional discoverable documents responsive to this Request (as Wynn Resorts understands
7 the Request) that are not otherwise privileged or protected, to the extent such documents exist and
8 can be located through a reasonable search and review process. Discovery is continuing, and
9 Wynn Resorts reserves the right to supplement this response as discovery continues.

10 **REQUEST FOR PRODUCTION NO. 113:**

11 All Documents concerning the creation, founding, funding, incorporation, and
12 membership/shareholders of Wynn Macau.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 113:**

14 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
15 time (*i.e.*, unlimited); (2) it is overly broad in scope in that it seeks "[a]ll Documents. . ."; (3) it is
16 overly broad in scope because it seeks any document at all related to six categories of documents
17 related to Wynn Macau, without any effort to describe with specificity what exactly the Okada
18 Parties are fishing/searching for or how it may be related to any claim or defense in this action; it
19 is thus (4) unduly burdensome; and (5) not reasonably calculated to lead to the discovery of
20 admissible evidence; (6) it is also unduly burdensome to the extent it seeks documents already in
21 Defendants' possession, custody, or control through the writ proceeding and this action; (7) it is a
22 fishing expedition with an improper purpose; (8) to the extent this Request seeks documents from
23 Wynn Resorts (Macau) S.A., a non-party to this action, a Rule 34 request is insufficient to compel
24 the production of this third-party's records and Defendants are required to follow the appropriate
25 legal processes to compel the records of a third party; and (9) it is objectionable to the extent it
26 seeks information and communications protected by the attorney-client privilege, common
27 interest privilege, work product doctrine, and/or any other privilege or protection afforded under
28 the law.

1 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
2 Defendants clarify and/or narrow this Request to describe what exactly the Okada Parties are
3 seeking. Discovery is continuing, and Wynn Resorts reserves the right to supplement this
4 response as discovery continues.

5 **REQUEST FOR PRODUCTION NO. 114:**

6 All Documents concerning Communications with the government of Macau or any
7 Government Official in Macau concerning the licensing, acquisition, concession, or similar grant
8 to WRL, Stephen A. Wynn, Wynn Macau, or any related entities.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 114:**

10 Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents
11 and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, licensing,
12 acquisition, concession, or similar grant to WRL) and thus is (2) overly broad; (3) unduly
13 burdensome; and (4) not reasonably calculated to lead to the discovery of admissible evidence in
14 this action; (5) it is overly broad and unduly burdensome in scope (*e.g.*, "[a]ll Documents . . .");
15 (6) it is overly broad in time (*i.e.*, unlimited); (7) the term "or other similar grant" is vague and
16 ambiguous, requiring speculation as to its intended meaning; (8) it is a blatant fishing expedition
17 designed to annoy and harass; (9) it seeks confidential and proprietary information (which, again,
18 is unrelated to the claims or defenses in this action and thus is not reasonably calculated to lead to
19 the discovery of admissible evidence in this action); (10) to the extent this Request seeks
20 documents from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to
21 compel the production of this third-party's records and Defendants are required to follow the
22 appropriate legal processes to compel the records of a third party; (11) to the extent the Request
23 seeks documents from Wynn Macau that reside only in Macau, the Request seeks documents
24 containing personal information of third parties protected by the Macau Personal Data Privacy
25 Act; (12) to the extent this Request seeks documents related to the bidding process and tender for
26 the Macau license (which includes land), Wynn Resorts objects based upon Macao SAR
27 Law n.º 16/2001, which is Macau's gaming regulatory statute governing gaming concessionaires,
28 operators, and the tender process. Section I, Article 16 provides as follows: "The bidding

processes, the documents and data included, as well as all documents and data related to the tender, are confidential and cannot be accessed or consulted by third parties"; (13) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the law; and (14) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with requests Defendants already propounded (to which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 51), duplicative of and/or overlaps with multiple other requests propounded by the Okada Parties, and is duplicative of and/or overlaps with a request in the books and records action (Request A(2)), which, when pending, was coordinated with this current action for purposes of discovery; and (15) it is unduly burdensome to the extent it seeks documents already in Defendants' possession through the writ proceeding or this action.

In light of the foregoing, and as previously stated in response to Request Nos. 1 and 51, Wynn Resorts will not respond to this Request unless and until Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of admissible evidence in relation to any allegation or defense and/or a court order compels the production after a finding of discoverability.

REQUEST FOR PRODUCTION NO. 115:

All Documents concerning any third parties involved in the Valuation and contribution of the "Macau Interest" or "Macau Reimbursement Amount" as identified in the Third Amended Operating Agreement, including but not limited to those referenced in the Valvino Lamore LLC History of Capital Contribution report dated April 23, 2002.

RESPONSE TO REQUEST FOR PRODUCTION NO. 115:

Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad and/or vague and ambiguous as to what documents and/or information that the Okada Parties are seeking (*e.g.*, "[a]ll Documents concerning third parties involved. . ."); (2) it is unduly burdensome to the extent it is duplicative of other requests that the Okada Parties previously propounded (to which Wynn Resorts previously responded) (*e.g.*, Request No. 2) and other

1 requests herein (*e.g.*, Request No. 112); (3) it is overly broad and unduly burdensome in that it
2 seeks "[a]ll Documents . . ."; (4) it seeks documents and information unrelated to the subject
3 matter of this action or to any claim or defense asserted in this action, and thus it is (5) overly
4 broad, (6) unduly burdensome, and (7) not reasonably calculated to lead to the discovery of
5 admissible evidence in this action; (8) it is unduly burdensome to the extent it seeks documents
6 already in Defendants' possession, custody, or control through the writ proceeding and this action;
7 (9) it is overly broad in time (*i.e.*, unlimited); (10) it is a fishing expedition with an improper
8 purpose inasmuch as the request is broader than that made in the writ proceeding (*i.e.*, related to
9 the "Macau Interest") while Okada was a director (though not exercising any duties or
10 responsibilities) but at the same time seeks documents unrelated to a claim or defense in this
11 action; (11) to the extent this Request seeks documents related to the bidding process and tender
12 for the Macau license (which includes land), Wynn Resorts objects based upon Macao SAR
13 Law n.º 16/2001, which is Macau's gaming regulatory statute governing gaming concessionaires,
14 operators, and the tender process. Section I, Article 16 provides as follows: "The bidding
15 processes, the documents and data included, as well as all documents and data related to the
16 tender, are confidential and cannot be accessed or consulted by third parties. . ."; and (12) it is
17 objectionable to the extent it seeks information and communications protected by the attorney-
18 client privilege, common interest privilege, work product doctrine, and/or any other privilege or
19 protection afforded under the law.

20 Subject to and without waiving said objections, Wynn Resorts incorporates its response to
21 Request No. 2 as though previously restated herein. In addition, Wynn Resorts will produce any
22 additional discoverable documents responsive to this Request (as Wynn Resorts understands the
23 Request) that are not otherwise privileged or protected, to the extent such documents exist and
24 can be located through a reasonable search and review process. Discovery is continuing, and
25 Wynn Resorts reserves the right to supplement this response as discovery continues.

26 **REQUEST FOR PRODUCTION NO. 116:**

27 All Documents concerning Communications by the Managing Member of the LLC where
28 it advanced the expenses to Wynn Macau in the amount of \$327,041 on or about June 17, 2002.

RESPONSE TO REQUEST FOR PRODUCTION NO. 116:

Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents . . ."); (3) it is also overly broad in scope because it seems to seek documents not relevant or related to the subject matter of this action, or any claim or defense asserted in this action; it thus is (4) unduly burdensome; and (5) not reasonably calculated to lead to the discovery of admissible evidence in this action; (6) it is unduly burdensome because it expressly seeks documents already in Defendants' possession, custody, or control through this action and/or the books and records proceeding; and (7) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

Subject to and without waiving said objections, Wynn Resorts will produce any discoverable documents responsive to this Request (as Wynn Resorts understands the Request) that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 117:

All Documents concerning the \$22.5M deposit with the Macau Government that was later reimbursed to Stephen A. Wynn.

RESPONSE TO REQUEST FOR PRODUCTION NO. 117:

Wynn Resorts objects to this Request on the following grounds: (1) it is unduly burdensome and harassing because it is duplicative of requests Defendants already propounded (to which Wynn Resorts already responded) in this action (*e.g.*, Request No. 2) and other requests herein (*e.g.*, Request No. 115); (2) it is overly broad and unduly burdensome in that it seeks "[a]ll Documents . . ."; (3) it seeks documents and information unrelated to the subject matter of this action or to any claim or defense asserted in this action, and thus it is (4) overly broad, (5) unduly burdensome, and (6) not reasonably calculated to lead to the discovery of admissible evidence in this action; (7) it is unduly burdensome to the extent it seeks documents already in Defendants'

1 possession, custody, or control through the writ proceeding and this action; (8) it is overly broad
2 in time (*i.e.*, unlimited); (9) it is a fishing expedition with an improper purpose; (10) to the extent
3 this Request seeks documents related to the bidding process and tender for the Macau license
4 (which includes land), Wynn Resorts objects based upon Macao SAR Law n.º 16/2001, which is
5 Macau's gaming regulatory statute governing gaming concessionaires, operators, and the tender
6 process. Section I, Article 16 provides as follows: "The bidding processes, the documents and
7 data included, as well as all documents and data related to the tender, are confidential and cannot
8 be accessed or consulted by third parties"; and (11) it is objectionable to the extent it seeks
9 information and communications protected by the attorney-client privilege, common interest
10 privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

11 Subject to and without waiving said objections, Wynn Resorts incorporates its response to
12 Request No. 2 as though previously restated herein. In addition, Wynn Resorts will produce any
13 additional discoverable documents responsive to this Request (as Wynn Resorts understands the
14 Request) that are not otherwise privileged or protected, to the extent such documents exist and
15 can be located through a reasonable search and review process. Discovery is continuing, and
16 Wynn Resorts reserves the right to supplement this response as discovery continues.

17 **REQUEST FOR PRODUCTION NO. 118:**

18 All Documents concerning Communications with any Government Official in China or
19 Hong Kong concerning:

- 20 a) the Cotai Land Concession,
21 b) the sub-concession that was awarded to Melco-PBL, or
22 c) the Macau Government's waiver of the complementary tax following the
23 sub-concession transaction,

24 including but not limited to all Documents concerning Communications with Mr. Francis So,
25 Mr. Edmund Ho, Mr. Francis Tam, and Mr. Chui Sai On.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 118:**

27 Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents
28 and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai

1 Land Concession and/or the subconcession to Melco-PBL) and thus is (2) overly broad;
2 (3) unduly burdensome; and (4) not reasonably calculated to lead to the discovery of admissible
3 evidence in this action; (5) it is overly broad and unduly burdensome in scope (*e.g.*, "[a]ll
4 Documents . . ."); (6) it is overly broad in time (*i.e.*, unlimited); (7) it is a blatant fishing
5 expedition designed to annoy and harass; (8) it seeks confidential and proprietary information
6 (which, again, is unrelated to the claims or defenses in this action and thus is not reasonably
7 calculated to lead to the discovery of admissible evidence in this action); (9) to the extent this
8 Request seeks documents from Wynn Macau, a non-party to this action, a Rule 34 request is
9 insufficient to compel the production of this third-party's records and Defendants are required to
10 follow the appropriate legal processes to compel the records of a third party; (10) to the extent the
11 Request seeks documents from Wynn Macau that reside only in Macau, the Request seeks
12 documents containing personal information of third parties protected by the Macau Personal Data
13 Privacy Act; (11) to the extent this Request seeks documents related to the bidding process and
14 tender for the Macau license (which includes land), Wynn Resorts objects based upon Macao
15 SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing gaming
16 concessionaires, operators, and the tender process. Section I, Article 16 provides as follows:
17 "The bidding processes, the documents and data included, as well as all documents and data
18 related to the tender, are confidential and cannot be accessed or consulted by third parties";
19 (12) it is objectionable to the extent it seeks information and communications protected by the
20 attorney-client privilege, common interest privilege, the work product doctrine, and/or any other
21 privilege or protection afforded under the law; and (13) it is unduly burdensome and harassing
22 because it is duplicative of and/or overlaps with requests Defendants already propounded (to
23 which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 51) and duplicative
24 of and/or overlaps with multiple other requests herein (*e.g.*, Request Nos. 89, 119, 120, 122, 122,
25 128-135, 137-139, 141-149).

26 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
27 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
28

admissible evidence in relation to any allegation or defense and/or a court order compels the production after a finding of discoverability.

REQUEST FOR PRODUCTION NO. 119:

All Documents concerning Melco-PLB's owners, principals, agents, shareholders, personnel, or affiliates concerning the sub-concession grant described in Request No. 118.

RESPONSE TO REQUEST FOR PRODUCTION NO. 119:

Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the subconcession to Melco-PBL) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks confidential and proprietary information (which, again, is unrelated to the claims or defenses in this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in this action); (9) to the extent this Request seeks documents from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to compel the production of this third-party's records and Defendants are required to follow the appropriate legal processes to compel the records of a third party; (10) to the extent the Request seeks documents from Wynn Macau that reside only in Macau, the Request seeks documents containing personal information of third parties protected by the Macau Personal Data Privacy Act; (11) to the extent this Request seeks documents related to the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as follows: "The bidding processes, the documents and data included, as well as all documents and data related to the tender, are confidential and cannot be accessed or consulted by third parties"; (12) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the

1 law; and (13) it is unduly burdensome and harassing because it is duplicative of and/or overlaps
2 with requests Defendants already propounded (to which Wynn Resorts already responded) in this
3 action (*e.g.*, Request Nos. 1, 51) and duplicative of and/or overlaps with multiple other requests
4 herein (*e.g.*, Request Nos. 89, 118, 120, 122, 122, 128-135, 137-139, 141-149).

5 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
6 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
7 admissible evidence in relation to any allegation or defense and/or a court order compels the
8 production after a finding of discoverability.

9 **REQUEST FOR PRODUCTION NO. 120:**

10 All Documents concerning any Persons advising on the concession and sub-concession
11 grant described in Request No. 118, including but not limited to any law firms/attorneys, finders,
12 third party consultants, investors, investment banks, and lobbyists.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 120:**

14 Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents
15 and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai
16 Land Concession and/or the subconcession to Melco-PBL) and thus is (2) overly broad;
17 (3) unduly burdensome; and (4) not reasonably calculated to lead to the discovery of admissible
18 evidence in this action; (5) it is overly broad and unduly burdensome in scope (*e.g.*, "[a]ll
19 Documents . . ."); (6) it is overly broad in time (*i.e.*, unlimited); (7) it is a blatant fishing
20 expedition designed to annoy and harass; (8) it seeks confidential and proprietary information
21 (which, again, is unrelated to the claims or defenses in this action and thus is not reasonably
22 calculated to lead to the discovery of admissible evidence in this action); (9) to the extent this
23 Request seeks documents from Wynn Macau, a non-party to this action, a Rule 34 request is
24 insufficient to compel the production of this third-party's records and Defendants are required to
25 follow the appropriate legal processes to compel the records of a third party; (10) to the extent the
26 Request seeks documents from Wynn Macau that reside only in Macau, the Request seeks
27 documents containing personal information of third parties protected by the Macau Personal Data
28 Privacy Act; (11) to the extent this Request seeks documents related to the bidding process and

tender for the Macau license (which includes land), Wynn Resorts objects based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as follows: "The bidding processes, the documents and data included, as well as all documents and data related to the tender, are confidential and cannot be accessed or consulted by third parties"; (12) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the law; and (13) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with requests Defendants already propounded (to which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 51) and duplicative of and/or overlaps with multiple other requests herein (*e.g.*, Request Nos. 89, 118, 119, 122, 122, 128-135, 137-139, 141-149).

In light of the foregoing, Wynn Resorts will not respond to this Request unless and until Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of admissible evidence in relation to any allegation or defense and/or a court order compels the production after a finding of discoverability.

REQUEST FOR PRODUCTION NO. 121:

All Documents concerning any meetings or potential meetings between Chief Executive Edmund Ho and Stephen A. Wynn, including but not limited to any trips by Edmund Ho to Las Vegas or meetings in Edmund Ho's Macau office.

RESPONSE TO REQUEST FOR PRODUCTION NO. 121:

Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) it seeks documents and information unrelated to the subject matter of this action and unrelated to any claim or defense asserted in this action, and thus (4) is overly broad; (5) unduly burdensome, and (6) not reasonably calculated to lead to the discovery of admissible evidence. The Request also (7) is unduly burdensome to the extent it seeks documents already in Defendants' possession through this action and/or the writ proceeding; (8) it is a fishing expedition designed to annoy and

1 harass; (9) to the extent this Request seeks documents from Wynn Macau, a non-party to this
2 action, a Rule 34 request is insufficient to compel the production of this third-party's records and
3 Defendants are required to follow the appropriate legal processes to compel the records of a third
4 party; (10) to the extent the Request seeks documents from Wynn Macau that reside only in
5 Macau, the Request seeks documents containing personal information of third parties protected by
6 the Macau Personal Data Privacy Act; (11) to the extent this Request seeks documents related to
7 the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects
8 based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing
9 gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as
10 follows: "The bidding processes, the documents and data included, as well as all documents and
11 data related to the tender, are confidential and cannot be accessed or consulted by third parties . . .
12 ."; (12) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with
13 other requests propounded by the Okada Parties (*e.g.*, Request No. 6, 8); (13) to the extent this
14 Request seeks records other than those of the Company, this Request is not properly directed to
15 Wynn Resorts; (14) it is objectionable to the extent it seeks information and communications
16 protected by the attorney-client privilege, common interest privilege, the work product doctrine,
17 and/or any other privilege or protection afforded under the law.

18 Subject to and without waiving said objections, Wynn Resorts will produce any
19 discoverable documents responsive to this Request (as Wynn Resorts understands the Request)
20 that are not otherwise privileged or protected, to the extent such documents exist and can be
21 located through a reasonable search and review process. Discovery is continuing, and
22 Wynn Resorts reserves the right to supplement this response as discovery continues.

23 **REQUEST FOR PRODUCTION NO. 122:**

24 All Documents concerning Communications with David Green (Arthur Anderson) and the
25 Casino Concession Tender Committee (including Dr. Jorge Oliveira, Francis Tam,
26 Manuel das Neves, Eric Ho, and each Person's agents, representatives, associates, attorneys, or
27 other Persons purporting to act on each Person's behalf) concerning Stephen A. Wynn, WRL,
28 and/or Wynn Macau's bid and evaluation for the concession described in Request No. 118.

RESPONSE TO REQUEST FOR PRODUCTION NO. 122:

Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time (*i.e.*, unlimited); (7) the term "Casino Concession Tender Committee," though it is capitalized and appears as a defined terms is, in fact, not defined, and is vague and ambiguous, requiring speculation as to its intended meaning; (8) it is a blatant fishing expedition designed to annoy and harass; (9) it seeks confidential and proprietary information (which, again, is unrelated to the claims or defenses in this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in this action); (10) to the extent this Request seeks documents from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to compel the production of this third-party's records and Defendants are required to follow the appropriate legal processes to compel the records of a third party; (11) to the extent the Request seeks documents from Wynn Macau that reside only in Macau, the Request seeks documents containing personal information of third parties protected by the Macau Personal Data Privacy Act; (12) to the extent this Request seeks documents related to the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as follows: "The bidding processes, the documents and data included, as well as all documents and data related to the tender, are confidential and cannot be accessed or consulted by third parties"; (13) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the law; and (14) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with requests Defendants already propounded (to which Wynn Resorts already responded) in this

1 action (*e.g.*, Request Nos. 1, 51) and duplicative of and/or overlaps with multiple other requests
2 herein (*e.g.*, Request Nos. 89, 118, 119, 120, 122, 128-135, 137-139, 141-149).

3 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
4 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
5 admissible evidence in relation to any allegation or defense and/or a court order compels the
6 production after a finding of discoverability.

7 **REQUEST FOR PRODUCTION NO. 123:**

8 All Documents concerning and requests issued by David Green and the Casino
9 Concession Tender Committee.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 123:**

11 Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents
12 and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai
13 Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably
14 calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and
15 unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time
16 (*i.e.*, unlimited); (7) the term "Casino Concession Tender Committee," though it is capitalized and
17 appears as a defined terms is, in fact, not defined, and is vague and ambiguous, requiring
18 speculation as to its intended meaning; (8) it is a blatant fishing expedition designed to annoy and
19 harass; (9) it seeks confidential and proprietary information (which, again, is unrelated to the
20 claims or defenses in this action and thus is not reasonably calculated to lead to the discovery of
21 admissible evidence in this action); (10) to the extent this Request seeks documents from
22 Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to compel the
23 production of this third-party's records and Defendants are required to follow the appropriate legal
24 processes to compel the records of a third party; (11) to the extent the Request seeks documents
25 from Wynn Macau that reside only in Macau, the Request seeks documents containing personal
26 information of third parties protected by the Macau Personal Data Privacy Act; (12) to the extent
27 this Request seeks documents related to the bidding process and tender for the Macau license
28 (which includes land), Wynn Resorts objects based upon Macao SAR Law n.º 16/2001, which is

1 Macau's gaming regulatory statute governing gaming concessionaires, operators, and the tender
2 process. Section I, Article 16 provides as follows: "The bidding processes, the documents and
3 data included, as well as all documents and data related to the tender, are confidential and cannot
4 be accessed or consulted by third parties"; (13) it is objectionable to the extent it seeks
5 information and communications protected by the attorney-client privilege, common interest
6 privilege, the work product doctrine, and/or any other privilege or protection afforded under the
7 law; and (14) it is unduly burdensome and harassing because it is duplicative of and/or overlaps
8 with other requests herein (*e.g.*, Request No. 122).

9 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
10 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
11 admissible evidence in relation to any allegation or defense and/or a court order compels the
12 production after a finding of discoverability.

13 **REQUEST FOR PRODUCTION NO. 124:**

14 All Documents concerning Investigations by regulatory agencies involving alleged
15 irregularities and/or corruption in the 2002 Macau concession tender process.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 124:**

17 Wynn Resorts objects to this Request on the following grounds: (1) it is a fishing
18 expedition designed to annoy and harass; (2) it assumes facts; (3) it is overly broad in time
19 (*i.e.*, unlimited); (4) it is overly broad in scope (*e.g.*, [a]ll Documents. . ."); (5) it is overly broad in
20 scope in that it seeks documents and information without any connection to the subject matter of
21 this action or to any claim or defense asserted in this action, and thus is (6) unduly burdensome
22 and (7) not reasonably calculated to lead to the discovery of admissible evidence; (8) to the extent
23 this Request seeks documents from Wynn Resorts (Macau) S.A., a non-party to this action, a Rule
24 34 request is insufficient to compel the production of this third-party's records and Defendants are
25 required to follow the appropriate legal processes to compel the records of a third party; (9) to the
26 extent this Request seeks documents related to the bidding process and tender for the Macau
27 license (which includes land), Wynn Resorts objects based upon Macao SAR Law n.º 16/2001,
28 which is Macau's gaming regulatory statute governing gaming concessionaires, operators, and the

tender process. Section I, Article 16 provides as follows: "The bidding processes, the documents and data included, as well as all documents and data related to the tender, are confidential and cannot be accessed or consulted by third parties"; (10) to the extent this Request seeks documents by and between the Company and Nevada gaming regulators, the Request seeks documents and communications protected by NRS 463.3407 and NRS 463.120; (11) it is unduly burdensome to the extent it is duplicative of other requests propounded by the Okada Parties (*e.g.*, Request No. 1, 51); and (12) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

In light of the foregoing, Wynn Resorts will not respond to this Request unless and until Defendants demonstrate (1) a good faith basis; and (2) how the Request is reasonably calculated to lead to the discovery of admissible evidence in relation to any allegation or defense and/or a court order compels the production after a finding of discoverability.

REQUEST FOR PRODUCTION NO. 125:

All Documents concerning Communications between Stephen A. Wynn, WRL, or Wynn Macau on the one hand, and Mr. Alan Zeman on the other.

RESPONSE TO REQUEST FOR PRODUCTION NO. 125:

Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) it is overly broad in scope in that it seeks communications, and "all Documents regarding Communications" for an unlimited period of time, without regard to the subject matter of this action, and/or the claims or defenses in this action; thus, the Request is (4) unduly burdensome, and (5) not reasonably calculated to lead to the discovery of admissible evidence. (6) To the extent this Request seeks records other than those of the Company, this Request is not properly directed to Wynn Resorts. (7) To the extent this Request seeks documents from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to compel the production of this third-party's records and Defendants are required to follow the appropriate legal processes to compel the records of a third party. (8) To the extent the Request seeks documents from Wynn Macau that reside only in

1 Macau, the Request seeks documents containing personal information of third parties protected by
2 the Macau Personal Data Privacy Act. And, this Request (9) is objectionable to the extent it seeks
3 information and communications protected by the attorney-client privilege, common interest
4 privilege, the work product doctrine, and/or any other privilege or protection afforded under the
5 law.

6 Subject to and without waiving said objections, Wynn Resorts will produce any
7 discoverable documents responsive to this Request (as Wynn Resorts understands the Request)
8 that are not otherwise privileged or protected related to the Okada Parties, to the extent such
9 documents exist and can be located through a reasonable search and review process. However,
10 Wynn Resorts will not respond beyond this scope unless and until Defendants identify a more
11 narrow scope and/or demonstrate how the Request as propounded is reasonably calculated to lead
12 to the discovery of admissible evidence in relation to any allegation or defense and/or a court
13 order compels the production after a finding of discoverability.

14 **REQUEST FOR PRODUCTION NO. 126:**

15 All Documents concerning Communications between Stephen A. Wynn, WRL, or
16 Wynn Macau on the one hand, and the original shareholders of Wynn Macau on the other, to
17 include: Wong Chi Seng ("CS Wong"), Yani Kwan (aka Kwan Yan Chi), Li Tai Foon, Kwan
18 Yan Ming "Wilson," S.H.W. & Co Ltd, SKKG Ltd, L'Arc de Triomphe Ltd, and Classic
19 Wave Ltd, to include but not limited to Documents concerning Communications concerning the
20 Share Subscription and Shareholders Agreement dated October 15, 2002.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 126:**

22 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
23 time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents . . ."); (3) it is vague
24 and ambiguous as the terms "Share Subscription" and "Shareholders Agreement," although are
25 capitalized and appeared to be defined terms, are not defined and thus vague and ambiguous
26 requiring speculation as to their intended meanings; (4) it is overly broad in scope in that it
27 appears to be seeking documents by and among shareholders in Wynn Macau about agreements
28 that are not related to the subject matter of this action or any claim or defense in this action and

are thus also (5) unduly burdensome; and (6) not reasonably calculated to lead to the discovery of admissible evidence in this action. The Request also (7) is a fishing expedition designed to annoy and harass. (8) To the extent this Request seeks documents from Wynn Resorts (Macau) S.A., a non-party to this action, a Rule 34 request is insufficient to compel the production of this third-party's records and Defendants are required to follow the appropriate legal processes to compel the records of a third party; Further, this Request (9) seeks highly confidential, extremely sensitive, commercial, financial, compliance and/or regulatory information (again, none of which is related to the subject matter of the action), which may include that of third parties unrelated and/or unconnected to this action and the claims/defenses herein; and (10) is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

In light of the foregoing, Wynn Resorts will not respond to this Request unless and until Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of admissible evidence in relation to any allegation or defense and/or a court order compels the production after a finding of discoverability.

REQUEST FOR PRODUCTION NO. 127:

All Documents concerning Communications between Stephen A. Wynn, WRL, or Wynn Macau on the one hand, and Mr. Marc Schorr and/or Ms. Linda Chen on the other, concerning the Cotai Land Concession and related transactions.

RESPONSE TO REQUEST FOR PRODUCTION NO. 127:

Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably calculated to lead to the discovery of admissible evidence in this action; (5) the term/phrase "and related transactions" is undefined, vague and ambiguous, requiring speculation as to its intended meaning; (6) it is overly broad and unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (7) it is overly broad in time (*i.e.*, unlimited); (8) it is a blatant fishing expedition designed to

1 annoy and harass; (9) it seeks confidential and proprietary information (which, again, is unrelated
2 to the claims or defenses in this action and thus is not reasonably calculated to lead to the
3 discovery of admissible evidence in this action); (10) to the extent this Request seeks documents
4 from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to compel the
5 production of this third-party's records and Defendants are required to follow the appropriate legal
6 processes to compel the records of a third party; (11) to the extent the Request seeks documents
7 from Wynn Macau that reside only in Macau, the Request seeks documents containing personal
8 information of third parties protected by the Macau Personal Data Privacy Act; (12) to the extent
9 this Request seeks documents related to the bidding process and tender for the Macau license
10 (which includes land), Wynn Resorts objects based upon Macao SAR Law n.º 16/2001, which is
11 Macau's gaming regulatory statute governing gaming concessionaires, operators, and the tender
12 process. Section I, Article 16 provides as follows: "The bidding processes, the documents and
13 data included, as well as all documents and data related to the tender, are confidential and cannot
14 be accessed or consulted by third parties"; (13) it is objectionable to the extent it seeks
15 information and communications protected by the attorney-client privilege, common interest
16 privilege, the work product doctrine, and/or any other privilege or protection afforded under the
17 law; and (14) it is unduly burdensome and harassing because it is duplicative of and/or overlaps
18 with requests Defendants already propounded (to which Wynn Resorts already responded) in this
19 action (*e.g.*, Request Nos. 1, 51) and duplicative of and/or overlaps with multiple other requests
20 herein (*e.g.*, Request Nos. 89, 118, 119, 120, 122, 128-135, 137-139, 141-149).

21 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
22 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
23 admissible evidence in relation to any allegation or defense and/or a court order compels the
24 production after a finding of discoverability.

25 **REQUEST FOR PRODUCTION NO. 128:**

26 All Documents concerning Communications between Stephen A. Wynn, Mr. Marc Schorr,
27 Ms. Linda Chen, WRL or Wynn Macau on the one hand, and Tien Chiao Entertainment &
28

Investment Co. Ltd.; Chinese Limitada; or any of the owners, principals, agents, shareholders, personnel, or affiliates of either entity on the other.

RESPONSE TO REQUEST FOR PRODUCTION NO. 128:

Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks confidential and proprietary information (which, again, is unrelated to the claims or defenses in this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in this action); (9) to the extent this Request seeks documents from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to compel the production of this third-party's records and Defendants are required to follow the appropriate legal processes to compel the records of a third party; (10) to the extent the Request seeks documents from Wynn Macau that reside only in Macau, the Request seeks documents containing personal information of third parties protected by the Macau Personal Data Privacy Act; (11) to the extent this Request seeks documents related to the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as follows: "The bidding processes, the documents and data included, as well as all documents and data related to the tender, are confidential and cannot be accessed or consulted by third parties"; (12) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the law; and (13) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with requests Defendants already propounded (to which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 51) and

1 duplicative of and/or overlaps with multiple other requests herein (*e.g.*, Request Nos. 89, 118,
2 119, 120, 122, 129-135, 137-139, 141-149).

3 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
4 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
5 admissible evidence in relation to any allegation or defense and/or a court order compels the
6 production after a finding of discoverability.

7 **REQUEST FOR PRODUCTION NO. 129:**

8 All Documents concerning Communications between Stephen A. Wynn, WRL, or
9 Wynn Macau on the one hand, and any Government Official related to the Cotai Land Concession
10 on the other, including but not limited to: Francis So, Finance Secretary Francis Tam, or Land
11 Secretaries Mr. Ao Man Long and Mr. Lau Si You.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 129:**

13 Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents
14 and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai
15 Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably
16 calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and
17 unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time
18 (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks
19 confidential and proprietary information (which, again, is unrelated to the claims or defenses in
20 this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in
21 this action); (9) to the extent this Request seeks documents from Wynn Macau, a non-party to this
22 action, a Rule 34 request is insufficient to compel the production of this third-party's records and
23 Defendants are required to follow the appropriate legal processes to compel the records of a third
24 party; (10) to the extent the Request seeks documents from Wynn Macau that reside only in
25 Macau, the Request seeks documents containing personal information of third parties protected by
26 the Macau Personal Data Privacy Act; (11) to the extent this Request seeks documents related to
27 the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects
28 based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing

1 gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as
2 follows: "The bidding processes, the documents and data included, as well as all documents and
3 data related to the tender, are confidential and cannot be accessed or consulted by third parties . . .
4 ."; (12) it is objectionable to the extent it seeks information and communications protected by the
5 attorney-client privilege, common interest privilege, the work product doctrine, and/or any other
6 privilege or protection afforded under the law; and (13) it is unduly burdensome and harassing
7 because it is duplicative of and/or overlaps with requests Defendants already propounded (to
8 which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 51) and duplicative
9 of and/or overlaps with multiple other requests herein (*e.g.*, Request Nos. 89, 118, 119, 120, 122,
10 128, 130-135, 137-139, 141-149).

11 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
12 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
13 admissible evidence in relation to any allegation or defense and/or a court order compels the
14 production after a finding of discoverability.

15 **REQUEST FOR PRODUCTION NO. 130:**

16 All Documents concerning any and all Persons advising on the Cotai Land Concession, to
17 include but not limited to any law firms/attorneys, finders, third party consultants, investors,
18 investment banks, and lobbyists.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 130:**

20 Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents
21 and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai
22 Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably
23 calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and
24 unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time
25 (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks
26 confidential and proprietary information (which, again, is unrelated to the claims or defenses in
27 this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in
28 this action); (9) to the extent this Request seeks documents from Wynn Macau, a non-party to this

1 action, a Rule 34 request is insufficient to compel the production of this third-party's records and
2 Defendants are required to follow the appropriate legal processes to compel the records of a third
3 party; (10) to the extent the Request seeks documents from Wynn Macau that reside only in
4 Macau, the Request seeks documents containing personal information of third parties protected by
5 the Macau Personal Data Privacy Act; (11) to the extent this Request seeks documents related to
6 the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects
7 based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing
8 gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as
9 follows: "The bidding processes, the documents and data included, as well as all documents and
10 data related to the tender, are confidential and cannot be accessed or consulted by third parties . . .
11 ."; (12) it is objectionable to the extent it seeks information and communications protected by the
12 attorney-client privilege, common interest privilege, the work product doctrine, and/or any other
13 privilege or protection afforded under the law; (13) it is unduly burdensome and harassing
14 because it is duplicative of and/or overlaps with requests Defendants already propounded (to
15 which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 51) and duplicative
16 of and/or overlaps with multiple other requests herein (*e.g.*, Request Nos. 89, 118, 119, 120, 122,
17 128, 129, 131-135, 137-139, 141-149); and (14) the term "finders" is undefined, vague, and
18 ambiguous, requiring speculation as to its intended meaning.

19 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
20 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
21 admissible evidence in relation to any allegation or defense and/or a court order compels the
22 production after a finding of discoverability.

23 **REQUEST FOR PRODUCTION NO. 131:**

24 All Documents concerning any due diligence on the Cotai Land Concession, the affiliated
25 parties (to include but not limited to Tien Chiao and Chinese Limitada) and their representatives
26 (to include but not limited to Mr. Ho Ho, Mr. Cliff Cheong, shareholders, directors, principals,
27 investors, finders or other third party consultants).

RESPONSE TO REQUEST FOR PRODUCTION NO. 131:

Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks confidential and proprietary information (which, again, is unrelated to the claims or defenses in this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in this action); (9) to the extent this Request seeks documents from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to compel the production of this third-party's records and Defendants are required to follow the appropriate legal processes to compel the records of a third party; (10) to the extent the Request seeks documents from Wynn Macau that reside only in Macau, the Request seeks documents containing personal information of third parties protected by the Macau Personal Data Privacy Act; (11) to the extent this Request seeks documents related to the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as follows: "The bidding processes, the documents and data included, as well as all documents and data related to the tender, are confidential and cannot be accessed or consulted by third parties"; (12) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the law; and (13) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with requests Defendants already propounded (to which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 7, 51) and duplicative of and/or overlaps with multiple other requests herein (*e.g.*, Request Nos. 89, 118, 119, 120, 122, 128-130, 131-135, 137-139, 141-149).

1 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
2 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
3 admissible evidence in relation to any allegation or defense and/or a court order compels the
4 production after a finding of discoverability.

5 **REQUEST FOR PRODUCTION NO. 132:**

6 All Documents concerning the September 9, 2011 Wynn Macau Board's acceptance of the
7 Cotai Land Concession.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 132:**

9 Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents
10 and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai
11 Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably
12 calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and
13 unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time
14 (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks
15 confidential and proprietary information (which, again, is unrelated to the claims or defenses in
16 this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in
17 this action); (9) to the extent this Request seeks documents from Wynn Macau, a non-party to this
18 action, a Rule 34 request is insufficient to compel the production of this third-party's records and
19 Defendants are required to follow the appropriate legal processes to compel the records of a third
20 party; (10) to the extent the Request seeks documents from Wynn Macau that reside only in
21 Macau, the Request seeks documents containing personal information of third parties protected by
22 the Macau Personal Data Privacy Act; (11) to the extent this Request seeks documents related to
23 the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects
24 based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing
25 gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as
26 follows: "The bidding processes, the documents and data included, as well as all documents and
27 data related to the tender, are confidential and cannot be accessed or consulted by third parties . . .
28 ."; (12) it is objectionable to the extent it seeks information and communications protected by the

1 attorney-client privilege, common interest privilege, the work product doctrine, and/or any other
2 privilege or protection afforded under the law; and (13) it is unduly burdensome and harassing
3 because it is duplicative of and/or overlaps with requests Defendants already propounded (to
4 which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 51) and duplicative
5 of and/or overlaps with multiple other requests herein (*e.g.*, Request Nos. 89, 118, 119, 120, 122,
6 128-131, 133-135, 137-139, 141-149).

7 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
8 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
9 admissible evidence in relation to any allegation or defense and/or a court order compels the
10 production after a finding of discoverability.

11 **REQUEST FOR PRODUCTION NO. 133:**

12 All Documents concerning Tien Chiao Entertainment & Investment Co. Ltd.'s,
13 Chinese Limitada, Mr. Ho Ho, and/or Mr. Cliff Cheong's rights to land or business interests in or
14 around the Cotai Land Concession area.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 133:**

16 Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents
17 and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai
18 Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably
19 calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and
20 unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time
21 (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks
22 confidential and proprietary information (which, again, is unrelated to the claims or defenses in
23 this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in
24 this action); (9) to the extent this Request seeks documents from Wynn Macau, a non-party to this
25 action, a Rule 34 request is insufficient to compel the production of this third-party's records and
26 Defendants are required to follow the appropriate legal processes to compel the records of a third
27 party; (10) to the extent the Request seeks documents from Wynn Macau that reside only in
28 Macau, the Request seeks documents containing personal information of third parties protected by

1 the Macau Personal Data Privacy Act; (11) to the extent this Request seeks documents related to
2 the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects
3 based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing
4 gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as
5 follows: "The bidding processes, the documents and data included, as well as all documents and
6 data related to the tender, are confidential and cannot be accessed or consulted by third parties . . .
7 ."; (12) it is objectionable to the extent it seeks information and communications protected by the
8 attorney-client privilege, common interest privilege, the work product doctrine, and/or any other
9 privilege or protection afforded under the law; and (13) it is unduly burdensome and harassing
10 because it is duplicative of and/or overlaps with requests Defendants already propounded (to
11 which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 7, 51) and
12 duplicative of and/or overlaps with multiple other requests herein (*e.g.*, Request Nos. 89, 118,
13 119, 120, 122, 128-132, 134, 135, 137-139, 141-149).

14 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
15 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
16 admissible evidence in relation to any allegation or defense and/or a court order compels the
17 production after a finding of discoverability.

18 **REQUEST FOR PRODUCTION NO. 134:**

19 All Documents concerning minutes and records of any Board meetings and/or
20 presentations to Stephen A. Wynn and/or any of his affiliated entities' Boards concerning
21 Joint Ventures, Agreements, and/or terms with Tien Chiao Entertainment & Investment Co. Ltd.
22 and/or Chinese Limitada.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 134:**

24 Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents
25 and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai
26 Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably
27 calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and
28 unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time

(i.e., unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks confidential and proprietary information (which, again, is unrelated to the claims or defenses in this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in this action); (9) to the extent this Request seeks documents from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to compel the production of this third-party's records and Defendants are required to follow the appropriate legal processes to compel the records of a third party; (10) to the extent the Request seeks documents from Wynn Macau that reside only in Macau, the Request seeks documents containing personal information of third parties protected by the Macau Personal Data Privacy Act; (11) to the extent this Request seeks documents related to the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as follows: "The bidding processes, the documents and data included, as well as all documents and data related to the tender, are confidential and cannot be accessed or consulted by third parties"; (12) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the law; and (13) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with requests Defendants already propounded (to which Wynn Resorts already responded) in this action (e.g., Request Nos. 1, 51) and duplicative of and/or overlaps with multiple other requests herein (e.g., Request Nos. 89, 118, 119, 120, 122, 128-133, 135, 137-139, 141-149).

In light of the foregoing, Wynn Resorts will not respond to this Request unless and until Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of admissible evidence in relation to any allegation or defense and/or a court order compels the production after a finding of discoverability.

REQUEST FOR PRODUCTION NO. 135:

All Documents concerning any Joint Ventures, Agreements, and/or terms with Tien Chiao Entertainment & Investment Co. Ltd. and/or Chinese Limitada.

RESPONSE TO REQUEST FOR PRODUCTION NO. 135:

Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks confidential and proprietary information (which, again, is unrelated to the claims or defenses in this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in this action); (9) to the extent this Request seeks documents from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to compel the production of this third-party's records and Defendants are required to follow the appropriate legal processes to compel the records of a third party; (10) to the extent the Request seeks documents from Wynn Macau that reside only in Macau, the Request seeks documents containing personal information of third parties protected by the Macau Personal Data Privacy Act; (11) to the extent this Request seeks documents related to the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as follows: "The bidding processes, the documents and data included, as well as all documents and data related to the tender, are confidential and cannot be accessed or consulted by third parties"; (12) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the law; and (13) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with requests Defendants already propounded (to which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 51) and duplicative of and/or overlaps with multiple other requests herein (*e.g.*, Request Nos. 89, 118, 119, 120, 122, 128-134, 137-139, 141-149).

1 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
2 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
3 admissible evidence in relation to any allegation or defense and/or a court order compels the
4 production after a finding of discoverability.

5 **REQUEST FOR PRODUCTION NO. 136:**

6 All Documents concerning Communications between Stephen A. Wynn and Mr. Jose Vai
7 Chi "Cliff" Cheong.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 136:**

9 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
10 time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) it is overly
11 broad in scope in that it seeks communications, and "all Documents concerning Communications"
12 for an unlimited period of time, without regard to the subject matter of this action, and/or the
13 claims or defenses in this action; thus, the Request is (4) unduly burdensome, and (5) not
14 reasonably calculated to lead to the discovery of admissible evidence. (6) To the extent this
15 Request seeks records other than those of the Company, this Request is not properly directed to
16 Wynn Resorts. In addition, this Request (7) is a fishing expedition designed to annoy and harass;
17 (8) is unduly burdensome and harassing because it is duplicative of and/or overlaps with other
18 requests propounded by the Okada Parties (*e.g.*, Request No. 6) to which Wynn Resorts
19 previously responded; and (9) is objectionable to the extent it seeks information and
20 communications protected by the attorney-client privilege, common interest privilege, the work
21 product doctrine, and/or any other privilege or protection afforded under the law.

22 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
23 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
24 admissible evidence in relation to any allegation or defense and/or a court order compels the
25 production after a finding of discoverability. Discovery is continuing, and Wynn Resorts reserves
26 the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 137:

All Documents of incorporation and list of shareholders of Cotai Land Development Co. Ltd, Wynn Cotai Holding co., Cotai Partner, Ltd., Palo Real Estate Company Limited, Tien Chiao, and Chinese Limitada.

RESPONSE TO REQUEST FOR PRODUCTION NO. 137:

Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks confidential and proprietary information (which, again, is unrelated to the claims or defenses in this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in this action); (9) to the extent this Request seeks documents from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to compel the production of this third-party's records and Defendants are required to follow the appropriate legal processes to compel the records of a third party; (10) to the extent the Request seeks documents from Wynn Macau that reside only in Macau, the Request seeks documents containing personal information of third parties protected by the Macau Personal Data Privacy Act; (11) to the extent this Request seeks documents related to the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as follows: "The bidding processes, the documents and data included, as well as all documents and data related to the tender, are confidential and cannot be accessed or consulted by third parties"; (12) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the law; and (13) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with requests Defendants already propounded

(to which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 51) and duplicative of and/or overlaps with multiple other requests herein (*e.g.*, Request Nos. 89, 118, 119, 120, 122, 128-135, 138-139, 141-149).

In light of the foregoing, Wynn Resorts will not respond to this Request unless and until Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of admissible evidence in relation to any allegation or defense and/or a court order compels the production after a finding of discoverability.

REQUEST FOR PRODUCTION NO. 138:

All Documents concerning Communications between Stephen A. Wynn, WRL, or Wynn Macau on the one hand, and Mr. Zhang Luchuan and Ms. Conie Li (Tien Chiao shareholders) on the other, including but not limited to those concerning the Cotai Land Concession.

RESPONSE TO REQUEST FOR PRODUCTION NO. 138:

Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks confidential and proprietary information (which, again, is unrelated to the claims or defenses in this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in this action); (9) to the extent this Request seeks documents from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to compel the production of this third-party's records and Defendants are required to follow the appropriate legal processes to compel the records of a third party; (10) to the extent the Request seeks documents from Wynn Macau that reside only in Macau, the Request seeks documents containing personal information of third parties protected by the Macau Personal Data Privacy Act; (11) to the extent this Request seeks documents related to the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects

1 based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing
2 gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as
3 follows: "The bidding processes, the documents and data included, as well as all documents and
4 data related to the tender, are confidential and cannot be accessed or consulted by third parties . . .
5 ."; (12) it is objectionable to the extent it seeks information and communications protected by the
6 attorney-client privilege, common interest privilege, the work product doctrine, and/or any other
7 privilege or protection afforded under the law; and (13) it is unduly burdensome and harassing
8 because it is duplicative of and/or overlaps with requests Defendants already propounded (to
9 which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 51) and duplicative
10 of and/or overlaps with multiple other requests herein (*e.g.*, Request Nos. 89, 118, 119, 120, 122,
11 128-135, 137, 139, 141-149).

12 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
13 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
14 admissible evidence in relation to any allegation or defense and/or a court order compels the
15 production after a finding of discoverability.

16 **REQUEST FOR PRODUCTION NO. 139:**

17 All Documents preserved for and/or requested by the U.S. Department of Justice,
18 U.S. Securities and Exchange Commission, the Hong Kong Independent Commission Against
19 Corruption (ICAC), Hong Kong Securities and Futures Commissions (SFC), or any other
20 investigative agency, concerning the Cotai Land Concession.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 139:**

22 Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents
23 and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai
24 Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably
25 calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and
26 unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time
27 (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks
28 confidential and proprietary information (which, again, is unrelated to the claims or defenses in

1 this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in
2 this action); (9) to the extent this Request seeks documents from Wynn Macau, a non-party to this
3 action, a Rule 34 request is insufficient to compel the production of this third-party's records and
4 Defendants are required to follow the appropriate legal processes to compel the records of a third
5 party; (10) to the extent the Request seeks documents from Wynn Macau that reside only in
6 Macau, the Request seeks documents containing personal information of third parties protected by
7 the Macau Personal Data Privacy Act; (11) to the extent this Request seeks documents related to
8 the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects
9 based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing
10 gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as
11 follows: "The bidding processes, the documents and data included, as well as all documents and
12 data related to the tender, are confidential and cannot be accessed or consulted by third parties . . .
13 ."; (12) it is objectionable to the extent it seeks information and communications protected by the
14 attorney-client privilege, common interest privilege, the work product doctrine, and/or any other
15 privilege or protection afforded under the law; and (13) it is unduly burdensome and harassing
16 because it is duplicative of and/or overlaps with requests Defendants already propounded (to
17 which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 51, and 53) and
18 duplicative of and/or overlaps with multiple other requests herein (*e.g.*, Request Nos. 89, 118,
19 119, 120, 122, 128-135, 137-138, 141-149).

20 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
21 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
22 admissible evidence in relation to any allegation or defense and/or a court order compels the
23 production after a finding of discoverability.

24 **REQUEST FOR PRODUCTION NO. 140:**

25 All Documents concerning New City Logistics.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 140:**

27 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
28 time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) it is overly

1 broad in scope in that it merely seeks all documents concerning an entity, for an unlimited period
2 of time, without regard to the subject matter of this action, and/or the claims or defenses in this
3 action; thus, the Request is (4) unduly burdensome, and (5) not reasonably calculated to lead to
4 the discovery of admissible evidence; (6) it is unduly burdensome and harassing to the extent it is
5 duplicative of other requests propounded by the Okada Parties (*e.g.*, Request No. 277); (7) it is
6 vague and ambiguous; and (8) is objectionable to the extent it seeks information and
7 communications protected by the attorney-client privilege, common interest privilege, the work
8 product doctrine, and/or any other privilege or protection afforded under the law.

9 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
10 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
11 admissible evidence in relation to any allegation or defense and/or a court order compels the
12 production after a finding of discoverability. Discovery is continuing, and Wynn Resorts reserves
13 the right to supplement this response as discovery continues.

14 **REQUEST FOR PRODUCTION NO. 141:**

15 All Documents concerning Communications with He Japo, He Gangyong, and/or
16 Chan Mei Seung regarding the Cotai Land Concession.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 141:**

18 Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents
19 and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai
20 Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably
21 calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and
22 unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time
23 (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks
24 confidential and proprietary information (which, again, is unrelated to the claims or defenses in
25 this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in
26 this action); (9) to the extent this Request seeks documents from Wynn Macau, a non-party to this
27 action, a Rule 34 request is insufficient to compel the production of this third-party's records and
28 Defendants are required to follow the appropriate legal processes to compel the records of a third

1 party; (10) to the extent the Request seeks documents from Wynn Macau that reside only in
2 Macau, the Request seeks documents containing personal information of third parties protected by
3 the Macau Personal Data Privacy Act; (11) to the extent this Request seeks documents related to
4 the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects
5 based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing
6 gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as
7 follows: "The bidding processes, the documents and data included, as well as all documents and
8 data related to the tender, are confidential and cannot be accessed or consulted by third parties . . .
9 ."; (12) it is objectionable to the extent it seeks information and communications protected by the
10 attorney-client privilege, common interest privilege, the work product doctrine, and/or any other
11 privilege or protection afforded under the law; and (13) it is unduly burdensome and harassing
12 because it is duplicative of and/or overlaps with requests Defendants already propounded (to
13 which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 51) and duplicative
14 of and/or overlaps with multiple other requests herein (*e.g.*, Request Nos. 89, 118, 119, 120, 122,
15 128-135, 137-139, 142-149).

16 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
17 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
18 admissible evidence in relation to any allegation or defense and/or a court order compels the
19 production after a finding of discoverability.

20 **REQUEST FOR PRODUCTION NO. 142:**

21 All applications, draft applications, and other requests filed by Cotai Land Development,
22 Wynn Cotai Holding Co., Cotai Partner, Ltd., Palo Real Estate Company Limited, Tien Chiao,
23 and/or Chinese Limitada with the Macau Government, including but not limited to:

- 24 a) Any applications or draft application for gaming licenses, renewals, or filings with
25 the Public Water Works;
26 b) Any applications, draft applications, or requests to the Macau Government for
27 consent for an interest in the casino/land concessionaire to be given to a third
28 party; and

- 1 c) Any and all economic and feasibility studies (to include drafts) prepared for and/or
2 presented to the Macau Government.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 142:**

4 Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents
5 and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai
6 Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably
7 calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and
8 unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time
9 (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks
10 confidential and proprietary information (which, again, is unrelated to the claims or defenses in
11 this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in
12 this action); (9) to the extent this Request seeks records other than those of the Company, this
13 Request is not properly directed to Wynn Resorts; (10) to the extent this Request seeks documents
14 from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to compel the
15 production of this third-party's records and Defendants are required to follow the appropriate legal
16 processes to compel the records of a third party; (11) to the extent the Request seeks documents
17 from Wynn Macau that reside only in Macau, the Request seeks documents containing personal
18 information of third parties protected by the Macau Personal Data Privacy Act; (12) to the extent
19 this Request seeks documents related to the bidding process and tender for the Macau license
20 (which includes land), Wynn Resorts objects based upon Macao SAR Law n.º 16/2001, which is
21 Macau's gaming regulatory statute governing gaming concessionaires, operators, and the tender
22 process. Section I, Article 16 provides as follows: "The bidding processes, the documents and
23 data included, as well as all documents and data related to the tender, are confidential and cannot
24 be accessed or consulted by third parties"; (13) it is objectionable to the extent it seeks
25 information and communications protected by the attorney-client privilege, common interest
26 privilege, the work product doctrine, and/or any other privilege or protection afforded under the
27 law; and (14) it is unduly burdensome and harassing because it is duplicative of and/or overlaps
28 with requests Defendants already propounded (to which Wynn Resorts already responded) in this

1 action (*e.g.*, Request Nos. 1, 51) and duplicative of and/or overlaps with multiple other requests
2 herein (*e.g.*, Request Nos. 89, 118, 119, 120, 122, 128-135, 137-139, 141, 143-149).

3 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
4 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
5 admissible evidence in relation to any allegation or defense and/or a court order compels the
6 production after a finding of discoverability.

7 **REQUEST FOR PRODUCTION NO. 143:**

8 All Documents concerning any payments of land premium deposits, or other requested or
9 required transfer of funds, to the Macau Government or Macau Government Officials made by
10 Wynn Macau, Cotai Land Development, Wynn Cotai Holding Co., Cotai Partner, Ltd., Palo Real
11 Estate Company Limited, Tien Chiao, and/or Chinese Limitada.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 143:**

13 Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents
14 and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai
15 Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably
16 calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and
17 unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time
18 (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks
19 confidential and proprietary information (which, again, is unrelated to the claims or defenses in
20 this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in
21 this action); (9) to the extent this Request seeks records other than those of the Company, this
22 Request is not properly directed to Wynn Resorts; (10) to the extent this Request seeks documents
23 from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to compel the
24 production of this third-party's records and Defendants are required to follow the appropriate legal
25 processes to compel the records of a third party; (11) to the extent the Request seeks documents
26 from Wynn Macau that reside only in Macau, the Request seeks documents containing personal
27 information of third parties protected by the Macau Personal Data Privacy Act; (12) to the extent
28 this Request seeks documents related to the bidding process and tender for the Macau license

(which includes land), Wynn Resorts objects based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as follows: "The bidding processes, the documents and data included, as well as all documents and data related to the tender, are confidential and cannot be accessed or consulted by third parties"; (13) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the law; and (14) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with requests Defendants already propounded (to which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 51) and duplicative of and/or overlaps with multiple other requests herein (*e.g.*, Request Nos. 89, 118, 119, 120, 122, 128-135, 137-139, 141, 142, 144-149).

In light of the foregoing, Wynn Resorts will not respond to this Request unless and until Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of admissible evidence in relation to any allegation or defense and/or a court order compels the production after a finding of discoverability.

REQUEST FOR PRODUCTION NO. 144:

All Documents concerning any plans or purported plans for the development by Tien Chiao and/or Chinese Limitada of an 18,000 sq. meter parcel.

RESPONSE TO REQUEST FOR PRODUCTION NO. 144:

Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks confidential and proprietary information (which, again, is unrelated to the claims or defenses in this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in this action); (9) to the extent this Request seeks records other than those of the Company, this

Request is not properly directed to Wynn Resorts; (10) to the extent this Request seeks documents from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to compel the production of this third-party's records and Defendants are required to follow the appropriate legal processes to compel the records of a third party; (11) to the extent the Request seeks documents from Wynn Macau that reside only in Macau, the Request seeks documents containing personal information of third parties protected by the Macau Personal Data Privacy Act; (12) to the extent this Request seeks documents related to the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as follows: "The bidding processes, the documents and data included, as well as all documents and data related to the tender, are confidential and cannot be accessed or consulted by third parties"; (13) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the law; and (14) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with requests Defendants already propounded (to which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 51) and duplicative of and/or overlaps with multiple other requests herein (*e.g.*, Request Nos. 89, 118, 119, 120, 122, 128-135, 137-139, 141-143, 145-149).

In light of the foregoing, Wynn Resorts will not respond to this Request unless and until Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of admissible evidence in relation to any allegation or defense and/or a court order compels the production after a finding of discoverability.

REQUEST FOR PRODUCTION NO. 145:

All Documents concerning any plans, purported plans, or references to a "Taiwan Guest House" to be developed in or around the Cotai Land Concession.

RESPONSE TO REQUEST FOR PRODUCTION NO. 145:

Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai

1 Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably
2 calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and
3 unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time
4 (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks
5 confidential and proprietary information (which, again, is unrelated to the claims or defenses in
6 this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in
7 this action); (9) to the extent this Request seeks documents from Wynn Macau, a non-party to this
8 action, a Rule 34 request is insufficient to compel the production of this third-party's records and
9 Defendants are required to follow the appropriate legal processes to compel the records of a third
10 party; (10) to the extent the Request seeks documents from Wynn Macau that reside only in
11 Macau, the Request seeks documents containing personal information of third parties protected by
12 the Macau Personal Data Privacy Act; (11) to the extent this Request seeks documents related to
13 the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects
14 based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing
15 gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as
16 follows: "The bidding processes, the documents and data included, as well as all documents and
17 data related to the tender, are confidential and cannot be accessed or consulted by third parties . . .
18 ."; (12) it is objectionable to the extent it seeks information and communications protected by the
19 attorney-client privilege, common interest privilege, the work product doctrine, and/or any other
20 privilege or protection afforded under the law; and (13) it is unduly burdensome and harassing
21 because it is duplicative of and/or overlaps with requests Defendants already propounded (to
22 which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 51) and duplicative
23 of and/or overlaps with multiple other requests herein (*e.g.*, Request Nos. 89, 118, 119, 120, 122,
24 128-135, 137-139, 141-144, 146-149).

25 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
26 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
27 admissible evidence in relation to any allegation or defense and/or a court order compels the
28 production after a finding of discoverability.

REQUEST FOR PRODUCTION NO. 146:

All Documents concerning the transfer of funds by Stephen A. Wynn, WRL, or Wynn Macau to Tien Chiao, Chinese Limitada, to include: Mr. Ho Ho, Mr. Cliff Cheong, and/or any representative of each.

RESPONSE TO REQUEST FOR PRODUCTION NO. 146:

Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks confidential and proprietary information (which, again, is unrelated to the claims or defenses in this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in this action); (9) to the extent this Request seeks records other than those of the Company, this Request is not properly directed to Wynn Resorts; (10) to the extent this Request seeks documents from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to compel the production of this third-party's records and Defendants are required to follow the appropriate legal processes to compel the records of a third party; (11) to the extent the Request seeks documents from Wynn Macau that reside only in Macau, the Request seeks documents containing personal information of third parties protected by the Macau Personal Data Privacy Act; (12) to the extent this Request seeks documents related to the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as follows: "The bidding processes, the documents and data included, as well as all documents and data related to the tender, are confidential and cannot be accessed or consulted by third parties"; (13) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the

1 law; and (14) it is unduly burdensome and harassing because it is duplicative of and/or overlaps
2 with requests Defendants already propounded (to which Wynn Resorts already responded) in this
3 action (*e.g.*, Request Nos. 1, 51) and duplicative of and/or overlaps with multiple other requests
4 herein (*e.g.*, Request Nos. 89, 118, 119, 120, 122, 128-135, 137-139, 141-145, 147-149).

5 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
6 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
7 admissible evidence in relation to any allegation or defense and/or a court order compels the
8 production after a finding of discoverability.

9 **REQUEST FOR PRODUCTION NO. 147:**

10 In a Wall Street Journal Article dated July 1, 2012 entitled "In Wynn's Macau Deal, a Web
11 of Political Ties," it states that "[Stephen A. Wynn] said his company vetted Ho Ho and his
12 associates thoroughly because he and other executives were very aware of the Foreign Corrupt
13 Practices Act." Regardless of whether Stephen A. Wynn agrees with statement attributed to him
14 in this article, produce all Documents concerning this vetting, including any which contain the
15 names of Ho Ho's associates that were vetted by WRL, Wynn Macau or anyone acting on their
16 behalf.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 147:**

18 Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents
19 and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai
20 Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably
21 calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and
22 unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time
23 (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks
24 confidential and proprietary information (which, again, is unrelated to the claims or defenses in
25 this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in
26 this action); (9) to the extent this Request seeks records other than those of the Company, this
27 Request is not properly directed to Wynn Resorts; (10) to the extent this Request seeks documents
28 from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to compel the

1 production of this third-party's records and Defendants are required to follow the appropriate legal
2 processes to compel the records of a third party; (11) to the extent the Request seeks documents
3 from Wynn Macau that reside only in Macau, the Request seeks documents containing personal
4 information of third parties protected by the Macau Personal Data Privacy Act; (12) to the extent
5 this Request seeks documents related to the bidding process and tender for the Macau license
6 (which includes land), Wynn Resorts objects based upon Macao SAR Law n.º 16/2001, which is
7 Macau's gaming regulatory statute governing gaming concessionaires, operators, and the tender
8 process. Section I, Article 16 provides as follows: "The bidding processes, the documents and
9 data included, as well as all documents and data related to the tender, are confidential and cannot
10 be accessed or consulted by third parties"; (13) it is objectionable to the extent it seeks
11 information and communications protected by the attorney-client privilege, common interest
12 privilege, the work product doctrine, and/or any other privilege or protection afforded under the
13 law; and (14) it is unduly burdensome and harassing because it is duplicative of and/or overlaps
14 with requests Defendants already propounded (to which Wynn Resorts already responded) in this
15 action (*e.g.*, Request Nos. 1, 51) and duplicative of and/or overlaps with multiple other requests
16 herein (*e.g.*, Request Nos. 89, 118, 119, 120, 122, 128-135, 137-139, 141-146, 148-149).

17 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
18 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
19 admissible evidence in relation to any allegation or defense and/or a court order compels the
20 production after a finding of discoverability.

21 **REQUEST FOR PRODUCTION NO. 148:**

22 In a Wall Street Journal Article dated July 1, 2002 entitled "In Wynn's Macau Deal, a Web
23 of Political Ties," it states that "Mr. Wynn said he also got Macau to agree to give him a
24 contiguous plot of land instead of the plot initially under discussion which was divided by a road.
25 Mr. Wynn said he had earlier been troubled by this layout: 'How are we gonna do something sexy
26 with a street going through the middle.'" Produce all Documents concerning Wynn Macau or
27 WRL's attempt to obtain a contiguous plot of land instead of the plot initially under discussion
28 which was divided by "a street going through the middle."

RESPONSE TO REQUEST FOR PRODUCTION NO. 148:

Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai Land Concession) and thus is (2) overly broad; (3) unduly burdensome; and (4) not reasonably calculated to lead to the discovery of admissible evidence in this action; (5) it is overly broad and unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly broad in time (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass; (8) it seeks confidential and proprietary information (which, again, is unrelated to the claims or defenses in this action and thus is not reasonably calculated to lead to the discovery of admissible evidence in this action); (9) to the extent this Request seeks documents from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to compel the production of this third-party's records and Defendants are required to follow the appropriate legal processes to compel the records of a third party; (10) to the extent the Request seeks documents from Wynn Macau that reside only in Macau, the Request seeks documents containing personal information of third parties protected by the Macau Personal Data Privacy Act; (11) to the extent this Request seeks documents related to the bidding process and tender for the Macau license (which includes land), Wynn Resorts objects based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as follows: "The bidding processes, the documents and data included, as well as all documents and data related to the tender, are confidential and cannot be accessed or consulted by third parties"; (12) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the law; and (13) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with requests Defendants already propounded (to which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 51) and duplicative of and/or overlaps with multiple other requests herein (*e.g.*, Request Nos. 89, 118, 119, 120, 122, 128-135, 137-139, 141-147, 149).

1 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
2 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
3 admissible evidence in relation to any allegation or defense and/or a court order compels the
4 production after a finding of discoverability.

5 **REQUEST FOR PRODUCTION NO. 149:**

6 In an article published by Innovate Gaming entitled "Wynn set to start construction on
7 43.5bm Cotai resort" dated February 8, 2013, Stephen A. Wynn was quoted as stating the
8 following: "We're first (light-rail) stop on Cotai between the ferry terminal and the airport."
9 "The stop is right at the middle of the lake we're building that's roughly the size of Bellagio . . .
10 We're meeting in many, many ways the challenge of our neighbors and hoping to get the folks in
11 the other hotels to experience our own." Produce all Documents concerning Wynn Macau's
12 efforts to obtain a light-rail stop in front of its Cotai Property.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 149:**

14 Wynn Resorts objects to this Request on the following grounds: (1) it seeks documents
15 and information unrelated to the subject matter, claims or defenses in this action (*e.g.*, the Cotai
16 Land Concession, the Cotai property) and thus is (2) overly broad; (3) unduly burdensome; and
17 (4) not reasonably calculated to lead to the discovery of admissible evidence in this action; (5) it
18 is overly broad and unduly burdensome in scope (*e.g.*, "[a]ll Documents . . ."); (6) it is overly
19 broad in time (*i.e.*, unlimited); (7) it is a blatant fishing expedition designed to annoy and harass;
20 (8) it seeks confidential and proprietary information (which, again, is unrelated to the claims or
21 defenses in this action and thus is not reasonably calculated to lead to the discovery of admissible
22 evidence in this action); (9) to the extent this Request seeks documents from Wynn Macau, a non-
23 party to this action, a Rule 34 request is insufficient to compel the production of this third-party's
24 records and Defendants are required to follow the appropriate legal processes to compel the
25 records of a third party; (10) to the extent the Request seeks documents from Wynn Macau that
26 reside only in Macau, the Request seeks documents containing personal information of third
27 parties protected by the Macau Personal Data Privacy Act; (11) to the extent this Request seeks
28 documents related to the bidding process and tender for the Macau license (which includes land),

Wynn Resorts objects based upon Macao SAR Law n.º 16/2001, which is Macau's gaming regulatory statute governing gaming concessionaires, operators, and the tender process. Section I, Article 16 provides as follows: "The bidding processes, the documents and data included, as well as all documents and data related to the tender, are confidential and cannot be accessed or consulted by third parties"; (12) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the law; and (13) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with requests Defendants already propounded (to which Wynn Resorts already responded) in this action (*e.g.*, Request Nos. 1, 51) and duplicative of and/or overlaps with multiple other requests herein (*e.g.*, Request Nos. 89, 118, 119, 120, 122, 128-135, 137-139, 141-148).

In light of the foregoing, Wynn Resorts will not respond to this Request unless and until Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of admissible evidence in relation to any allegation or defense and/or a court order compels the production after a finding of discoverability.

REQUEST FOR PRODUCTION NO. 150:

All Documents concerning Mr. Okada's May 2011 objection and vote against WRL's decision to donate \$135 million to the University of Macau Development Fund including without limitation to Documents concerning:

- a) any discussions among WRL Board members;
- b) WRL Board minutes; or
- c) assessments, Investigations, and analyses conducted by the WRL Board.

RESPONSE TO REQUEST FOR PRODUCTION NO. 150:

Wynn Resorts objects to this Request on the following grounds: (1) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with requests Defendants already propounded (to which Wynn Resorts already responded) in this action (*e.g.*, Request No. 4); (2) it is overly broad in time (*i.e.*, unlimited); (3) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (4) the terms/phrases "assessments" and "analyses" are undefined, vague, and

1 ambiguous, requiring speculation as to Defendants' intended meaning; (5) it assumes facts; (6) it
2 is unduly burdensome to the extent it seeks documents in Defendants' possession, custody, and
3 control regarding Mr. Okada's supposed "objection" to the donation, including documents already
4 produced in this action and the books and records action (which, when pending was coordinated
5 in discovery with the instance case); and (7) it is objectionable to the extent it seeks information
6 and communications protected by the attorney-client privilege, common interest privilege, work
7 product doctrine, and/or any other privilege or protection afforded under the law.

8 Subject to and without waiving said objections, Wynn Resorts will produce any
9 discoverable documents responsive to this Request (as Wynn Resorts understands the Request)
10 that are not otherwise privileged or protected, to the extent such documents exist and can be
11 located through a reasonable search and review process. Discovery is continuing, and
12 Wynn Resorts reserves the right to supplement this response as discovery continues.

13 **REQUEST FOR PRODUCTION NO. 151:**

14 In a draft Memorandum of Understanding with The University of Macau and
15 The University of Macau Development Foundation (UMDF) (WRL-000749-000750
16 Confidential) (produced in Case No. A-12-654522 B "Books & Records Suit"), paragraph 1
17 references the donation as occurring over "sixteen consecutive years" from 2011 through 2026.
18 Produce all Documents concerning why the donation period was reduced from 16 years (through
19 2026) to 11 years (through 2022).

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 151:**

21 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
22 time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) it is vague
23 and ambiguous in that bates stamp "(WRL-000749-000750)" does not refer to a "draft
24 Memorandum of Understanding" and thus requires Wynn Resorts to speculate as to the document
25 referred to in the Request; (4) it assumes facts; (5) it is unduly burdensome to the extent it seeks
26 documents in Defendants' possession, custody, and control; (6) to the extent this Request seeks
27 documents from Wynn Resorts (Macau) S.A., a non-party to this action, a Rule 34 request is
28 insufficient to compel the production of this third-party's records and Defendants are required to

1 follow the appropriate legal processes to compel the records of a third party; (7) to the extent the
2 Request seeks documents from Wynn Macau that reside only in Macau, the Request seeks
3 documents containing personal information of third parties protected by the Macau Personal Data
4 Privacy Act; and (8) it is objectionable to the extent it seeks information and communications
5 protected by the attorney-client privilege, common interest privilege, work product doctrine,
6 and/or any other privilege or protection afforded under the law.

7 Subject to and without waiving said objections, Wynn Resorts will produce any
8 discoverable documents responsive to this Request (as Wynn Resorts understands the Request)
9 that are not otherwise privileged or protected, to the extent such documents exist and can be
10 located through a reasonable search and review process. Discovery is continuing, and
11 Wynn Resorts reserves the right to supplement this response as discovery continues.

12 **REQUEST FOR PRODUCTION NO. 152:**

13 All Documents concerning Communications between Stephen A. Wynn, WRL, or
14 Wynn Macau on the one hand, and Mr. Chu Sai On, Mr. Jeffrey Lam, Mr. Peter Lam Kem Seng,
15 Mr. Iao Man Leng, and/or any representative of each or the other.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 152:**

17 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
18 time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) it seeks
19 non-discoverable/irrelevant documents not related to the subject matter of this action and/or the
20 claims or defenses asserted in this action, in that it seeks "[a]ll documents concerning" a list of
21 four individuals (including any of their unnamed representatives) unconnected to the subject
22 matter of this action and/or any allegation, claim, or defense in this action, and thus it is
23 (4) unduly burdensome and (5) not reasonably calculated to lead to the discovery of admissible
24 evidence in this action; (6) it constitutes a fishing expedition unrelated to this action designed to
25 annoy and harass; (7) to the extent this Request seeks records other than those of the Company,
26 this Request is not properly directed to Wynn Resorts; (8) to the extent this Request seeks
27 documents from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to
28 compel the production of this third-party's records and Defendants are required to follow the

1 appropriate legal processes to compel the records of a third party; (9) to the extent the
2 Request seeks documents from Wynn Macau that reside only in Macau, the Request seeks
3 documents containing personal information of third parties protected by the Macau Personal Data
4 Privacy Act; and (10) is objectionable to the extent it calls for documents protected by the
5 attorney-client privilege, common interest privilege, work product doctrine, and/or any other
6 privilege or protection afforded under the law.

7 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
8 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
9 admissible evidence in relation to any allegation or defense and/or a court order compels the
10 production after a finding of discoverability. Discovery is continuing, and Wynn Resorts reserves
11 the right to supplement this response as discovery continues.

12 **REQUEST FOR PRODUCTION NO. 153:**

13 All Documents concerning Communications between Stephen A. Wynn, WRL, or
14 Wynn Macau on the one hand, and Mr. Marc Schorr and/or Ms. Linda Chen on the other,
15 concerning the \$135M University of Macau donation.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 153:**

17 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
18 time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) it is unduly
19 burdensome to the extent it seeks documents already in Defendants' possession, custody, or
20 control through the writ proceeding and this action; (4) to the extent this Request seeks records
21 other than those of the Company, this Request is not properly directed to Wynn Resorts; (5) to
22 the extent this Request seeks documents from Wynn Macau, a non-party to this action, a Rule 34
23 request is insufficient to compel the production of this third-party's records and Defendants are
24 required to follow the appropriate legal processes to compel the records of a third party; (6) to the
25 extent the Request seeks documents from Wynn Macau that reside only in Macau, the Request
26 seeks documents containing personal information of third parties protected by the Macau Personal
27 Data Privacy Act; (7) it is unduly burdensome and harassing to the extent it is duplicative of
28 and/or overlaps with other Request propounded by the Okada Parties (to which Wynn Resorts has

1 already responded) (*e.g.*, Request No. 4, 5) and/or of other requests herein
2 (*e.g.*, Request No. 150); and (8) is objectionable to the extent it calls for documents protected by
3 the attorney-client privilege, common interest privilege, work product doctrine, and/or any other
4 privilege or protection afforded under the law.

5 Subject to and without waiving said objections, Wynn Resorts will produce any
6 discoverable documents responsive to this Request (as Wynn Resorts understands the Request)
7 that are not otherwise privileged or protected, to the extent such documents exist and can be
8 located through a reasonable search and review process. Discovery is continuing, and
9 Wynn Resorts reserves the right to supplement this response as discovery continues.

10 **REQUEST FOR PRODUCTION NO. 154:**

11 All Documents concerning any and all Persons advising on the University of Macau
12 donation, to include but not limited to any law firms/attorneys, third party consultants, investment
13 bankers, and lobbyists.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 154**

15 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
16 time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) it is overly
17 broad and/or vague and ambiguous as to what type or kind of documents the Okada Parties are
18 seeking to obtain via this Request; (4) it is thus not reasonably calculated to lead to the discovery
19 of admissible evidence; (5) it is unduly burdensome to the extent it seeks documents already in
20 Defendants' possession, custody, or control through the writ proceeding and this action; (6) to the
21 extent this Request seeks records other than those of the Company, this Request is not properly
22 directed to Wynn Resorts; (7) to the extent this Request seeks documents from Wynn Macau, a
23 non-party to this action, or any other non-party to this action, a Rule 34 request is insufficient to
24 compel the production of this third-party's records and Defendants are required to follow the
25 appropriate legal processes to compel the records of a third party; (8) to the extent the Request
26 seeks documents from Wynn Macau that reside only in Macau, the Request seeks documents
27 containing personal information of third parties protected by the Macau Personal Data Privacy
28 Act; (9) it is unduly burdensome and harassing to the extent it is duplicative of and/or overlaps

1 with other Request propounded by the Okada Parties (to which Wynn Resorts has already
2 responded) (*e.g.*, Request No. 4) and/or of other requests herein; and (10) is objectionable to the
3 extent it calls for documents protected by the attorney-client privilege, common interest privilege,
4 work product doctrine, and/or any other privilege or protection afforded under the law.

5 Subject to and without waiving said objections, Wynn Resorts will produce any
6 discoverable documents responsive to this Request (as it understands the Request) that are not
7 otherwise privileged or protected, to the extent such documents exist and can be located through a
8 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
9 right to supplement this response as discovery continues.

10 **REQUEST FOR PRODUCTION NO. 155:**

11 All Documents concerning any due diligence on the University of Macau donation or any
12 related Persons/parties of the University of Macau and University of Macau Development
13 Foundation ("UMDF").

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 155:**

15 Wynn Resorts objects to this Request on the following grounds: (1) it is unduly
16 burdensome and harassing because it is duplicative of other requests that the Okada Parties
17 propounded on Wynn Resorts (to which Wynn Resorts has already responded) (*e.g.*, Request No.
18 4); (2) it is overly broad in time (*i.e.*, unlimited); (3) it is overly broad in scope (*e.g.*, "[a]ll
19 Documents. . ."); (4) it is unduly burdensome to the extent it seeks documents already in
20 Defendants' possession, custody, or control (or their agents) through the writ proceeding and this
21 action; (5) to the extent this Request seeks documents from Wynn Resorts (Macau) S.A., a non-
22 party to this action, or any other non-party to this action, a Rule 34 request is insufficient to
23 compel the production of this third-party's records and Defendants are required to follow the
24 appropriate legal processes to compel the records of a third party; (6) to the extent the Request
25 seeks documents from Wynn Macau that reside only in Macau, the Request seeks documents
26 containing personal information of third parties protected by the Macau Personal Data Privacy
27 Act; and (7) it is objectionable to the extent it seeks information and communications protected by
28

1 the attorney-client privilege, common interest privilege, the work product doctrine, and/or any
2 other privilege or protection afforded under the law.

3 Subject to and without waiving said objections, Wynn Resorts will produce any
4 discoverable documents responsive to this Request (as it understands the Request) that are not
5 otherwise privileged or protected, to the extent such documents exist and can be located through a
6 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
7 right to supplement this response as discovery continues.

8 **REQUEST FOR PRODUCTION NO. 156:**

9 All Documents concerning Communications between Stephen A. Wynn, WRL, or
10 Wynn Macau on the one hand, and the University of Macau, the UMDF, or any representative or
11 affiliate of each on the other.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 156:**

13 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
14 time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) it seeks
15 non-discoverable/irrelevant documents not related to the subject matter of this action and/or the
16 claims or defenses asserted in this action, in that it seeks "[a]ll documents concerning
17 communications with the University of Macau [and] the UMDF. . ." unconnected to the subject
18 matter of this action and/or any allegation, claim, or defense in this action, and thus it is
19 (4) unduly burdensome and (5) not reasonably calculated to lead to the discovery of admissible
20 evidence in this action. In addition, (6) the term "affiliate" is vague and ambiguous, requiring
21 speculation as to its intended meaning; (7) it is unduly burdensome to the extent it seeks
22 documents already in Defendants' possession, custody, or control through the writ proceeding and
23 this action; (8) to the extent this Request seeks records other than those of the Company, this
24 Request is not properly directed to Wynn Resorts; (9) to the extent this Request seeks documents
25 from Wynn Macau, a non-party to this action, or any other non-party to this action, a Rule 34
26 request is insufficient to compel the production of this third-party's records and Defendants are
27 required to follow the appropriate legal processes to compel the records of a third party; (10) to
28 the extent the Request seeks documents from Wynn Macau that reside only in Macau, the Request

1 seeks documents containing personal information of third parties protected by the Macau Personal
2 Data Privacy Act; (11) it is unduly burdensome and harassing to the extent it is duplicative of
3 and/or overlaps with other Request propounded by the Okada Parties (to which Wynn Resorts has
4 already responded) (e.g., Request No. 4, 5) and/or of other requests herein; and (12) is
5 objectionable to the extent it calls for documents protected by the attorney-client privilege,
6 common interest privilege, work product doctrine, and/or any other privilege or protection
7 afforded under the law.

8 Subject to and without waiving said objections, Wynn Resorts will produce any
9 discoverable documents responsive to this Request (as it understands the Request) that are not
10 otherwise privileged or protected, to the extent such documents exist and can be located through a
11 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
12 right to supplement this response as discovery continues.

13 **REQUEST FOR PRODUCTION NO. 157:**

14 All Documents concerning the names and contact information for all known members of
15 the UMDF from January 2010 to present, including any list of such Persons or information.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 157:**

17 Wynn Resorts objects to this Request on the following grounds: (1) it is unduly
18 burdensome inasmuch as the information sought by the Request is more efficient and less
19 burdensome if posed in the form of an interrogatory rather than a vague and burdensome
20 document request; (2) it is vague and ambiguous and/or unduly burdensome as to the type of
21 documents the Okada Parties are actually seeking to obtain via this Request; (3) it is unduly
22 burdensome to the extent it seeks public documents and/or public information equally available to
23 the Okada Parties; (4) it is unduly burdensome to the extent it seeks documents already in
24 Defendants' possession, custody, or control through the writ proceeding and this action; (5) to the
25 extent this Request seeks documents from Wynn Resorts (Macau) S.A., a non-party to this action,
26 a Rule 34 request is insufficient to compel the production of this third-party's records and
27 Defendants are required to follow the appropriate legal processes to compel the records of a third
28 party; (6) to the extent the Request seeks documents from Wynn Macau that reside only in

1 Macau, the Request seeks documents containing personal information of third parties protected by
2 the Macau Personal Data Privacy Act; and (7) is objectionable to the extent it calls for documents
3 protected by the attorney-client privilege, common interest privilege, work product doctrine,
4 and/or any other privilege or protection afforded under the law.

5 Subject to and without waiving said objections, Wynn Resorts will produce any
6 discoverable documents responsive to this Request (as it understands the Request) that are not
7 otherwise privileged or protected, to the extent such documents exist and can be located through a
8 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
9 right to supplement this response as discovery continues.

10 **REQUEST FOR PRODUCTION NO. 158:**

11 All Documents concerning any plans or purported plans for the funds donated to the
12 University of Macau, to include, but not limited to, any plans for an academy, an endowment
13 fund, a new business program on Henquin Island, and/or a database to be open to the public.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 158:**

15 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
16 time (*i.e.*, unlimited); (2) it seeks non-discoverable/irrelevant documents unrelated to any claim or
17 defense in this action and thus is (3) unduly burdensome; and (4) not reasonably calculated to lead
18 to the discovery of admissible evidence. The Request (5) is a fishing expedition designed to
19 annoy and harass; (6) it assumes facts; (7) is unduly burdensome to the extent it seeks documents
20 already in Defendants' possession, custody, or control through the writ proceeding and this action;
21 (8) is unduly burdensome to the extent it seeks documents in the possession, custody, and/or
22 control of third parties; (9) to the extent this Request seeks documents from Wynn Resorts
23 (Macau) S.A., a non-party to this action, a Rule 34 request is insufficient to compel the
24 production of this third-party's records and Defendants are required to follow the appropriate legal
25 processes to compel the records of a third party; (10) to the extent the Request seeks documents
26 from Wynn Macau that reside only in Macau, the Request seeks documents containing personal
27 information of third parties protected by the Macau Personal Data Privacy Act; (11) is unduly
28 burdensome to the extent it is duplicative of other requests herein (*e.g.*, Request No. 4); (12) the

term "purported plans" is vague and ambiguous requiring speculation as to intended meaning; and (13) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

Subject to and without waiving said objections, Wynn Resorts will produce any discoverable documents responsive to this Request (as it understands the Request) that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 159:

All Documents concerning the transfer of funds by Stephen A. Wynn, WRL, or Wynn Macau to the University of Macau, UMDf, and/or any representative or affiliate of each.

RESPONSE TO REQUEST FOR PRODUCTION NO. 159:

Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) the term "affiliate" is vague and ambiguous, requiring speculation as to its intended meaning; (4) it is unduly burdensome to the extent it seeks documents already in Defendants' possession, custody, or control through the writ proceeding and this action; (5) to the extent this Request seeks records other than those of the Company, this Request is not properly directed to Wynn Resorts; (6) to the extent this Request seeks documents from Wynn Macau, a non-party to this action, or any other non-party to this action, a Rule 34 request is insufficient to compel the production of this third-party's records and Defendants are required to follow the appropriate legal processes to compel the records of a third party; (7) to the extent the Request seeks documents from Wynn Macau that reside only in Macau, the Request seeks documents containing personal information of third parties protected by the Macau Personal Data Privacy Act; (8) it is unduly burdensome and harassing to the extent it is duplicative of and/or overlaps with other Request propounded by the Okada Parties (to which Wynn Resorts has already responded) (*e.g.*, Request No. 4, 5) and/or of other requests herein; and (9) is objectionable to the extent it calls for documents protected by the

1 attorney-client privilege, common interest privilege, work product doctrine, and/or any other
2 privilege or protection afforded under the law.

3 Subject to and without waiving said objections, Wynn Resorts will produce any
4 discoverable documents responsive to this Request (as it understands the Request) that are not
5 otherwise privileged or protected, to the extent such documents exist and can be located through a
6 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
7 right to supplement this response as discovery continues.

8 **REQUEST FOR PRODUCTION NO. 160:**

9 In the Minutes of Meeting by the Board of Directors of WRL, dated April 18, 2011, it
10 states that Stephen A. Wynn advised that the \$135 million donation would be used to "fund an
11 endowment for a new business program to be established by the University at its expansion in
12 Henquin Island." (Books & Records Suit: WRL-000001-000002 Confidential). Produce all
13 Documents concerning the following:

- 14 a) any efforts or discussions with the University of Macau, UMDF, the
15 Macau government or any third parties relating to any plans for Wynn Macau, or
16 its affiliated companies, to obtain any interest in land that is presently occupied by
17 the University of Macau (Cotai campus).
18 b) any vendors, architects, construction companies or contractors who may provide
19 any services or materials for any construction projects that have been or will be
20 funded, in whole or in part, by any proceeds of the \$135 million donation.
21 c) the University of Macau or UMDF's "long term needs," as referenced in the
22 April 18, 2011 Minutes of Meeting (Books & Records Suit: WRL-000002
23 Confidential).

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 160:**

25 Wynn Resorts objects to this Request on the following grounds: (1) it is unduly
26 burdensome and harassing because it is duplicative of and/or overlaps with other requests herein
27 (e.g., Request Nos. 156, 158, 159, 161); (2) it is overly broad in time (*i.e.*, unlimited); (3) it seeks
28 non-discoverable/irrelevant documents beyond the subject matter of this action and/or any claim

1 or defense in this action and thus (4) is unduly burdensome; and (5) not reasonably calculated to
2 lead to the discovery of admissible evidence. The Request also (6) assumes facts; (7) is a fishing
3 expedition designed to annoy and harass; (8) it is unduly burdensome to the extent it seeks
4 documents in the possession, custody, and/or control of third parties (*e.g.*, documents concerning
5 "vendors, architects, construction companies or contractors who may provide any services or
6 materials for any construction projects"); (9) it is unduly burdensome to the extent it seeks
7 documents already in Defendants' possession, custody, or control through the writ proceeding and
8 this action; (10) to the extent this Request seeks documents from Wynn Resorts (Macau) S.A., a
9 non-party to this action, a Rule 34 request is insufficient to compel the production of this third-
10 party's records and Defendants are required to follow the appropriate legal processes to compel
11 the records of a third party; (11) to the extent the Request seeks documents from Wynn Macau
12 that reside only in Macau, the Request seeks documents containing personal information of third
13 parties protected by the Macau Personal Data Privacy Act; and (12) it is objectionable to the
14 extent it seeks information and communications protected by the attorney-client privilege,
15 common interest privilege, work product doctrine, and/or any other privilege or protection
16 afforded under the law.

17 Subject to and without waiving said objections, Wynn Resorts will produce any
18 discoverable documents responsive to subpart (c) of this Request (as it understands the Request)
19 that are not otherwise privileged or protected, to the extent such documents exist and can be
20 located through a reasonable search and review process. Discovery is continuing, and Wynn
21 Resorts reserves the right to supplement this response as discovery continues.

22 **REQUEST FOR PRODUCTION NO. 161:**

23 In the WRL Agenda for the Telephonic board meeting to be held on April 18, 2011, a
24 memo entitled "Donation to the University of Macau/University of Macau Development
25 Foundation" (Books & Records Suit: WRL-000906 Confidential) states "Wynn Macau's
26 contribution will be the inaugural contribution for the establishment of 'The Asia-Pacific
27 Economics and Management Academy.'" Produce all Documents concerning the establishment of
28 this Academy and its budgetary needs over the next 11 years.

RESPONSE TO REQUEST FOR PRODUCTION NO. 161:

Wynn Resorts objects to this Request on the following grounds: (1) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with other requests herein (*e.g.*, Request Nos. 156, 158-160); (2) it is overly broad in time (*i.e.*, unlimited); (3) it seeks non-discoverable/irrelevant documents beyond the subject matter of this action and/or any claim or defense in this action and thus (4) is unduly burdensome; and (5) not reasonably calculated to lead to the discovery of admissible evidence. The Request also (6) assumes facts; (7) is a fishing expedition designed to annoy and harass; (8) it is unduly burdensome to the extent it seeks documents in the possession, custody, and/or control of third parties (*e.g.*, budgetary needs of the University of Macau); (9) it is unduly burdensome to the extent it seeks documents already in Defendants' possession, custody, or control through the writ proceeding and this action; (10) to the extent this Request seeks documents from Wynn Resorts (Macau) S.A., a non-party to this action, a Rule 34 request is insufficient to compel the production of this third-party's records and Defendants are required to follow the appropriate legal processes to compel the records of a third party; (11) to the extent the Request seeks documents from Wynn Macau that reside only in Macau, the Request seeks documents containing personal information of third parties protected by the Macau Personal Data Privacy Act; and (12) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

Subject to and without waiving said objections, Wynn Resorts will produce any discoverable documents responsive to this Request that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 162:

Per Wynn Macau's Anti-Corruption Policy, which states that it is also the policy of "Wynn Resorts, Limited and their affiliates" (Books & Records Suit: WRL-000927 Confidential) "the FCPA's books-and-records provision requires Wynn to make and keep accurate books,

1 records, and accounts, which, in reasonable detail, accurately and fairly reflect all transactions and
2 disposition of assets At a minimum, Wynn's books and records must reflect the recipient
3 and/or beneficiary, amount, nature, purpose, and date of all expenditures." (Books & Records
4 Suit: WRL-000931 Confidential). Produce all of WRL and Wynn Macau's Documents which "in
5 reasonable detail, accurately and fairly reflect all transactions and disposition of assets" relating to
6 the \$135 million donation which includes, but is not limited to, "journal entries, original invoices
7 and receipts, [] expense reports" and Documents showing the "recipient and/or beneficiary,
8 amount, nature, purpose and date of all expenditures."

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 162:**

10 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
11 time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) it is unduly
12 burdensome to the extent it seeks documents already in Defendants' possession, custody, or
13 control through the writ proceeding and this action; (4) to the extent this Request seeks records
14 other than those of the Company, this Request is not properly directed to Wynn Resorts; (5) to the
15 extent this Request seeks documents from Wynn Macau, a non-party to this action, or any other
16 non-party to this action, a Rule 34 request is insufficient to compel the production of this third-
17 party's records and Defendants are required to follow the appropriate legal processes to compel
18 the records of a third party; (6) to the extent the Request seeks documents from Wynn Macau that
19 reside only in Macau, the Request seeks documents containing personal information of third
20 parties protected by the Macau Personal Data Privacy Act; (7) it is unduly burdensome and
21 harassing to the extent it is duplicative of and/or overlaps with other Request propounded by the
22 Okada Parties (to which Wynn Resorts has already responded) (*e.g.*, Request No. 4, 5) and/or of
23 other requests herein (*e.g.*, Request No. 159); and (8) is objectionable to the extent it calls for
24 documents protected by the attorney-client privilege, common interest privilege, work product
25 doctrine, and/or any other privilege or protection afforded under the law.

26 Subject to and without waiving said objections, Wynn Resorts will produce any
27 discoverable documents responsive to this Request (as it understands the Request) that are not
28 otherwise privileged or protected, to the extent such documents exist and can be located through a

1 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
2 right to supplement this response as discovery continues.

3 **REQUEST FOR PRODUCTION NO. 163:**

4 In an email from Ed Chen to Heidi Lei, dated May 13, 2011 (WYNN00007876-
5 Confidential), which references the vendor "Fundacau para o Desenvolvimento da Universidade
6 de Macau," Mr. Chen instructs Ms. Lei: "Please use this email as an approval for an exception.
7 We will have to issue a urgent check this morning." Produce all Documents concerning the
8 urgent need to issue a check the morning of May 13, 2011. Also produce all Documents
9 concerning why the approval of this check is "an exception."

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 163:**

11 Wynn Resorts objects to this Request on the following grounds: (1) it is unduly
12 burdensome to the extent it seeks documents already in Defendants' possession, custody, or
13 control through the writ proceeding and this action; (2) it assumes facts; (3) to the extent this
14 Request seeks records other than those of the Company, this Request is not properly directed to
15 Wynn Resorts; (4) to the extent this Request seeks documents from Wynn Macau, a non-party to
16 this action, or any other non-party to this action, a Rule 34 request is insufficient to compel the
17 production of this third-party's records and Defendants are required to follow the appropriate legal
18 processes to compel the records of a third party; (5) to the extent the Request seeks documents
19 from Wynn Macau that reside only in Macau, the Request seeks documents containing personal
20 information of third parties protected by the Macau Personal Data Privacy Act; (6) it is unduly
21 burdensome and harassing to the extent it is duplicative of and/or overlaps with other Request
22 propounded by the Okada Parties (to which Wynn Resorts has already responded)
23 (e.g., Request No. 4, 5) and/or of other requests herein (e.g., Request No. 159); and (7) is
24 objectionable to the extent it calls for documents protected by the attorney-client privilege,
25 common interest privilege, work product doctrine, and/or any other privilege or protection
26 afforded under the law.

27 Subject to and without waiving said objections, Wynn Resorts will produce any
28 discoverable documents responsive to this Request that are not otherwise privileged or protected,

1 to the extent such documents exist and can be located through a reasonable search and review
2 process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this
3 response as discovery continues.

4 **REQUEST FOR PRODUCTION NO. 164:**

5 A letter dated November 9, 2011 from the law firm of Glaser Weil Fink Jacobs Howard
6 Avechen & Shapiro LLP to Alston & Bird LLP, (Books & Records Suit: WRL-000947
7 Confidential) relating to "Wynn Resorts (Macau) S.A. Donation to the University of Macau
8 Foundation" states: "The donation was not solicited by any member of the Macau or
9 Chinese governments. Rather, the donation was initiated by the Company in an effort to give
10 back to the community of Macau." Produce all Documents concerning the "initiation by the
11 Company" to provide this donation to the University of Macau or UMDF.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 164:**

13 Wynn Resorts objects to this Request on the following grounds: (1) it is
14 unduly burdensome and harassing to the extent it is duplicative of and/or overlaps with other
15 requests propounded by the Okada Parties (to which Wynn resorts already responded)
16 (*e.g.*, Request No. 4), other multiple requests propounded by the Okada Parties herein
17 (*e.g.*, Request Nos. 150, 151, 153-156, 158-161); (2) it is unduly burdensome to the extent it seeks
18 documents already in Defendants' possession, custody, or control through the writ proceeding,
19 this action, and prior to any litigation in Okada's capacity as a director; (3) it is overly broad in
20 time (*i.e.*, unlimited); (4) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (5) to the extent
21 this Request seeks records other than those of the Company, this Request is not properly directed
22 to Wynn Resorts; (6) to the extent this Request seeks documents from Wynn Macau, a non-party
23 to this action, or any other non-party to this action, a Rule 34 request is insufficient to compel the
24 production of this third-party's records and Defendants are required to follow the appropriate legal
25 processes to compel the records of a third party; (7) to the extent the Request seeks documents
26 from Wynn Macau that reside only in Macau, the Request seeks documents containing personal
27 information of third parties protected by the Macau Personal Data Privacy Act; and (8) is
28 objectionable to the extent it calls for documents protected by the attorney-client privilege,

1 common interest privilege, work product doctrine, and/or any other privilege or protection
2 afforded under the law.

3 Subject to and without waiving said objections, Wynn Resorts will produce any
4 discoverable documents responsive to this Request that are not otherwise privileged or protected,
5 to the extent such documents exist and can be located through a reasonable search and review
6 process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this
7 response as discovery continues.

8 **REQUEST FOR PRODUCTION NO. 165:**

9 The "Donation Summary Provided to the Wynn Macau, Limited Board of Directors"
10 (Books & Records Suit: WRL-00938 Confidential) states that: "The Academy will focus on
11 bringing a premier management and economics based educational experience to the residents of
12 Macau by bringing together business and academic leaders throughout the Asia-Pacific Region to
13 conduct seminars and courses for the enrolled students." Produce all Documents identifying the
14 business and academic leaders who are planning to conduct seminars and courses. Also produce
15 all Documents concerning any compensation these business and academic leaders will or may
16 receive for their services to the University of Macau.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 165:**

18 Wynn Resorts objects to this Request on the following grounds: (1) it is
19 unduly burdensome and harassing because it is duplicative of and/or overlaps with other requests
20 herein (*e.g.*, Request Nos. 156, 158-161); (2) it is overly broad in time (*i.e.*, unlimited); (3) it
21 seeks non-discoverable/irrelevant documents beyond the subject matter of this action and/or any
22 claim or defense in this action and thus (4) is unduly burdensome; and (5) not reasonably
23 calculated to lead to the discovery of admissible evidence. The Request also (6) assumes facts;
24 (7) is a fishing expedition designed to annoy and harass; (8) is unduly burdensome to the extent it
25 seeks documents in the possession, custody, and/or control of third parties; (9) to the extent this
26 Request seeks documents from Wynn Resorts (Macau) S.A., a non-party to this action, a Rule 34
27 request is insufficient to compel the production of this third-party's records and Defendants are
28 required to follow the appropriate legal processes to compel the records of a third party; (10) to

1 the extent the Request seeks documents from Wynn Macau that reside only in Macau, the Request
2 seeks documents containing personal information of third parties protected by the Macau Personal
3 Data Privacy Act; and (11) it is objectionable to the extent it seeks information and
4 communications protected by the attorney-client privilege, common interest privilege, work
5 product doctrine, and/or any other privilege or protection afforded under the law.

6 Subject to and without waiving said objections, Wynn Resorts will produce any
7 discoverable documents responsive to this Request that are not otherwise privileged or protected,
8 to the extent such documents exist and can be located through a reasonable search and review
9 process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this
10 response as discovery continues.

11 **REQUEST FOR PRODUCTION NO. 166:**

12 All Documents concerning Communications between Stephen A. Wynn, WRL, or Wynn
13 Macau on the one hand, and Mr. Zhang Luchuan, Mr. Lam Wai, Mr. Ho Ping, "Dore", Charles
14 Heung, Mr. Ho Hoi, and/or any representative of each on the other.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 166:**

16 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
17 time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) it seeks
18 non-discoverable/irrelevant documents not related to the subject matter of this action and/or the
19 claims or defenses asserted in this action, in that it seeks "[a]ll documents concerning" a list of
20 five individuals (including any of their unnamed representatives) unconnected to the subject
21 matter of this action and/or any allegation, claim, or defense in this action, and thus it is
22 (4) unduly burdensome and (5) not reasonably calculated to lead to the discovery of admissible
23 evidence in this action; (6) it constitutes a fishing expedition unrelated to this action designed to
24 annoy and harass; (7) to the extent this Request seeks records other than those of the Company,
25 this Request is not properly directed to Wynn Resorts; (8) to the extent this Request seeks
26 documents from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to
27 compel the production of this third-party's records and Defendants are required to follow the
28 appropriate legal processes to compel the records of a third party; (9) to the extent the Request

1 seeks documents from Wynn Macau that reside only in Macau, the Request seeks documents
2 containing personal information of third parties protected by the Macau Personal Data Privacy
3 Act; and (10) is objectionable to the extent it calls for documents protected by the attorney-client
4 privilege, common interest privilege, work product doctrine, and/or any other privilege or
5 protection afforded under the law.

6 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
7 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
8 admissible evidence in relation to any allegation or defense and/or a court order compels the
9 production after a finding of discoverability. Discovery is continuing, and Wynn Resorts reserves
10 the right to supplement this response as discovery continues.

11 **REQUEST FOR PRODUCTION NO. 167:**

12 All Documents concerning Communications between Stephen A. Wynn, WRL, or
13 Wynn Macau on the one hand, and golden Win Entertainment, Onnang Construction,
14 Take Roll Ltd., Far East International, San Francisco Group, United VIP Club, and Shui Ming, to
15 include any owners, principals, agents, shareholders, personnel, affiliates, or third party
16 consultants and representatives of each on the other.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 167:**

18 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
19 time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) it seeks
20 non-discoverable/irrelevant documents not related to the subject matter of this action and/or the
21 claims or defenses asserted in this action, in that it seeks "[a]ll documents concerning" a list of
22 seven entities (including any of their unnamed representatives) unconnected to the subject matter
23 of this action and/or any allegation, claim, or defense in this action, and thus it is (4) unduly
24 burdensome and (5) not reasonably calculated to lead to the discovery of admissible evidence in
25 this action; (6) the terms "agents, third party consultants, and representatives" are undefined,
26 vague, and ambiguous, requiring speculation as to their intended meanings; (7) it constitutes a
27 fishing expedition unrelated to this action designed to annoy and harass; (8) to the extent this
28 Request seeks records other than those of the Company, this Request is not properly directed to

1 Wynn Resorts; (9) to the extent this Request seeks documents from Wynn Macau, a non-party to
2 this action, a Rule 34 request is insufficient to compel the production of this third-party's records
3 and Defendants are required to follow the appropriate legal processes to compel the records of a
4 third party; (10) to the extent the Request seeks documents from Wynn Macau that reside only in
5 Macau, the Request seeks documents containing personal information of third parties protected by
6 the Macau Personal Data Privacy Act; and (11) is objectionable to the extent it calls for
7 documents protected by the attorney-client privilege, common interest privilege, work product
8 doctrine, and/or any other privilege or protection afforded under the law.

9 In light of the foregoing, Wynn Resorts will not respond to this Request unless and until
10 Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of
11 admissible evidence in relation to any allegation or defense and/or a court order compels the
12 production after a finding of discoverability. Discovery is continuing, and Wynn Resorts reserves
13 the right to supplement this response as discovery continues.

14 **REQUEST FOR PRODUCTION NO. 168:**

15 All Documents concerning WRL's Business Plans and activities in the gaming industry in
16 the Philippines.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 168:**

18 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
19 time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) it seeks
20 documents and information unrelated to the subject matter of this action and unrelated to any
21 claim or defense asserted in this action, and thus (4) is overly broad; (5) unduly burdensome, and
22 (6) not reasonably calculated to lead to the discovery of admissible evidence. (6) The Request
23 assumes facts; (7) the term/phrase "activities" is undefined, vague, and ambiguous, requiring
24 speculation as to its intended meaning; (8) it is unduly burdensome to the extent it is duplicative
25 of other requests (*e.g.*, Request No. 24); and (9) it is objectionable to the extent it seeks
26 information and communications protected by the attorney-client privilege, common interest
27 privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

1 Subject to and without waiving said objections, Wynn Resorts will produce any
2 discoverable documents responsive to this Request (as it understands the Request) that are not
3 otherwise privileged or protected, to the extent such documents exist and can be located through a
4 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
5 right to supplement this response as discovery continues.

6 **REQUEST FOR PRODUCTION NO. 169:**

7 All Documents concerning any potential or actual trip by any employee, director, officer,
8 or representative of WRL to the Philippines relating to the Aruze Parties' Business Plans and
9 activities in the Philippines.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 169:**

11 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
12 time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) the term
13 "activities" is undefined, vague, and ambiguous, requiring speculation as to its intended meaning;
14 (4) it is unduly burdensome and harassing because it is duplicative of other requests the Okada
15 Parties previously propounded on Wynn Resorts (and to which Wynn Resorts responded)
16 (*e.g.*, Request Nos. 13, 14); (5) it is unduly burdensome to the extent it seeks documents already
17 in Defendants' possession, custody, or control through the writ proceeding and this action; (6) it is
18 unduly burdensome to the extent it seeks documents that may be solely in Defendants' possession,
19 custody, or control (or their agents') for trips that they planned; and (7) it is objectionable to the
20 extent it seeks information and communications protected by the attorney-client privilege,
21 common interest privilege, the work product doctrine, and/or any other privilege or protection
22 afforded under the law.

23 Subject to and without waiving said objections, Wynn Resorts will produce any
24 discoverable documents responsive to this Request (as it understands the Request) that are not
25 otherwise privileged or protected, to the extent such documents exist and can be located through a
26 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
27 right to supplement this response as discovery continues.

28

REQUEST FOR PRODUCTION NO. 170:

All Documents concerning the "investigation" referred to in paragraph 23 of the Second Amended Complaint, including without limitation (a) all Documents concerning the decision to undertake the Investigation; (b) Documents sufficient to show the identities of all individuals participating in the Investigation; (c) all Documents collected, reviewed or prepared during the Investigation; and (d) copies of all draft and final versions of the "written report" referred to in paragraph 23.

RESPONSE TO REQUEST FOR PRODUCTION NO. 170:

Wynn Resorts objects to this Request on the following grounds: (1) it is unduly burdensome and harassing because it is duplicative of other requests that the Okada Parties previously propounded (and to which Wynn Resorts responded) (*e.g.*, Request No. 34(A)); (2) it is overly broad in time (*i.e.*, unlimited); (3) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (4) the term "participating" is undefined, vague, and ambiguous, requiring speculation as to its intended meaning; (5) it is vague and ambiguous as to what and how many documents may be "sufficient" according to Defendants; (6) it is unduly burdensome to the extent it seeks documents already in Defendants' possession, custody, or control; and (7) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

Subject to and without waiving said objections, Wynn Resorts will produce any additional discoverable documents responsive to this Request (as it understands the Request) that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 171:

All Documents concerning the July 2010 Board meeting referred to in paragraphs 23 and 25 of the Second Amended Complaint.

RESPONSE TO REQUEST FOR PRODUCTION NO. 171:

Wynn Resorts objects to this Request on the following grounds: (1) it is unduly burdensome and harassing because it is duplicative of other requests that the Okada Parties previously propounded (and to which Wynn Resorts responded) (*e.g.*, Request Nos. 34(A) and 65); (2) it is overly broad in time (*i.e.*, unlimited); (3) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (4) it is overly broad in scope in that it seeks "[a]ll Documents" related to a meeting of the board of directors irrespective of any connection or lack thereof with the subject matter of this action, or any claim or defenses asserted herein; thus it is (5) unduly burdensome; and (6) not reasonably calculated to lead to the discovery of admissible evidence in this action. The Request also (7) seeks confidential, proprietary, and commercially sensitive information not publicly accessible; (8) is unduly burdensome to the extent it seeks documents already in Defendants' possession, custody, or control; and (9) is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

Subject to and without waiving said objections, Wynn Resorts will produce any additional discoverable documents responsive to this Request (as it understands the Request) related to allegations in paragraphs 23 and 25 of the Second Amended Complaint that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 172:

All Documents concerning the "direct inquiry" referred to in paragraph 28 of the Second Amended Complaint.

RESPONSE TO REQUEST FOR PRODUCTION NO. 172:

Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents . . ."); (3) it is unduly burdensome to the extent it seeks documents already in Defendants' possession, custody, or control through this action and/or otherwise; and (4) it is objectionable to the extent it seeks

1 information and communications protected by the attorney-client privilege, common interest
2 privilege, work product doctrine, and/or any other privilege or protection afforded under the law.

3 Subject to and without waiving said objections, Wynn Resorts will produce any
4 discoverable documents responsive to this Request (as it understands the Request) that are not
5 otherwise privileged or protected, to the extent such documents exist and can be located through a
6 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
7 right to supplement this response as discovery continues.

8 **REQUEST FOR PRODUCTION NO. 173:**

9 All Documents concerning WRL's retention of the Arkin Group and the Arkin Group's
10 Investigation referred to in Paragraphs 30-33 of the Second Amended Complaint, including
11 without limitation:

- 12 a) all Documents concerning the decision to retain the Arkin Group;
- 13 b) all Documents concerning the terms of the retention of the Arkin Group, including
14 the terms of its compensation;
- 15 c) all Documents concerning Communications between WRL and the Arkin Group,
16 including all Documents provided by WRL to the Arkin Group;
- 17 d) Documents sufficient to show the identities of all individuals that interacted with
18 the Arkin Group in the scope of the retention, including but not limited to the
19 WRL employees, as well as Philippine officials and other industry and government
20 contracts interviewed by the Arkin Group;
- 21 e) all Documents used at or created as a result of interviews conducted by the Arkin
22 Group in the scope of the retention;
- 23 f) all Documents concerning Communications with the Aruze Parties concerning the
24 Investigation;
- 25 g) all documents collected, reviewed or prepared by the Arkin Group during this
26 retention, including copies of all draft and final versions of any "written reports"
27 referred to in Paragraph 30 of the Second Amended Complaint;
- 28

1 h) all Documents concerning Communications relating to the Arkin Group
2 Investigation and/or its findings, including Communications between WRL and
3 any Person outside of WRL; and

4 i) all Documents concerning any assessment by WRL, including the WRL Board of
5 the accuracy of the Arkin Reports.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 173:**

7 Wynn Resorts objects to this Request on the following grounds: (1) it is unduly
8 burdensome and harassing in that it is duplicative of other Requests that the Okada Parties
9 propounded in this action (*e.g.*, Request Nos. 34, 38); (2) it is overly broad in time
10 (*i.e.*, unlimited); (3) it is overly broad in scope in that it seeks "[a]ll Documents concerning . . ."
11 and "all documents concerning Communications. . ." and thus (4) is unduly burdensome; and
12 (5) not reasonably calculated to lead to the discovery of admissible evidence. In addition, (6) the
13 term "assessment" is undefined, vague, and ambiguous, requiring speculation as to its intended
14 meaning; (7) it is unduly burdensome to the extent it seeks documents already produced in this
15 action and thus already in Defendants' possession, custody, or control; (8) it is unduly
16 burdensome to the extent it seeks documents in the possession, custody, and/or control of third
17 parties; and (9) it is objectionable to the extent it seeks information and communications protected
18 by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any
19 other privilege or protection afforded under the law.

20 Subject to and without waiving said objections, Wynn Resorts responds as follows:
21 Wynn Resorts incorporates its responses to Request No. 38 as if fully restated herein. In addition,
22 Wynn Resorts will supplement its prior production with any additional discoverable documents
23 responsive to this Request (as Wynn Resorts understands the Request) that are not otherwise
24 privileged or protected, to the extent such documents exist and can be located through a
25 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
26 right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 174:

All Documents concerning the WRL Compliance Committee's retention of Archfield and Archfield's Investigation referred to in Paragraph 36 of the Second Amended Complaint, including without limitation:

- a) all documents concerning the decision to retain Archfield;
- b) all Documents concerning the terms of the retention of the Archfield, including the terms of its compensation;
- c) all Documents concerning Communications between WRL and Archfield, including but not limited to all Documents provided by WRL to Archfield;
- d) Documents sufficient to show the identities of all individuals that interacted with Archfield in the scope of the retention, including but not limited to all individuals interviewed by Archfield;
- e) all Documents used at or created as a result of, interviews conducted by the Archfield in the scope of the retention;
- f) all Documents collected, reviewed or prepared by Archfield during this retention;
- g) all Documents concerning the "results of Archfield's investigation" referred to in paragraph 37 of the Second Amended Complaint;
- h) all Documents concerning the assertion attributed to Archfield in paragraph 39 of the Second Amended Complaint that "former Chairman Genuino and former President Arroyo were 'strongly rumored to have profited from their relationship with Okada'";
- i) all Documents concerning Communications with the Aruze Parties concerning the Investigation;
- j) all Documents concerning the Archfield Investigation and/or its findings, including but not limited to Documents concerning Communications between WRL and any Person or entity outside of WRL; and
- k) all Documents concerning any assessment by WRL, including the WRL Board, of the accuracy of the Archfield reports.

RESPONSE TO REQUEST FOR PRODUCTION NO. 174:

Wynn Resorts objects to this Request on the following grounds: (1) it is unduly burdensome and harassing in that it is duplicative of other Requests that the Okada Parties propounded in this action (*e.g.*, Request No. 34); (2) it is overly broad in time (*i.e.*, unlimited); (3) it is overly broad in scope in that it seeks "[a]ll Documents concerning . . ." and "all documents concerning Communications. . ." and thus (4) is unduly burdensome; and (5) not reasonably calculated to lead to the discovery of admissible evidence. In addition, (6) the term "assessment" is undefined, vague, and ambiguous, requiring speculation as to its intended meaning; (7) it is unduly burdensome to the extent it seeks documents already produced in this action and thus already in Defendants' possession, custody, or control; (8) it is unduly burdensome to the extent it seeks documents in the possession, custody, and/or control of third parties from whom Defendants could and should seek (and did seek) to obtain documents not otherwise privileged or protected directly and with less expense and less burden; and (9) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, the work product doctrine, and/or any other privilege or protection afforded under the law.

Subject to and without waiving said objections, Wynn Resorts will produce any discoverable documents responsive to this Request (as it understands the Request) that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 175:

All Documents concerning any discussion at any meeting of the WRL Board or Compliance Committee concerning issues related to the Aruze Parties' Business Plans and activities in the Philippines.

RESPONSE TO REQUEST FOR PRODUCTION NO. 175:

Wynn Resorts objects to this Request on the following grounds: (1) it is unduly burdensome and harassing because it is duplicative of other requests that the Okada Parties

1 previously propounded (and to which Wynn Resorts responded) (*e.g.*, Request No. 13, 65, 67);
2 (2) it is overly broad in time (*i.e.*, unlimited); (3) it is overly broad in scope (*e.g.*, "[a]ll
3 Documents. . ."); (4) it is overly broad in scope in that it seeks "[a]ll Documents" related to a
4 meeting of the board of directors irrespective of any connection or lack thereof with the subject
5 matter of this action, or any claim or defenses asserted herein; thus it is (5) unduly burdensome;
6 and (6) not reasonably calculated to lead to the discovery of admissible evidence in this action.
7 The Request also (7) seeks highly confidential, extremely sensitive, commercial, financial,
8 compliance, and/or regulatory information not publicly accessible; (8) is unduly burdensome to
9 the extent it seeks documents already in Defendants' possession, custody, or control; (9) the term
10 "activities" is undefined, vague, and ambiguous, requiring speculation as to its intended meaning;
11 and (10) is objectionable to the extent it seeks information and communications protected by the
12 attorney-client privilege, common interest privilege, work product doctrine, and/or any other
13 privilege or protection afforded under the law.

14 Subject to and without waiving said objections, Wynn Resorts will produce any additional
15 discoverable documents responsive to this Request (as it understands the Request) that are not
16 otherwise privileged or protected, to the extent such documents exist and can be located through a
17 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
18 right to supplement this response as discovery continues.

19 **REQUEST FOR PRODUCTION NO. 176:**

20 All Documents concerning the July 28, 2011 Board meeting referred to in paragraph 36 of
21 the Second Amended Complaint.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 176:**

23 Wynn Resorts objects to this Request on the following grounds: (1) it is unduly
24 burdensome and harassing because it is duplicative of other requests that the Okada Parties
25 previously propounded (and to which Wynn Resorts responded) (*e.g.*, Request Nos. 34, 65) and
26 other requests herein (*e.g.*, Request No. 174); (2) it is overly broad in time (*i.e.*, unlimited); (3) it
27 is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (4) it is overly broad in scope in that it seeks
28 "[a]ll Documents" related to a meeting of the board of directors irrespective of any connection or

1 lack thereof with the subject matter of this action, or any claim or defenses asserted herein; thus it
2 is (5) unduly burdensome; and (6) not reasonably calculated to lead to the discovery of admissible
3 evidence in this action. The Request also (7) seeks highly confidential, proprietary, sensitive
4 commercial and financial information not publicly accessible; (8) is unduly burdensome to the
5 extent it seeks documents already in Defendants' possession, custody, or control; and (9) is
6 objectionable to the extent it seeks information and communications protected by the attorney-
7 client privilege, common interest privilege, work product doctrine, and/or any other privilege or
8 protection afforded under the law.

9 Subject to and without waiving said objections, Wynn Resorts will produce any additional
10 discoverable documents responsive to this Request (as it understands the Request) related to
11 allegations in paragraph 36 of the Second Amended Complaint that are not otherwise privileged
12 or protected, to the extent such documents exist and can be located through a reasonable search
13 and review process. Discovery is continuing, and Wynn Resorts reserves the right to supplement
14 this response as discovery continues.

15 **REQUEST FOR PRODUCTION NO. 177:**

16 All Documents concerning the meeting between "WRL management" and "Mr. Okada's
17 attorneys" referred to in paragraph 40 of the Second Amended Complaint, including all
18 Documents concerning the "investigations" and "investigative 'report'" referred to in
19 paragraph 104 of the Fourth Amended Counterclaim and all Documents concerning the
20 "'competitive' concerns" referred to in paragraph 108 of the Fourth Amended Counterclaim.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 177:**

22 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
23 time (*i.e.*, unlimited); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) it is unduly
24 burdensome and harassing because it is duplicative of and/or overlaps with other requests
25 propounded by the Okada Parties to which Wynn Resorts has already responded (*e.g.*, Request
26 Nos. 35, 36), and other requests propounded by the Okada Parties herein (*e.g.*, Request No. 174);
27 (4) the term "'competitive' concerns" as used in the Request is a reference to something alleged in
28 the Okada Parties' Fourth Amended Counterclaim, and are vague and ambiguous, requiring

1 speculation as to its intended meaning; (5) it is unduly burdensome to the extent it seeks
2 documents already in Defendants' possession, custody, or control through the writ proceeding and
3 this action; (6) it is unduly burdensome because it seeks documents in the Defendants' possession,
4 custody, and/or control (or that of their agents) that Defendants should be disclosing in this
5 action; and (7) it is objectionable to the extent it seeks information and communications protected
6 by the attorney-client privilege, common interest privilege, work product doctrine, and/or any
7 other privilege or protection afforded under the law.

8 Subject to and without waiving said objections, Wynn Resorts will produce any additional
9 discoverable documents responsive to this Request (as it understands the Request) that are not
10 otherwise privileged or protected, to the extent such documents exist and can be located through a
11 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
12 right to supplement this response as discovery continues.

13 **REQUEST FOR PRODUCTION NO. 178:**

14 All Documents that WRL believes support findings by WRL, Louis Freeh, Freeh Sporkin,
15 Arkin Group, or Archfield relating to the Aruze Parties' Business Plans and activities in the
16 Philippines.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 178:**

18 Wynn Resorts objects to this Request on the following grounds: (1) it is overly
19 broad in scope (*e.g.*, "[a]ll Documents. . ."); (2) the term "activities" is undefined and, under the
20 circumstances, vague and ambiguous, requiring speculation as to its intended meaning; (3) it is
21 unduly burdensome to the extent it seeks documents already in Defendants' possession, custody,
22 or control (or that of their agents) through the writ proceeding and this action; (4) it is unduly
23 burdensome to the extent it seeks documents in the possession, custody, or control of Defendants
24 (or that of their agents), which Defendants are required to produce in this action; (5) it is unduly
25 burdensome to the extent it seeks records in the possession, custody, and control of a third party
26 from whom Defendants could and should seek (and are in the process of seeking) to obtain
27 documents not otherwise privileged or protected directly and with less expense and less burden; it
28 is unduly burdensome to the extent it seeks documents in the possession of third parties from

whom the Okada Parties can subpoena the documents; (6) to the extent this Request seeks documents from Wynn Macau, a non-party to this action, a Rule 34 request is insufficient to compel the production of this third-party's records and Defendants are required to follow the appropriate legal processes to compel the records of a third party; (7) to the extent the Request seeks documents from Wynn Macau that reside only in Macau, the Request seeks documents containing personal information of third parties protected by the Macau Personal Data Privacy Act; (8) it is unduly burdensome to the extent it overlaps with requests the Okada Parties previously propounded on Wynn Resorts (to which Wynn Resorts already responded) (*e.g.*, Request No. 34, 38, 39), and with requests that the Okada Parties propounded herein (*e.g.*, Request Nos. 173, 174); and (9) it is objectionable to the extent it seeks information and communications protected by the attorney-client privilege, common interest privilege, work product doctrine, and/or any other privilege or protection afforded under the law. (10) In addition, Wynn Resorts objects to this Request to the extent it seeks the mental impressions and work product of counsel and/or seeks documents/communications protected by the attorney-client privilege, including, but not limited to, documents exchanged by and between Wynn Resorts and its counsel. (11) Relatedly, Wynn Resorts objects to this Request because, by asking counsel to sort through and identify documents that "support" something, the Request calls for a legal conclusion and explicitly seeks counsel's impressions, conclusions, opinions, and/or legal theories (*i.e.*, work product), which are protected from disclosure.

In light of the foregoing, Wynn Resorts will not respond to this Request unless and until Defendants reframe the Request to not invade a privilege or protection and/or a court order compelling the production.

REQUEST FOR PRODUCTION NO. 179:

All documents that formed the basis for the "concern" expressed by Kimmarie Sinatra on June 9, 2011 that a contemplated loan from WRL to Aruze USA could be unlawful in any way.

RESPONSE TO REQUEST FOR PRODUCTION NO. 179:

Wynn Resorts objects to this Request on the following grounds: (1) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with other requests

propounded by the Okada Parties to which Wynn Resorts has already responded (*e.g.*, Request Nos. 30, 33), and other requests propounded by the Okada Parties herein (*e.g.*, Request No. 180-181, 184, 183, 185, 191, 194); (2) it is overly broad in time (*i.e.*, unlimited); (3) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (4) it assumes facts; (5) it is unduly burdensome to the extent it seeks documents already in Defendants' possession, custody, or control through this action; (6) it is unintelligible, vague, ambiguous, and confusing as to what documents the Okada Parties are seeking to obtain via this Request (*e.g.*, an attorneys' knowledge and understanding of the law); and (7) it is objectionable to the extent this Request seeks the mental impressions and work product of counsel and/or seeks documents/communications protected by the attorney-client privilege, common interest privilege, and/or any other privilege or protection afforded under the law.

Subject to and without waiving said objections, Wynn Resorts will produce any additional discoverable documents responsive to this Request (as it understands the Request) that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 180:

All Documents concerning Kimmarie Sinatra's understanding in or around 2011 that a loan from WRL to Aruze USA may be unlawful.

RESPONSE TO REQUEST FOR PRODUCTION NO. 180:

Wynn Resorts objects to this Request on the following grounds: (1) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with other requests propounded by the Okada Parties to which Wynn Resorts has already responded (*e.g.*, Request Nos. 30, 33), and other requests propounded by the Okada Parties herein (*e.g.*, Request No. 179, 181, 184, 183, 185, 191, 194); (2) it is overly broad in time (*i.e.*, unlimited); (3) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (4) it is unduly burdensome to the extent it seeks documents already in Defendants' possession, custody, or control through this action; (5) it is unintelligible, vague, ambiguous, and confusing as to what documents the Okada Parties are seeking to obtain

1 via this Request (*e.g.*, an attorneys' knowledge and understanding of the law); and (6) it is
2 objectionable to the extent this Request seeks the mental impressions and work product of counsel
3 and/or seeks documents/communications protected by the attorney-client privilege, common
4 interest privilege, and/or any other privilege or protection afforded under the law.

5 Subject to and without waiving said objections, Wynn Resorts will produce any additional
6 discoverable documents responsive to this Request (as it understands the Request) that are not
7 otherwise privileged or protected, to the extent such documents exist and can be located through a
8 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
9 right to supplement this response as discovery continues.

10 **REQUEST FOR PRODUCTION NO. 181:**

11 All Documents concerning the drafting of the side letter by Kimmarie Sinatra on or
12 around May 16, 2011, including but not limited to Ms. Sinatra's addition of "to the extent
13 compliant with all state and federal laws" to the draft letter.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 181:**

15 Wynn Resorts objects to this Request on the following grounds: (1) it is unduly
16 burdensome and harassing because it is duplicative of and/or overlaps with other requests
17 propounded by the Okada Parties to which Wynn Resorts has already responded (*e.g.*, Request
18 Nos. 30, 33), and other requests propounded by the Okada Parties herein (*e.g.*, Request No. 179-
19 180, 183-185, 191, 194); (2) it is overly broad in time (*i.e.*, unlimited); (3) it is overly broad in
20 scope (*e.g.*, "[a]ll Documents. . ."); (4) it is unduly burdensome to the extent it seeks documents
21 already in Defendants' possession, custody, or control through this action; (5) it is unintelligible,
22 vague, ambiguous, and confusing as to what documents the Okada Parties are seeking to obtain
23 via this Request (*e.g.*, an attorneys' knowledge and understanding of the law); and (6) it is
24 objectionable to the extent this Request seeks the mental impressions and work product of counsel
25 and/or seeks documents/communications protected by the attorney-client privilege, common
26 interest privilege, and/or any other privilege or protection afforded under the law.

27 Subject to and without waiving said objections, Wynn Resorts will produce any additional
28 discoverable documents responsive to this Request (as it understands the Request) that are not

1 otherwise privileged or protected, to the extent such documents exist and can be located through a
2 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
3 right to supplement this response as discovery continues.

4 **REQUEST FOR PRODUCTION NO. 182:**

5 All documents concerning the reason(s) Stephen A. Wynn requested that Aruze USA
6 consent to a transfer of Elaine Wynn's securities under the Stockholders Agreement in exchange
7 for a loan from WRL to Aruze USA.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 182:**

9 Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad in
10 time; (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) it assumes facts; (4) it is
11 unduly burdensome to the extent it is duplicative of and/or overlaps with other requests
12 propounded by the Okada Parties to which Wynn Resorts previously responded (*e.g.*, Request No.
13 31); and (5) it is objectionable to the extent it seeks information and communications protected by
14 the attorney-client privilege, common interest privilege, work product doctrine, and/or any other
15 privilege or protection afforded under the law.

16 Subject to and without waiving said objections, Wynn Resorts will produce any additional
17 discoverable documents responsive to this Request (as it understands the Request) that are not
18 otherwise privileged or protected, to the extent such documents exist and can be located through a
19 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
20 right to supplement this response as discovery continues.

21 **REQUEST FOR PRODUCTION NO. 183:**

22 All Documents concerning Communications to, from, or including Kimmarie Sinatra
23 and/or Stephen A. Wynn from May 16, 2011 to June 9, 2011 concerning the applicability of
24 Section 402 of the Sarbanes-Oxley Act to the contemplated loan from WRL to Aruze USA.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 183:**

26 Wynn Resorts objects to this Request on the following grounds: (1) it is unduly
27 burdensome and harassing because it is duplicative of and/or overlaps with other requests
28 propounded by the Okada Parties to which Wynn Resorts has already responded (*e.g.*, Request

Nos. 30, 33), and other requests propounded by the Okada Parties herein (*e.g.*, Request No. 179-181, 184, 185, 191); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) it assumes facts; (4) it is unduly burdensome to the extent it seeks documents already in Defendants' possession, custody, or control through this action; and (5) it is objectionable to the extent this Request seeks the mental impressions and work product of counsel and/or seeks documents/communications protected by the attorney-client privilege, common interest privilege, and/or any other privilege or protection afforded under the law.

Subject to and without waiving said objections, Wynn Resorts will produce any additional discoverable documents responsive to this Request (as it understands the Request) that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 184:

All Documents concerning Kimmarie Sinatra's training or understanding with respect to Section 402 of the Sarbanes-Oxley Act.

RESPONSE TO REQUEST FOR PRODUCTION NO. 184:

Wynn Resorts objects to this Request on the following grounds: (1) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with other requests propounded by the Okada Parties herein (*e.g.*, Request No. 179-181, 184, 185, 191, 194); (2) it is overly broad in time (*i.e.*, unlimited); (3) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (4) it is unintelligible, vague, ambiguous, and confusing as to what documents the Okada Parties are seeking to obtain via this Request (*e.g.*, an attorneys' knowledge and understanding of the law); (5) is a fishing expedition designed to annoy and harass; and (6) it is objectionable to the extent this Request seeks the mental impressions and work product of counsel and/or seeks documents/communications protected by the attorney-client privilege, common interest privilege, and/or any other privilege or protection afforded under the law.

In light of the foregoing, Wynn Resorts will not respond to this Request unless and until Defendants demonstrate how the Request is reasonably calculated to lead to the discovery of

admissible evidence in relation to any allegation or defense and/or a court order compels the production after a finding of discoverability.

REQUEST FOR PRODUCTION NO. 185:

All Documents concerning Kimmarie Sinatra's responsibilities concerning WRL's compliance with Section 402 of the Sarbanes-Oxley Act.

RESPONSE TO REQUEST FOR PRODUCTION NO. 185:

Wynn Resorts objects to this Request on the following grounds: (1) it is overly broad (*i.e.*, unlimited) in time; (2) it is overly broad in scope (*e.g.*, "[a]ll documents . . ."); (3) it seeks nondiscoverable/irrelevant documents that are unrelated to the subject matter of this action and/or the claims and defenses asserted in this action; (4) it is not reasonably calculated to lead to the discovery of admissible evidence; (5) rather, the Request has been propounded with an improper purpose designed to annoy and harass Ms. Sinatra and the Company; (6) the Request is unduly burdensome to the extent it seeks documents available in the public record and thus equally available to Defendants; (7) it is unduly burdensome to the extent it seeks documents already in Defendants' possession, custody, or control through the writ proceeding and this action; and (8) it is unduly burdensome to the extent it is duplicative of other requests propounded by the Okada Parties to which Wynn Resorts already responded (*e.g.*, Request No. 33).

Subject to and without waiving said objections, Wynn Resorts will produce any additional discoverable documents responsive to this Request (as it understands the Request) that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 186:

All Documents concerning any discussions within WRL, and/or between Stephen A. Wynn and Kimmarie Sinatra, concerning consideration of the request by Mr. Okada that Aruze USA be allowed to pledge some of its WRL stock.

RESPONSE TO REQUEST FOR PRODUCTION NO. 186:

Wynn Resorts objects to this Request on the following grounds: (1) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with other requests propounded by the Okada Parties to which Wynn Resorts has already responded (*e.g.*, Request No. 30), and other requests propounded by the Okada Parties herein (*e.g.*, Request Nos. 187, 196, 199); (2) it is overly broad in time (*i.e.*, unlimited); (3) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (4) it is unduly burdensome to the extent it seeks documents already in Defendants' possession, custody, or control through this action; and (5) it is objectionable to the extent this Request seeks the mental impressions and work product of counsel and/or seeks documents/communications protected by the attorney-client privilege, common interest privilege, and/or any other privilege or protection afforded under the law.

Subject to and without waiving said objections, Wynn Resorts will produce any additional discoverable documents responsive to this Request (as it understands the Request) that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 187:

All Documents concerning any discussions within WRL, and/or between Stephen A. Wynn and Kimmarie Sinatra, concerning any consideration whatsoever of the Investigation by WRL into the activities of the Aruze Parties in the Philippines and how the Investigation relates to Mr. Okada's request to pledge some of Aruze USA's WRL stock.

RESPONSE TO REQUEST FOR PRODUCTION NO. 187:

Wynn Resorts objects to this Request on the following grounds: (1) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with other requests propounded by the Okada Parties to which Wynn Resorts has already responded (*e.g.*, Request No. 30), and other requests propounded by the Okada Parties herein (*e.g.*, Request Nos. 186, 196, 199); (2) it is overly broad in time (*i.e.*, unlimited); (3) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (4) the term "activities" is undefined and, under the

1 circumstances, vague and ambiguous, requiring speculation as to its intended meaning; (5) it is a
2 harassing fishing expedition; (6) it assumes facts; (7) it is unduly burdensome to the extent it
3 seeks documents already in Defendants' possession, custody, or control through this action; and
4 (8) it is objectionable to the extent this Request seeks the mental impressions and work product of
5 counsel and/or seeks documents/communications protected by the attorney-client privilege,
6 common interest privilege, and/or any other privilege or protection afforded under the law.

7 Subject to and without waiving said objections, Wynn Resorts will produce any additional
8 discoverable documents responsive to this Request (as it understands the Request) that are not
9 otherwise privileged or protected, to the extent such documents exist and can be located through a
10 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
11 right to supplement this response as discovery continues.

12 **REQUEST FOR PRODUCTION NO. 188:**

13 All Documents concerning any discussions within WRL, and/or between
14 Stephen A. Wynn and Kimmarie Sinatra, concerning any consideration whatsoever of the
15 Investigation by WRL into the activities of the Aruze Parties in the Philippines and how the
16 Investigation relates to Mr. Wynn's offer that WRL provide a loan to Aruze USA.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 188:**

18 Wynn Resorts objects to this Request on the following grounds: (1) it is unduly
19 burdensome and harassing because it is duplicative of and/or overlaps with other requests
20 propounded by the Okada Parties to which Wynn Resorts has already responded
21 (e.g., Request No. 30), and other requests propounded by the Okada Parties herein
22 (e.g., Request Nos. 191, 192, 194); (2) it is overly broad in time (*i.e.*, unlimited); (3) it is overly
23 broad in scope (e.g., "[a]ll Documents. . ."); (4) the term "activities" is undefined and, under the
24 circumstances, vague and ambiguous, requiring speculation as to its intended meaning; (5) it is a
25 harassing fishing expedition; (6) it assumes facts; (7) it is unduly burdensome to the extent it
26 seeks documents already in Defendants' possession, custody, or control through this action; and
27 (8) it is objectionable to the extent this Request seeks the mental impressions and work product of
28

1 counsel and/or seeks documents/communications protected by the attorney-client privilege,
2 common interest privilege, and/or any other privilege or protection afforded under the law.

3 Subject to and without waiving said objections, Wynn Resorts will produce any additional
4 discoverable documents responsive to this Request (as it understands the Request) that are not
5 otherwise privileged or protected, to the extent such documents exist and can be located through a
6 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
7 right to supplement this response as discovery continues.

8 **REQUEST FOR PRODUCTION NO. 189:**

9 All Documents concerning the telephone conference involving Kimmarie Sinatra and
10 Aruze USA counsel that took place on July 15, 2011.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 189:**

12 Wynn Resorts objects to this Request on the following grounds: (1) it is unduly
13 burdensome and harassing because it is duplicative of and/or overlaps with other requests
14 propounded by the Okada Parties to which Wynn Resorts has already responded
15 (*e.g.*, Request Nos. 30, 34), and other requests propounded by the Okada Parties herein
16 (*e.g.*, Request No. 179-180, 183, 194, 195); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents.
17 . . ."); (3) it assumes facts; (4) it is unduly burdensome to the extent it seeks documents already in
18 Defendants' possession, custody, or control through this action; and (5) it is objectionable to the
19 extent this Request seeks the mental impressions and work product of counsel and/or seeks
20 documents/communications protected by the attorney-client privilege, common interest privilege,
21 and/or any other privilege or protection afforded under the law.

22 Subject to and without waiving said objections, Wynn Resorts will produce any additional
23 discoverable documents responsive to this Request (as it understands the Request) that are not
24 otherwise privileged or protected, to the extent such documents exist and can be located through a
25 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
26 right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 190:

All Documents concerning the telephone conversation between Kimmarie Sinatra and Aruze USA that took place on September 23, 2011.

RESPONSE TO REQUEST FOR PRODUCTION NO. 190:

Wynn Resorts objects to this Request on the following grounds: (1) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with other requests propounded by the Okada Parties to which Wynn Resorts has already responded (*e.g.*, Request Nos. 30, 34), and other requests propounded by the Okada Parties herein (*e.g.*, Request No. 179-180, 183, 194, 195); (2) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (3) it assumes facts; (4) it is unduly burdensome to the extent it seeks documents already in Defendants' possession, custody, or control through this action; and (5) it is objectionable to the extent this Request seeks the mental impressions and work product of counsel and/or seeks documents/communications protected by the attorney-client privilege, common interest privilege, and/or any other privilege or protection afforded under the law.

Subject to and without waiving said objections, Wynn Resorts will produce any additional discoverable documents responsive to this Request (as it understands the Request) that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 191:

All Documents concerning Kimmarie Sinatra's involvement, including but not limited to in person, via telephone, or providing materials or information in advance, in the decision by the WRL Compliance Committee to not permit a loan from WRL to Aruze USA or to provide a "backstop" to a loan from Deutsche Bank to Aruze USA.

RESPONSE TO REQUEST FOR PRODUCTION NO. 191:

Wynn Resorts objects to this Request on the following grounds: (1) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with other requests propounded by the Okada Parties to which Wynn Resorts has already responded

(e.g., Request Nos. 30, 33), and other requests propounded by the Okada Parties herein (e.g., Request No. 179-181, 183-185, 194, 198); (2) it is overly broad in scope (e.g., "[a]ll Documents. . ."); (3) it assumes facts; (4) it is unduly burdensome to the extent it seeks documents already in Defendants' possession, custody, or control through this action; and (5) it is objectionable to the extent this Request seeks the mental impressions and work product of counsel and/or seeks documents/communications protected by the attorney-client privilege, common interest privilege, and/or any other privilege or protection afforded under the law.

Subject to and without waiving said objections, Wynn Resorts will produce any additional discoverable documents responsive to this Request (as it understands the Request) that are not otherwise privileged or protected, to the extent such documents exist and can be located through a reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the right to supplement this response as discovery continues.

REQUEST FOR PRODUCTION NO. 192:

All Documents concerning Stephen A. Wynn's involvement, including but not limited to in person, via telephone, or providing materials or information in advance, in the decision by the WRL Compliance Committee to not permit a loan from WRL to Aruze USA or to provide a "backstop" to a loan from Deutsche Bank to Aruze USA.

RESPONSE TO REQUEST FOR PRODUCTION NO. 192:

Wynn Resorts objects to this Request on the following grounds: (1) it is unduly burdensome and harassing because it is duplicative of and/or overlaps with other requests propounded by the Okada Parties to which Wynn Resorts has already responded (e.g., Request No. 30), and other requests propounded by the Okada Parties herein (e.g., Request Nos. 186, 187, 191, 192, 198, 199); (2) it is overly broad in time (*i.e.*, unlimited); (3) it is overly broad in scope (e.g., "[a]ll Documents. . ."); (4) it is unduly burdensome to the extent it seeks documents already in Defendants' possession, custody, or control through this action or otherwise; (5) seeks highly confidential, sensitive, commercial, financial, compliance and/or regulatory information; and (6) it is objectionable to the extent this Request seeks the mental impressions and work product of counsel and/or seeks documents/communications

1 protected by the attorney-client privilege, common interest privilege, and/or any other privilege or
2 protection afforded under the law.

3 Subject to and without waiving said objections, Wynn Resorts will produce any additional
4 discoverable documents responsive to this Request (as it understands the Request) that are not
5 otherwise privileged or protected, to the extent such documents exist and can be located through a
6 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
7 right to supplement this response as discovery continues.

8 **REQUEST FOR PRODUCTION NO. 193:**

9 All Documents concerning or reflecting Stephen A. Wynn's involvement in and/or control
10 over the WRL Compliance Committee.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 193:**

12 Wynn Resorts objects to this Request on the following grounds: (1) it is unduly
13 burdensome and harassing because it is duplicative of and/or overlaps with other requests
14 propounded by the Okada Parties herein (*e.g.*, Request No. 192); (2) it is overly broad in time
15 (*i.e.*, unlimited); (3) it is overly broad in scope (*e.g.*, "[a]ll Documents. . ."); (4) it is unduly
16 burdensome to the extent it seeks documents already in Defendants' possession, custody, or
17 control through this action or otherwise; (5) the term "involvement" is undefined and, under the
18 circumstances, vague and ambiguous, requiring speculation as to its intended meaning; (6) it
19 assumes facts; and (7) it is objectionable to the extent this Request seeks the mental impressions
20 and work product of counsel and/or seeks documents/communications protected by the attorney-
21 client privilege, common interest privilege, and/or any other privilege or protection afforded
22 under the law.

23 Subject to and without waiving said objections, Wynn Resorts will produce any additional
24 discoverable documents responsive to this Request (as it understands the Request) that are not
25 otherwise privileged or protected, to the extent such documents exist and can be located through a
26 reasonable search and review process. Discovery is continuing, and Wynn Resorts reserves the
27 right to supplement this response as discovery continues.