

IN THE SUPREME COURT OF THE STATE OF NEVADA

WYNN RESORTS LIMITED,

Case No. 70050

Petitioners,

Electronically Filed
Mar 30 2016 12:28 p.m.

vs.

Tracie K. Lindeman
Clerk of Supreme Court

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, IN AND FOR THE
COUNTY OF CLARK; AND THE
HONORABLE ELIZABETH
GONZALEZ, DISTRICT JUDGE,
DEPT. XI,

**WYNN RESORTS LIMITED
MOTION TO FILE DOCUMENTS
PA000506-PA001209 OF ITS
APPENDIX UNDER SEAL**

Respondent,

and

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

Real Parties in Interest.

I. INTRODUCTION

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

II. ANALYSIS

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

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

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

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

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III. CONCLUSION

Based upon the foregoing, WRL respectfully requests that the Court permit it to file Documents PA000506-PA1209 of its Appendix under seal.

DATED this 29th day of March, 2016.

PISANELLI BICE PLLC

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 29th day of March, 2016, I electronically filed and served by electronic mail and United States Mail a true and correct copy of the above and foregoing **WYNN RESORTS LIMITED'S MOTION TO FILE PORTIONS OF ITS APPENDIX UNDER SEAL** properly addressed to the following:

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