

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 71276

MARIO LA BARBERA, an individual,

Appellant,

Electronically Filed
Jun 16 2017 11:11 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

v.

WYNN LAS VEGAS, LLC, D/B/A WYNN LAS VEGAS,
A Nevada Limited Liability Company,

Respondent.

Appeal from Judgment on Jury Verdict entered August 3, 2016
District Court Case No.: A-14-695025-C
Eighth Judicial District Court of Nevada

**RESPONDENT'S APPENDIX
(VOLUME III, BATES NOS. 273-460)**

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INDEX TO RESPONDENT'S APPENDIX
Chronological

DOCUMENT DESCRIPTION	LOCATION
Summons with Proof of Service documents (filed 12/19/2014)	Volume I, Bates Nos. 1-32
Deposition Transcript of Defendant Mario La Barbera (taken on 6/11/15)	Volume I, Bates Nos. 33-192
Plaintiff's Motion for Summary Judgment (filed 11/9/2015)	Volume II, Bates Nos. 193-272
Defendant's Opposition to Plaintiff for Summary Judgment and Countermotion for Summary Judgment (filed 12/30/2015)	Volume III, Bates Nos. 273-460
Correspondence Letter from C Kircher to J Albregts regarding 3rd Supplemental Disclosure (dated 2/22/2016)	Volume IV Bates Nos. 461
Correspondence Letter from J Albregts to C Kircher regarding 3rd Supplemental Disclosure (dated 2/24/2016)	Volume IV Bates Nos. 462
Correspondence Letter from C Kircher to J Albregts regarding 3rd Supplemental Disclosure (dated 2/25/2016)	Volume IV Bates Nos. 463
Correspondence Letter from J Albregts to L Semenza regarding 3rd Supplemental Disclosure (dated 4/5/2016)	Volume IV Bates Nos. 464-467
Correspondence Letter from L Semenza to J Albregts regarding 3rd Supplemental Disclosure (dated 4/5/2016)	Volume IV Bates Nos. 468-471
Correspondence Letter from L Semenza to J Albregts regarding 3rd Supplemental Disclosure (dated 4/6/2016)	Volume IV Bates Nos. 472-473
Transcript of Proceedings - Plaintiff's Motion for Summary Judgment, Defendant's Opposition to Plaintiff for Summary Judgment and Countermotion for Summary Judgment (filed 4/8/2016)	Volume IV Bates Nos. 474-487
Joint Trial Exhibit No. 1 – Mario La Barbera Italian Passport	Volume IV Bates Nos. 488-489

DOCUMENT DESCRIPTION	LOCATION
Joint Trial Exhibit No. 2 – Mario La Barbera's Credit Application	Volume IV Bates Nos. 490
Joint Trial Exhibit No. 3 - Mario La Barbera's Credit Agreement	Volume IV Bates Nos. 491-492
Joint Trial Exhibit No. 4 – Mario La Barbera's Credit Line Increases (5 pages)	Volume IV Bates Nos. 493-497
Joint Trial Exhibit No. 5 – Marker Check No 70601126 and supporting documents	Volume IV Bates Nos. 498-500
Joint Trial Exhibit No. 6 – Marker Check No 70601883 and supporting documents	Volume IV Bates Nos. 501-504
Joint Trial Exhibit No. 7 – Marker Check No 70601886 and supporting documents	Volume IV Bates Nos. 505-507
Joint Trial Exhibit No. 8 – Marker Check No 70601890 and supporting documents	Volume IV Bates Nos. 508-510
Joint Trial Exhibit No. 9 – Marker Check No 70601892 and supporting documents	Volume IV Bates Nos. 511-514
Joint Trial Exhibit No. 10 – Marker Check No 70601898 and supporting documents	Volume IV Bates Nos. 515-518
Joint Trial Exhibit No. 11 – Marker Check No 70601900 and supporting documents	Volume IV Bates Nos. 519-521
Joint Trial Exhibit No. 12 – Marker Check No 70602091 and supporting documents	Volume IV Bates Nos. 522-525
Joint Trial Exhibit No. 13 – Marker Check No 70602095 and supporting documents	Volume IV Bates Nos. 526-529
Joint Trial Exhibit No. 14 – Marker Check No 70602099 and supporting documents	Volume IV Bates Nos. 530-533
Joint Trial Exhibit No. 15 – Marker Check No 70602104 and supporting documents	Volume IV Bates Nos. 534-537

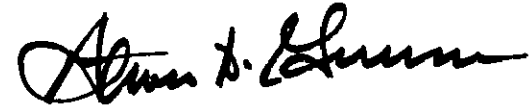
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Joint Trial Exhibit No. 16 – Marker Check No 70602124 and supporting documents	Volume IV Bates Nos. 538-541
Joint Trial Exhibit No. 17 – Mario La Barbera Player Report	Volume IV Bates Nos. 542-545
Joint Trial Exhibit No. 18 – Mario La Barbera Marker History Report	Volume IV Bates Nos. 546-548
Joint Trial Exhibit No. 21 – December 15, 2008 Demand Letter to Mario La Barbera	Volume IV Bates Nos. 549-553
Joint Trial Exhibit No. 23 – Mario La Barbera Hotel Folios	Volume IV Bates Nos. 554-558
Joint Trial Exhibit No. 26 – Defendant Mario La Barbera's Responses to Plaintiff's First Requests for Admissions	Volume IV Bates Nos. 559-570

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Alphabetical

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CLERK OF THE COURT

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DISTRICT COURT

CLARK COUNTY, NEVADA

10 **WYNN LAS VEGAS, LLC**
11 **d/b/a WYNN LAS VEGAS,**

Plaintiff,

v.

13 **MARIO LA BARBERA,**

Defendant.

Case No.: A-14-695025-C
Dept. No.: XXVIII

**DEFENDANT'S OPPOSITION TO
PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT AND COUNTERMOTION
FOR SUMMARY JUDGMENT**

Date of hearing: January 21 , 2016
Time of hearing: 9:00 A.M.

16 Defendant Mario La Barbera hereby opposes Plaintiff Wynn Las Vegas, LLC, d/b/a
17 Wynn Las Vegas's Motion For Summary Judgment in its favor in this action and,
18 correspondingly, countermoves for summary judgment in his favor here.

19 This Opposition is made and based upon the Points and Authorities and Exhibits attached
20 hereto, as well as on all of the pleadings and papers on file herein.

21 Dated this 18th day of December, 2015.

23 **HOLLEY, DRIGGS, WALSH, FINE,**
24 **WRAY PUZEY & THOMPSON**



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POINTS AND AUTHORITIES
I.
INTRODUCTORY STATEMENT

For the sake of propriety, or more accurately to avoid the appearance of impropriety in this jurisdiction, this case must go to the jury.¹ As noted by the Wynn in its moving papers, it filed this case against Mr. La Barbera to collect outstanding Casino Markers allegedly still due and owing to it from him. Make no mistake about it, the Wynn's calculated strategy here—ostensibly its strategy in all of its other gaming marker collection cases against foreigners—is to prevent this case from ever going to the jury or, in other words, to fundamentally deny Mr. La Barbera due process by preventing him from ever having the opportunity to be heard or defend himself before a jury here.

To the end (among others) of vilifying or demonizing—indeed criminalizing – those who fail or refuse to pay its Casino Markers, the Wynn filed criminal charges against Mr. La Barbera with the Clark County District Attorney's Office that has resulted currently in an outstanding bench issued warrant against him here, thereby effectively preventing him from ever coming to this jurisdiction to defend himself including by trial before a jury. This fact is not in dispute here and, in point of as much, the Wynn conducted Mr. La Barbera's deposition this past June in Rome, Italy. Notably, the Wynn simply "cherry picks" those portions of Mr. La Barbera's deposition which it feels supports summary judgment for it here.² The Wynn has no intention of being any fairer to Mr. La Barbera in this case than it was when it intentionally took advantage of his undisputed gambling sickness or addiction by fraudulently inducing him into executing the Casino Markers at issue in this case. In addition to not disputing Mr. La Barbera's gambling sickness or addiction—rather the Wynn argues preemptively in its pending Motion that Mr. La Barbera may not defend himself in this case on that basis under Nevada law—it is also

¹ Mr. La Barbera filed a Demand For Jury Trial in this case on October 22, 2014, a true and correct copy of which is attached hereto as Exhibit A.

² With that said, and upon the request of this writer, Wynn's counsel graciously provided a complete copy of Mr. La Barbera's deposition, a true and correct copy of which is attached hereto as Exhibit B.

1 undisputed that Mr. La Barbera can neither speak nor read English at all. While making certain
2 that it had a certified and, therefore, credible interpreter for Mr. La Barbera at his deposition last
3 June in Rome, Italy, the Wynn wanted no such certainty or accuracy in providing Mr. La Barbera
4 a gaming "host" that would fraudulently induce him into executing the Casino Markers at issue
5 in this case, namely Alex Pariente. Indeed, Mr. Pariente is no longer employed by the Wynn and
6 not even listed as a witness in this case in its 16.1 disclosures, rather Mr. La Barbera has
7 identified him as a witness in this case. The Wynn is also not about to produce him for
8 deposition in this case any more than it wants him near the courthouse to testify at trial before a
9 jury in this case. It is also undisputed that Mr. Pariente speaks Italian and was specifically hired
10 and employed by the Wynn to solicit and bring to its gaming tables here gamblers from Italy
11 who could not control their habit, sickness or addiction, just like Mr. La Barbera. And equally
12 important here is the undisputed fact that Mr. Pariente is the only one from the Wynn who spoke
13 Italian with Mr. La Barbera there, even refusing to translate the Casino Markers or documents
14 allegedly executed by Mr. La Barbera.

15 Although gambling debts are not usually enforceable in most European countries like
16 Italy,³ let alone criminalized like they are in one or two places in the United States, Mr. La
17 Barbera's Italian counsel specifically engaged this writer to defend Mr. La Barbera in this case
18 because the Wynn will seek to enforce whatever Judgment it obtains here in Italy pursuant to the
19 Hague Convention Treaty. In doing so, it will be readily evident from the outset whether the
20 Court here provided any due process to Mr. La Barbera including the opportunity to be heard by
21 a jury. In short, this Court should not be a party to the calculated strategy of the Wynn to deny
22 Mr. La Barbera any due process in this case by granting its pending Motion for Summary
23 Judgment and denying Mr. La Barbera the opportunity to have his counsel present his defenses
24 to a jury. Respectfully, it is beyond credulity that the Wynn would use someone like Mr.
25 Pariente to sign Mr. La Barbera up for gaming debt and then refuse to produce him as a witness

26
27 ³ It is quite the opposite in Italy. There, Mr. La Barbera would have a cause of action against
28 Wynn for exploiting his gambling disease, on which he would clearly prevail, requiring the
Wynn to disgorge its "winnings" from him .

1 to rebut or contest Mr. La Barbera's testimony. Finally, Wynn has proffered evidence in this
2 case that contradicts its own allegations, and therefore such evidence cannot and should not be
3 relied upon for accuracy here.

4 **II.** 5 **FACTS**

6 **A. Facts Not Disputed By The Wynn.**

7 1. Mr. La Barbera is a citizen of Italy and cannot speak, read, or write English
8 whatsoever. In point of as much, not only did the Wynn hire a certified and credible interpreter
9 for Mr. La Barbera's deposition this past June in Rome, Italy, but it also employed Mr. Pariente
10 to speak Italian with Mr. La Barbera as well as to allegedly execute the Casino Markers at issue
11 in this action. (See, Exhibit B, 27:11-14.)

12 2. Mr. Pariente was the only one from the Wynn who spoke with Mr. La Barbera in
13 Italian, and he refused to translate any of the documents he assisted Mr. La Barbera in
14 completing (and induced him into allegedly signing). (See, Exhibit B, lines 27:1-5-23 and
15 28:18-23.)

16 3. Mr. La Barbera had never been to Las Vegas before, had no knowledge
17 whatsoever of how the credit system in Las Vegas casinos works, and understood the Casino
18 Markers to be receipts for gaming chips which he could simply pay back later with a wire
19 transfer based on his past experience gambling in Monaco. (See, Exhibit B, 13:25-14:16 and
20 90:10-23.) Had he known that, pursuant to Nevada law, the Casino Markers were credit
21 instruments identical to personal checks, and that if there were insufficient funds in the account
22 upon which they were drawn that could result in criminal prosecution and civil proceedings
23 against him, he would have never even come to Las Vegas. (See, Exhibit B, 95:8-18, 116:1-8,
24 and 120:23-121:14.)

25 4. On the Credit Application Mr. La Barbera completed at the Wynn, he listed only
26 information for his bank account at Credit Suisse, which he had intended to be the only bank
27 account from which payments would be made to Wynn, and out of which he did indeed make
28 payments to Wynn via two wire transfers of funds totaling \$1,000,000.00. (See, Exhibit B,

1 26:11-19, 56:17-57:3, and the Credit Application, Credit Agreement, Credit Line Increase
2 Requests, and Casino Markers executed by Mr. La Barbera, true and correct copies of which are
3 attached hereto as Exhibit C,)

4 5. Nonetheless, Wynn fished for additional bank information from Mr. La Barbera,
5 and obtained account information for his account at Banca Popolare Italiana, where it deposited
6 the Casino Markers at issue, albeit at the wrong branch, and those Casino Markers were returned
7 unpaid because he had no account at that branch. (See, Exhibit B, 56:17-57:3, 55:11-13, and
8 57:8-18.) The information for the Banca Popolare Italiana account appears on none of the
9 documents executed by Mr. La Barbera, and only appears on the credit instruments as presented
10 to that bank. (See, Exhibit C.) In fact, Alex Pariente directed Wynn employee Sandra Mele to
11 use the information for the Banca Popolare Italiana account in an email dated June 17, 2008,
12 prior to Wynn's presentation of the credit instruments to that bank. (See, Exhibit D.)

13 6. Not only does Mr. La Barbera not recall signing the Credit Line Increase Requests
14 and Casino Markers produced by Wynn, all of the information on those Credit Line Increase
15 Requests was filled in by someone else, and most of the signatures on the Casino Markers are not
16 or do not remotely resemble his own. (See, Exhibit B, 46:20-23, 121:22-2, 53:7-21, and 35:18-
17 36:10.)

18 7. Wynn plied Mr. La Barbera with excessive amounts of alcohol continuously
19 while he gambled there, typically brought to him by "highly attractive female employees without
20 him ordering anything," according to Mr. La Barbera. (See, Exhibit B, 78:25-79:5, 83:7-9,
21 84:20-88:6, 89:2-7, 102:1-5.)

22 8. Mr. La Barbera has been medically registered and certified in Italy as a gambling
23 addict, meaning he is a compulsive and sick gambler and, therefore not allowed to gamble in any
24 Italian casinos. (See, Exhibit B, 82:9-24.) Again, the Wynn does not dispute this fact in its
25 pending Motion, but simply argues that it cannot be used under Nevada law by Mr. La Barbera
26 to defend himself in this action. [In short, the Wynn uses this statute as a sword and a shield.
27 See NRS 463.368(6).]

28 //

1 9. Mr. Pariente is no longer employed by the Wynn, nor can or will the Wynn
2 produce him as a witness in this action, either for deposition or to testify at trial. (See, Exhibit C
3 attached hereto, the Wynn's Answers to Defendant's Interrogatories 5, 6, 7, 8, and 9.)

4 10. In the civil Complaint, Motion For Summary Judgment, and criminal Complaint
5 filed by Wynn against Mr. La Barbera, Wynn alleges that Mr. La Barbera owes a total of
6 \$1,000,000.00 in outstanding casino markers to it, including a Casino Marker for the amount of
7 \$120,000.00 (Marker No. 70601126), yet has not produced any such Casino Marker, and has
8 only produced the credit instrument for that alleged Casino Marker it presented to the bank.
9 Additionally, Wynn has produced as evidence in this case a Casino Marker for \$50,000.00
10 (Marker No. 70601978) allegedly executed by Mr. La Barbera, which it has not included in the
11 total balance purportedly owed to it by Mr. La Barbera. (See, Exhibit C.)

12 11. In the Complaint and Motion For Summary Judgment filed by Wynn against Mr.
13 La Barbera in this case, Wynn alleges that Mr. La Barbera originally owed \$1,070,000.00 on the
14 outstanding Casino Markers it alleges here, but made a payment of \$70,000.00 toward that
15 balance, reducing it to the \$1,000,000.00 it now seeks in this case, a payment for which again the
16 Wynn has provided no proof of. Furthermore, in the Complaint filed by Wynn in this case, it
17 originally alleged causes action for breach of the covenant of good faith and fair dealing;
18 conversion, and unjust enrichment, all which have since been dismissed from this case because
19 they are barred by their respective statutes of limitation. Breach of Contract remains Wynn's
20 only and sole cause of action in this case, and given that Wynn filed this lawsuit against Mr. La
21 Barbera at the eleventh hour, a mere three months prior to the expiration of its six-year statute of
22 limitation, it raises the question of fact of whether this purported \$70,000 payment was alleged
23 for the purpose of tolling that statute of limitation.

24 12. In the "Comps Report" and "Player Report" provided as evidence by Wynn, it is
25 indicated that Mr. La Barbera used comps at Wynn and played in its casino on August 29, 2008,
26 while Mr. La Barbera's un rebutted testimony is that he never returned to Las Vegas after his trip
27 to Las Vegas in the spring of 2008. (See, Exhibit B, 52:5-17, and the "Comps Report" and
28 "Player Report," true and correct copies of which are attached hereto as Exhibit D.)

B. Genuine Issues of Fact Remaining For Trial As To La Barbera Only.

Some of these factual assertions may be disputed by the Wynn although they are based on the unrebutted deposition testimony of Mr. La Barbera. First and foremost, whether the Wynn intentionally exploited Mr. La Barbera's gambling sickness and addiction (as a "sword" if you will), only to turn around and use Nevada law or statute barring him from using any such defense against such gaming marker liability (as a "shield" if you will). In other words, the Wynn is estopped and/or barred by unclean hands from asserting or availing itself of the benefits or protections of NRS 463.368(6). Likewise, Mr. La Barbera was fraudulently induced by Mr. Pariente into executing the Casino Markers, or clearly lacked the capacity to do so, or was unilaterally mistaken in doing so. Again, according to Mr. La Barbera's deposition testimony, but for his lack of knowledge of how the credit system in Las Vegas operates and his inability to speak or read English, which were both taken advantage of and exploited by the Wynn, as well as his gambling sickness or addiction which was also exploited by the Wynn, he would not have executed the gaming markers at issue here.

To that end, Mr. La Barbera testified at his disposition in Rome, Italy, as follows:

(Exhibit B):

Topic	Testimony	Page
He was first introduced to Wynn by the Marketing Director of Monte Carlo Casino and received by Alex Pariente	Q. How did you first come to be a patron at the Wynn? A. It was by chance, as I was introduced by the Marketing Director of the Monte Carlo Casino, and I went to Las Vegas and I was received by Alex Pariente. Q. Who was the Marketing Director at the Monte Carlo? A. It was Mark Marchese.	10:10-15
He only gambles if he has the money	Q. During your last trip to the Monte Carlo Casino in Monaco did you gamble on credit? A. No, it was with my own money. Q. When was the last time that you gambled on credit at any casino? A. It's been a few years, quite a few years, since I last gambled on credit. If I have money, I play; otherwise, I don't.	12:24-6
The casino markers used for gambling on credit in Monaco are different than those in the US—simple receipt in exchange for chips, to be remitted by bank transfer upon loss, within up to one month	Q. When you are gambling at the Monte Carlo Casino, on credit, does the casino use markers that are similar to those in the United States? A. No, no, they don't. Q. Can you explain to me the process for obtaining credit at the Monte Carlo Casino? A. It's a simple receipt, in exchange for which chips are given to you. Q. How do you pay back the credit that is obtained in this context from the Monte Carlo Casino? A. If I lose, through a transfer. Q. A bank transfer? A. That's correct. Q. And how quickly are you obligated to repay the credit utilized? A. They don't have a tight deadline. A month, perhaps two months, but they are very flexible.	13:25-16
He didn't speak to Alex Pariente prior to meeting him when he arrived in Las Vegas	Q. Do you recall the year you first met Alex Pariente? A. Yes, it was when I arrived in Las Vegas, 29 March, 2008. Q. Had you spoken with Mr. Pariente before March 29, 2008? A. No, I hadn't.	17:5-10

1		Q. But you had never communicated with Mr. Pariente prior to your arrival on March 29? A. Absolutely not.	19:21-23
2	He had never been to Las Vegas prior to March 2008	Q. Had you ever been to Las Vegas before March of 2008? A. No, I hadn't.	18:14-15
3	Wynn gave him a \$200k credit line upon his arrival without him asking	Q. Before we get to the document, when you arrived on March 29 of 2008 at the Wynn and met with Mr. Pariente, could you tell me what you discussed with him? A. Well, he said that practically they gave me a credit line, to establish this, of USD 200,000. Q. And was a USD 200,000 credit line acceptable to you? A. Yes. Q. Now, did you ask for that credit line from Mr. Pariente? A. No, it was allowed, it was given to me by them.	21:1-10
4			
5			
6		Q. When you first arrived at the Wynn and signed this document, Wynn 46, was it your understanding that you were being given a credit line of USD 300,000 as opposed to USD 200,000? A. I imagine I must have read this. I don't remember exactly everything. It's seven-and-a-half years ago and -- Q. Is it fair to say that you were initially given a USD 300,000 credit line at Wynn? A. I recall 200.	29:7-15
7			
8	He wired \$1million to Wynn while in Las Vegas	Q. Did you wire any funds to the Wynn prior to your trip on March 29, 2008? A. No, from Las Vegas I invoked some transfers, two transfers. Q. So while you were in Las Vegas you initiated two wire transfers from your bank to Wynn Las Vegas? A. That's correct, from my bank, from Credit Suisse, after one day. Q. And how much did you wire from your Credit Suisse account to Wynn Las Vegas? A. The first transfer was USD 400,000, and the second one, USD 600,000, a total of USD 1 million.	21:13-24
9			
10			
11	His credit limit was \$500k prior to the transfer of \$600k, then \$1million after	Q. What do you recall your credit limit to be prior to the second wire transfer, USD 600,000? A. 500 is what they gave me. And after the arrival of the 600 I was given a million.	24:5-8
12	He thought the documents he had to sign to establish credit upon arriving at the Wynn were receipts to obtain chips	Q. Okay. When you arrived at Wynn Las Vegas on March 29, 2008, do you recall reviewing and executing certain documents to establish credit? A. I certainly must have signed -- Q. Well -- A. -- for example, I do not know that these were checks, nobody explained it to me, nobody explained it to me. I thought that these were some receipts in order to get to obtain the chips. Nobody explained to me this.	24:15-23
13			
14			
15	He doesn't recall filling out the credit application forms and was probably assisted in doing so (likely Pariente)	Q. And how did you know what handwritten information to provide on this form? A. I think I must have been aided, I'm not sure whether it was Pariente or anyone else, I really don't recall.	27:7-10
16			
17		Q. And, prior to signing this document, did you ask anyone to translate it into Italian for you? A. No, I didn't. Q. Do you recall who was present with you when you signed this document? A. I believe Pariente, I think. Q. And did Mr. Pariente explain to you the terms of this document when you signed it? A. I don't recall, but I would assume that he must have told me that this was necessary in order to obtain the credit. Q. Do you recall asking Mr. Pariente, when you signed this, about the terms relating to obtaining credit at Wynn? A. No.	29:16-4
18			
19			
20			
21	He cannot read or write English	Q. Can you read English? A. No. Q. Can you write English? A. No.	27:11-14
22			
23	He did not ask the person assisting him in completing the credit application forms to translate or read it to him in Italian	Q. Do you recall asking the individual who assisted you in completing the form to translate it or to read it to you in Italian? A. No, this was about filling in with names and a street, city, profession and my -- and the bank, and my bank account.	27:18-23
24		Q. You don't recall asking anyone to translate the form to you in Italian prior to or during your completion of the form? A. I think somebody helped me. I think this Pariente gentleman must have helped me fill it in. I don't know, I think.	28:18-23
25			
26	Alex Pariente is not fluent in Italian	Q. Okay. Does Mr. Pariente speak fluent Italian? A. He's South American. Let's say that he muddled through, we were able to understand one another. Q. And when you spoke to Mr. Pariente did you speak to him in Italian? A. Latin, mixed with Italian. A Latin-Italian mix. Q. Okay. Is it fair to say that you -- strike that. During your discussions and conversations with Mr. Pariente is it fair to say that you understood what he was saying?	30:15-31:18
27			
28			

1		MR. ALBREGTS: Objection as to form, as to what's "fair". Go ahead and answer. A. The question was? BY MR. SEMENZA:	
2		Q. Let me ask it a different way. When you were having conversations with Mr. Pariente while at the Wynn in March 2008 did you believe that he understood you and that you understood him?	
3		A. Broadly speaking, yes. I didn't know how things worked inside this casino, nobody explained it to me, but anyway we'll get there.	
4		Q. And, going back, when you spoke Mr. Pariente you said you spoke Latin, meaning Spanish?	
5		A. Yes, Latino and Spanish.	
		Q. So you spoke both Italian and Spanish with him?	
		A. That's correct, a mix of the two.	
6		Q. It is your belief that you were able to understand each other during your interactions?	
		A. I repeat, broadly speaking, yes.	
7	He doesn't recall dating some of his signatures—written in by someone else	Q. Let me have you turn to the next page which is Wynn 47. Do you recognize the document Wynn 47?	31:19-22
8		A. No. The signature is my own. The date was not written by me.	
		Q. That was someone else dating it?	
		A. I think so. This is not my handwriting.	
9	Wynn told him that he had to sign the documents, and he thought it was simply standard practice in casinos	Q. Do you recall asking anyone to translate the English into a language that you understood?	32:3-16
10		A. No, they told me I had to sign.	
		Q. Is it your common practice to sign documents in foreign languages?	
11		A. I thought that in this -- this was standard practice in casinos, this was not a death sentence I was signing.	
		Q. It's fair to say that prior to signing this document, Wynn 47, that you didn't read it nor did you understand what you were signing?	
12		A. They just said, "Sign here, sign here", and I signed. It was necessary in order to obtain credit.	
		Q. I understand that you dispute that you owe Wynn money.	
13	Not all of the markers were legitimately his signature	Q. Let me have you turn to Wynn 4.	35:18-10
14		This one is way out.	
		Q. Okay. Are you saying --	
15		A. This is not my signature.	
		Q. This one is not your signature. That is your position?	
16		A. Yes. This definitely is not my signature.	
		Q. Okay. Let me have you turn to Wynn 7.	
17		A. I do not sign this way.	
		Q. Is it your position that the signature on Wynn 7 is not yours?	
18		A. Neither this one is mine.	
		MR. ALBREGTS: This not his signature?	
		A. This is not my signature.	
		MR. ALBREGTS: Okay.	
		A. It's impossible.	
		MR. ALBREGTS: I understand.	
		A. It's impossible.	
19	He doesn't recall completing the credit line increase requests	Q. Okay. Let me have you turn -- well, let me ask you this. Do you recall completing credit line increase requests during your trip to Wynn in March of 2008?	46:20-23
20		A. I don't recall, I don't recall.	
21		Q. Now, basically what we've heard from you today is that you recognize the signature on your credit application and your credit agreement, but you don't recognize your signature on the markers themselves.	121:22-2
		A. They are not my signatures.	
22	Most of the information on the credit line increase requests was filled in by someone else	Q. I'll ask it again. With regard to the top of the credit line increase request there is certain handwritten information or words.	53:7-21
23		MR. ALBREGTS: Thank you.	
		BY MR. SEMENZA:	
		Q. Did you hand write that in?	
24		A. No, I didn't.	
		Q. So your name "Mario La Barbera", someone else wrote that?	
25		A. Yes.	
		Q. And the same is true with the amounts and the date?	
26		A. Yes.	
		Q. And the account number?	
		A. Yes, yes. Yes, the account number is written by someone else as well as the amount. Should it not be 29/08?	
27	He intended the wire transfers to come from his Credit Suisse bank account and voluntarily supplied information for this account	Q. Do you know how Wynn obtained information relating to the Banca Popolare Italiana account?	56:17-3
28		A. I do not recall, obviously. Perhaps they asked me here my account in Italy might be, but this is where the payment should have come from, would have come from.	

1	only—he never voluntarily supplied information for his Banca Popolare Italiana account (from which the wires were taken)	Q. So the payment on any outstanding markers should have come from the Banca Popolare Italiana account? A. No, from Credit Suisse. Q. Did you have any conversations with Mr. Pariente about modifying or changing your bank account information with Wynn? A. I don't recall.	
2			
3	The markers were returned unpaid because Wynn sent them to a different branch of his bank where he didn't have an account	Q. You understand that the markers that we've gone through here today, those were attempted to be -- those were deposited with your bank? A. Yes, but in a different branch. Q. Okay. And that those markers that are issued in this case were returned unpaid to Wynn? MR. ALBREGTS: If he knows. If he knows. A. I have no information at all about it. They sent them back because I probably -- well, because I had no account there at all. That's why they were returned, to send them.	57:8-18
4			
5			
6	He had \$2million in his Credit Suisse bank account when he gambled at Wynn	Q. Do you know what the balance of the Credit Suisse account was on March 29 of 2008? A. Around 2 million and 300,000 euros divided into three accounts, three or four accounts. Dollars, euros, Swiss francs and sterling, pounds sterling.	59:10-14
7			
8		Q. Okay. Sitting here today -- I think this is an easy question -- but my hope is, sitting here today, do you know your bank account balances in your Credit Suisse account on the dates that you were present at the Wynn in Las Vegas? A. Yes, I do. 2,200,000 euros. Q. 2,200,000 euros in the Credit Suisse account from March 29 through April 5? A. Yes. Q. How can you recall that? A. Because I remember, because I sent 1 million to Wynn, USD 1 million, that is, to Wynn. Q. And you had a remaining 1.2 million euros in that account? A. Well, at the time the dollar was weaker, actually. It was weaker. .7, if I recalled correctly, .65, something like that. Q. Okay. So, taking away the USD 1 million that was paid to Wynn, how much remained in your bank accounts during that period of time? A. 1.5 million roughly, euros.	107:19-13
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13	The alcohol was constantly flowing	Q. Did you two consume alcohol together? A. Yes, the alcohol was continually being brought and flowing. Q. Where did you consume alcohol with him? A. At the tables. Q. At the table.	78:25-5
14			
15		Q. Did you take any medication at all on your trip? A. No. A lot of alcohol because they kept on bringing it to the tables.	83:7-9
16			
17		Q. Is it fair to say that you drink in moderation? A. Yes, but it's as though you are encouraged to drink. Q. No one forced you to consume alcoholic beverages at the Wynn during your trip there, did they? A. No, but these people kept on coming to the tables, and they were usually attractive women and they kept on bringing drinks. Q. Did they bring you drinks without you ordering them? A. Yes, without me ordering them. Q. What types of alcoholic beverages did you consume during your trip at Wynn? A. Cognac, whiskey, grappa, a bit of everything. Q. And how would these individuals that brought you the drinks know what kind of drinks you wanted unless you had ordered them? A. They would turn up with a tray, with a variety of drinks, brandy, cognac, whiskey and so on, and they just said, "Which one would you like?" And so on. Q. Were you intoxicated the entire time you were at Wynn during your trip in March and April of 2008? A. Especially when I was gambling because they kept on supplying. Q. Did you think or consume alcoholic beverages while you weren't gambling? A. Wine, when having a meal. A. At dinner I mainly had wine. Q. By "mainly" did you only have wine or did you have other drinks at times? A. At the moment I don't recall. What I do recall very clearly was when I was gambling they kept on bringing full trays of whiskey, cognac. Q. When you were gambling and consuming alcoholic beverages at any point in time did you decline any of their offers for alcoholic beverages? A. I think more than once. I don't remember, this was eight years ago. Q. You think you did decline their offering of alcoholic beverages? A. Yes, I think so. Sometimes, yes. Q. Did you ever get physically ill or vomit as a result of your alcohol consumption while you were at the Wynn? A. One night, I think. Q. One night?	84:20-88:6
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1		A. I don't recall. Second, third night, perhaps. Q. Was it when -- A. I was very ill.	
2		Q. Was it in the villa or was it in the original room? A. Just one moment, please. This schedule helps me to recall the date. First day, second day, I think it must have been the third day.	
3		Q. Were you in the villa at that point in time? A. No, I was only in the villa for two nights.	
4		Q. So this would have been what day that you -- or what evening you got sick on? A. I think it was on the 4th, perhaps the 3rd.	
5		Q. Of April? A. Of April, yes.	
6		Q. Did you consume any alcoholic beverage -- go ahead. A. The 31st. But simply because the dates are the wrong way round. The 31st of March or 1st of April.	
7		Q. Okay. A. 31st of March or 1st of April.	
8		Q. So that's the evening that you were so intoxicated that you were physically ill and vomiting? A. Yes, that's correct.	
9		Q. And did anyone witness you vomiting? A. The next day I told Dell'Utri that I had been ill.	
10		Q. Did the physical appearance of the employees that brought you alcoholic beverages influence you into drinking them? A. Very much so. Very much so.	89:2-7
11		Q. And were they primarily attractive women? A. Exclusively. Very beautiful.	
12		Q. And when you gambled at the Monte Carlo in Monaco have you consumed alcoholic beverages while you have been gambling? A. Well, things work differently there. They -- it's not like in Las Vegas when people are bringing drinks the whole time. What happens there is there is a valet for you, and you ask him, you say, "Bring me a whiskey", or whatever. Whereas in Las Vegas there was always the "piece of skin" who would bring drinks the whole time. And that's the truth.	102:14-23
13		Q. And I -- I'm -- is it your contention that you drank alcoholic beverages because they were being brought by attractive women? A. Let's say that it was a bonus as the Americans -- an "upgrade", as the Americans say. I think we mean a bonus.	102:1-5
14			
15			
16	He has a medically diagnosed gambling addiction	Q. And when did you first believe that you had a gambling addiction? A. This is quite a few years ago. Q. Okay. Approximately how many years ago? A. 20 years ago, roughly. Q. And when were you first formally diagnosed as a compulsive gambler, if ever? A. No, there was no diagnosis, as such. The issue is that lately, as well, I have received a diagnosis. Q. When did you receive a diagnosis? A. Six months ago. Q. By whom did you obtain that diagnosis from? A. A professor, meaning, I believe, a senior doctor. A high, senior doctor in Rome. Q. And what is that doctor's name? A. I don't recall. I don't recall what his name was.	82:9-24
17			
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21	Alex Pariente made misrepresentations to him through omission (never explained how the casino credit system works in Las Vegas)	Q. ...One of your defenses, as I understand it, in this case is that Mr. Pariente made various misrepresentations to you. Is that correct? A. That is absolutely correct. Q. What specific misrepresentations did he make to you? A. In any way did he explain to me what things meant and how the system, the credit line system, operated in the town of Las Vegas. He omitted this completely. Q. What specifically did he not tell you? A. That, for example, in the way the credit worked, that practically what you were signing was -- well, I thought that what I was signing was simply to obtain chips or some kind of receipt. I never thought this, because the agreement was if I lose I'll transfer the money back to you. And then all these requests arrived. And then I asked Pariente for an increase in credit because I would say to him that the transfer was on its way, and he increased the credit line as a result. Up until 1 million. Q. So -- and again I just want to understand the basis for your claim that he made misrepresentations. A. Because he omitted to explain what the local system was. I did not go how things worked in Las Vegas. Q. Did he ever tell you anything specifically that you believe was false as opposed to just not	90:10-91:13
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1		explaining how credit worked? A. About payment, timescales, for example. I don't really recall precisely, because I then sent him to hell on the phone and sent him to the devil. So we never spoke again.	
2		Q. And did Mr. Pariente identify during those conversations that the Wynn was claiming that you owed an additional USD 1 million?	94:9-22
3		THE INTERPRETER: You said "million"?	
4		BY MR. SEMENZA: Q. Million.	
5		A. Yes, he did say that. And he threatened me and said, "You're going to get arrested if you ever come to the States." Why didn't he say that to me before?	
6		Q. Before when?	
7		A. When I arrived. When I was there. He should have said, "This the way it works here." Not just being -- as soon as my money arrived then they would increase the credit line.	
8		Q. Is it because you didn't believe you had signed the markers or was it because you didn't believe you owed the money? Or what was the reason you told him you weren't going to pay?	95:1-6
9		A. Because they were misleading and, in my view, I had paid everything through my transfers. Full stop.	
10		Q. Going back to my original questions, is your issue relating to the misrepresentations that Mr. Pariente didn't explain to you how credit would work as opposed to making a specific statement that was false?	95:8-18
11		A. Yes, he didn't -- he omitted to explain how the whole system works in Las Vegas. The fact that there was no arrest, because if -- if you ring me up later and threaten me of arrest it's one thing. I didn't know that what I was signing was an IOU was really a check.	
12		Q. And that's your understanding now, that it was a check?	
13		A. I understand that now.	
14		Q. Do you regret not reading the documents that we've gone over today before you've signed them?	116:1-8
15		MR. ALBREGTS: Objection to the extent that he signed the documents, there are some documents he disputes. Go ahead.	
16		A. Had I known on arrival at Las Vegas how things worked in that town I would have got onto the next plane back and come back to Italy.	
17		A. This is like a death sentence to a gambler going to Las Vegas.	117:5-6
18		Q. The same question. Let me read it to you, this is what the language says: "Warning: For the purpose of Nevada law, a credit instrument is identical to a personal check and may be deposited in or presented to a bank or other financial institution on which the credit instrument is drawn. Wilfully drawn or passing a credit instrument with the intent to defraud, including knowing that there are insufficient funds in the account upon which it may be drawn, is a crime in the State of Nevada which may result in criminal prosecution in addition to civil proceedings to collect the outstanding debt."	120:23-14
19		A. If I had known or if anybody had told me this I would have gone back to Italy on the same -- the same minute.	
20		Q. You would have never gambled on credit?	
21		A. That definitely means drowning oneself.	
22	He had roughly \$1million in his Banca Popolare account	Q. Okay. So would the euro equivalent in dollars be USD 1 million, or over USD 1 million?	109:1-17
23		MR. ALBREGTS: At that time.	
24		A. Well, if they were not in the account they would have been invested somewhere.	
25		Q. Okay.	
26		MR. ALBREGTS: His question was whether it was equivalent to USD 1 million at that time.	
27		A. Yes, I had much more in Switzerland.	
28		BY MR. SEMENZA: Q. Okay. So you had euros in your Banca Popolare account?	
		A. Yes.	
		Q. And how many euros did you think you had during that period of time?	
		A. That's what I just said. I think if you group up investments and everything else, 600,000,	

1	500,000.	
2	Q. And, as I understand it, even though you don't recall signing the markers -- which means, if you didn't sign them, somebody else must have signed them -- you are still not willing to say that the markers were forged.	122:25-15
3	A. I cannot say this and I do not say this, I'm just saying that it's not my signature.	
4	Q. Because he didn't see anybody else sign them.	
5	A. No, I did not.	
6	Q. That's why he won't say that?	
7	A. That's correct.	
8	Q. To be clear: that's why you won't say they're forged?	
9	A. That's correct.	
10	Q. As I understand it, you won't say something like that unless you know for certain?	
11	A. Of course.	

III. LEGAL ARGUMENTS

A. WYNN'S MOTION FAILS AS A MATTER OF LAW BECAUSE IT FAILS TO MEET THE STANDARDS FOR SUMMARY JUDGMENT

Summary judgment is appropriate when, “after a review of the record viewed in a light most favorable to the non-moving party, there remain no genuine issues of material fact, and the moving party is entitled to judgment as a matter of law.” *Evans v. Samuels*, 119 Nev. 378, 75 P.3d 363 (2003). “A genuine issue of material fact is one where the evidence is such that a reasonable jury could return a verdict for the non-moving party. *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 713, 57 P.3d 82, 87 (2002) (citation and quotation omitted). Additionally, “issues of contractual construction, in the absence of ambiguity or other factual complexities, present questions of law for the courts and are suitable for determination by summary judgment.” *Ellison v. California State Auto. Ass'n*, 106 Nev. 601, 603, 797 P.2d 975, 977 (1990) (citations omitted).

“Contractual construction” is not at issue here, and Wynn’s Motion does not present questions of law which are suitable for determination by summary judgment. Rather, because Wynn’s own evidence contradicts its allegations and it has failed to provide evidentiary support for key allegations, issues of material fact clearly remain for trial as to Mr. La Barbera. Namely, the contradictory evidence Wynn has presented and Mr. La Barbera’s un rebutted testimony that he neither recalls signing nor recognizes his signature on many of the documents at issue here raises the question of fact of which Casino Markers Mr. La Barbera actually executed. Also, the fact that Wynn’s own records in this case indicate that Mr. La Barbera used “comps” and played in its casino in August of 2008, when Mr. La Barbera’s un rebutted testimony is that he never

1 returned to Las Vegas after his trip there in the spring of 2008, raises the question of the
2 genuineness of its allegations. Finally, Wynn has not provided any evidence whatsoever to
3 support its allegation of a \$70,000 payment by Mr. La Barbera toward any outstanding balance
4 on the Casino Markers, and having filed this lawsuit at the eleventh hour of the relevant six-year
5 statute of limitations so that this supposed payment would toll that statute, also raises questions
6 of fact for trial here.

7 Furthermore, the Wynn has not even begun to authenticate the genuineness of the
8 Markers it alleges in this action against Mr. La Barbera. See, NRS 52.015. The conclusory
9 Declaration of Barbara Conway In Support of the Wynn's Motion For Summary Judgment relies
10 solely on the "business records" exception to the Hearsay Rule and, indeed, she clearly presumes
11 that Mr. La Barbera is the person who executed those Markers although he denies as much in his
12 deposition which, again, is unrebutted. In other words, the Wynn has not bothered to provide a
13 Declaration which establishes that Mr. La Barbera actually executed the Markers in question,
14 knowing full well from having taken his deposition in Rome that Mr. La Barbera denies
15 executing those Markers. As a matter of law, the "business records" exception to the Hearsay
16 Rule cannot authenticate documents or records as genuine when the person against whom those
17 documents are asserted denies ever executing them. The Wynn has the burden of proof of
18 showing that Mr. La Barbera actually executed the Markers in question given that he denies
19 executing them.

20 **B. WYNN DOES NOT HAVE A CLAIM FOR BREACH OF CONTRACT**
21 **BECAUSE THE AGREEMENTS ARE UNENFORCEABLE**

22 **1. THE CASINO MARKERS ARE VOID AS A MATTER OF**
23 **LAW BECAUSE WYNN FRAUDULENTLY INDUCED MR. LA**
24 **BARBERA TO SIGN THEM**

25 To establish fraud in the inducement, one must prove by clear and convincing evidence
26 each of the following elements: (1) a false representation made by the other party, (2) the other
27 party's knowledge or belief that the representation was false (or knowledge that it had an
28 insufficient basis for making the representation), (3) the other party's intention to therewith
induce the him to consent to the contract's formation, (4) his justifiable reliance upon the

1 misrepresentation, and (5) damage to him resulting from such reliance. *JA Jones Constr. v.*
2 *Lehrer McGovern Bovis*, 89 P.3d 1009, 1018, 120 Nev. 277 (2004).

3 Wynn fraudulently induced Mr. La Barbera's execution of the Casino Markers at issue in
4 more than one way. The Casino Markers contain the following language, in fine print:

5 "I authorize the payee to complete the following missing parts on this instrument:
6 the name of payee; any missing amounts; a date; the name, account number,
7 address and/or branch of any bank or financial institution; and any electronic
8 coding of the preceding items. I acknowledge that the debt for which this
9 instrument is issued was incurred in Nevada; agree that Nevada law governs the
10 debts and this instrument; submit to the exclusive jurisdiction of any court, state or
11 federal, in Nevada; and agree to pay all costs of collection, including accrued
12 interest at the rate of 18% per annum, attorney's fees and court costs. I further
13 acknowledge that under Nevada law, this agreement is identical to a personal
14 check and that willfully drawing or passing a check knowing that there are
15 insufficient funds in the account upon which it may be drawn, or with the intent to
16 defraud, is a crime which may result in prosecution." (See, Exhibit 6 to Plaintiff's
17 Motion For Summary Judgment.)

18 First, Mr. La Barbera only authorized payments to be made to Wynn from his Credit Suisse bank
19 account, the information for which he supplied on the Credit Agreement he completed for Wynn;
20 yet Wynn filled out the Casino Markers to authorize payment from another bank account with
21 information they fished for and was never voluntarily given by Mr. La Barbera. Thus, material
22 terms of the agreement—payment terms—were fraudulently induced, and Mr. La Barbera
ultimately did not consent to those terms.⁴

23 Secondly, Wynn knew that Mr. La Barbera could neither speak nor read English, and
24 after plying him with copious alcohol, presented him with the Casino Markers at issue in order
25 for him to gamble at its casino. In other words, knowing full well that Mr. La Barbera had no

26 ⁴ While the separate Credit Application, Credit Agreement and Credit Line Increase Request
27 forms executed by Mr. La Barbera contain the following language: "[This information can be
28 for]/[I further authorize Wynn Las Vegas to add information relating to] any account from which
I now have or may in the future have a right to withdraw funds, regardless of whether that
account now exists and whether I provided the information on the account to Wynn Las Vegas,"
Mr. La Barbera had no reason to believe Wynn would obtain and complete the Casino Markers
with information for any other bank account than the bank account whose information he had
already provided Wynn. Thus, the language of those separate agreements will be used by the
Wynn in its Reply Brief here to argue that Mr. La Barbera was not fraudulently induced into
executing the Casino Markers demonstrating again the 'sword and shield' practices of Wynn
here. (See, Exhibit C.)

1 capacity whatsoever to enter into any written agreement, and that he was from a foreign country
2 and would not understand how the credit system operates in Las Vegas casinos, and certainly
3 could not read the fine print warnings or the Casino Markers themselves, it nonetheless proffered
4 him those markers for execution. According to Mr. La Barbera's uncontroverted testimony, he
5 had understood the Casino Markers to be merely a receipt for obtaining gaming chips, and had
6 he known how the credit system operates in Las Vegas casinos—that a casino marker is the
7 equivalent of a personal check—he would have never have come to Las Vegas in the first place.
8 (See, Exhibit B, 116:1-8) In short, Wynn fraudulently induced Mr. La Barbera to execute the
9 Casino Markers at issue here.

10
11 **1. THE CASINO MARKERS ARE VOIDABLE BY MR. LA BARBERA DUE TO UNILATERAL MISTAKE**

12 Nevada has adopted the "Unilateral Mistake Rule" found in the Restatement (Second) of
13 Contracts: "Where a mistake of one party at the time a contract was made as to a basic
14 assumption on which he made the contract has a material effect on the agreed exchange of
15 performance that is adverse to him, the contract is voidable by him if he does not bear the risk of
16 the mistake under the rule stated in § 154, and the other party had reason to know of the mistake
17 or his fault caused the mistake." *Home Savers, Inc. v. United Sec. Co.*, 103 Nev. 357, 741 P.2d
18 1355, 1356 (1987), citing the Restatement (Second) of Contracts § 153 (1981). Section 154 of
19 the Restatement determines who bears the risk of mistake as follows: "a party bears the risk of
20 mistake when the risk is allocated to him by agreement of the parties, or he is aware, at the time
21 the contract is made, that he has only limited knowledge with respect to the facts to which the
22 mistake relates but treats his limited knowledge as sufficient, or the risk is allocated to him by
23 the court on the ground that it is reasonable in the circumstances to do so." Restatement
24 (Second) of Contracts § 154 (1981).

25 Again, Mr. La Barbera understood the Casino Markers to be merely "receipts" for
26 obtaining gaming chips, a basic assumption on which he made those contracts, which has had a
27 material effect on the agreed exchange of performance that is adverse to him in that he is
28

1 allegedly liable for the amounts on the Casino Markers as personal checks, the very basis of this
2 case against him by the Wynn as well as the criminal complaint it filed against him with the
3 Clark County District Attorney's Office. Additionally, Mr. La Barbera was mistaken as to the
4 payment terms on the Casino Markers, as Wynn filled in the bank account information for a
5 different bank account than the one he had intended without his authorization, a basic
6 assumption on which he executed the markers, as he had not intended any payments to be made
7 to Wynn from that bank account.⁵ (See, Exhibit B, 56:17-3.) Mr. La Barbera did not bear the
8 risk of mistake because it was not allocated to him, and it is undisputed here that he was unaware
9 of 1) his liability on the Casino Markers as personal checks, as he had never been to Las Vegas
10 before and his understanding was based on his past experience gambling in Monaco; 2) the
11 Agreements and Casino Markers were never translated for him by the Wynn into Italian; and 3)
12 he had never voluntarily provided information for the bank account Wynn inserted in the Casino
13 Markers authorizing payments to Wynn from a different bank account.
14

15 **2. THE CASINO MARKERS ARE UNCONSCIONABLE AND** 16 **THEREFORE UNENFORCEABLE**

17 In Nevada, the Court may refuse to enforce a contract or clause which it finds
18 unconscionable. *Burch v. Dist. Ct.*, 118 Nev. 438, 49 P.3d 647 (2002). Generally, "both
19 procedural and substantive unconscionability must be present in order for a court to exercise its
20 discretion to refuse to enforce a contract or clause as unconscionable," *Id.* "However, less
21 evidence of substantive unconscionability is required in cases involving great procedural
22 unconscionability. A clause is procedurally unconscionable when a party lacks a meaningful
23 opportunity to agree to the clause terms either because of unequal bargaining power, as in an
24 adhesion contract, or because the clause and its effects are not readily ascertainable upon a
25 review of the contract. Procedural unconscionability often involves the use of fine print or
26 complicated, incomplete or misleading language that fails to inform a reasonable person of the

27 ⁵ The language contained in the separate Credit Agreement and Credit Line Increase Request
28 forms executed by Mr. La Barbera have no bearing on the issue of whether he was unilaterally
mistaken when he executed the Casino Markers.

1 contractual language's consequences. As the Ninth Circuit has recognized, 'substantive
2 unconscionability focuses on the one-sidedness of the contract terms.'" *DR Horton, Inc. v.*
3 *Green*, 96 P.3d 1159, 1162, 120 Nev. 549 (2004).

4 There was ample procedural unconscionability in this instant case in that Mr. La Barbera
5 indisputably lacked a meaningful opportunity to agree to the terms of the Casino Markers both
6 because of unequal bargaining power (i.e., intoxication and language barrier), meaning the terms
7 and their effects were not readily ascertainable to him upon a review of the contracts. Indeed,
8 Wynn plied Mr. La Barbera, who has a medically diagnosed gambling disease, with excessive
9 amounts of alcohol continuously throughout his stay there and while he gambled, "typically
10 brought to him by highly attractive female employees without him ordering anything." (See,
11 Exhibit B, 82:9-24, 78:25-79:5, 83:7-9, 84:20-88:6,89:2-7, 102:1-5.) Additionally, Mr. La
12 Barbera would not have been able to negotiate the terms of the Casino Markers because of his
13 inability to speak English, and also because they were a non-negotiable standard form (which he
14 could neither read nor understand due to his inability to read or speak English). (See, Exhibit B,
15 6:16-6:22, 9:14-9:23.) Finally, the language informing the signor of the effect of the Casino
16 Markers—that he or she would be liable on them as personal checks—was in extremely fine
17 print below the signature line, rendering them not readily ascertainable upon review, much less
18 to someone unable to read or comprehend English. (See, Exhibit 6 to Plaintiff's Motion For
19 Summary Judgment.)

20 There is also substantive unconscionability in this case in that the terms of the Casino
21 Markers are completely one-sided. Specifically, Casino Markers contain the following language:

22 I authorize the payee/Wynn Las Vegas to complete any of the following missing
23 items on this/these credit instrument(s): the name of payee(s), any missing
24 amounts, a date, the name, account number, and/or address and branch of any
banks and financial institutions and any electronic encoding of the above items.

25 In requiring the signor to authorize Wynn to fill in the name of *any* payee, amount, date, name,
26 account number, and address and branch of any bank in a standard form agreement, the Casino
27 Markers effectively give Wynn full authority to enter in any material information it pleases,
28

1 whether or not the signor consents to the use of that information. Obviously, this term alone
2 creates significant substantive unconscionability.

3 **3. THE CASINO MARKERS ARE VOIDABLE BY MR. LA**
4 **BARBERA BECAUSE HE LACKED THE CAPACITY TO**
5 **EXECUTE THEM**

6 Nevada follows the Restatement (Second) of Contracts approach to incapacity, which
7 provides, in part:

8 “(1) No one can be bound by a contract who has not legal capacity to incur at
9 least voidable contractual duties. Capacity to contract may be partial and its
10 existence in respect of a particular transaction may depend upon the nature of the
11 transaction or upon other circumstances.

12 (2) A natural person who manifests assent to a transaction has full legal capacity
13 to incur contractual duties thereby unless he is

- 14 (a) under guardianship, or
15 (b) an infant, or
16 (c) mentally ill or defective, or
17 (d) **intoxicated.**”

18 See, *General Motors v. Jackson*, 111 Nev. 1026 900, P.2d 345, 348 (1995) (Emphasis
19 added).

20 The Supreme Court in Nevada also takes instruction from CJS, as follows:

21 “CJS defines the term ‘mentally defective’ in the context of entering into a
22 contract. ‘Where one of the parties, for any reason, is incapable of understanding
23 the force and effect of the alleged agreement, there is no contract; but mere
24 mental weakness falling short of such incapacity will not invalidate a contract.’ 17
25 C.J.S. Contracts § 133(1)(a) (1963) (emphasis added). ... ‘Where a person
26 possesses sufficient mental capacity to understand the nature of the transaction
27 and is left to exercise his own free will, his contract will not be invalidated
28 because he was of a lesser degree of intelligence than his co-contractor, because
he was fearful, worried or nervous, or lacked ability to concentrate...’ Thus,
under both the Restatement and CJS, the capacity to contract involves a person's
inability to understand the terms of an agreement, not his actual understanding.”

General Motors v. Jackson, 111 Nev. 1026, 900 P.2d 345, 348 (1995).

In addition to being completely inebriated while gambling at the Wynn, Mr. La Barbera was
utterly unable to read or understand English (while also under the effect of his medically

1 diagnosed gambling illness), and therefore was unable to understand the terms of the Casino
2 Markers. Thus, Mr. La Barbera completely lacked the capacity to execute the Casino Markers.

3 **5. WYNN IS BARRED OR ESTOPPED BY PUBLIC POLICY AND**
4 **THE DOCTRINES OF UNCLEAN HANDS FROM ASSERTING NRS**
5 **463.368(6) TO INVALIDATE MR. LA BARBERA'S GAMBLING**
6 **ADDICTION DEFENSE**

7 In Nevada the "unclean hands" doctrine generally "bars a party from receiving equitable
8 relief because of that party's own inequitable conduct." *Las Vegas Fetish & Fantasy v. Ahern*
9 *Rentals*, 182 P.3d 764, 766 (2008). "In determining whether a party's connection with an action
10 is sufficiently offensive to bar equitable relief, two factors must be considered: (1) the
11 egregiousness of the misconduct at issue, and (2) the seriousness of the harm caused by the
12 misconduct." *Id.*, at 767.

13 While Nevada has only applied the "unclean hands" doctrine in equity, as "the unclean
14 hands maxim is one founded on public policy, public policy may require its relaxation." *Smith v.*
15 *Smith*, 68 Nev. 10, 226 P.2d 279, 286 (1951). Courts from seven other states have declared the
16 doctrine of unclean hands available in an action at law, including California, which recognized
17 the doctrine in common law (as well as equity) over fifty years ago. *Fibreboard Paper Products*
18 *Corp. v. East Bay Union of Machinists, Local 1304, United Steelworkers of America, AFL-CIO*,
19 39 Cal.Rptr. 64, 227 Cal.App.2d 675 (Cal.App. 1 Dist., 1964), holding "we are satisfied that the
20 equitable defense of unclean hands is available in this state as a defense to a legal action."

21 Likewise, some federal courts have applied the doctrine of unclean hands to legal remedies. *Big*
22 *Lots Stores, Inc. v. Jaredco, Inc.*, 182 F. Supp. 2d 644, 652-53 (S.D. Ohio 2002); *Buchanan*
23 *Home & Auto Supply Co. v. Firestone Tire & Rubber Co.*, 544 F. Supp. 242, 244-45 (D.S.C.
24 1981).

25 Wynn's own inequitable conduct clearly estops it from receiving relief here. Wynn
26 purposefully exploited Mr. La Barbera's gambling addiction for its own benefit and to Mr. La
27 Barbera's extreme detriment. Wynn continuously plied Mr. La Barbera with alcohol well past
28 the point of inebriation, and proffered him numerous Credit Line Increase Requests and Casino
Markers when he clearly lacked the capacity to execute them due to his level of intoxication.

1 Further, despite the fact that Mr. La Barbera had provided Wynn with information for a bank
2 account in which he had sufficient funds to repay all the Casino Markers he executed, Wynn
3 surreptitiously fished for information on any other bank accounts Mr. La Barbera may have had
4 and filled in the payment information on the Casino Markers for another of his bank accounts
5 without his consent and against his express intent. (See, Exhibit B, 56:17-3.) Finally, some of
6 Wynn's own evidence contradicts the very allegations it makes in this case. (See, Exhibit C.)

7 As a result, Wynn is now aggressively using the Nevada courts to pursue Mr. La Barbera
8 for this debt both civilly and criminally, and invoking NRS 463.368(6) to defeat Mr. La
9 Barbera's assertion of his gambling addiction as a defense. At this juncture, there is no question
10 as to the extreme egregiousness of Wynn's conduct, and the immensely serious harm it has
11 caused Mr. La Barbera—financial, psychological, and familial harm, and possible criminal
12 convictions. Principles of equity and public policy cannot allow Wynn to prey upon and
13 victimize Mr. La Barbera and then hide behind NRS 463.368(6).

14 15 IV. 16 CONCLUSION

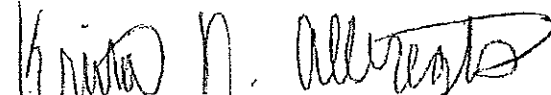
17 The only party entitled to Summary Judgment here is Mr. La Barbera by virtue of his
18 un rebutted deposition testimony which is attached hereto as Exhibit 2. The Declaration of
19 Barbara Conway does not even begin to authenticate the Credit Agreements and Applications as
20 well as the Casino Markers at issue here because it relies solely on the business records
21 exception for their admission into evidence. Ms. Conway's conclusory Declaration expresses no
22 personal knowledge whatsoever as to how and when Mr. La Barbera executed the Casino
23 Markers in question. In point of as much, the Wynn cannot explain \$70,000 in supposed
24 payments by Mr. La Barbera on the Casino Markers, which he denies making, and is the basis
25 for its tolling of the applicable six year statute of limitations here to enforce those Casino
26 Markers. Likewise, Mr. La Barbera denies executing the Casino Markers and the Wynn has not
27 provided any evidence or testimony from anyone that he did indeed execute the Casino Markers.
28 Mr. Pariente is the only one who can provide this evidence for the Wynn and it has failed and

1 refused to produce him. It is also undisputed that Mr. La Barbera does not comprehend English
2 whatsoever and that the Casino Markers and Credit Applications and Agreements were never
3 translated into Italian for him. The practices of the Wynn here are no different than a "Payday"
4 loan operation that takes advantage of folks who only speak Spanish. While the Nevada
5 legislature has given a wide leash to Nevada's casinos in the execution and enforcement of
6 gaming markers, there is still a line of fair play and, indeed, the rules pertaining to contracts still
7 apply here as argued hereinabove. The Wynn has not only failed to show that it is entitled to
8 Summary Judgment against Mr. La Barbera on the ground that there are no genuine issues of fact
9 for trial regarding his liability for the Casino Markers he supposedly executed, but it has failed to
10 dispute or rebut Mr. La Barbera's testimony at his deposition that establishes he is entitled to
11 Summary Judgment against the Wynn as the Casino Markers in question cannot be enforced
12 against him as a matter of law.

13 For these reasons, Mr. La Barbera respectfully requests that the Wynn's Motion For
14 Summary Judgment be denied and that Summary Judgment be granted in his favor in this case.

15 Dated this 18th day of December, 2015.

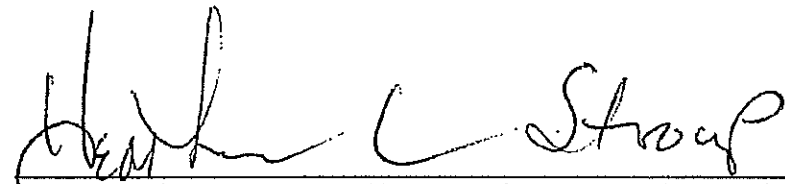
16 **HOLLEY, DRIGGS, WALCH, FINE,**
17 **WRAY, PUZEY & THOMPSON**

18 
19 JEFFREY R. ALBREGTS, ESQ.
20 Nevada Bar No. 0066
21 KRISTA N. ALBREGTS, ESQ.
22 Nevada Bar No. 13301
23 400 South Fourth Street, Third Floor
24 Las Vegas, Nevada 89101
25 *Attorneys for Defendant*
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that pursuant to NRCP 5(b) and NEFCR 9, that I am an employee *
3 of Holley, Driggs, Walch, Fine, Wray, Puzey & Thompson, and that on the 18 day of
4 December, 2015, I caused to be sent through electronic transmission via Wiznet's online system,
5 a true and correct copy of the foregoing **DEFENDANT'S OPPOSITION TO PLAINTIFF**
6 **WYNN'S MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR**
7 **SUMMARY JUDGMENT**, addressed to:

8 Lawrence J. Semenza, III, Esq.
9 Christopher D. Kircher, Esq.
10 10161 Park Run Drive, Suite 150
11 Las Vegas, NV 89145
12 *Attorneys for Plaintiff*

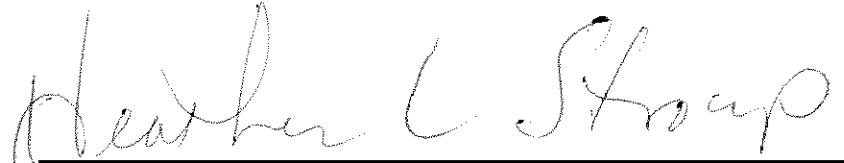
13 
14 An employee of Holley, Driggs, Walch, Fine,
15 Wray, Puzey & Thompson
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26 * See attached for correction.
27
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1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that pursuant to NRCP 5(b) and NEFCR 9, that I am an employee
3 of Holley, Driggs, Walch, Fine, Wray, Puzey & Thompson, and that on the 18th day of
4 December, 2015, I caused to be sent through electronic transmission via Wiznet's online system,
5 a true and correct copy of the foregoing **DEFENDANT'S OPPOSITION TO PLAINTIFF**
6 **WYNN'S MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR**
7 **SUMMARY JUDGMENT**, which was rejected by the Wiznet filing system and thereafter re-
8 refiled on December 29, 2015, addressed to:

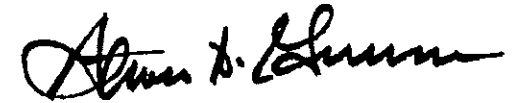
9 Lawrence J. Semenza, III, Esq.
10 Christopher D. Kircher, Esq.
10 10161 Park Run Drive, Suite 150
11 Las Vegas, NV 89145
11 *Attorneys for Plaintiff*

12 

13 An employee of Holley, Driggs, Walch, Fine,
14 Wray, Puzey & Thompson

EXHIBIT A

EXHIBIT A



CLERK OF THE COURT

DMJT
JEFFREY R. ALBREGTS, ESQ.
Nevada Bar No. 0066
HOLLEY, DRIGGS, WALCH,
PUZEY & THOMPSON
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101
Telephone: 702/791-0308
Facsimile: 702/791-1912

Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

WYNN LAS VEGAS, LLC,
d/b/a WYNN LAS VEGAS,

Plaintiff,

v.

MARIO LA BARBERA,

Defendant.

Case No.: A-14-695025-C

Dept. No.: XXVIII

**DEMAND FOR
JURY TRIAL**

TO: PLAINTIFF AND LAWRENCE J. SEMENZA, III, ESQ., AND

CHRISTOPHER D. KIRCHER, ESQ., ATTORNEYS OF RECORD:

Demand is hereby made by Defendant, MARIO LA BARBERA, for trial by jury in the
above entitled action.

Dated this 22ND day of October, 2014.

**HOLLEY, DRIGGS, WALCH,
PUZEY & THOMPSON**

JEFFREY R. ALBREGTS, ESQ.
Nevada Bar No. 0066
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101

Attorneys for Defendant

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Lawrence J. Semenza, III, Esq.
Christopher D. Kircher, Esq.
10161 Park Run Drive
Suite 150
Las Vegas, NV 89145
Attorneys for Plaintiff

Alexander C. Strout
An employee of Holley, Driggs, Walch,
Puzey & Thompson

EXHIBIT B

EXHIBIT B

La Barbera Deposition Transcript

1
09:34:00 2 UNITED STATES DISTRICT COURT
09:34:00 3 CLARK COUNTY, NEVADA
09:34:00 4 - - - - -
09:34:00 5 IN THE MATTER OF:
09:34:00 6 WYNN LAS VEGAS, LLC d/b/a WYNN
09:34:00 7 LAS VEGAS, a Nevada limited liability
09:34:00 8 company,
09:34:00 9 Plaintiff,
09:34:00 10 v. Case No:
09:34:00 11 A-14-695025-C
09:34:00 12 MARIO LA BARBERA, an individual,
09:34:00 13 Defendant.
09:34:00 14 - - - - -
09:34:00 15 DEPOSITION OF: MARIO LA BARBERA
09:34:00 16 VOLUME I
09:34:00 17 Thursday, 11 June, 2015
09:34:00 18 AT: 10:05 a.m.
09:34:00 19 Taken at:
09:34:00 20 The Grand Hotel Palatino
09:34:00 21 Via Cavour
09:34:00 22 Roma
09:34:00 23 Italy
09:34:00 24
09:34:00 25 Court Reporter:
09:34:00 26 GEORGIA GOULD
09:34:00 27 Accredited Real-time Reporter

La Barbera Deposition Transcript

09:34:00 1 A P P E A R A N C E S

09:34:00 2 Appearing for the Plaintiff:

09:34:00 3 LAWRENCE J. SEMENZA
09:34:00 Lawrence J. Semenza, III. P.C.
09:34:00 4 10161 Park Run Drive
09:34:00 Suite 150
09:34:00 5 Las Vegas, Nevada, 89145
09:34:00 Telephone: 702-835-6803

09:34:00 6 STACIE MICHAELS (General Counsel)
09:34:00 7 Wynn Las Vegas
09:34:00 313 Las Vegas Blvd
09:34:00 8 Las Vegas, NV 89109

09:34:00 9 Appearing for the defendant:

09:34:00 10 JEFFREY R. ALBREGTS
09:34:00 Holley, Driggs, Walch, Puzey & Thompson
09:34:00 11 400 South Fourth Street
09:34:00 Las Vegas, NV, 89101
09:34:00 12 Telephone: +1 702-791-0306

09:34:00 13 GIACOMO MIOTTI
09:34:00 Miotti Law Firm
09:34:00 14 00165 Roma
09:34:00 Via Gregorio VII, 154
09:34:00 15 Italy
09:34:00 Telephone: +39 06.6382.354
09:34:00 16

09:34:00 17 Also present:

09:34:00 18 Martin Esposito (Bilingual Conference Interpreter)

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09:34:00 1 W I T N E S S I N D E X

La Barbera Deposition Transcript

09:34:00	2		
09:34:00	3	Witness	Page
09:34:00	4	MARIO LA BARBERA (sworn)	5
09:34:00	5	Examination by MR. SEMENZA	5
09:34:00	6	Examination by MR. ALBREGTS	117
09:34:00	7	Examination by MR. SEMENZA	127

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09:34:00	1	E X H I B I T I N D E X	
09:34:00	2		
09:34:00	3	No.	Description
09:34:00	4	Exhibit 1	Plaintiff's Initial Disclosures
			Page 3

La Barbera Deposition Transcript
Pursuant to NEV.R.CIV.P.16.1
[WYNN-00001 to wynn-00047]]

09:34:00 5
09:34:00 6 Exhibit 2 Credit Suisse bank statements [1260
09:34:00 pages] - CONFIDENTIAL DOCUMENT: NOT
09:34:00 7 TO BE PUBLICLY DISCLOSED
09:34:00 8 Exhibit 3 Defendant Mario La Barbera's67
09:34:00 Responses to Plaintiff's First
09:34:00 9 Requests for Admissions to
09:34:00 Defendant Mario La Barbera [12
09:34:00 10 pages]
09:34:00 11 Exhibit 4 WLTV Marketing Casino accounts [568
09:34:00 pages]
09:34:00 12 Exhibit 5 Samples of Mr. La Barbera's114
09:34:00 13 signature [1 page]
09:34:00 14 Exhibit 6 Mario La Barbera Player Report [3 ...118
09:34:00 pages]
09:34:00 15 Exhibit 7 Comps Report [2 pages]119
09:34:00 16

09:34:00 17 ** EXHIBIT 2 (ORIGINAL) WAS RETAINED
09:34:00 18 BY COUNSEL MR. SEMEMZA **

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08:17:57 1 Thursday, June 11, 2015
08:44:35 2 (10.05 a.m.)
09:52:06 3 (The interpreter was sworn)
09:52:06 4 (All answers are interpreted unless otherwise indicated)
09:52:06 5 MARIO LA BARBERA
09:52:06 6 having been sworn, testified as follows:

La Barbera Deposition Transcript

09:52:06 7 EXAMINATION BY MR. SEMENZA:

10:05:10 8 BY MR. SEMENZA:

10:05:06 9 Q. Mr. La Barbera, my name is LJ Semenza and

10:05:16 10 I represent the Wynn Las Vegas. Today is the date and time

10:05:22 11 scheduled for your deposition. Do you understand that?

10:05:26 12 A. Yes.

10:05:27 13 Q. And have you ever had your deposition taken before?

10:05:32 14 A. No.

10:05:33 15 Q. Let me just go over a few of the ground rules for

10:05:37 16 the deposition here today. First, the oath you just took is

10:05:42 17 the same oath that you would take in an American court of

10:05:46 18 law. And the oath that you just took carry -- well, let me

10:05:57 19 back up. Do you understand what perjury is?

10:06:04 20 A. Yes.

10:06:05 21 Q. And the oath you just took is the same oath that you

10:06:09 22 would take in a court of law and carries with it the same

10:06:17 23 punishment or penalties for not telling the truth as in

10:06:22 24 a court of law. Do you understand that?

10:06:25 25 A. Yes.

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10:06:27 1 Q. I'm gonna be asking you a series of questions today

10:06:31 2 and I would like you to give me your best answer to the

10:06:34 3 questions I pose to you. Do you understand that?

10:06:40 4 A. Yes, sir.

10:06:41 5 Q. If I pose a question to you and you do not

10:06:45 6 understand the question, please let me know and I will

10:06:50 7 rephrase it. Do you understand that?

10:06:55 8 A. Yes.

10:06:57 9 Q. If you answer one of my questions I'm going to

Page 5

La Barbera Deposition Transcript

10:07:01 10 assume that you understood the question. Do you understand
10:07:05 11 that as well?

10:07:06 12 A. Yes, sir.

10:07:09 13 Q. The Court Reporter is going to be taking down
10:07:12 14 everything that is said here today. You will have an
10:07:17 15 opportunity to review the deposition transcript and you have
10:07:23 16 the ability to make changes to that transcript. If you make
10:07:29 17 any substantive changes to the deposition transcript, I will
10:07:34 18 have an opportunity to comment on those changes at the time
10:07:38 19 of trial. Do you understand that?

10:07:43 20 A. Yes, sir.

10:07:44 21 Q. It's important for neither one of us to talk over
10:07:48 22 each other so that we have a clear record here today. Do
10:07:54 23 you understand that?

10:07:57 24 A. (Indicating assent.)

10:07:58 25 Q. So please wait until I have finished asking my
6

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10:08:01 1 question before you provide an answer, and I will allow you
10:08:06 2 to finish your answer before I ask another question. Unless
10:08:12 3 your counsel instructs you otherwise, you are to answer all
10:08:18 4 of my questions here today. Do you understand that?

10:08:24 5 A. Yes, sir.

10:08:26 6 Q. What did you do to prepare for your deposition here
10:08:29 7 today?

10:08:34 8 A. Nothing. This deposition is an attempt to try to
10:08:46 9 clarify my position and my presence in Las Vegas for three
10:08:52 10 days.

10:08:55 11 THE INTERPRETER: You'll make me aware if this

La Barbera Deposition Transcript

10:08:57 12 overlap disturbs you in any way and I can change that.

10:09:02 13 MR. ALBREGTS: For the record, Mr. La Barbera met
10:09:05 14 with Giacomo and I, and if you will tell him he doesn't have
10:09:09 15 to answer any questions that call for confidentiality I'll
10:09:12 16 appreciate that.

10:09:14 17 MR. SEMENZA: Go ahead.

10:09:15 18 MR. ALBREGTS: Anything he asks you that asks for
10:09:21 19 information between you and me you don't have to answer.
10:09:31 20 We'll discuss it first because I prefer that the questions
10:09:35 21 are answered.

10:10:09 22 (10:09 a.m.)

10:10:13 23 (Discussion off the record.)

10:10:15 24 (10:11 a.m.)

10:11:22 25 BY MR. SEMENZA:

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10:11:23 1 Q. So let's go back on the record, Mr. La Barbera.

10:11:28 2 Did you review any documents in preparation for your
10:11:31 3 deposition here today?

10:11:36 4 A. Yes, some bank statements.

10:11:39 5 Q. And what bank statements are you specifically
10:11:42 6 referring to?

10:11:46 7 A. The ones pertaining to the period in which I was in
10:11:50 8 Las Vegas.

10:11:53 9 Q. And you brought some of those documents here today?

10:11:58 10 A. Yes, I have.

10:11:59 11 Q. And these are photocopies of various bank
10:12:02 12 statements?

10:12:05 13 A. That's correct.

10:12:06 14 Q. And what bank are these bank statements, or

Page 7

La Barbera Deposition Transcript

10:12:09 15 photographs of bank statements, from?

10:12:14 16 A. The bank name is Credit Suisse.

10:12:21 17 Q. Did you review any other documents in preparation
10:12:24 18 for your deposition here today?

10:12:27 19 A. No. I saw this and these do not correspond to the
10:12:38 20 truth. Because I --

10:12:43 21 MR. ALBREGTS: Tell him there's no question
10:12:44 22 pending. There's no question pending.

10:12:51 23 THE INTERPRETER: What was said is, "I was in Las
10:12:52 24 Vegas three days and three nights."

10:12:55 25 MR. SEMENZA: Okay.

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10:13:02 1 MR. ALBREGTS: Thank you.

10:13:02 2 BY MR. SEMENZA:

10:13:03 3 Q. In addition to the photographs of the bank
10:13:05 4 statements you had pointed to other documents that are in
10:13:08 5 front of Mr. Albregts. Is that correct?

10:13:13 6 A. That's correct.

10:13:13 7 Q. And these are documents that were provided to
10:13:16 8 Mr. Albregts yesterday afternoon?

10:13:21 9 A. That's correct.

10:13:23 10 Q. How long did you meet with Mr. Albregts yesterday?

10:13:30 11 A. Two to three hours.

10:13:32 12 Q. And did you do anything other than review the
10:13:36 13 photographs and -- strike that.

10:13:40 14 Did you do anything other than review the documents
10:13:42 15 and meet with your counsel yesterday in preparation for your
10:13:46 16 deposition here today?

La Barbera Deposition Transcript

10:13:54 17 A. I received some instructions as I have never been in
10:14:02 18 this kind of...

10:14:10 19 Q. You received instructions, you said?

10:14:17 20 A. Instructions for what?

10:14:19 21 Q. I think you just said that you had received some
10:14:21 22 instructions.

10:14:25 23 MR. ALBREGTS: He doesn't have to tell him what
10:14:28 24 the instructions are.

10:14:31 25 A. There were instructions as to how to deal with the
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10:14:33 1 situation.

10:14:34 2 BY MR. SEMENZA:

10:14:34 3 Q. Okay. These are instructions that were provided by
10:14:36 4 your counsel?

10:14:41 5 A. Yes, that's correct. As to how to go about the
10:14:45 6 situation.

10:14:45 7 Q. Okay. How did you first come to be a patron at
10:14:53 8 Wynn?

10:14:54 9 A. Could you repeat the question, sir?

10:14:56 10 Q. How did you first come to be a patron at the Wynn?

10:15:08 11 A. It was by chance, as I was introduced by the
10:15:17 12 Marketing Director of the Monte Carlo Casino, and I went to
10:15:27 13 Las Vegas and I was received by Alex Pariente.

10:15:38 14 Q. Who was the Marketing Director at the Monte Carlo?

10:15:45 15 A. It was Mark Marchese.

10:15:54 16 Q. Mr. Marchese?

10:15:59 17 A. Mr. Marchese.

10:16:01 18 Q. And is he still at the Monte Carlo now?

10:16:05 19 A. I don't think so.

La Barbera Deposition Transcript

10:16:06 20 Q. Do you know where he is?

10:16:08 21 A. No, I don't.

10:16:10 22 Q. When was the last time you communicated with him?

10:16:18 23 A. I think it must have been three years ago.

10:16:25 24 Q. And Mr. Marchese was the -- was an employee of the
10:16:31 25 casino in Monte Carlo?

10

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10:16:38 1 A. This I don't know. He was in charge of marketing.

10:16:43 2 Q. This was not at the Monte Carlo Las Vegas, correct?

10:16:50 3 A. No, Monte Carlo in the principality of Monaco.

10:16:59 4 Q. And have you gambled at the Monte Carlo Casino in
10:17:04 5 Monaco?

10:17:05 6 A. Yes, I have.

10:17:07 7 Q. When was the last time that you gambled at the Monte
10:17:10 8 Carlo Casino in Monaco?

10:17:17 9 A. A year ago.

10:17:26 10 Q. Can you approximate for me how much money you
10:17:30 11 gambled at that period of time or during that trip?

10:17:43 12 A. I think somewhere around 50,000 euros, something
10:17:46 13 like that.

10:17:50 14 Q. Who was your host on that particular trip?

10:17:58 15 A. SBM.

10:18:03 16 Q. SBM?

10:18:06 17 A. SBM. Société.

10:18:14 18 THE INTERPRETER: S for "société. "Des" -- in
10:18:20 19 French -- des bains, B-A-I-N. Which I think means
10:18:25 20 "bathing". "De mer". So the Society of Sea Bathing,
10:18:32 21 Société des Bains.

La Barbera Deposition Transcript

10:18:36 22 BY MR. SEMENZA:

10:18:36 23 Q. The society of what?

10:18:39 24 THE INTERPRETER: Sea bathing, beach bathing,

10:18:42 25 this is my own translation from French.

11

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10:18:46 1 MR. ALBREGTS: Where do we sign up?

10:18:53 2 THE INTERPRETER: (Pause). Just clarifying.

10:18:54 3 MR. ALBREGTS: LJ, if you have a moment's

10:18:56 4 indulgence, he needs to ask a question.

10:18:59 5 MR. SEMENZA: Okay.

10:18:58 6 (10.19 a.m.)

10:19:01 7 (Discussion off the record.)

10:19:02 8 (10:20 a.m.)

10:20:24 9 BY MR. SEMENZA:

10:20:25 10 Q. So when I asked you who your host was during your

10:20:29 11 last trip to Monte Carlo Casino you said SBM. Was there

10:20:35 12 a particular individual that acted as your host at the

10:20:38 13 casino?

10:20:44 14 A. No, I've been going to Monte Carlo for many many

10:20:47 15 years.

10:20:49 16 Q. And is SBM the group you went to the Monte Carlo

10:20:53 17 with?

10:20:56 18 A. That's correct. Have a marketing office managing

10:21:02 19 clients.

10:21:04 20 Q. SBM does, or the Monte Carlo Hotel Casino?

10:21:14 21 A. Monte Carlo Casino is part of SBM --

10:21:19 22 Q. Okay.

10:21:19 23 A. -- group.

10:21:24 24 Q. During your last trip to the Monte Carlo Casino in

Page 11

La Barbera Deposition Transcript

10:21:28 25 Monaco did you gamble on credit?
12

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10:21:36 1 A. No, it was with my own money.

10:21:38 2 Q. When was the last time that you gambled on credit at
10:21:42 3 any casino?

10:21:55 4 A. It's been a few years, quite a few years, since
10:21:58 5 I last gambled on credit. If I have money, I play;
10:22:02 6 otherwise, I don't.

10:22:05 7 Q. Do you recall the specific casino where you played
10:22:09 8 on credit last?

10:22:14 9 A. I think it was Monte Carlo, quite a few years ago.

10:22:19 10 Q. Can you estimate the year for me?

10:22:31 11 A. I'm just correcting, the answer was 50,000 euros,
10:22:34 12 but I corrected this. The year is 2012, I think.

10:22:39 13 Q. And just so the record is clear, the last time you
10:22:43 14 played on credit at any casino was in approximately 2012?

10:22:51 15 A. That's correct, sir.

10:22:55 16 Q. That was at the Monte Carlo Casino in Monaco?

10:23:00 17 A. That's correct.

10:23:01 18 Q. And how much credit did you play with?

10:23:08 19 A. 50,000.

10:23:14 20 Q. The 50,000 that you played on credit with, that is
10:23:20 21 not the same trip that we talked about earlier where you had
10:23:24 22 said that you had gone to the Monte Carlo Casino
10:23:28 23 approximately a year ago?

10:23:30 24 A. No, this was a different trip, sir.

10:23:35 25 Q. When you are gambling at the Monte Carlo Casino, on
13

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La Barbera Deposition Transcript

10:23:40 1 credit, does the casino use markers that are similar to
10:23:46 2 those in the United States?

10:23:49 3 A. No, no, they don't.

10:23:51 4 Q. Can you explain to me the process for obtaining
10:23:55 5 credit at the Monte Carlo Casino?

10:24:00 6 A. It's a simple receipt, in exchange for which chips
10:24:10 7 are given to you.

10:24:17 8 Q. How do you pay back the credit that is obtained in
10:24:23 9 this context from the Monte Carlo Casino?

10:24:28 10 A. If I lose, through a transfer.

10:24:30 11 Q. A bank transfer?

10:24:32 12 A. That's correct.

10:24:32 13 Q. And how quickly are you obligated to repay the
10:24:37 14 credit utilized?

10:24:44 15 A. They don't have a tight deadline. A month, perhaps
10:24:48 16 two months, but they are very flexible.

10:24:52 17 Q. And does the Monte Carlo Casino in Monaco offer
10:24:57 18 discounts for prompt payments of gambling debts that are on
10:25:04 19 credit?

10:25:05 20 THE INTERPRETER: You said "problem payments"
10:25:07 21 offer discount for?

10:25:11 22 MR. SEMENZA: Prompt.

10:25:12 23 THE INTERPRETER: Prompt payment.

10:25:19 24 A. No.

10:25:19 25 BY MR. SEMENZA:

14

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La Barbera Deposition Transcript

10:25:20 1 Q. So when you take out credit at the Monte Carlo
10:25:21 2 Casino in Monaco you have to pay all of that credit back and
10:25:28 3 no discounts are generally given?
10:25:32 4 A. Clearly there is also the hospitality.
10:25:39 5 Q. There are complementaries that are provided?
10:25:46 6 A. Lunch, dinner, the hotel.
10:25:50 7 Q. Is that what you were referring to as "hospitality"
10:25:52 8 in your prior answer?
10:25:56 9 A. That's correct, sir.
10:26:02 10 Q. Can you estimate for me the total amount of credit
10:26:05 11 that you have obtained at the Monte Carlo Casino in Monaco?
10:26:14 12 MR. ALBREGTS: Total? Over time?
10:26:16 13 MR. SEMENZA: Yes, total over time.
10:26:17 14 MR. ALBREGTS: Total over time.
10:26:23 15 A. How can I do this?
10:26:27 16 MR. ALBREGTS: Many years?
10:26:29 17 A. Many years.
10:26:31 18 BY MR. SEMENZA:
10:26:31 19 Q. Is it in the millions of euro or dollars?
10:26:37 20 A. No.
10:26:38 21 Q. Can you estimate for me?
10:26:45 22 A. 3/400,000 euros.
10:26:48 23 Q. And what date range was that credit obtained?
10:26:56 24 A. I really couldn't say, I don't recall.
10:26:59 25 Q. Was it in the past 5 years or 20 years?

15

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10:27:03 1 A. 10 years, around 10.
10:27:12 2 Q. And how long have you been patronizing the Monte

La Barbera Deposition Transcript

10:27:16 3 Carlo Casino in Monaco?

10:27:23 4 A. It's been 20 years.

10:27:29 5 Why are we focusing on Monte Carlo? We need to
10:27:35 6 speak about the Wynn.

10:27:36 7 Q. And we will.

10:27:41 8 Are there any other casinos that you have gambled at
10:27:46 9 since April 2008 other than the Monte Carlo Casino in Monaco
10:27:55 10 and the Wynn Las Vegas?

10:27:59 11 A. Yes.

10:28:00 12 Q. Could you tell me what casinos those are?

10:28:07 13 A. I played at Saint Vincent, I gambled in Venice,
10:28:20 14 Campione. And that's all -- these are the ones I patronize
10:28:35 15 more -- more often, but by far the most frequent patronage
10:28:42 16 is Monte Carlo.

10:28:45 17 Q. And where is the Saint Vincent?

10:28:51 18 A. It's in Aosta in Italy.

10:28:57 19 Q. Have you ever gambled on credit there?

10:29:00 20 A. No.

10:29:03 21 Q. And the Venice Casino, is that the lido?

10:29:17 22 A. It's at the lido in the summer and in the winter
10:29:20 23 it's at Palazzo Vendramin.

10:29:29 24 Q. And you've never gambled on credit at that location?

10:29:35 25 A. No.

16

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10:29:36 1 Q. Prior to your trip to Wynn in 2008 have you ever
10:29:41 2 gambled on credit?

10:29:48 3 A. In Monaco.

10:29:49 4 Q. In Monaco you have.

10:30:28 5 Do you recall the year you first met Alex Pariente?

La Barbera Deposition Transcript

10:30:37 6 A. Yes, it was when I arrived in Las Vegas, 29 March,
10:30:43 7 2008.
10:30:46 8 Q. Had you spoken with Mr. Pariente before March 29,
10:30:51 9 2008?
10:30:53 10 A. No, I hadn't.
10:30:55 11 Q. How did you -- well, he was your host on that
10:30:58 12 particular trip?
10:31:07 13 A. Yes, he -- he put me up.
10:31:14 14 Q. Now, how did he become your host if you had never
10:31:17 15 communicated with him prior to your arrival in --
10:31:20 16 on March 29 of 2008?
10:31:26 17 A. Because I was introduced to him by Marchese. I was
10:31:33 18 introduced as a player, as a gambler.
10:31:36 19 Q. Okay. And did Marchese call Mr. Pariente and let
10:31:40 20 him know that you were coming?
10:31:43 21 A. I believe so, I think so.
10:31:45 22 Q. Okay. When you arrived was Mr. Pariente there to
10:31:49 23 greet you?
10:31:54 24 A. He sent a car to the airport and then he received me
10:31:59 25 at the Wynn.

17

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10:32:02 1 Q. Do you recall interacting with any other employee of
10:32:05 2 the Wynn on your trip in March of 2008?
10:32:13 3 A. No.
10:32:14 4 Q. He's the only individual that you recall
10:32:16 5 specifically?
10:32:19 6 A. That's correct.
10:32:25 7 Q. Do you know how Mr. Pariente knew that you were

La Barbera Deposition Transcript

10:32:32 8 arriving for your March 2008 trip?

10:32:41 9 A. I believe through Marchese, who must have told him
10:32:49 10 my date of departure, and therefore the rest followed.

10:32:53 11 Q. How did you come to the decision to travel to the
10:32:56 12 Wynn for your March 2008 trip?

10:33:05 13 A. It's a curiosity on my part to see Las Vegas.

10:33:10 14 Q. Had you ever been to Las Vegas before March of 2008?

10:33:14 15 A. No, I hadn't.

10:33:19 16 Q. And did you stay at the Wynn during your entire trip
10:33:23 17 in March of 2008?

10:33:30 18 A. Yes, it was four nights and three days in total.

10:33:40 19 Q. Did you go to any casinos other than the Wynn Las
10:33:44 20 Vegas during your trip in March 2008?

10:33:47 21 A. No, no, I didn't. I visited the other casinos out
10:33:54 22 of curiosity but I did not gamble there.

10:33:57 23 Q. What other casinos do you recall visiting?

10:34:04 24 A. Bellagio, Venetian, and I think that's it. Caesar.

10:34:11 25 MR. ALBREGTS: The Venetian?
18

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10:34:14 1 A. Venetian, yes.

10:34:15 2 BY MR. SEMENZA:

10:34:15 3 Q. On this trip in March 2008 were you accompanied by
10:34:19 4 anyone else?

10:34:22 5 A. I was alone.

10:34:26 6 Q. Did you pay for your own travel on the March of 2008
10:34:33 7 trip?

10:34:33 8 A. Yes, I did.

10:34:39 9 Q. Did you personally book your reservations at the
10:34:42 10 Wynn Las Vegas or did someone book those reservations on
Page 17

La Barbera Deposition Transcript

10:34:45 11 your behalf?

10:34:50 12 A. I think Pariente did everything.

10:34:54 13 Q. So Mr. Pariente knew you were coming prior to your
10:34:59 14 arrival?

10:35:02 15 A. I believe so because there was this contact with
10:35:08 16 Marchese who presumably announced my arrival to him.

10:35:13 17 Q. Did you arrange your trip to the Wynn Las Vegas
10:35:15 18 in March 2008 through Marchese?

10:35:19 19 A. No, I didn't. Marchese simply introduced me to
10:35:29 20 Pariente, that's all. Then I organized the trip.

10:35:38 21 Q. But you had never communicated with Mr. Pariente
10:35:41 22 prior to your arrival on March 29?

10:35:44 23 A. Absolutely not.

10:35:48 24 Q. So how was your room arranged prior to your arrival?

10:35:56 25 MR. ALBREGTS: If he knows. Tell him remember
19

♀

10:35:59 1 only if he knows.

10:36:04 2 A. I don't know. I arrived there and I was given
10:36:08 3 a room.

10:36:12 4 BY MR. SEMENZA:

10:36:12 5 Q. Is it fair to say that you knew you had a room
10:36:14 6 reservation at the Wynn but you don't know how that
10:36:18 7 reservation was secured?

10:36:24 8 A. Yes, that's correct.

10:36:25 9 Q. And what were your dates that you arrived at the
10:36:29 10 Wynn and departed from the Wynn on that particular trip?

10:36:35 11 A. I arrived on 29 March and I departed on 4 April.

10:37:03 12 THE INTERPRETER: Not to worry about my

La Barbera Deposition Transcript

10:37:05 13 interruptions, he can go with the flow.

10:37:07 14 MR. ALBREGTS: If you can wait for LJ to finish
10:37:09 15 his question. As long as Georgia is picking it up, you guys
10:37:13 16 are doing great.

10:37:14 17 THE INTERPRETER: So shall I continue in the same
10:37:16 18 way?

10:37:16 19 MR. SEMENZA: You are fine.

10:37:17 20 MR. ALBREGTS: You seem to have found a rhythm.

10:37:41 21 A. What is this?

10:37:42 22 BY MR. SEMENZA:

10:37:42 23 Q. This is a series of documents that has been produced
10:37:50 24 to your counsel as part of the pending litigation.

10:37:54 25 (Exhibit 1 marked for identification)
20

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10:38:01 1 Q. Before we get to the document, when you arrived
10:38:06 2 on March 29 of 2008 at the Wynn and met with Mr. Pariente,
10:38:13 3 could you tell me what you discussed with him?

10:38:20 4 A. Well, he said that practically they gave me a credit
10:38:26 5 line, to establish this, of USD 200,000.

10:38:38 6 Q. And was a USD 200,000 credit line acceptable to you?

10:38:45 7 A. Yes.

10:38:51 8 Q. Now, did you ask for that credit line from
10:38:54 9 Mr. Pariente?

10:38:59 10 A. No, it was allowed, it was given to me by them.

10:39:03 11 Q. Did you bring any cash with you?

10:39:09 12 A. No, credit cards, just credit cards.

10:39:14 13 Q. Did you wire any funds to the Wynn prior to your
10:39:19 14 trip on March 29, 2008?

10:39:23 15 A. No, from Las Vegas I invoked some transfers, two
Page 19

La Barbera Deposition Transcript

10:39:35 16 transfers.

10:39:39 17 Q. So while you were in Las Vegas you initiated two
10:39:42 18 wire transfers from your bank to Wynn Las Vegas?

10:39:48 19 A. That's correct, from my bank, from Credit Suisse,
10:39:51 20 after one day.

10:39:52 21 Q. And how much did you wire from your Credit Suisse
10:39:56 22 account to Wynn Las Vegas?

10:39:59 23 A. The first transfer was USD 400,000, and the second
10:40:03 24 one, USD 600,000, a total of USD 1 million.

10:40:09 25 Q. Were those transfers undertaken on the same day?
21

♀

10:40:17 1 A. No, they were one day apart, I think.

10:40:20 2 Q. Okay. The first transfer was in the amount of USD
10:40:23 3 400,000?

10:40:24 4 A. That's correct.

10:40:25 5 Q. And was initiated on which day?

10:40:36 6 MR. MIOTTI: Can he refer to the --

10:40:38 7 A. Day one of my stay --

10:40:40 8 BY MR. SEMENZA:

10:40:41 9 Q. Hold on, hold on. I just want to understand what he
10:40:43 10 said.

10:40:43 11 It's your recollection that you transferred the USD
10:40:45 12 400,000 on your first day of your stay at Wynn?

10:40:53 13 A. Perhaps the day after, the morning after -- the day
10:40:55 14 after.

10:40:56 15 Q. Okay. And do you recall when you initiated the
10:40:59 16 second wire transfer in the amount of USD 600,000?

10:41:07 17 A. I believe 24 or maybe 48 hours following the first

La Barbera Deposition Transcript

10:41:11 18 one.

10:41:13 19 MR. ALBREGTS: And in reference to the document,
10:41:15 20 the bank records will show that.

10:41:21 21 MR. SEMENZA: Okay.

10:41:17 22 MR. ALBREGTS: Thanks.

10:41:22 23 BY MR. SEMENZA:

10:41:22 24 Q. Okay. Would you like to refer to the bank
10:41:33 25 statements to confirm the dates upon which those wire
22

♀

10:41:36 1 transfers were made?

10:41:37 2 A. Yes, I would.

10:41:40 3 MR. SEMENZA: Giacomo, would you mind?

10:41:44 4 MR. ALBREGTS: You are on, Giacomo.

10:41:46 5 MR. MIOTTI: This is seven years' time so
10:41:48 6 everybody could forget.

10:41:56 7 A. The 1st of the 4th, the 1st of April, and the 3rd
10:42:00 8 of April. Would you like to see it, sir?

10:42:03 9 MR. SEMENZA: Yes.

10:42:12 10 MR. ALBREGTS: Giacomo, we'll do it page-by-page.

10:42:14 11 MR. MIOTTI: Yes.

10:42:25 12 BY MR. SEMENZA:

10:42:26 13 Q. Were these amounts in dollars or in euros?

10:42:35 14 A. I had -- I also had a dollar account at
10:42:37 15 Credit Suisse and I wired dollars.

10:42:40 16 Q. Okay. Why did you make these transfers, one in the
10:42:48 17 amount of USD 400,000 and the second in the amount of USD
10:42:51 18 600,000?

10:42:54 19 A. Because I'd run out of money.

10:42:57 20 Q. At that point in time that you wired those funds had
Page 21

La Barbera Deposition Transcript

10:43:01 21 you exhausted your credit limit?

10:43:06 22 A. Yes.

10:43:07 23 Q. Prior to the USD 400,000 wire transfer on or
10:43:15 24 about April 1 of 2008, do you recall what your credit limit
10:43:19 25 was?

23

♀

10:43:23 1 A. 200,000.

10:43:25 2 Q. At --

10:43:28 3 A. Then, once the money arrived, I was given a villa.
10:43:38 4 I saw my credit increase and they ruined me.

10:43:46 5 Q. What do you recall your credit limit to be prior to
10:43:53 6 the second wire transfer, USD 600,000?

10:44:00 7 A. 500 is what they gave me. And after the arrival of
10:44:06 8 the 600 I was given a million. (In English): They kill
10:44:29 9 players in Las Vegas.

10:44:34 10 THE INTERPRETER: That was in English, "They kill
10:44:37 11 players in Las Vegas."

10:44:38 12 A. (Answer Interpreted): It's true, they really kill
10:44:40 13 them.

10:44:44 14 BY MR. SEMENZA:

10:44:45 15 Q. Okay. When you arrived at Wynn Las Vegas
10:44:57 16 on March 29, 2008, do you recall reviewing and executing
10:45:04 17 certain documents to establish credit?

10:45:17 18 A. I certainly must have signed --

10:45:24 19 Q. Well --

10:45:26 20 A. -- for example, I do not know that these were
10:45:30 21 checks, nobody explained it to me, nobody explained it to
10:45:33 22 me. I thought that these were some receipts in order to get

La Barbera Deposition Transcript

10:45:43 23 to obtain the chips. Nobody explained to me this.

10:45:51 24 MR. ALBREGTS: Wait for a question. If he

10:45:56 25 doesn't ask you the question I will ask you the question.

24

♀

10:46:00 1 A. I just saw it and it came to me.

10:46:02 2 BY MR. SEMENZA:

10:46:03 3 Q. And, before you turn the page, what page are you

10:46:05 4 referring to on that?

10:46:09 5 MR. ALBREGTS: Wynn 2.

10:46:12 6 BY MR. SEMENZA:

10:46:12 7 Q. All right.

10:46:16 8 A. I'm not sure this is my signature, that's not the

10:46:19 9 way I signed it. Anyway --

10:46:21 10 MR. ALBREGTS: He will ask you very specific

10:46:24 11 questions about all of this.

10:46:25 12 MR. SEMENZA: Mr. La Barbera, can you flip the

10:46:28 13 page.

10:46:29 14 MR. ALBREGTS: To the first page.

10:46:31 15 BY MR. SEMENZA:

10:46:32 16 Q. Do you recall providing Wynn with a copy -- do you

10:46:34 17 recall providing Wynn with your passport?

10:46:42 18 A. I think so, but I don't really remember.

10:46:44 19 Q. Did you understand that that was a requirement to

10:46:48 20 establishing credit at Wynn?

10:46:54 21 A. No, I did not.

10:46:56 22 Q. What do you understand the reason for providing your

10:47:00 23 passport to Wynn to be?

10:47:07 24 A. When one goes to a hotel I assumed it's normal to

10:47:11 25 produce a document.

♀

10:47:13 1 Q. And you voluntarily provided your passport to Wynn?

10:47:18 2 A. Certainly I was asked, I think, at reception, and so
10:47:22 3 I supplied it.

10:47:23 4 Q. Did you provide your passport to Mr. Pariente or
10:47:26 5 some other employee at Wynn when you checked in?

10:47:33 6 A. I honestly don't recall.

10:47:38 7 (10:47 a.m.)

10:47:44 8 (Discussion off the record.)

10:47:46 9 (10:48 a.m.)

10:47:55 10 BY MR. SEMENZA:

10:47:55 11 Q. Mr. La Barbera, can I have you turn to Wynn 33. Do
10:48:15 12 you recognize this document?

10:48:22 13 MR. ALBREGTS: Can you translate the title up
10:48:23 14 here? (Pause.)

10:48:32 15 A. The signature is certainly my own.

10:48:34 16 BY MR. SEMENZA:

10:48:34 17 Q. Okay.

10:48:35 18 A. But I don't recall it. It's certainly my signature,
10:48:42 19 it says "Credit Suisse".

10:48:46 20 Q. Do you recall who you were with when you signed this
10:48:50 21 document?

10:48:53 22 A. No, I don't, honestly.

10:48:56 23 Q. And the handwriting -- the printing, right --

10:49:02 24 MR. ALBREGTS: Printing.

10:49:04 25 A. That's mine.

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La Barbera Deposition Transcript

10:49:06 1 MR. ALBREGTS: Wait for a question. Sorry.

10:49:11 2 BY MR. SEMENZA:

10:49:11 3 Q. No, that's okay.

10:49:12 4 So from your name at the top of the page to where

10:49:25 5 you have signed, is all of that handwritten writing yours?

10:49:34 6 A. Yes.

10:49:37 7 Q. And how did you know what handwritten information to

10:49:43 8 provide on this form?

10:49:52 9 A. I think I must have been aided, I'm not sure whether

10:49:56 10 it was Pariente or anyone else, I really don't recall.

10:50:01 11 Q. Can you read English?

10:50:04 12 A. No.

10:50:06 13 Q. Can you write English?

10:50:08 14 A. No.

10:50:10 15 Q. Is it fair to say that someone assisted you in

10:50:14 16 completing the form?

10:50:16 17 A. I believe so.

10:50:18 18 Q. Do you recall asking the individual who assisted you

10:50:21 19 in completing the form to translate it or to read it to you

10:50:25 20 in Italian?

10:50:30 21 A. No, this was about filling in with names and

10:50:35 22 a street, city, profession and my -- and the bank, and my

10:50:44 23 bank account.

10:50:44 24 Q. Did you understand that this was required

10:50:47 25 information to establish credit at wynn?

27

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10:50:55 1 A. I believe so.

La Barbera Deposition Transcript

10:50:57 2 Q. And is anything in the document that you had wrote
10:51:02 3 inaccurate?
10:51:06 4 Let me ask a better question. When you completed
10:51:11 5 this form is there anything that you wrote on the form that
10:51:19 6 is inaccurate?
10:51:28 7 A. I think so.
10:51:29 8 Q. What is inaccurate?
10:51:34 9 A. No, I think that it's correct.
10:51:36 10 MR. ALBREGTS: Okay, he understood the question?
10:51:40 11 THE INTERPRETER: Yes, I was just translating
10:51:43 12 literally.
10:51:44 13 MR. ALBREGTS: No, he's a smart guy, he really
10:51:50 14 is.
10:51:50 15 BY MR. SEMENZA:
10:51:51 16 Q. Just so I'm clear, you don't recall anyone -- strike
10:51:55 17 that.
10:51:55 18 You don't recall asking anyone to translate the form
10:52:00 19 to you in Italian prior to or during your completion of the
10:52:05 20 form?
10:52:09 21 A. I think somebody helped me. I think this Pariente
10:52:14 22 gentleman must have helped me fill it in. I don't know,
10:52:17 23 I think.
10:52:18 24 MR. ALBREGTS: One moment.
10:52:18 25 (10:52 a.m.)

28

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10:52:24 1 (Discussion off the record.)
10:52:26 2 (10:53 a.m.)
10:52:50 3 BY MR. SEMENZA:

La Barbera Deposition Transcript

10:52:50 4 Q. Let me have you turn now to Wynn 46. Do you

10:53:08 5 recognize this document?

10:53:42 6 A. I don't remember it. The signature is my own.

10:53:47 7 Q. When you first arrived at the Wynn and signed this

10:53:53 8 document, Wynn 46, was it your understanding that you were

10:53:58 9 being given a credit line of USD 300,000 as opposed to USD

10:54:06 10 200,000?

10:54:14 11 A. I imagine I must have read this. I don't remember

10:54:18 12 exactly everything. It's seven-and-a-half years ago and --

10:54:29 13 Q. Is it fair to say that you were initially given

10:54:31 14 a USD 300,000 credit line at Wynn?

10:54:37 15 A. I recall 200.

10:54:45 16 Q. And, prior to signing this document, did you ask

10:54:50 17 anyone to translate it into Italian for you?

10:54:54 18 A. No, I didn't.

10:54:58 19 Q. Do you recall who was present with you when you

10:55:00 20 signed this document?

10:55:03 21 A. I believe Pariente, I think.

10:55:09 22 Q. And did Mr. Pariente explain to you the terms of

10:55:13 23 this document when you signed it?

10:55:19 24 A. I don't recall, but I would assume that he must have

10:55:23 25 told me that this was necessary in order to obtain the

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10:55:26 1 credit.

10:55:28 2 Q. Do you recall asking Mr. Pariente, when you signed

10:55:32 3 this, about the terms relating to obtaining credit at Wynn?

10:55:37 4 A. No.

10:55:42 5 Q. Is it fair to say that if you had questions relating

10:55:45 6 to the credit provided to you by Wynn Las Vegas that

Page 27

La Barbera Deposition Transcript

10:55:49 7 Mr. Pariente was available to answer those questions?

10:55:59 8 A. This I don't know. For example, he was unable to
10:56:06 9 say something to me about market, and I thought that market
10:56:12 10 was a simple receipt rather than a commitment. Nobody
10:56:17 11 explained this to me at Wynn.

10:56:20 12 Q. You mentioned the term "market" or "marker".

10:56:25 13 A. The ones which they then cashed in, we have the same
10:56:29 14 word "market".

10:56:30 15 Q. Okay. Does Mr. Pariente speak fluent Italian?

10:56:44 16 A. He's South American. Let's say that he muddled
10:56:49 17 through, we were able to understand one another.

10:56:51 18 Q. And when you spoke to Mr. Pariente did you speak to
10:56:54 19 him in Italian?

10:57:01 20 A. Latin, mixed with Italian. A Latin-Italian mix.

10:57:09 21 Q. Okay. Is it fair to say that you -- strike that.
10:57:14 22 During your discussions and conversations with
10:57:17 23 Mr. Pariente is it fair to say that you understood what he
10:57:20 24 was saying?

10:57:25 25 MR. ALBREGTS: Objection as to form, as to what's
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10:57:26 1 "fair". Go ahead and answer.

10:57:36 2 A. The question was?

10:57:38 3 BY MR. SEMENZA:

10:57:38 4 Q. Let me ask it a different way. When you were having
10:57:45 5 conversations with Mr. Pariente while at the Wynn
10:57:48 6 in March 2008 did you believe that he understood you and
10:57:54 7 that you understood him?

10:58:01 8 A. Broadly speaking, yes. I didn't know how things

La Barbera Deposition Transcript

10:58:23 9 worked inside this casino, nobody explained it to me, but
10:58:26 10 anyway we'll get there.

10:58:28 11 Q. And, going back, when you spoke Mr. Pariente you
10:58:31 12 said you spoke Latin, meaning Spanish?

10:58:35 13 A. Yes, Latino and Spanish.

10:58:38 14 Q. So you spoke both Italian and Spanish with him?

10:58:43 15 A. That's correct, a mix of the two.

10:58:52 16 Q. It is your belief that you were able to understand
10:58:54 17 each other during your interactions?

10:58:58 18 A. I repeat, broadly speaking, yes.

10:59:04 19 Q. Let me have you turn to the next page which is Wynn
10:59:07 20 47. Do you recognize the document Wynn 47?

10:59:36 21 A. No. The signature is my own. The date was not
10:59:41 22 written by me.

10:59:42 23 Q. That was someone else dating it?

10:59:47 24 A. I think so. This is not my handwriting.

10:59:51 25 Q. Do you recall reading this document prior to signing
31

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10:59:53 1 it?

10:59:55 2 A. No.

10:59:56 3 Q. Do you recall asking anyone to translate the English
11:00:00 4 into a language that you understood?

11:00:03 5 A. No, they told me I had to sign.

11:00:06 6 Q. Is it your common practice to sign documents in
11:00:11 7 foreign languages?

11:00:16 8 A. I thought that in this -- this was standard practice
11:00:22 9 in casinos, this was not a death sentence I was signing.

11:00:27 10 Q. It's fair to say that prior to signing this
11:00:30 11 document, Wynn 47, that you didn't read it nor did you

La Barbera Deposition Transcript

11:00:34 12 understand what you were signing?

11:00:38 13 A. They just said, "Sign here, sign here", and
11:00:41 14 I signed. It was necessary in order to obtain credit.

11:01:03 15 Q. I understand that you dispute that you owe Wynn
11:01:07 16 money.

11:01:13 17 A. Absolutely no.

11:01:16 18 Q. You do dispute that you owe Wynn money, correct?

11:01:24 19 A. Absolutely not.

11:01:27 20 MR. ALBREGTS: Meaning he's saying he doesn't owe
11:01:29 21 the Wynn money?

11:01:33 22 A. No.

11:01:36 23 MR. MIOTTI: No means yes. In the sense of
11:01:37 24 yes --

11:01:39 25 THE INTERPRETER: I'm not adding anything of my
32

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11:01:41 1 own.

11:01:43 2 BY MR. SEMENZA:

11:01:43 3 Q. Do you believe that you owe Wynn any money at all?

11:01:49 4 A. No.

11:01:50 5 Q. Okay. I think we've got that.

11:02:01 6 MR. ALBREGTS: I think so. It's okay and the
11:02:04 7 question, you're doing good.

11:02:06 8 BY MR. SEMENZA:

11:02:06 9 Q. What do you base your contention that you do not owe
11:02:09 10 Wynn any money on?

11:02:17 11 A. Because they made me sign those receipts and I made
11:02:27 12 a transfer to a total of USD 1 million in two days -- over
11:02:36 13 two days.

La Barbera Deposition Transcript

11:02:47 14 Q. Is it your contention that the amounts Wynn believes
11:02:54 15 that you owe it were paid by the USD 1 million that was
11:03:00 16 transferred to the Wynn during your trip?

11:03:04 17 A. Yes.

11:03:20 18 Q. Other than the markers at issue in this particular
11:03:24 19 case, did you take out any other markers at the Wynn during
11:03:29 20 your trip?

11:03:33 21 MR. ALBREGTS: Objection. Vague and ambiguous
11:03:35 22 with respect to what markers we're speaking about here.

11:03:39 23 A. I don't recall, and I'm not sure which markers we're
11:03:43 24 talking about.

11:03:45 25 BY MR. SEMENZA:

33

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11:03:53 1 Q. Let me have you turn to Wynn 2. We had talked about
11:04:06 2 this document before. Do you dispute that you signed this
11:04:13 3 particular document?

11:04:24 4 A. I'm not disputing, they kept on bringing me drinks,
11:04:33 5 asking for things. I would get things, and this kind of
11:04:39 6 market for me was a receipt for the chips.

11:04:47 7 MR. ALBREGTS: Please translate for him the
11:04:49 8 amount. Make sure he knows the amount of the marker and the
11:04:52 9 date before he answers the question, please.

11:05:05 10 A. August. I wasn't there in August.

11:05:07 11 BY MR. SEMENZA:

11:05:08 12 Q. I understand you weren't. I'll make the
11:05:11 13 representation to you that at the time this marker was
11:05:14 14 signed that it was -- did not have a date on it. So let me
11:05:22 15 ask you, do you dispute that your signature is on that
11:05:30 16 particular document, Wynn 2?

Page 31

La Barbera Deposition Transcript

11:05:35 17 A. You see, I signed this way.
11:05:43 18 THE INTERPRETER: My own addition, we are
11:05:44 19 pointing to Wynn 47.
11:05:46 20 MR. ALBREGTS: Thank you.
11:05:49 21 THE INTERPRETER: You are welcome.
11:05:50 22 A. And this is my signature. I don't recall -- it
11:05:57 23 doesn't look like my signature, I really cannot undertake to
11:06:03 24 recall.
11:06:05 25 BY MR. SEMENZA:

34

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11:06:05 1 Q. You --
11:06:06 2 A. This does not seem my signature to me.
11:06:08 3 Q. So are you saying that it is not your signature on
11:06:11 4 Wynn 2?
11:06:16 5 A. All I'm saying is it doesn't look like my signature.
11:06:19 6 I have this feeling because my signature is definitely what
11:06:23 7 I see here.
11:06:25 8 THE INTERPRETER: Pointing to 47.
11:06:27 9 A. And the other one, I'm introducing Wynn 1 and 2, is
11:06:31 10 different.
11:06:33 11 BY MR. SEMENZA:
11:06:33 12 Q. Again, I just need to clarify. Do you believe that
11:06:37 13 the signature on Wynn 2 was not yours?
11:06:45 14 A. I repeat, I cannot swear that this is not my
11:06:56 15 signature, but neither can I say yes, it is.
11:06:59 16 Q. Okay, you don't know either way?
11:07:07 17 A. Yes, I don't know.
11:07:10 18 Q. Let me have you turn to Wynn 4.

La Barbera Deposition Transcript

11:07:23 19 A. This one is way out.
11:07:25 20 Q. Okay. Are you saying --
11:07:27 21 A. This is not my signature.
11:07:29 22 Q. This one is not your signature. That is your
11:07:31 23 position?
11:07:34 24 A. Yes. This definitely is not my signature.
11:07:40 25 Q. Okay. Let me have you turn to Wynn 7.

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11:07:55 1 A. I do not sign this way.
11:07:57 2 Q. Is it your position that the signature on Wynn 7 is
11:08:02 3 not yours?
11:08:06 4 A. Neither this one is mine.
11:08:10 5 MR. ALBREGTS: This not his signature?
11:08:13 6 A. This is not my signature.
11:08:14 7 MR. ALBREGTS: Okay.
11:08:17 8 A. It's impossible.
11:08:18 9 MR. ALBREGTS: I understand.
11:08:18 10 A. It's impossible.
11:08:19 11 BY MR. SEMENZA:
11:08:19 12 Q. Let me have you turn to Wynn 10. The document
11:08:38 13 identified on Wynn 10.
11:08:50 14 A. How can I -- how can we say this is my signature
11:08:52 15 when my signature is like this?
11:08:55 16 THE INTERPRETER: We're pointing to Wynn 47, my
11:08:57 17 own addition.
11:08:59 18 MR. ALBREGTS: Wynn 46 and 47.
11:09:00 19 THE INTERPRETER: 46 and 47.
11:09:02 20 BY MR. SEMENZA:
11:09:02 21 Q. With regard to Wynn 10, is it your position in this

Page 33

La Barbera Deposition Transcript

11:09:04 22 particular case that you did not sign this document?

11:09:11 23 A. This is not my signature. The first case I was

11:09:18 24 doubtful. But --

11:09:27 25 BY MR. SEMENZA:

36

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11:09:27 1 Q. Okay, so you are taking the position that wynn 10

11:09:30 2 does not contain your signature?

11:09:35 3 A. I don't sign this one, my signature is different.

11:09:39 4 Q. I understand it looks different than some of the

11:09:43 5 other documents that you have been referencing, but the

11:09:46 6 question I am posing to you is is it your position that you

11:09:50 7 did not sign wynn 10? It's a yes or no question.

11:10:02 8 A. No, I don't remember, it was eight years ago, but

11:10:09 9 the signature isn't mine.

11:10:12 10 Q. By saying that the signature isn't yours am

11:10:17 11 I correct that you're stating that you did not sign wynn 10?

11:10:25 12 A. Yes, you are correct.

11:10:28 13 Q. Let me have you turn to wynn 13. With regard to

11:10:45 14 wynn 13 is it your position that you did not sign this

11:10:48 15 document?

11:10:55 16 A. I would to like say the following: this is not my

11:10:59 17 signature. Whether I signed it or not, I don't remember,

11:11:03 18 but I know that this is not my signature.

11:11:05 19 Q. Okay. So -- and again I just want to understand,

11:11:10 20 you are not saying that you didn't sign it, but what you're

11:11:14 21 saying is it does not look like your signature?

11:11:19 22 MR. ALBREGTS: Objection, argumentative.

11:11:23 23 objection, argumentative.

La Barbera Deposition Transcript

11:11:27 24 BY MR. SEMENZA:

11:11:27 25 Q. You can answer the question.
37

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11:11:34 1 A. What question?

11:11:39 2 BY MR. SEMENZA:

11:11:39 3 Q. Am I correct that you're asserting that you don't
11:11:43 4 know one way or the other whether you signed this document
11:11:48 5 and that you're saying it does not look like your signature?

11:11:54 6 A. This is not my signature.

11:11:58 7 Q. Again, meaning you didn't sign it or it does not
11:12:01 8 look like your signature?

11:12:05 9 A. It does not look like my signature.

11:12:08 10 Q. Okay. Do you understand my question though?
11:12:10 11 I understand that it does not look like your signature, but
11:12:18 12 whether it looks like your signature and whether you
11:12:21 13 actually signed it are two different issues. I need to
11:12:27 14 understand whether you believe you signed it or did not sign
11:12:34 15 it, versus whether it looks like or does not look like your
11:12:38 16 signature.

11:12:44 17 A. Look, they kept on bringing drinks, cards and other
11:12:49 18 stuff, so it's hard to explain. As a consequence, when
11:12:56 19 these were placed before me, I cannot recall -- I don't
11:13:03 20 remember what was going on. First of all, I say that nobody
11:13:11 21 had explained this to me, the text, this is neither
11:13:15 22 Alex Pariente neither anyone else that this was a commitment
11:13:19 23 to pay. But I believe it was a receipt to obtain chips.
11:13:27 24 Nobody explained this to me.

11:13:28 25 MR. ALBREGTS: If there's no question pending,
38

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La Barbera Deposition Transcript

11:13:30 1 I want to take a break. Thank you.

11:13:35 2 MR. SEMENZA: Okay.

11:13:52 3 (11:13 a.m.)

11:14:01 4 (Break taken.)

11:43:50 5 (11:53 a.m.)

11:43:49 6 MR. SEMENZA: An issue has arisen relating to the

11:53:06 7 break that was just taken. And off the record Mr. Albregts

11:53:16 8 and I had a discussion concerning whether the conversation

11:53:23 9 between counsel and Mr. La Barbera during the break was

11:53:27 10 privileged, or whether the privilege had been waived by

11:53:31 11 virtue of the Coyote Springs Investment LLC v Eighth

11:53:35 12 Judicial District Court, case 131, Nevada Advance Opinion

11:53:43 13 18. And so we've been having a discussion off the record

11:53:47 14 relating to that particular issue, but we're now back on the

11:53:51 15 record and we will continue with the deposition testimony.

11:53:57 16 MR. ALBREGTS: That is correct and take it one

11:53:58 17 question at a time.

11:54:07 18 BY MR. SEMENZA:

11:54:07 19 Q. Mr. La Barbera, after you had taken the break there

11:54:12 20 was no question pending, is that correct?

11:54:19 21 Let me rephrase the question. When we took the

11:54:21 22 break there was no question pending of you at that point in

11:54:25 23 time. Is that correct?

11:54:29 24 A. I believe so.

11:54:31 25 Q. And after the break was taken can you please tell me

39

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La Barbera Deposition Transcript

11:54:39 1 what your discussions with Mr. Albregts were and your
11:54:43 2 discussions with your Italian counsel were?

11:54:48 3 MR. ALBREGTS: For the record, I had no direct
11:54:50 4 discussions with Mr. La Barbera other than through
11:54:54 5 Mr. Miotti, who is his Italian counsel translating on his
11:54:59 6 behalf. With that reservation, go ahead and answer the
11:55:02 7 question, sir.

11:55:07 8 A. I went to smoke a cigarette and then I went to the
11:55:13 9 gentlemen's room and there was no conversation, particular
11:55:19 10 conversation, at all.

11:55:22 11 BY MR. SEMENZA:

11:55:22 12 Q. There was no discussion at all between you and your
11:55:25 13 counsel during the break relating to your testimony as to
11:55:32 14 whether you signed certain markers or did not sign certain
11:55:36 15 markers?

11:55:41 16 A. No. We didn't speak about this. I repeat, this is
11:55:46 17 not my signature.

11:55:48 18 Q. Did Mr. Albregts have any communications with you
11:55:53 19 during the break relating to whether you should assert that
11:55:59 20 the markers I've been showing you are in fact forgeries or
11:56:05 21 not?

11:56:07 22 A. No, there has been nothing.

11:56:09 23 MR. SEMENZA: For the record, I think that there
11:56:12 24 was statements made concerning that type of testimony.

11:56:22 25 MR. ALBREGTS: That's an inaccurate
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11:56:24 1 representation.

11:56:26 2 MR. SEMENZA: Mr. Albregts can make his
Page 37

La Barbera Deposition Transcript

11:56:29 3 representations relating to what took place during the
11:56:34 4 break.

11:56:39 5 MR. ALBREGTS: I've no representations to make.

11:56:45 6 BY MR. SEMENZA:

11:56:45 7 Q. How long, approximately, was the break?

11:56:55 8 A. About ten minutes. Quarter of an hour, perhaps,
11:57:02 9 because you were also out of the room.

11:57:06 10 MR. SEMENZA: Okay. I think where we had left
11:57:09 11 off was -- I just want to go back and make sure that the
11:57:25 12 record is clear up to this point in time. Again, and for
11:57:33 13 Mr. Albregts's benefit, I'm not attempting to ask him to
11:57:40 14 change his testimony, I just want to understand and be clear
11:57:43 15 with regard to what he believes are his signatures and what
11:57:48 16 he believes are not his signatures with regard to the
11:57:51 17 documents that have been produced.

11:57:53 18 MR. ALBREGTS: I understand.

11:57:55 19 BY MR. SEMENZA:

11:57:56 20 Q. Okay. So with regard to the credit application.

11:58:06 21 A. Which is this one.

11:58:07 22 Q. Hold on and I'll find the right one. Wynn 33. You
11:58:32 23 are not disputing on Wynn 33 that you signed this document,
11:58:35 24 correct?

11:58:39 25 A. This is my signature.

41

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11:58:44 1 Q. Okay. Turning to Wynn 46. Again --

11:59:00 2 MR. ALBREGTS: Wait for a question.

11:59:03 3 BY MR. SEMENZA:

11:59:03 4 Q. With regard to Wynn 46, the first page, you would

La Barbera Deposition Transcript

11:59:08 5 agree with me that that is your signature?
11:59:10 6 A. Yes.
11:59:11 7 Q. With regard to wynn 47 you would agree with me that
11:59:17 8 this is your signature?
11:59:19 9 A. Yes, but this is not my writing.
11:59:24 10 THE INTERPRETER: My own addition, we are
11:59:28 11 pointing at the date now.
11:59:30 12 Q. So it's your signature on wynn 47, but you did not
11:59:34 13 hand write in the date?
11:59:36 14 A. That's correct.
11:59:37 15 Q. Okay, thank you. Going back to wynn 2.
11:59:46 16 MR. ALBREGTS: I messed up, hold on, give me
11:59:48 17 a moment. I'm missing a part.
12:00:13 18 BY MR. SEMENZA:
12:00:14 19 Q. So with regard to wynn 2 is it your testimony this
12:00:17 20 is or is not your signature?
12:00:23 21 A. I already answered this one.
12:00:25 22 Q. And what was your answer?
12:00:27 23 A. No.
12:00:32 24 MR. ALBREGTS: I missed an objection there.
12:00:33 25 Asked and answered.

42

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12:00:38 1 BY MR. SEMENZA:
12:00:39 2 Q. Again, so I'm clear and Jeff can object, is the
12:00:43 3 issue with regard to the signature that it does not look
12:00:48 4 like your signature, or is it your position that this is
12:00:56 5 a forgery?
12:01:01 6 A. I don't know whether this has been forged. But one
12:01:04 7 thing is certain, that this is not my signature.

Page 39

La Barbera Deposition Transcript

12:01:11 8 Q. Meaning that you did not sign this document?
12:01:17 9 A. It's not my signature.
12:01:21 10 Q. And again I think the problem we're having as far as
12:01:24 11 the distinction between whether it looks like your signature
12:01:28 12 or whether you actually signed it.
12:01:36 13 A. Once again, this is not my signature. My signature
12:01:40 14 is this one.
12:01:47 15 THE INTERPRETER: My addition, we're referring to
12:01:49 16 47.
12:01:50 17 A. This is not my signature.
12:01:57 18 THE INTERPRETER: My addition, we're referring to
12:01:59 19 Wynn 2.
12:02:04 20 BY MR. SEMENZA:
12:02:05 21 Q. Let's turn to Wynn 4.
12:02:17 22 A. Even more in this case, this not my signature.
12:02:20 23 Q. Okay.
12:02:25 24 MR. ALBREGTS: I think the preface "even more"
12:02:32 25 exonerates me here, LJ. I apologize.

43

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12:02:35 1 BY MR. SEMENZA:
12:02:36 2 Q. Let's turn to Wynn 7.
12:02:44 3 MR. ALBREGTS: There you go. No question
12:02:47 4 pending.
12:02:49 5 A. Same again, this is --
12:02:50 6 BY MR. SEMENZA:
12:02:51 7 Q. Is it your testimony with regard to Wynn 7 that this
12:02:55 8 is not your signature?
12:02:59 9 A. No. I do not recognize it in any way.

La Barbera Deposition Transcript
MR. SEMENZA: Okay.

12:03:10 10

12:03:12 11

MR. ALBREGTS: Wynn 10?

12:03:13 12 BY MR. SEMENZA:

12:03:13 13 Q. Yes, Wynn 10.

12:03:14 14 A. Same again.

12:03:16 15 Q. So that the record is clear, it's your testimony
12:03:20 16 that this is not your signature on Wynn 10?

12:03:25 17 A. No. I don't recall exactly what happened, but
12:03:34 18 I don't remember signing all this stuff.

12:03:40 19 Q. With regard to Wynn 13 -- with regard to Wynn 13,
12:03:51 20 does this appear to be your signature?

12:03:56 21 A. No.

12:04:04 22 Q. With regard to Wynn 16?

12:04:09 23 A. Same again.

12:04:11 24 Q. And just again so the record is clear, so that we
12:04:14 25 don't have to rely on other answers, with regard to Wynn 16
44

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12:04:18 1 is it your testimony that you did not sign this document?

12:04:23 2 A. I did not.

12:04:30 3 Q. Let's turn to Wynn 18. Now, with regard to this
12:04:40 4 particular document, does it appear to be your signature?

12:04:47 5 A. Not to me. My signature is more extended.

12:04:56 6 Q. Turning to Wynn 21.

12:05:00 7 A. Same again.

12:05:00 8 Q. And again, just so that the record is clear, it is
12:05:03 9 your testimony that you did not sign this document?

12:05:13 10 A. It's not my signature. I would like to clarify this
12:05:16 11 detail. This is not my signature. This is not my
12:05:23 12 signature.

La Barbera Deposition Transcript

12:05:27 13 Q. Can I have you turn Wynn 23.

12:05:33 14 A. Are we joking? This is even less my signature.

12:05:36 15 Q. Okay. Is it your testimony -- go ahead, I'm sorry
12:05:40 16 to interrupt.

12:05:41 17 A. So all the more, meaning this is even less my
12:05:45 18 signature, so the same again.

12:05:46 19 Q. Okay. And, just so the record is clear, your
12:05:49 20 testimony with regard to Wynn 23 is that you did not sign
12:05:55 21 this document?

12:05:57 22 A. No, it's not my signature.

12:06:01 23 Q. Turning to Wynn 25.

12:06:07 24 A. No.

12:06:08 25 Q. So, with regard to Wynn 25, it is your testimony
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12:06:11 1 here today that you did not sign the document?

12:06:16 2 A. I did not.

12:06:18 3 Q. Let's turn to Wynn 28. With regard to Wynn 28, is
12:06:33 4 it your testimony that you didn't sign this document?

12:06:37 5 A. No, no I didn't. This is not my signature.

12:06:44 6 Q. Turning to Wynn 30.

12:06:52 7 MR. ALBREGTS: How does that translate?

12:06:54 8 BY MR. SEMENZA:

12:06:55 9 Q. There was lots of gesturing.

12:06:58 10 With regard to Wynn 30 is it your testimony that you
12:07:02 11 did not sign this document?

12:07:06 12 A. Absolutely not, this is not my signature.

12:07:11 13 Q. I think that's all of the markers.

12:07:13 14 MR. ALBREGTS: I think so.

La Barbera Deposition Transcript

12:07:15 15 BY MR. SEMENZA:

12:07:17 16 A. This is my signature.

12:07:18 17 THE INTERPRETER: My own addition, we're pointing
12:07:20 18 to Wynn 33.

12:07:24 19 BY MR. SEMENZA:

12:07:24 20 Q. Okay. Let me have you turn -- well, let me ask you
12:07:33 21 this. Do you recall completing credit line increase
12:07:38 22 requests during your trip to Wynn in March of 2008?

12:07:48 23 A. I don't recall, I don't recall.

12:07:50 24 Q. Okay. Let me have you turn to Wynn 35. With regard
12:08:05 25 to Wynn 35, have you seen this document before?

46

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12:08:11 1 A. I don't recall it, but the signature -- I think the
12:08:15 2 signature is my own.

12:08:17 3 Q. So with regard to Wynn 35, the signature is yours?

12:08:24 4 A. This was 04/02, so they increased this to 600,000,
12:08:34 5 when my first transfer arrived.

12:08:42 6 Q. Okay. So this credit line increase was in response
12:08:46 7 to your USD 600,000 wire that came in?

12:08:53 8 A. This was the response to the first 400 which came
12:08:56 9 in.

12:08:56 10 Q. Okay.

12:09:00 11 A. Because it stated the 2nd, the 2nd of the 4th.

12:09:04 12 Q. Okay. And this is your signature that appears on
12:09:11 13 the document?

12:09:12 14 A. Yes.

12:09:13 15 Q. And did you read the document before you signed it?

12:09:18 16 A. No.

12:09:18 17 Q. What do you understand you were doing when you

Page 43

La Barbera Deposition Transcript

12:09:22 18 signed this document?

12:09:25 19 A. I understood it was an increase of the -- in the
12:09:29 20 amount of the credit line.

12:09:31 21 Q. And the reason you had to complete the credit line
12:09:34 22 increase was because you had taken out the maximum
12:09:40 23 permitted?

12:09:43 24 A. That's correct.

12:09:45 25 Q. So in order to obtain more credit you had to sign
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12:09:48 1 this document?

12:09:52 2 A. I believe so.

12:09:53 3 Q. Do you recall whether Mr. Pariente was present with
12:09:56 4 you when you signed this document?

12:10:02 5 A. I think so, but I don't recall. I think so but
12:10:07 6 I don't recall.

12:10:08 7 Q. Let me have you turn to -- well, let me -- with
12:10:13 8 regard to Wynn 35, did you ever ask anyone to translate the
12:10:17 9 document?

12:10:20 10 A. No.

12:10:21 11 Q. Did you ever ask anyone to read it to you in
12:10:24 12 Italian?

12:10:25 13 A. No.

12:10:27 14 Q. Can you turn to Wynn 36, please. Does this appear
12:10:36 15 to contain your signature on Wynn 36?

12:10:41 16 A. Yes.

12:10:44 17 Q. Again, is this a credit line increase request?

12:10:50 18 A. Yes.

12:10:51 19 Q. And -- okay.

La Barbera Deposition Transcript

12:10:57 20 This was a credit line increase from USD 500,000 to
12:11:00 21 USD 600,000, is that correct?
12:11:07 22 A. This is -- this predates the one we saw earlier.
12:11:12 23 Q. Yes. You don't have any reason to dispute that this
12:11:15 24 credit line increase request was signed on March 31 of 2008?
12:11:27 25 A. Yes, that's correct.

48

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12:11:30 1 Q. Okay. Let me have you turn to Wynn 37. Does Wynn
12:11:42 2 37 contain your signature?
12:11:47 3 A. Yes, this is my signature.
12:11:51 4 Q. And this purports to be a credit line increase
12:11:54 5 request?
12:11:58 6 A. (Indicated assent.)
12:11:58 7 Q. And you signed this document in order to raise your
12:12:01 8 credit limit from 400,000 to USD 500,000?
12:12:08 9 A. I think so, yes, yes.
12:12:10 10 Q. And you don't have any reason to dispute that this
12:12:13 11 credit line increase was obtained on March 31 of 2008?
12:12:20 12 A. No.
12:12:21 13 Q. Again, with regard to this credit line increase
12:12:25 14 request, did you ask anyone to translate it for you?
12:12:31 15 A. No, I understood that I was signing for this reason,
12:12:39 16 and these are the things which I signed, I did sign these
12:12:42 17 things, this was in order to increase the credit line and so
12:12:45 18 much so that --
12:12:47 19 Q. How did you come to the understanding that you
12:12:52 20 needed to sign this in order to increase your credit limit
12:12:55 21 when you do not speak nor read English?
12:13:02 22 A. They asked me to sign, as you can see, there's

Page 45

La Barbera Deposition Transcript

12:13:04 23 a little cross by the signature meaning I was asked to sign,
12:13:07 24 and it was very clear the numbers, it says 600 and
12:13:10 25 1 million.

49

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12:13:11 1 Q. Okay. And you were looking at wynn 38, right?

12:13:17 2 A. Yes.

12:13:18 3 Q. So with regard to wynn 38, does this contain your
12:13:25 4 signature?

12:13:29 5 A. Yes.

12:13:30 6 MR. ALBREGTS: The question before was did they
12:13:35 7 tell him what he was signing when he signed this document?

12:13:41 8 A. Increase in credit, they said to me. In order to
12:13:44 9 obtain this increase we are now at 1 million. This is
12:13:48 10 because my transfer had arrived in the meantime, my 600,000
12:13:52 11 transfer had arrived in the meantime.

12:13:55 12 MR. ALBREGTS: Thank you for your indulgence.

12:13:59 13 BY MR. SEMENZA:

12:13:59 14 Q. So your position is that -- well, you don't have any
12:14:03 15 reason to dispute that this --

12:14:16 16 A. (In English): Sorry, sorry.

12:14:16 17 Q. It's okay.

12:14:17 18 (Phone ringing.)

12:14:29 19 Q. With regard to wynn 38 you don't dispute that this
12:14:32 20 credit line increase request was obtained
12:14:34 21 on April 4 -- April 3 of 2008, do you?

12:14:44 22 A. Yes, I -- I don't dispute this and I left on the
12:14:47 23 4th. So, yes.

12:14:54 24 Q. Is it your testimony that the wire transfer of the

La Barbera Deposition Transcript

12:15:01 25 USD 600,000 had not arrived when you signed this document?
50

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12:15:12 1 A. I believe it had arrived due to a time zone

12:15:17 2 difference. They gave me this extra increase because the

12:15:21 3 transfer had arrived.

12:15:23 4 Q. Okay.

12:15:29 5 A. CRO, this is a banking number. CRO.

12:15:38 6 THE INTERPRETER: I can check that acronym if you

12:15:40 7 wish.

12:15:40 8 BY MR. SEMENZA:

12:15:41 9 Q. It's okay.

12:15:42 10 And, Mr. La Barbera, with regard to this document,

12:15:46 11 Wynn 38, did you ever ask anyone to translate it for you?

12:15:51 12 A. No.

12:15:51 13 Q. Did you ever ask anyone to read it to you in

12:15:54 14 Italian?

12:15:55 15 A. No.

12:15:56 16 Q. Other than Italian, and I presume Spanish, do you

12:16:01 17 speak any other languages?

12:16:02 18 A. No.

12:16:04 19 Q. Are you fluent in Spanish?

12:16:08 20 A. No.

12:16:09 21 Q. The only language that you feel comfortable in

12:16:12 22 speaking is Italian generally?

12:16:15 23 A. That's correct.

12:16:21 24 Q. With regard to this credit line increase from

12:16:24 25 600,000 to USD 1 million, is it your testimony that you

51

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La Barbera Deposition Transcript

12:16:28 1 requested the credit line increase or that it was simply
12:16:32 2 given to you?

12:16:39 3 A. I requested this in relation to my transfer which
12:16:45 4 was arriving.

12:16:52 5 Q. Let me have you turn to Wynn 39. Do you recognize
12:17:05 6 this document?

12:17:11 7 A. What date is this? 29th of the 8th. 29th
12:17:17 8 of August?

12:17:22 9 THE INTERPRETER: We're asking for confirmation
12:17:23 10 whether this is 29 August.

12:17:26 11 Q. What date does that appear to be?

12:17:30 12 A. It seems to me 29 August.

12:17:31 13 Q. Okay. And were you in Las Vegas on 29 August?

12:17:35 14 A. No. Absolutely not.

12:17:37 15 Q. Is the only trip you've ever taken to the Wynn
12:17:41 16 in April of 2008?

12:17:44 17 A. Yes, only this one.

12:17:48 18 Q. Is this your signature?

12:17:51 19 A. I think this is my signature it seems my signature,
12:17:57 20 but 29 August is a mystery.

12:17:59 21 Q. So you think that date is wrong, correct?

12:18:04 22 A. I certainly think so.

12:18:06 23 MR. ALBREGTS: Maybe, LJ, you want to ask him if
12:18:08 24 that's his printing on there, or I can.

12:18:15 25 MR. SEMENZA: Where are you looking, Jeff?

52

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La Barbera Deposition Transcript

12:18:17 1 MR. ALBREGTS: whether he printed this up here.
12:18:17 2 The printing there.
12:18:19 3 A. This is not my --
12:18:20 4 BY MR. SEMENZA:
12:18:21 5 Q. Handwritten --
12:18:22 6 A. -- handwritten print.
12:18:23 7 Q. I'll ask it again. With regard to the top of the
12:18:26 8 credit line increase request there is certain handwritten
12:18:30 9 information or words.
12:18:31 10 MR. ALBREGTS: Thank you.
12:18:31 11 BY MR. SEMENZA:
12:18:32 12 Q. Did you hand write that in?
12:18:33 13 A. No, I didn't.
12:18:36 14 Q. So your name "Mario La Barbera", someone else wrote
12:18:39 15 that?
12:18:40 16 A. Yes.
12:18:41 17 Q. And the same is true with the amounts and the date?
12:18:46 18 A. Yes.
12:18:46 19 Q. And the account number?
12:18:47 20 A. Yes, yes. Yes, the account number is written by
12:18:57 21 someone else as well as the amount. Should it not be 29/08?
12:19:05 22 I wasn't in Las Vegas.
12:19:08 23 Q. Did you have any plans to come to Las Vegas
12:19:10 24 in August of 2008?
12:19:15 25 A. No, no, no.

53

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12:19:19 1 Q. And your only trip to Las Vegas was in April of
12:19:22 2 2008?
12:19:27 3 A. I arrived in Las Vegas on 29 March and I departed on
Page 49

La Barbera Deposition Transcript

12:19:37 4 4 April.

12:19:37 5 Q. And that's been your only trip to Las Vegas?

12:19:40 6 A. That's correct.

12:19:55 7 Q. With regard to the markers, let's use an exemplar.

12:20:04 8 Let me have you turn to Wynn 2. In addition to the

12:20:14 9 Credit Suisse account that we've been discussing did you

12:20:21 10 have a or do you have a bank account at Banca Popolare

12:20:26 11 Italiana?

12:20:31 12 A. It's no longer called that now, but not in the

12:20:34 13 Licata branch.

12:20:40 14 Q. Licata is a town?

12:20:42 15 A. Yes, it's a small town.

12:20:45 16 Q. From what date did you have an account with Banca

12:20:49 17 Popolare Italiana?

12:20:55 18 A. I've had it for a long time.

12:20:57 19 Q. Do you still have it?

12:21:01 20 A. Well, it's no longer called Banca Popolare Italiana,

12:21:06 21 it's got a different name now, it trades under a different

12:21:09 22 name.

12:21:09 23 Q. What is it now called?

12:21:11 24 A. Banca Popolare Siciliano.

12:21:17 25 THE INTERPRETER: which translates as "of Sicily"
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12:21:20 1 rather than "of Italy".

12:21:22 2 BY MR. SEMENZA:

12:21:23 3 Q. Okay. And where is Licata?

12:21:25 4 A. Licata is in the province of Agrigento.

12:21:33 5 Q. Is it in the north or south?

La Barbera Deposition Transcript

12:21:37 6 A. It's in the south.
12:21:41 7 Q. What city did you have that account or do you have
12:21:44 8 that account?
12:21:52 9 A. Bagheria is the name, which is the province of
12:21:56 10 Palermo.
12:22:01 11 Q. So with regard to the bank listed on Wynn 2, it's
12:22:05 12 the correct bank name but the city is misidentified?
12:22:12 13 A. That's correct.
12:22:19 14 Q. And looking at the top of Wynn 2, there appears to
12:22:24 15 be some typewritten information where it says, is it "Via
12:22:30 16 Nino Bixio"? What does that mean to you, if anything?
12:22:43 17 A. I don't know because my bank used to be -- obviously
12:22:51 18 it has not only changed name but also address. It used to
12:22:57 19 be, at the time, a different address, which is Via Diego
12:22:59 20 D'Amico. At the time this is.
12:23:19 21 I want to go upstairs a second.
12:23:22 22 MR. MIOTTI: Is it possible he takes a five/ten
12:23:24 23 minutes break?
12:23:30 24 (12.23 p.m.)
12:24:07 25 (Break taken.)

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12:24:07 1 (12:24 p.m.)
12:24:13 2 BY MR. SEMENZA:
12:24:13 3 Q. Do you know how Wynn obtained the information
12:24:18 4 relating to the Banca Popolare Italiana?
12:24:21 5 A. I don't clearly understand the question.
12:24:29 6 Q. Well --
12:24:31 7 A. About Wynn.
12:25:14 8 Q. When you first completed the credit application,

Page 51

La Barbera Deposition Transcript

12:25:18 9 when you arrived at Wynn --

12:25:21 10 MR. ALBREGTS: Which document was that?

12:25:23 11 MR. SEMENZA: Wynn 33.

12:25:25 12 MR. ALBREGTS: Thank you.

12:25:25 13 BY MR. SEMENZA:

12:25:26 14 Q. You identified your Credit Suisse account, is that
12:25:29 15 correct?

12:25:31 16 A. That's correct, sir.

12:25:35 17 Q. Do you know how Wynn obtained information relating
12:25:39 18 to the Banca Popolare Italiana account?

12:25:51 19 A. I do not recall, obviously. Perhaps they asked me
12:25:55 20 where my account in Italy might be, but this is where the
12:26:01 21 payment should have come from, would have come from.

12:26:04 22 Q. So the payment on any outstanding markers should
12:26:09 23 have come from the Banca Popolare Italiana account?

12:26:15 24 A. No, from Credit Suisse.

12:26:20 25 Q. Did you have any conversations with Mr. Pariente
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12:26:23 1 about modifying or changing your bank account information
12:26:28 2 with Wynn?

12:26:34 3 A. I don't recall. I signed this document, this is
12:26:38 4 entirely filled out by me.

12:26:42 5 THE INTERPRETER: My own addition, we're
12:26:43 6 referring to Wynn 33.

12:26:45 7 BY MR. SEMENZA:

12:26:46 8 Q. You understand that the markers that we've gone
12:26:47 9 through here today, those were attempted to be -- those were
12:26:54 10 deposited with your bank?

La Barbera Deposition Transcript

12:27:03 11 A. Yes, but in a different branch.

12:27:06 12 Q. Okay. And that those markers that are issued in
12:27:10 13 this case were returned unpaid to Wynn?

12:27:21 14 MR. ALBREGTS: If he knows. If he knows.

12:27:27 15 A. I have no information at all about it. They sent
12:27:30 16 them back because I probably -- well, because I had no
12:27:33 17 account there at all. That's why they were returned, to
12:27:37 18 send them.

12:27:42 19 BY MR. SEMENZA:

12:27:42 20 Q. You never instructed the Banca Popolare Italiana to
12:27:49 21 pay any of the markers that were deposited?

12:27:54 22 A. I had no communication at all.

12:28:08 23 Q. And I can't remember if you had identified whether
12:28:12 24 you still have the account or not at the Banca Popolare
12:28:18 25 Italiana which changed its name.

57

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12:28:22 1 A. Well, it's now called Banca Popolare Siciliana.

12:28:28 2 Q. And you still have an account there?

12:28:29 3 A. Yes, I do, but not in the Licata branch.

12:28:32 4 Q. When did that change take place, the bank name
12:28:37 5 change?

12:28:38 6 MR. ALBREGTS: Objection to the extent that it
12:28:39 7 assumes facts not in evidence.

12:28:47 8 A. It changed three times. So I think it was three or
12:28:50 9 four years ago, Banco Popolare Italiana, and then it was
12:28:53 10 called Banca Popolare di Lodi and then Banca Popolare
12:28:57 11 Siciliana.

12:29:01 12 Q. And you still have the Credit Suisse account?

12:29:06 13 A. No, I don't. It's closed.

La Barbera Deposition Transcript

12:29:09 14 Q. When did that account become -- when did you close
12:29:12 15 that account?
12:29:14 16 A. In 2011. I don't recall exactly.
12:29:23 17 Q. How many bank accounts do you currently have?
12:29:30 18 A. Two.
12:29:30 19 Q. Where are those bank account?
12:29:32 20 A. Banca Popolare Siciliana and Banca Nuova.
12:29:42 21 Q. How long have you had the Banca Nouva bank account?
12:29:48 22 A. I think it's about seven years. Seven to ten years.
12:29:52 23 I can't remember.
12:29:53 24 Q. Did you have the Banca Nouva account at the time
12:29:59 25 that you took the trip to wynn in March and April 2008?

58

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12:30:04 1 A. No, I don't think so.
12:30:11 2 Q. At the time you gambled at wynn in March
12:30:14 3 and April 2008 you simply had the two accounts, the
12:30:17 4 Credit Suisse account and the Banca Popolare Italiana
12:30:22 5 account?
12:30:22 6 A. That's correct.
12:30:23 7 Q. Those are personal accounts, or were personal
12:30:26 8 accounts, for you?
12:30:27 9 A. Yes, personal.
12:30:40 10 Q. Do you know what the balance of the Credit Suisse
12:30:43 11 account was on March 29 of 2008?
12:30:52 12 A. Around 2 million and 300,000 euros divided into
12:30:57 13 three accounts, three or four accounts. Dollars, euros,
12:31:09 14 Swiss francs and sterling, pounds sterling.
12:31:18 15 Q. Can I see the banking documents?

La Barbera Deposition Transcript

12:31:21 16 MR. MIOTTI: Yes. There is the transfer. And
12:31:34 17 then the bank statement in euro currency. And we have the
12:31:38 18 bank statement in -- this is the best copy of it -- pounds.
12:31:47 19 Then there should be another one in dollars. We don't have
12:31:53 20 the one in dollars. And we will need to produce it in the
12:32:01 21 meantime.

12:32:02 22 MR. SEMENZA: Let's do this, can we give
12:32:05 23 a complete copy to the Court Reporter to mark as exhibit 2
12:32:09 24 and then I'll need a complete copy.

12:32:16 25 MR. ALBREGTS: Let's go off the record here, if
59

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12:32:17 1 you don't mind, LJ.

12:32:19 2 (12:32 p.m.)

12:32:19 3 (Break taken.)

12:34:35 4 (12:51 p.m.)

12:34:35 5 (Exhibit 2 marked for identification)

12:50:56 6 BY MR. SEMENZA:

12:50:56 7 Q. Mr. La Barbera, I am showing you what has been
12:51:00 8 marked as exhibit 2. It is comprised of multiple pages that
12:51:06 9 appear to be statements from your Credit Suisse bank
12:51:10 10 account, is that correct?

12:51:13 11 A. That's correct.

12:51:14 12 Q. These are photographs of the statements, not the
12:51:16 13 actual statements themselves.

12:51:20 14 A. That's correct.

12:51:20 15 Q. And these documents are being produced pursuant to
12:51:23 16 the court's order requiring that you produce certain
12:51:28 17 financial information, is that correct?

12:51:32 18 A. That's correct.

La Barbera Deposition Transcript

12:51:33 19 Q. Now, the documents -- rather the photographs -- are
12:51:40 20 essentially of three different documents, is that correct?

12:51:46 21 A. That's correct.

12:51:47 22 Q. Can you identify what three documents are
12:51:51 23 represented in the various photographs that comprise
12:51:56 24 exhibit 2?

12:52:04 25 A. Practically this is simply the order of payment of
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12:52:12 1 the million dollars in favor of Rambas Marketing, which is
12:52:21 2 a Wynn -- it's a place where Wynn indicated I should send my
12:52:27 3 monies.

12:52:27 4 Q. So that is -- that is the first page of exhibit 2,
12:52:31 5 correct?

12:52:33 6 A. That's correct.

12:52:34 7 Q. And these are -- this photograph on the very first
12:52:39 8 page references the two wire transfers that were made
12:52:44 9 in April of 2008?

12:52:48 10 A. That's correct.

12:52:48 11 Q. This is your dollar account with Credit Suisse?

12:52:53 12 A. That's correct.

12:52:54 13 Q. Do you have --

12:52:56 14 A. It is also indicated on the page itself.

12:53:00 15 Q. Okay. Is there a particular date that's identified
12:53:05 16 on the statement?

12:53:12 17 A. In fact, the first payment order took place on 1 of
12:53:16 18 the 4th, 1 April, it's evident, and the second one on
12:53:22 19 3 April.

12:53:23 20 Q. Is there a date of the statement?

La Barbera Deposition Transcript

12:53:28 21 A. Yes, it ranges from 1 April 2008 to 30 April 2008.

12:53:35 22 Q. Okay, thank you.

12:53:36 23 And you have referenced in your prior testimony that
12:53:42 24 you had a dollar account and a euro account and a franc
12:53:47 25 account, is that correct?

61

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12:53:49 1 A. That's correct. Yes, I would add -- I would add to
12:54:01 2 your list a sterling account also, but we are missing here
12:54:05 3 in the documentation the Swiss franc account which I omitted
12:54:08 4 to copy.

12:54:09 5 Q. Okay, so the question I want to ask you is are there
12:54:12 6 different account numbers for these different currency
12:54:17 7 accounts?

12:54:18 8 A. That's correct. That's correct.

12:54:21 9 Q. So with regard to the Credit Suisse bank accounts
12:54:24 10 you actually have, is it four during this period of time?

12:54:29 11 A. That's correct. And they are identified by the
12:54:35 12 final number on the account number.

12:54:40 13 Q. So the dollar account is number 5?

12:54:42 14 A. (In English): Number 5, euro. Euro number -- no,
12:54:56 15 it's euro, yes. Number zero. (Answer interpreted): Is
12:55:04 16 zero. Pounds sterling is number 2.

12:55:23 17 Q. And so the only account not represented in the
12:55:27 18 documents you produced is the Swiss Bank account?

12:55:31 19 A. That is correct.

12:55:32 20 Q. And turning to page 5 of exhibit 2, can you identify
12:55:50 21 what this document is?

12:55:56 22 A. This is the statement in euros.

12:56:01 23 Q. And what date range does that statement identify?

Page 57

La Barbera Deposition Transcript

12:56:10 24 A. From the 1st of the 3rd 2008 to the 31st of the 3rd
12:56:15 25 2008.

62

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12:56:19 1 THE INTERPRETER: As an addition, obviously
12:56:21 2 you're aware that the date and month would be swapped.

12:56:46 3 BY MR. SEMENZA:

12:56:47 4 Q. Can you identify the first column on the left
12:56:50 5 "addebito"? What does that mean?

12:57:00 6 A. These are the -- what I would call the repos. It's
12:57:05 7 an investment, repo investment fund, to a total of 951,000.
12:57:11 8 And this is the cash available, liquid monies available.
12:57:21 9 The other one is investment, so in some way it is locked in.

12:57:27 10 Q. Okay. So the column on the left with the 951,000
12:57:31 11 are investments, deposits?

12:57:39 12 A. And it explains where it's coming from.

12:57:49 13 THE INTERPRETER: I am just clarifying if it's
12:57:50 14 monies going in or coming out.

12:58:03 15 A. Bonds.

12:58:03 16 THE INTERPRETER: So the word "addebito" means
12:58:09 17 debt, outcoming. "Accredito" is incoming money. So this is
12:58:14 18 money going out of the account. This is just my own
12:58:17 19 explanation for your clarity.

12:58:19 20 MR. SEMENZA: And the "accredito" is money coming
12:58:24 21 into the account?

12:58:25 22 THE INTERPRETER: Credited to the account, coming
12:58:26 23 into the account.

12:58:27 24 BY MR. SEMENZA:

12:58:28 25 Q. And the 38 -- I'm sorry. March 12, 2008, there is

63

Page 58

La Barbera Deposition Transcript

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12:58:35 1 a deposit from the Monte Carlo Casino?
12:58:41 2 A. No, this is a financial services company in Monaco,
12:58:52 3 and it's in Place du Casino, which is the address, which
12:58:55 4 means Casino Square but not connected.
12:58:59 5 Q. Okay, it has nothing to do with the casino?
12:59:02 6 A. No. And 1,100,000 were -- entered the account.
12:59:08 7 Q. And the balance of the account as of March 31, 2008?
12:59:18 8 A. Is this -- is correct.
12:59:20 9 Q. Correct.
12:59:21 10 MR. ALBREGTS: which is correct?
12:59:22 11 BY MR. SEMENZA:
12:59:23 12 Q. Which is 49,000 --
12:59:26 13 A. This amount was invested, and this amount is
12:59:31 14 available and this is the final balance.
12:59:38 15 Q. So that the record is clear, because it's not going
12:59:41 16 to be clear. So the debits total 951,098 euros. The
12:59:51 17 deposits total 1,100,000 euros. And the balance at the end
12:59:58 18 of the month is 49,567.06 cents. Is that correct?
13:00:07 19 A. That's correct.
13:00:08 20 Q. Okay.
13:00:21 21 A. (Pause). Same one.
13:00:23 22 Q. Okay. Now, the last set of photographs, comprising
13:00:35 23 the last three pages of the exhibit, relate to what?
13:00:45 24 A. This is the pounds sterling account where there are
13:00:53 25 GBP 250,000. That's it, that's what it is.

64

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La Barbera Deposition Transcript

13:01:03 1 Q. So -- and these -- the account relating to pounds
13:01:06 2 sterling is cut-off, correct? We don't have clear
13:01:10 3 statements.

13:01:14 4 MR. ALBREGTS: This part to the right is missing.

13:01:20 5 A. Yes, the fact that -- the pounds are indicated in
13:01:23 6 the visible portion of the document.

13:01:26 7 BY MR. SEMENZA:

13:01:27 8 Q. Okay. And there is, as referenced in the pages --

13:01:35 9 A. So this is, as I carried out a repo. Do you know
13:01:42 10 what a repo is? It's a form of investment.

13:01:46 11 Q. Okay.

13:01:46 12 A. It's -- it's a form of investment, basically
13:01:52 13 I invest this money and I get 3/4 percent back for my
13:01:55 14 investment.

13:01:59 15 MR. ALBREGTS: And that 3 or 4 percent is
13:02:01 16 reinvested?

13:02:03 17 A. Yes.

13:02:06 18 BY MR. SEMENZA:

13:02:06 19 Q. Okay. So this is --

13:02:07 20 A. This is what was -- what I paid out, and this is
13:02:09 21 what was paid back in.

13:02:11 22 Q. Okay.

13:02:13 23 A. Trustee, so this is fixed term trustee.

13:02:16 24 Q. Okay. And there is the deposit for 250,000 euros
13:02:25 25 from Bonifico. What is that?

65

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13:02:29 1 A. Bonifico is a bank transfer into my account.

La Barbera Deposition Transcript

13:02:32 2 "Accredito", which means "to my credit".

13:02:37 3 Q. From where did it come?

13:02:39 4 A. These come from London. It's one of my London
13:02:43 5 companies.

13:02:50 6 Q. Can you identify the period of which the statement
13:02:55 7 covers?

13:02:58 8 A. From the 1st of the 3rd, meaning 1 March, to
13:03:03 9 31 March, both 2008.

13:03:05 10 Q. Thank you.

13:03:17 11 A. Something missing. 8 April is also missing.

13:03:23 12 (Pause)

13:03:23 13 MR. ALBREGTS: No, no, on the record. It's just
13:03:23 14 a stipulation to keep it confidential to the extent that you
13:03:23 15 need to show the District Attorney's office, that's all.

13:03:29 16 MR. SEMENZA: So counsel has agreed with regard
13:03:31 17 to exhibit 2 that the set of documents will remain
13:03:34 18 confidential and shall not be publicly disclosed. If the
13:03:40 19 documents are filed with the court they shall be done
13:03:44 20 pursuant to a formal stipulation to file them under seal.

13:03:51 21 MR. ALBREGTS: Thank you. So stipulated,
13:03:52 22 counsel. And to the extent counsel needs to share them with
13:03:55 23 the District Attorney's office, I understand that that's the
13:03:58 24 only exception to our stipulation here.

13:04:04 25 MR. SEMENZA: Okay. With regard to exhibit 2,
66

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13:04:05 1 those are the only documents you've brought with you today,
13:04:10 2 correct?

13:04:14 3 A. That's correct.

13:04:15 4 Q. Have you made any attempts to obtain other banking
Page 61

La Barbera Deposition Transcript

13:04:18 5 documentation that has been requested of you?

13:04:24 6 A. No, I made a mistake not to bring the statements for
13:04:32 7 the period ending 30 April where it is clearer what
13:04:42 8 represents an investment and what is the total that I had on
13:04:46 9 my account at that time.

13:05:10 10 (Exhibit 3 marked for identification)

13:05:12 11 BY MR. SEMENZA:

13:05:12 12 Q. Mr. La Barbera, I am showing you what has been
13:05:15 13 marked as exhibit 3. This document was produced to us by
13:05:18 14 your counsel. Have you ever seen it before?

13:05:31 15 A. Yes. This is -- this is a question and answer
13:05:39 16 document.

13:05:41 17 Q. And you have seen this document before. Did you
13:05:47 18 approve it before it was provided to opposing counsel for
13:05:54 19 Wynn?

13:05:55 20 MR. ALBREGTS: Objection, vague and ambiguous.
13:05:56 21 My problem, LJ, and it is certainly my problem my side of
13:05:59 22 the table, is how he first saw the document, who went over
13:06:03 23 it with him. It's not clear to me, so your question was
13:06:06 24 sort of a summary question, if you don't mind laying
13:06:09 25 a little foundation.

67

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13:06:11 1 BY MR. SEMENZA:

13:06:11 2 Q. Well, did you approve the document that is
13:06:17 3 identified as exhibit 3?

13:06:23 4 MR. MIOTTI: Can we talk? No, we cannot talk.

13:06:29 5 MR. ALBREGTS: You can talk, but it goes on the
13:06:31 6 record. whatever you say right now goes on the record.

La Barbera Deposition Transcript

13:06:35 7 A. Is this the one we approved? I do recognize this
13:06:43 8 document. This is the document we approved. It was the one
13:06:46 9 where we talked about the questions and the one we
13:06:48 10 interacted on remotely.

13:06:50 11 BY MR. SEMENZA:

13:06:51 12 Q. Thank you. May I have that back for a moment?

13:07:05 13 A. The fact that I don't speak English, the interpreter
13:07:14 14 is very good.

13:07:18 15 THE INTERPRETER: Even if I say so myself.

13:07:53 16 (Exhibit 4 marked for identification)

13:08:07 17 BY MR. SEMENZA:

13:08:07 18 Q. Mr. La Barbera --

13:09:04 19 MR. ALBREGTS: Do you have these bates stamped at
13:09:06 20 all?

13:09:08 21 MR. SEMENZA: No, I haven't had a chance.

13:09:09 22 So I'm showing you what's been marked as exhibit 4.
13:09:12 23 These are documents that have not been bates numbered as of
13:09:16 24 yet. Could I have you take a look at them and let me know
13:09:19 25 if you recognize them.

68

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13:09:21 1 MR. ALBREGTS: "Bates number" means they don't
13:09:24 2 have that little number we've been referring to.

13:09:30 3 A. Yes. This is my date of arrival, 29 March, and
13:09:33 4 I left on 4 April. I recognize these dates.

13:09:37 5 BY MR. SEMENZA:

13:09:38 6 Q. It identifies that you departed on April 5. Is that
13:09:48 7 incorrect?

13:09:49 8 A. 4 April is when I left.

13:09:53 9 Q. Did you receive any --

Page 63

La Barbera Deposition Transcript

13:09:55 10 MR. ALBREGTS: In America we do the month first
13:09:56 11 and the day second.
13:10:04 12 A. I don't remember.
13:10:05 13 BY MR. SEMENZA:
13:10:05 14 Q. So it may very well be that you departed the Wynn
13:10:09 15 on April 5 of 2008?
13:10:14 16 A. It could be.
13:10:16 17 Q. When you checked out of the Wynn and departed, did
13:10:21 18 you receive any of these documents?
13:10:27 19 MR. ALBREGTS: Meaning exhibit 4?
13:10:30 20 BY MR. SEMENZA:
13:10:30 21 Q. Yes.
13:10:32 22 A. I do not recall, in all honesty.
13:10:36 23 Q. Okay. On the first page of exhibit 4 does it
13:10:39 24 correctly identify your address?
13:10:49 25 A. The house number is not 4040, but just 40.

69

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13:10:54 1 Q. Okay. Everything else is correct with regard to
13:10:57 2 your address?
13:10:57 3 A. Yes. "Mondello", everything is spelt correctly,
13:11:05 4 yes.
13:11:05 5 Q. Let me have you turn to page 2, the title of the
13:11:11 6 document is "Skipped Accounts". Do you recall making any
13:11:17 7 purchases at the Pro Shop on April 5, 2008?
13:11:29 8 A. No, what is this amount? Pro Shop.
13:11:33 9 MR. ALBREGTS: Is that the golf shop?
13:11:37 10 MR. SEMENZA: I don't --
13:11:41 11 A. (In English): No.

La Barbera Deposition Transcript

13:11:42 12 BY MR. SEMENZA:

13:11:43 13 Q. Do you recall any purchases at the Pro Shop on or
13:11:45 14 around that day?

13:11:51 15 A. (Answer interpreted): No, no, I don't remember.

13:11:53 16 Q. Do you recall ever paying the amount that is
13:11:55 17 identified on this document?

13:12:00 18 A. No.

13:12:01 19 Q. Let me have you turn to page 3 of exhibit 4. When
13:12:11 20 you checked out of your room did you receive this folio?

13:12:20 21 MR. ALBREGTS: which means this document.

13:12:21 22 BY MR. SEMENZA:

13:12:22 23 Q. Yes. Which is page 3.

13:12:25 24 A. I do not recall.

13:12:26 25 Q. On your trip to Wynn in March and April of 2008 did
70

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13:12:31 1 you pay for anything out-of-pocket?

13:12:39 2 A. Not inside the Wynn because everything was on the
13:12:44 3 main bill.

13:12:45 4 Q. So everything that you received from Wynn was
13:12:51 5 provided as a complimentary?

13:12:59 6 A. Let's say that they -- when I started -- when I paid
13:13:06 7 I remember, when I settled, I remember Pariente signed the
13:13:10 8 bill.

13:13:11 9 Q. Okay. So you didn't have to pay for the bill?

13:13:14 10 A. No.

13:13:19 11 Q. Did you review this document with Mr. Pariente at
13:13:22 12 any point in time?

13:13:27 13 A. No. I printed this out, I recall, and he signed
13:13:34 14 the -- what is the bill.

La Barbera Deposition Transcript

13:13:36 15 Q. Right. Okay. At some point in time you switched

13:13:45 16 rooms during your stay at the Wynn, is that correct?

13:13:49 17 A. Yes. After the -- the transfer.

13:13:58 18 THE INTERPRETER: A more familiar term.

13:14:01 19 A. After the quid arrived.

13:14:04 20 BY MR. SEMENZA:

13:14:04 21 Q. And you switched from what room to what room?

13:14:09 22 A. First I had a suite, 1,300, it was. Then, after the

13:14:19 23 money arrived on 4 April, I was taken into a villa complete

13:14:27 24 with swimming pool, a very large estate, and I was on my

13:14:33 25 own. It was an upgrade as the greens have arrived.

71

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13:14:49 1 MR. ALBREGTS: You went from the loser suite to

13:14:51 2 the big loser suite. Sorry.

13:14:54 3 BY MR. SEMENZA:

13:14:54 4 Q. Now, do you recall what specific complementaries you

13:14:57 5 were provided with during your stay?

13:15:05 6 A. No, because there was no agreement, as such, these

13:15:10 7 are all things that they gave to me. There was no

13:15:15 8 agreement, as such.

13:15:16 9 Q. Do you have any reason to dispute that the items

13:15:22 10 listed beginning on page 3 of the folio were provided to you

13:15:28 11 as complementaries?

13:15:49 12 A. Yes, the grill, the restaurant, a few phone calls.

13:15:56 13 Q. Did you eat at Bartolotta?

13:15:59 14 THE INTERPRETER: Pardon me, I didn't hear you.

13:16:02 15 BY MR. SEMENZA:

13:16:03 16 Q. Bartolotta, did you eat at Bartolotta during your

La Barbera Deposition Transcript

13:16:06 17 stay?

13:16:14 18 A. Yes, I did. Also -- I also ate there.

13:16:18 19 Q. Do you recall any other restaurants that you ate at
13:16:20 20 other than Bartolotta?

13:16:26 21 A. Yes, on one occasion I ate at the grill. Let's see
13:16:33 22 if I can find it. A small amount so it wouldn't be on this
13:16:47 23 page. Here we are, "country club grill food", USD 2,211,
13:16:56 24 because the wine was French, special French wine.
13:17:07 25 I remember that.

72

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13:17:09 1 Q. And the bulk of that charge would have come from the
13:17:13 2 wine?

13:17:17 3 A. Yes, on this -- in this entry, yes.

13:17:19 4 Q. That's the 04-04-08 entry?

13:17:31 5 A. That's correct.

13:17:32 6 Q. You see up above on 04-03-08 the Bartolotta food
13:17:36 7 entry?

13:17:39 8 A. Yes.

13:17:39 9 Q. Do you recall what you ordered during that meal?

13:17:43 10 A. No, I don't. No way.

13:17:46 11 Q. Do you know why the bill was USD 1,400?

13:17:54 12 A. I don't remember, because this was on the --

13:17:58 13 I remember the grill and the wine. This one, frankly, no.

13:18:10 14 Q. Okay. Do you recall whether the meal at the Country
13:18:20 15 Club grill was in the evening or a lunch?

13:18:25 16 A. It was lunch.

13:18:32 17 Q. With regard to the Bartolotta, do you recall whether
13:18:35 18 that was lunch or dinner?

13:18:41 19 A. The first day, Bartolotta. In order to welcome me
Page 67

La Barbera Deposition Transcript

13:18:56 20 I -- as soon as I arrived in the evening I went to eat with
13:19:02 21 Mr. Alex Pariente.

13:19:05 22 Q. And you had dinner with Alex at Bartolotta?

13:19:10 23 A. Yes, we had dinner together, and I remember now this
13:19:13 24 is being invoked by the dates I see.

13:19:17 25 Q. And that was on March 29?
73

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13:19:20 1 A. That's correct.

13:19:21 2 Q. And what do you recall your conversation with
13:19:24 3 Mr. Pariente to be?

13:19:31 4 A. It was very general conversation, small talk,
13:19:38 5 nothing --

13:19:42 6 Q. Did you discuss your gambling?

13:19:45 7 A. Yes, we talked about playing, gambling, gaming.

13:19:52 8 Q. What did you discuss about gambling specifically?

13:19:57 9 A. Once again, it was very, very general in nature,
13:20:01 10 I don't really recall, I'm not sure. We talked about Las
13:20:07 11 Vegas and he explained to me something about the city. It
13:20:11 12 was my first time.

13:20:16 13 Q. Did you discuss your credit line at all?

13:20:22 14 A. Well, he already was aware about -- of the credit
13:20:25 15 line.

13:20:25 16 Q. So when you had dinner you had already completed the
13:20:29 17 paperwork?

13:20:32 18 A. I think this must have been before dinner, because
13:20:37 19 the first evening (and I can remember this), two hours after
13:20:43 20 my arrival in Las Vegas (I'm sure about this) I had USD
13:20:51 21 700,000, as soon as I arrived. Can I say this?

La Barbera Deposition Transcript

13:21:01 22 Q. So you -- when you arrived you won immediately?

13:21:05 23 A. Yes.

13:21:06 24 Q. And the gambling that you did at Wynn was

13:21:10 25 exclusively roulette or did you gamble in other games?
74

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13:21:17 1 A. Exclusively roulette.

13:21:18 2 Q. Did you play any slot machines at all?

13:21:24 3 A. Just like that.

13:21:28 4 Q. A little?

13:21:29 5 A. Yes, just a little.

13:21:40 6 Q. But no Blackjack, no baccarat?

13:21:43 7 A. No, no, no.

13:21:44 8 Q. Just roulette?

13:21:49 9 A. Yes.

13:21:49 10 Q. So, during your dinner with Mr. Pariente, did you
13:21:52 11 discuss your winnings?

13:21:57 12 A. He knew about my winnings.

13:21:58 13 Q. How do you know that he knew about your winnings?

13:22:06 14 A. Because everything is -- everything feeds back to
13:22:09 15 him, nothing escapes the various watchful eyes.

13:22:13 16 Q. Did Mr. Pariente give you his cellphone number?

13:22:21 17 A. Yes, I think so. I think so.

13:22:23 18 Q. And if you needed anything during your stay you
13:22:25 19 could call him?

13:22:26 20 A. Yes, that's right, that's right.

13:22:32 21 Q. When you arrived at the Wynn did you get a players'
13:22:37 22 card or red card?

13:22:39 23 A. Yes.

13:22:41 24 Q. And did you use that red card while you were
Page 69

La Barbera Deposition Transcript

13:22:44 25 gambling?

75

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13:22:50 1 A. I don't remember whether we had to actually hand it
13:22:53 2 out in order to play, but it was a card on which they
13:22:59 3 would -- which they would swipe or load amenities onto. So
13:23:08 4 at the time of settling the bill I would give them this
13:23:12 5 card.

13:23:14 6 Q. So if Alex wasn't present and you were having a meal
13:23:18 7 how was it that you were provided with a complimentary?

13:23:25 8 A. They would let me have the bill, I would give them
13:23:28 9 this card and then I would sign the bill.

13:23:30 10 Q. Okay. Do you recall anything else about the
13:23:34 11 conversation you had with Alex the first day you arrived?

13:23:40 12 A. No.

13:23:46 13 Q. The second -- the second entry for Bartolotta was
13:23:50 14 on April 3, 2008. Do you recall whether that was lunch or
13:23:56 15 dinner?

13:24:00 16 A. No, frankly not.

13:24:02 17 Q. Do you recall whether Mr. Pariente was with you
13:24:05 18 during that meal?

13:24:06 19 A. No only once did we eat together.

13:24:08 20 Q. Did you eat with anyone else during your stay?

13:24:13 21 A. With -- what's his name? -- Dell'Utri, whom I met in
13:24:24 22 Las Vegas.

13:24:25 23 Q. And who was that?

13:24:31 24 A. A person from Rome who I knew.

13:24:34 25 Q. Oh, okay. He was present with you during your trip?

76

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La Barbera Deposition Transcript

13:24:38 1 A. No, I met him there.
13:24:42 2 Q. You had known him before you met him?
13:24:47 3 THE INTERPRETER: Just to clarify, not that they
13:24:49 4 met for the first time but they bumped into each other
13:24:52 5 there, that was my mistranslation.
13:24:53 6 BY MR. SEMENZA:
13:24:54 7 Q. Okay. How do you spell his name?
13:24:59 8 A. That's D-E-L-L'U-T-R-I.
13:25:09 9 Q. Did you gamble with him at all?
13:25:14 10 A. No, he played another game -- I'm not sure what the
13:25:23 11 name of this game is -- baccarat.
13:25:26 12 Q. Did you watch him gamble at all?
13:25:29 13 A. Yes, yes, I also did that.
13:25:31 14 Q. Did he watch you gamble?
13:25:35 15 A. Sometimes, I think so, yes.
13:25:37 16 Q. How long would you estimate you spent with him
13:25:39 17 watching each other gamble?
13:25:44 18 A. I don't remember this.
13:25:45 19 Q. Was it hours over multiple days?
13:25:51 20 A. No. No.
13:25:53 21 Q. Was he present with you on April 3 of 2008?
13:26:00 22 A. 3 April, 2008. Yes. Because we bumped into each
13:26:07 23 other on 30 March.
13:26:11 24 Q. And how long did he stay at the Wynn?
13:26:16 25 A. He stayed beyond my departure.

77

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La Barbera Deposition Transcript

13:26:19 1 Q. And he was in fact staying at the Wynn, not some
13:26:21 2 other casino?
13:26:23 3 A. He was staying at the Wynn. He was definitely at
13:26:26 4 the Wynn.
13:26:27 5 Q. And you just saw each other in the casino, is how
13:26:30 6 you bumped into each other?
13:26:32 7 A. That's correct. Inside, on the casino floor.
13:26:35 8 Q. And how did you know him before you saw him at Wynn?
13:26:42 9 A. Because he's Sicilian, I've known his family all my
13:26:48 10 life.
13:26:49 11 Q. Is he a close friend of yours?
13:26:51 12 A. By "close", he's a friend.
13:26:58 13 Q. Do you socialize together?
13:27:02 14 A. When I'm in Rome, yes.
13:27:04 15 Q. How many days would you estimate that you spent time
13:27:07 16 with him while either one of you were gambling?
13:27:14 17 A. You mean in Las Vegas?
13:27:17 18 Q. Yes.
13:27:20 19 A. The time I was there, and he was playing a different
13:27:26 20 game and I was a different game.
13:27:29 21 MR. ALBREGTS: For the record, I'll make
13:27:31 22 an objection to this line of questioning on the basis of
13:27:34 23 relevance.
13:27:36 24 BY MR. SEMENZA:
13:27:36 25 Q. Did you two consume alcohol together?
78

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13:27:42 1 A. Yes, the alcohol was continually being brought and
13:27:48 2 flowing.

La Barbera Deposition Transcript

13:27:48 3 Q. Where did you consume alcohol with him?
13:27:52 4 A. At the tables.
13:27:53 5 Q. At the table.
13:28:03 6 Do you recall whether you ate with him at all?
13:28:10 7 A. I think so, once.
13:28:12 8 Q. Could it have been Bartolotta on April 3?
13:28:16 9 A. It could have been. Frankly, I don't recall, but it
13:28:19 10 could have been. Perhaps -- the grill I would -- I would
13:28:23 11 guess that grill has a greater degree of certainty or
13:28:28 12 possibility between the two.
13:28:29 13 Q. Okay. And did you receive some spa services while
13:28:33 14 you were at Wynn?
13:28:37 15 A. No.
13:28:38 16 Q. Did you get a massage at all?
13:28:42 17 A. (In English): No, no, no.
13:28:49 18 Q. And could you identify his name once again, your
13:28:53 19 friend?
13:28:56 20 THE INTERPRETER: Of this gentleman? Shall
13:28:57 21 I spell it out for you? D-E-L-L'U-T-R-I.
13:29:09 22 MR. SEMENZA: Dell'Utri.
13:29:11 23 THE INTERPRETER: Yes.
13:29:11 24 BY MR. SEMENZA:
13:29:13 25 Q. What's his first name?
79

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13:29:14 1 A. (Answer interpreted): Alberto.
13:29:17 2 THE INTERPRETER: That's like Albert but with
13:29:19 3 an O at the end of it.
13:29:21 4 BY MR. SEMENZA:
13:29:21 5 Q. To your knowledge did he gamble on credit?

La Barbera Deposition Transcript

13:29:28 6 A. I think so.

13:29:33 7 Q. Did you discuss with him at all obtaining credit or
13:29:39 8 paying back any credit at Wynn?

13:29:45 9 A. He often went to Las Vegas and I bumped into him,
13:29:54 10 but he would spend months in Las Vegas. (In English): Yes.

13:29:59 11 Q. Did you discuss with him how credit worked in Las
13:30:01 12 Vegas?

13:30:03 13 A. (Answer interpreted): No, no no. We practically
13:30:07 14 spoke about gaming meaning the actual playing, that's all.

13:30:11 15 Q. You didn't discuss with him any of the markers?

13:30:15 16 A. (In English): No, no, no.

13:30:16 17 Q. Do you know whether Mr. Dell'Utri was or had a host?

13:30:31 18 A. (Answer interpreted): I think that he must have been
13:30:32 19 a guest of Wynn, because I don't think he could have spent
13:30:36 20 two months there on his own, two or three months even.

13:30:43 21 Q. And you gambled with him on other -- at other times?

13:30:48 22 A. No.

13:30:48 23 Q. That's the only time that you gambled with him was
13:30:51 24 at Wynn?

13:30:59 25 A. At the time we met in Las Vegas, because normally we
80

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13:31:03 1 meet in Rome and the closest we get is to have dinner

13:31:08 2 together, to have a meal together.

13:31:09 3 Q. So the only time that you gambled with him was in
13:31:13 4 Las Vegas?

13:31:15 5 A. I did not gamble with him, he played -- he was
13:31:17 6 gambling, he was playing one game, I was playing a different
13:31:21 7 one.

La Barbera Deposition Transcript

13:31:21 8 Q. Okay. But that's the only time that you've been in
13:31:24 9 a casino together?

13:31:26 10 A. That's correct, yes.

13:31:28 11 Q. Do you know if Alex Pariente was his host?

13:31:35 12 A. I think so.

13:31:36 13 Q. You think he was. Did you and Mr. Dell'Utri and
13:31:41 14 Alex ever meet together?

13:31:51 15 A. It could be, I think so. Because he was always
13:31:58 16 touring around and he was going around the casino.

13:32:04 17 Q. Did Mr. -- strike that.

13:32:36 18 Do you want to take a break?

13:32:40 19 A. If it's appropriate.

13:32:42 20 MR. SEMENZA: why don't we take --

13:32:45 21 MR. ALBREGTS: what time are you going to finish?

13:32:48 22 MR. SEMENZA: I don't know. I'm going as quickly
13:32:49 23 as I can. I've probably got a couple more hours.

13:33:54 24 (1:33 p.m.)

13:34:04 25 (Lunch recess.)
81

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14:16:30 1 (2:16 p.m.)

14:16:35 2 BY MR. SEMENZA:

14:16:35 3 Q. Mr. La Barbera, one of the allegations or assertions
14:16:39 4 that you've made in this particular case is that you are
14:16:41 5 a compulsive gambler or have a gambling addiction.

14:16:51 6 A. Yes, I practically do.

14:16:55 7 Q. Practically do. Do you have a gambling addiction?

14:17:01 8 A. Yes, I do.

14:17:02 9 Q. And when did you first believe that you had
14:17:06 10 a gambling addiction?

La Barbera Deposition Transcript

14:17:17 11 A. This is quite a few years ago.

14:17:19 12 Q. Okay. Approximately how many years ago?

14:17:23 13 A. 20 years ago, roughly.

14:17:27 14 Q. And when were you first formally diagnosed as

14:17:32 15 a compulsive gambler, if ever?

14:17:40 16 A. No, there was no diagnosis, as such. The issue is

14:17:45 17 that lately, as well, I have received a diagnosis.

14:17:58 18 Q. When did you receive a diagnosis?

14:18:08 19 A. Six months ago.

14:18:09 20 Q. By whom did you obtain that diagnosis from?

14:18:18 21 A. A professor, meaning, I believe, a senior doctor.

14:18:21 22 A high, senior doctor in Rome.

14:18:27 23 Q. And what is that doctor's name?

14:18:37 24 A. I don't recall. I don't recall what his name was.

14:18:43 25 Q. And are you currently seeking treatment?

82

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14:18:49 1 A. No, there is no treatment. It's a problem which

14:18:58 2 means that when I'm outside the casino I'm perfectly okay.

14:19:02 3 The problem is once I'm inside.

14:19:09 4 Q. I believe you had testified that you haven't gambled

14:19:12 5 for approximately a year?

14:19:14 6 A. Yes, around a year, yes.

14:19:18 7 Q. Did you obtain -- what was the specific diagnosis

14:19:25 8 that you obtained relating to your gambling?

14:19:33 9 A. I didn't understand the question.

14:19:36 10 Q. You said you are a compulsive gambler. Is that the

14:19:40 11 specific diagnosis that you were given?

14:19:47 12 A. Yes, on the basis of the test we carried out, it has

La Barbera Deposition Transcript

14:19:53 13 emerged that I am dependent on gambling due to my
14:19:58 14 temperament.

14:20:00 15 Q. Do you have an understanding as to whether gambling
14:20:03 16 addiction in the state of Nevada is a defense to the
14:20:08 17 repayment marks or not?

14:20:12 18 MR. ALBREGTS: Objection. Objection to the
14:20:14 19 extent it calls for a legal conclusion.

14:20:18 20 A. I don't know, I have no idea.

14:20:21 21 BY MR. SEMENZA:

14:20:24 22 Q. Did you ever inform Mr. Pariente that you had
14:20:28 23 a gambling addiction?

14:20:31 24 A. No, I didn't.

14:20:36 25 Q. Did you ever inform anyone at Wynn that you had

83

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14:20:39 1 a gambling addiction?

14:20:43 2 A. No.

14:20:49 3 Q. Do you -- when you were at the Wynn in March
14:21:00 4 and April of 2008 were you under any -- the influence of any
14:21:05 5 medication, legally prescribed medication?

14:21:13 6 A. No.

14:21:14 7 Q. Did you take any medication at all on your trip?

14:21:21 8 A. No. A lot of alcohol because they kept on bringing
14:21:24 9 it to the tables.

14:21:28 10 Q. But you took no medication of any kind?

14:21:32 11 A. No.

14:21:33 12 Q. Did you consume any illegal narcotics or drugs while
14:21:40 13 you were at the Wynn in Las Vegas?

14:21:42 14 A. No.

14:21:42 15 Q. The only drug that you utilized was alcohol?

Page 77

La Barbera Deposition Transcript

14:21:50 16 A. Yes, that's correct.
14:21:52 17 Q. Are you an alcoholic?
14:21:56 18 A. No, I'm not.
14:21:57 19 Q. Is it fair to say that you drink in moderation?
14:22:02 20 A. Yes, but it's as though you are encouraged to drink.
14:22:14 21 Q. No one forced you to consume alcoholic beverages at
14:22:18 22 the Wynn during your trip there, did they?
14:22:26 23 A. No, but these people kept on coming to the tables,
14:22:30 24 and they were usually attractive women and they kept on
14:22:39 25 bringing drinks.

84

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14:22:40 1 Q. Did they bring you drinks without you ordering them?
14:22:45 2 A. Yes, without me ordering them.
14:22:47 3 Q. What types of alcoholic beverages did you consume
14:22:52 4 during your trip at Wynn?
14:22:54 5 A. Cognac, whiskey, grappa, a bit of everything.
14:23:07 6 Q. And how would these individuals that brought you the
14:23:10 7 drinks know what kind of drinks you wanted unless you had
14:23:16 8 ordered them?
14:23:22 9 A. They would turn up with a tray, with a variety of
14:23:25 10 drinks, brandy, cognac, whiskey and so on, and they just
14:23:31 11 said, "which one would you like?" And so on.
14:23:42 12 Q. Were you intoxicated the entire time you were at
14:23:47 13 Wynn during your trip in March and April of 2008?
14:23:58 14 A. Especially when I was gambling because they kept on
14:24:02 15 supplying.
14:24:02 16 Q. Did you think or consume alcoholic beverages while
14:24:06 17 you weren't gambling?

La Barbera Deposition Transcript

14:24:11 18 A. Wine, when having a meal.

14:24:14 19 Q. Did you consume any alcoholic beverages while in
14:24:19 20 your hotel room or villa?

14:24:25 21 A. One night we drank a bottle of champagne.

14:24:30 22 Q. By "we" who do you mean?

14:24:41 23 A. It was with Dell'Utri, another person who was
14:24:48 24 a friend of Dell'Utri's, I think there were three, perhaps
14:24:53 25 four of us.

85

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14:24:56 1 Q. This was in your room?

14:24:59 2 A. Yes, in the villa.

14:25:02 3 Q. And was the champagne -- how many bottles of
14:25:06 4 champagne did you consume?

14:25:08 5 A. I think it was two.

14:25:13 6 Q. Do you remember specifically what day it was?

14:25:16 7 A. No, I don't, but from when I was moved from a room
14:25:25 8 to the villa because all this happened at the villa so it
14:25:31 9 was after I moved to the villa.

14:25:34 10 Q. And did you order the champagne or did they bring
14:25:38 11 it?

14:25:39 12 A. They brought it.

14:25:53 13 Q. So while you were dining at the Wynn you did in fact
14:25:58 14 consume alcoholic beverages?

14:26:06 15 A. At dinner I mainly had wine.

14:26:09 16 Q. By "mainly" did you only have wine or did you have
14:26:14 17 other drinks at times?

14:26:19 18 A. At the moment I don't recall. What I do recall very
14:26:24 19 clearly was when I was gambling they kept on bringing full
14:26:29 20 trays of whiskey, cognac.

Page 79

La Barbera Deposition Transcript

14:26:41 21 Q. When you were gambling and consuming alcoholic
14:26:45 22 beverages at any point in time did you decline any of their
14:26:51 23 offers for alcoholic beverages?

14:26:54 24 A. I think more than once. I don't remember, this was
14:27:00 25 eight years ago.

86

‡

14:27:02 1 Q. You think you did decline their offering of
14:27:04 2 alcoholic beverages?

14:27:06 3 A. Yes, I think so. Sometimes, yes.

14:27:12 4 Q. Did you ever get physically ill or vomit as a result
14:27:17 5 of your alcohol consumption while you were at the Wynn?

14:27:23 6 A. One night, I think.

14:27:26 7 Q. One night?

14:27:29 8 A. I don't recall. Second, third night, perhaps.

14:27:32 9 Q. Was it when --

14:27:35 10 A. I was very ill.

14:27:36 11 Q. Was it in the villa or was it in the original room?

14:27:44 12 A. Just one moment, please. This schedule helps me to
14:27:50 13 recall the date. First day, second day, I think it must
14:28:00 14 have been the third day.

14:28:02 15 Q. Were you in the villa at that point in time?

14:28:04 16 A. No, I was only in the villa for two nights.

14:28:11 17 Q. So this would have been what day that you -- or what
14:28:14 18 evening you got sick on?

14:28:21 19 A. I think it was on the 4th, perhaps the 3rd.

14:28:24 20 Q. Of April?

14:28:27 21 A. Of April, yes.

14:28:29 22 Q. Did you consume any alcoholic beverage -- go ahead.

La Barbera Deposition Transcript

14:28:35 23 A. The 31st. But simply because the dates are the
14:28:39 24 wrong way round. The 31st of March or 1st of April.
14:28:44 25 Q. Okay.

87

‡

14:28:45 1 A. 31st of March or 1st of April.
14:28:48 2 Q. So that's the evening that you were so intoxicated
14:28:51 3 that you were physically ill and vomiting?
14:28:58 4 A. Yes, that's correct.
14:29:00 5 Q. And did anyone witness you vomiting?
14:29:08 6 A. The next day I told Dell'Utri that I had been ill.
14:29:13 7 Q. Did you tell Alex Pariente that you had been ill?
14:29:17 8 A. No. Alex -- I didn't see Alex that often.
14:29:23 9 Q. Did you consume alcoholic beverages at any point in
14:29:27 10 time after the evening that you were ill?
14:29:32 11 A. No, the day after I turned down every offer,
14:29:35 12 I didn't drink.
14:29:36 13 Q. So from the point in time that you got sick on the
14:29:40 14 31st or the 1st you didn't consume any alcoholic beverages?
14:29:45 15 A. Not the following day, no. For one day, not.
14:29:51 16 Q. So for one day you didn't drink, but the following
14:29:54 17 day you started consuming alcohol again?
14:29:57 18 A. Yes, I think I did drink something the day after
14:30:00 19 that, yes.
14:30:02 20 Q. But was it --
14:30:06 21 A. We would need to have a recording device in our
14:30:10 22 brain to remember everything.
14:30:12 23 Q. Is it fair to say that you consumed less alcohol
14:30:16 24 after you vomited at the Wynn on those following days?
14:30:26 25 A. Yes, I think so.

Page 81

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14:30:28 1 Q. And you consumed substantially less alcohol those
14:30:31 2 following days?

14:30:35 3 A. Yes, yes, substantially less.

14:30:42 4 Q. Do you remember the evening that you were so ill
14:30:46 5 that you were vomiting?

14:30:49 6 A. I remember that I vomited and I had a headache, and
14:30:56 7 a stomach ache, and I remember this very well.

14:31:00 8 Q. And that was the only time that you were physically
14:31:05 9 ill while you were staying at the wynn?

14:31:08 10 A. Yes, because I -- I couldn't get to sleep for three
14:31:12 11 nights practically, what with the jet lag and everything
14:31:17 12 else, I just couldn't get any shut eye at all.

14:31:33 13 Q. And the night that you got ill, was that the night
14:31:37 14 that you had Dell'Utri other people in your room?

14:31:42 15 A. No.

14:31:43 16 Q. That came after, correct?

14:31:46 17 A. Yes. Well, I don't really recall because, with
14:31:56 18 Dell'Utri and so on, that happened in the villa.

14:31:59 19 Q. Okay, so --

14:32:02 20 A. So when I felt ill that was in my room, perhaps the
14:32:06 21 day before. I don't remember.

14:32:18 22 Q. And you've never been diagnosed as an alcoholic?

14:32:25 23 A. No. I like to drink wine and -- mainly.

14:32:30 24 Q. Have you ever had any health issues associated with
14:32:35 25 alcohol consumption?

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La Barbera Deposition Transcript

14:32:37 1 A. No. That was an acute intoxication.

14:32:48 2 Q. Did the physical appearance of the employees that
14:32:52 3 brought you alcoholic beverages influence you into drinking
14:32:58 4 them?

14:33:00 5 A. Very much so. Very much so.

14:33:03 6 Q. And were they primarily attractive women?

14:33:08 7 A. Exclusively. Very beautiful.

14:33:32 8 Q. As part of your defenses -- let me ask a better
14:33:41 9 question.

14:33:41 10 One of your defenses, as I understand it, in this
14:33:45 11 case is that Mr. Pariente made various misrepresentations to
14:33:49 12 you. Is that correct?

14:33:55 13 A. That is absolutely correct.

14:33:57 14 Q. What specific misrepresentations did he make to you?

14:34:07 15 A. In any way did he explain to me what things meant
14:34:15 16 and how the system, the credit line system, operated in the
14:34:22 17 town of Las Vegas. He omitted this completely.

14:34:27 18 Q. What specifically did he not tell you?

14:34:32 19 A. That, for example, in the way the credit worked,
14:34:38 20 that practically what you were signing was -- well,
14:34:44 21 I thought that what I was signing was simply to obtain chips
14:34:53 22 or some kind of receipt. I never thought this, because the
14:34:57 23 agreement was if I lose I'll transfer the money back to you.
14:35:01 24 And then all these requests arrived. And then I asked
14:35:15 25 Pariente for an increase in credit because I would say to

90

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14:35:21 1 him that the transfer was on its way, and he increased the

La Barbera Deposition Transcript

14:35:27 2 credit line as a result. Up until 1 million.

14:35:34 3 Q. So -- and again I just want to understand the basis
14:35:39 4 for your claim that he made misrepresentations.

14:35:51 5 A. Because he omitted to explain what the local system
14:35:55 6 was. I did not go how things worked in Las Vegas.

14:35:59 7 Q. Did he ever tell you anything specifically that you
14:36:01 8 believe was false as opposed to just not explaining how
14:36:10 9 credit worked?

14:36:25 10 A. About payment, timescales, for example. I don't
14:36:29 11 really recall precisely, because I then sent him to hell on
14:36:34 12 the phone and sent him to the devil. So we never spoke
14:36:39 13 again.

14:36:40 14 Q. What did -- go ahead.

14:36:44 15 A. And then everything happened, as you know, because
14:36:52 16 in the markets, markers, which reached my bank in Italy,
14:36:58 17 I never heard anything about this, I never knew anything
14:36:59 18 about this. I received a District Attorney's notification
14:37:05 19 and basically a mandate for my arrest. That's all I knew.

14:37:12 20 Q. When you left the Wynn, after your trip was
14:37:16 21 concluded, did you have an understanding that you had
14:37:19 22 an outstanding balance of USD 1 million?

14:37:25 23 A. No.

14:37:26 24 Q. Was it your understanding that you had a zero
14:37:29 25 balance when you left the Wynn?
91

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14:37:31 1 A. Yes, zero, yes.

14:37:34 2 Q. How did you or why did you have the understanding
14:37:37 3 that you owed nothing to the Wynn when you left?

La Barbera Deposition Transcript

14:37:44 4 A. Because I had effected a transfer.
14:37:48 5 Q. Now, Mr. Pariente never told you when you left that
14:37:51 6 you had a zero balance. Is that correct?
14:38:01 7 A. With Mr. Pariente we had what I would call a "fight"
14:38:06 8 on the phone later. And since then all I received was one
14:38:13 9 threat, that unless I paid whatever was outstanding, I would
14:38:20 10 be arrested.
14:38:22 11 Q. And where did -- where did that threat come from?
14:38:25 12 was that in writing?
14:38:29 13 A. No, this was on the phone.
14:38:31 14 Q. Mr. Pariente told you?
14:38:32 15 A. Yes.
14:38:33 16 Q. What did he specifically say?
14:38:37 17 A. He said to me that unless I paid within 90 days he
14:38:44 18 would have sent everything to the District Attorney, and
14:38:49 19 I could never more -- never again set foot in the
14:38:53 20 United States of America. And this is why I've not been to
14:38:59 21 the United States for eight years because I'm afraid I might
14:39:02 22 be apprehended and arrested.
14:39:05 23 Q. Have you made any payments to the Clark County
14:39:08 24 District Attorney's office relating to the alleged
14:39:11 25 outstanding balance?

92

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14:39:12 1 A. No, never. I wrote a letter.
14:39:17 2 Q. You wrote a letter?
14:39:21 3 A. Yes, directly to the District Attorney's office and
14:39:25 4 I explained my situation.
14:39:28 5 Q. Do you have a copy of that letter?
14:39:31 6 A. I do, at home.

Page 85

La Barbera Deposition Transcript

14:39:33 7 Q. Can you please provide. Not now, but --
14:39:42 8 A. Yes, I can.
14:39:43 9 Q. What is -- what were the contents of the letter?
14:39:47 10 what did you say in the letter?
14:39:48 11 A. I explained that at the Wynn they kill gamblers.
14:39:58 12 Q. And what do you mean by "they kill gamblers"?
14:40:03 13 Explain that.
14:40:05 14 A. They drive them to death, because if I had continued
14:40:09 15 continued to be in Las Vegas and continued to send more
14:40:12 16 money onto my account then they would have permitted me 2
14:40:17 17 million, 3 million, 4 million, and so on. And this is
14:40:20 18 a call to -- it's an encouragement to gambling.
14:40:30 19 So in Europe, if this had happened here in Europe,
14:40:37 20 I would have dragged Wynn into court and I would probably
14:40:43 21 have won as well. Because the encouragement to gambling
14:40:50 22 is -- is what effectively happened.
14:40:56 23 And Las Vegas has its own ad hoc legal system and it
14:41:03 24 has laws which are in favor of casinos. This is a fact,
14:41:08 25 this is the truth, and what happens there is illegal in

93

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14:41:14 1 Europe and this means killing gamblers.
14:41:22 2 This is why Pariente, for me, is a gangster.
14:41:30 3 Q. After you left the Wynn how many conversations did
14:41:35 4 you have with Mr. Pariente?
14:41:39 5 A. I don't remember. Two, maybe three, and then I sent
14:41:43 6 him to hell.
14:41:45 7 Q. And these were all phone calls?
14:41:48 8 A. Yes.

La Barbera Deposition Transcript

14:41:51 9 Q. And did Mr. Pariente identify during those
14:41:56 10 conversations that the Wynn was claiming that you owed
14:41:59 11 an additional USD 1 million?

14:42:04 12 THE INTERPRETER: You said "million"?

14:42:05 13 BY MR. SEMENZA:

14:42:05 14 Q. Million.

14:42:09 15 A. Yes, he did say that. And he threatened me and
14:42:14 16 said, "You're going to get arrested if you ever come to the
14:42:18 17 States." Why didn't he say that to me before?

14:42:21 18 Q. Before when?

14:42:24 19 A. When I arrived. When I was there. He should have
14:42:28 20 said, "This the way it works here." Not just being -- as
14:42:38 21 soon as my money arrived then they would increase the credit
14:42:42 22 line.

14:42:44 23 Q. And in response to him identifying that you owed USD
14:42:47 24 1 million what did you tell him?

14:42:54 25 A. I told him to fuck off.
94

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14:42:56 1 Q. Is it because you didn't believe you had signed the
14:43:05 2 markers or was it because you didn't believe you owed the
14:43:07 3 money? Or what was the reason you told him you weren't
14:43:11 4 going to pay?

14:43:18 5 A. Because they were misleading and, in my view, I had
14:43:23 6 paid everything through my transfers. Full stop.

14:43:39 7 Q. Going back to my original questions, is your issue
14:43:42 8 relating to the misrepresentations that Mr. Pariente didn't
14:43:47 9 explain to you how credit would work as opposed to making
14:43:54 10 a specific statement that was false?

14:43:57 11 A. Yes, he didn't -- he omitted to explain how the
Page 87

La Barbera Deposition Transcript

14:44:00 12 whole system works in Las Vegas. The fact that there was no
14:44:05 13 arrest, because if -- if you ring me up later and threaten
14:44:15 14 me of arrest it's one thing. I didn't know that what I was
14:44:21 15 signing was an IOU was really a check.

14:44:24 16 Q. And that's your understanding now, that it was
14:44:26 17 a check?

14:44:33 18 A. I understand that now.

14:44:34 19 MR. ALBREGTS: Objection. Vague and ambiguous as
14:44:35 20 to whether he understands what a check is under American
14:44:39 21 law. I just made an objection.

14:44:51 22 THE INTERPRETER: We should answer the question.
14:44:52 23 yes? No, we've answered the question.

14:44:53 24 MR. ALBREGTS: You've answered the question. I'm
14:44:56 25 not as quick as you guys, I got a little jet lag here.

95

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14:45:03 1 BY MR. SEMENZA:

14:45:04 2 Q. So there was nothing -- just so that the record is
14:45:06 3 clear -- there was nothing that Mr. Pariente said that was
14:45:09 4 false, the issue is he didn't explain what the terms of
14:45:14 5 credit were or meant.

14:45:23 6 MR. ALBREGTS: Objection to the extent it
14:45:24 7 misstates his prior testimony. Go ahead.

14:45:35 8 A. To me he was misleading, and perhaps he gets
14:45:42 9 a percentage on people's losses, perhaps. So --

14:45:48 10 BY MR. SEMENZA:

14:45:48 11 Q. I understand what you're saying, but the question is
14:45:52 12 did he say something that was false or did he just not tell
14:45:56 13 you something that you believed you should have been

La Barbera Deposition Transcript

14:45:59 14 informed?

14:46:03 15 A. Sir, he was not clear. He was not clear. For
14:46:07 16 a person who goes to Vegas for the first time, he was not
14:46:12 17 clear. He did not explain how things work and what you
14:46:17 18 shouldn't do.

14:46:17 19 Q. Mr. Pariente knew that you were an experienced
14:46:21 20 gambler, is that correct?

14:46:24 21 MR. ALBREGTS: Objection. There has been no
14:46:24 22 establishment that he's an experienced gambler.

14:46:34 23 BY MR. SEMENZA:

14:46:35 24 Q. You can answer the question.

14:46:37 25 A. The question again, please? I remember the
96

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14:46:43 1 question. He did not know because I didn't know Pariente at
14:46:46 2 all, I was introduced to him.

14:46:54 3 Q. Did you have an understanding that if you promptly
14:46:58 4 paid any outstanding markers that you would receive
14:47:03 5 a discount on those markers?

14:47:16 6 A. I found this out afterwards before arguing on the
14:47:22 7 phone with Pariente.

14:47:23 8 Q. After -- after you -- okay.

14:47:29 9 A. When I told him to fuck off on the phone.

14:47:47 10 Q. Did Mr. Pariente identify to you that you could pay
14:47:52 11 or make payments on any outstanding markers that you have?
14:48:02 12 In other words, you didn't have to pay it at all at once?

14:48:06 13 A. He threatened me that if I -- he said, "If you don't
14:48:10 14 pay I'll -- and you set foot in Las Vegas, I'll have you
14:48:14 15 arrested."

14:48:15 16 Q. But did you --

La Barbera Deposition Transcript

14:48:17 17 A. (In English): No, after that. (Answer

14:48:19 18 interpreted): Later (In English): Later.

14:48:22 19 Q. So, after you had the conversation where you told
14:48:24 20 him to fuck off, that's when you learned that you could have
14:48:31 21 made payments?

14:48:37 22 A. (Answer interpreted): Yes, he did say to me, but
14:48:40 23 I said to him, "I'm not paying anything because you have
14:48:45 24 stolen from me."

14:48:47 25 Q. Did you have a conversation with Mr. Pariente about
97

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14:48:51 1 whether markers were enforceable in Italy?

14:49:00 2 A. No, he explained absolutely nothing to me. These
14:49:12 3 are all things which I learnt later.

14:49:22 4 Q. At some point in time did you have any
14:49:25 5 communications with Cristiano Tofani.

14:49:31 6 THE INTERPRETER: The name, sorry?

14:49:35 7 MR. ALBREGTS: Tofani.

14:49:36 8 A. Yes, there was a communication, but -- sorry to
14:49:42 9 interrupt -- but with Cristiano Tofani what I wanted to do
14:49:50 10 is resolve the problem, the problem linked to the arrest.
14:49:57 11 And therefore I said I was available to carry out a small
14:50:03 12 transaction in order to be able to remove the risk of
14:50:12 13 arrest, because I have not been to the State for eight years
14:50:18 14 and I may have to work there. And I am here because if I go
14:50:25 15 there I'm at risk of being apprehended.

14:50:33 16 BY MR. SEMENZA:

14:50:33 17 Q. Did Mr. Tofani attempt to negotiate a resolution
14:50:38 18 between Wynn Las Vegas and you?

La Barbera Deposition Transcript

14:50:42 19 A. Yes, he did.
14:50:43 20 Q. And that was unsuccessful?
14:50:48 21 A. So he said to me.
14:50:50 22 Q. Did you make any offers specifically to resolve the
14:50:55 23 dispute with Mr. Tofani?
14:50:59 24 MR. ALBREGTS: Objection to the extent it calls
14:51:00 25 for settlement negotiations. And objection, LJ, to the
98

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14:51:04 1 extent I have no real idea of what the attorney/client
14:51:06 2 privilege, if it exists, pertains here between Mr. Tofani,
14:51:12 3 a licensed Italian attorney, and Mr. La Barbera. It may
14:51:17 4 not, I just want to preserve the objection.
14:51:20 5 BY MR. SEMENZA:
14:51:20 6 Q. You can go ahead and answer.
14:51:23 7 A. I've forgotten the question.
14:51:27 8 Q. What did you offer, if anything, to Mr. Tofani to
14:51:30 9 resolve the dispute?
14:51:32 10 A. I think I offered 10 percent. Just so I could
14:51:38 11 remove the District Attorney part of the matter.
14:51:42 12 Q. Does Mr. Tofani represent you as counsel or
14:51:47 13 an attorney in Italy? Or has he ever represented you as
14:51:51 14 counsel in Italy?
14:51:54 15 A. No, not in Italy. He had this possibility to carry
14:52:07 16 out a transaction, but all I was interested in is removing
14:52:16 17 the question of the arrest because I went to Las Vegas for
14:52:27 18 four days, I lost a million, and that was my own million.
14:52:35 19 I went home with a mandate of capture, and I'm the person
14:52:43 20 who has never had anything pending in 63 years from
14:52:46 21 a criminal point of view. And just imagine how wonderful my

La Barbera Deposition Transcript

14:52:51 22 trip was. (In English): Beautiful, very beautiful.

14:52:55 23 MR. ALBREGTS: Is that sarcasm?

14:52:57 24 THE INTERPRETER: Sarcasm.

14:53:00 25 BY MR. SEMENZA:

99

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14:53:01 1 Q. Making that clear for the record.

14:53:06 2 A. And I went to a person who was slimeing, such as
14:53:16 3 Pariente.

14:53:21 4 Q. And was Mr. Tofani slimeing?

14:53:27 5 A. No, Mr. Tofani is -- I met him in Rome. Pariente,
14:53:32 6 Mr. Semenza, Pariente is very, very slimy.

14:53:48 7 BY MR. SEMENZA:

14:53:48 8 Q. Mr. La Barbera, can you tell me about your
14:53:51 9 education, please?

14:53:57 10 A. What do you mean my education, sir?

14:54:01 11 Q. How far did you go in school?

14:54:03 12 A. I studied pharmacy, pharmacology. Pharmacy.

14:54:09 13 Q. What degrees --

14:54:10 14 THE INTERPRETER: Not pharmacology, my mistake.

14:54:12 15 Pharmacy, not pharmacology.

14:54:14 16 BY MR. SEMENZA:

14:54:16 17 Q. What degrees do you currently have?

14:54:21 18 A. It's a degree in pharmacy.

14:54:24 19 Q. And in the U.S. we have a bachelors degree,
14:54:28 20 a doctorate degree, what kind of degree is it?

14:54:33 21 A. It's three years, so I think that's a bachelors.

14:54:36 22 It's a three-year university course.

14:54:41 23 Q. And what university did you attend?

La Barbera Deposition Transcript

14:54:44 24

A. Palermo.

14:54:49 25

Q. After graduating from the university did you have
100

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14:54:52 1 any other formal education?

14:54:57 2 A. No, I began working immediately.

14:54:59 3 Q. And what -- what is your current profession?

14:55:06 4 A. I am a consultant for pharma industry, industries,
14:55:11 5 companies.

14:55:16 6 Q. Are you an employee of a company or do you own your
14:55:20 7 own company?

14:55:22 8 A. I have my own company.

14:55:26 9 Q. And what is that company called?

14:55:28 10 A. (In English): Bruni Farma Research.

14:55:41 11 THE INTERPRETER: It's called Bruni, that's

14:55:47 12 B-R-U-N-I; Farma, that's F-A-R-M-A; and then "research" in
14:55:54 13 English. Bruni Farma Research.

14:55:59 14 BY MR. SEMENZA:

14:56:00 15 Q. And how long have you owned that company?

14:56:08 16 A. My first company in the same sector was set up
14:56:11 17 30 years ago. And this one has been around for 20 years.

14:56:21 18 Q. In April of 2008 was this the only company that you
14:56:27 19 owned?

14:56:29 20 A. It's my company, yes. It was Bruni Farma only, the
14:56:36 21 word "research" was not part of the name at that time, we
14:56:42 22 added "research" later.

14:56:43 23 Q. And is it the only business you currently own now?

14:56:50 24 A. Yes.

14:56:50 25 Q. How many employees does it have?
101

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La Barbera Deposition Transcript

14:56:56 1 A. At the moment fewer than -- it used to be -- seven
14:57:01 2 to date, because we are pure consultants.

14:57:07 3 Q. And can you explain generally speaking what the
14:57:10 4 company does as a consulting firm?

14:57:24 5 A. So we go to generic pharma companies and we offer
14:57:33 6 them products which are going off license, basically when
14:57:37 7 the patent is about to expire. And so we -- these are
14:57:41 8 generic pharma companies, and we propose these products and
14:57:46 9 we encourage them to commercialize them.

14:58:00 10 Q. I am gonna jump around a little bit. When you
14:58:05 11 gambled at the Monte Carlo Casino in Monaco do they provide
14:58:13 12 alcoholic beverages free of charge?

14:58:17 13 A. Yes, they do.

14:58:21 14 Q. And when you gambled at the Monte Carlo in Monaco
14:58:26 15 have you consumed alcoholic beverages while you have been
14:58:31 16 gambling?

14:58:32 17 A. Well, things work differently there. They -- it's
14:58:36 18 not like in Las Vegas when people are bringing drinks the
14:58:41 19 whole time. What happens there is there is a valet for you,
14:58:45 20 and you ask him, you say, "Bring me a whiskey", or whatever.
14:58:49 21 Whereas in Las Vegas there was always the "piece of skin"
14:58:56 22 who would bring drinks the whole time. And that's the
14:59:08 23 truth.

14:59:09 24 MR. ALBREGTS: Well said.

14:59:13 25 BY MR. SEMENZA:

102

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La Barbera Deposition Transcript

14:59:13 1 Q. And I -- I'm -- is it your contention that you drank
14:59:18 2 alcoholic beverages because they were being brought by
14:59:22 3 attractive women?

14:59:26 4 A. Let's say that it was a bonus as the Americans -- an
14:59:31 5 "upgrade", as the Americans say. I think we mean a bonus.

14:59:36 6 Q. Are you married?

14:59:39 7 A. Yes.

14:59:40 8 Q. How long have you been married?

14:59:43 9 A. 40 years.

14:59:44 10 MR. ALBREGTS: Wow.

14:59:48 11 MR. SEMENZA: You're up there too.

14:59:52 12 MR. ALBREGTS: 33.

14:59:54 13 BY MR. SEMENZA:

14:59:55 14 Q. Do you have any children?

14:59:57 15 A. One.

14:59:59 16 Q. And how old?

15:00:03 17 A. 40.

15:00:05 18 THE INTERPRETER: I don't know if it's he or she,
15:00:08 19 but the child is 40. He was born immediately.

15:00:15 20 MR. SEMENZA: Congratulations.

15:00:17 21 MR. ALBREGTS: Good man.

15:00:19 22 BY MR. SEMENZA:

15:00:19 23 Q. Did you tell your wife you were coming out to Las
15:00:21 24 Vegas on your April of 2008 trip?

15:00:25 25 A. Yes, I did.

103

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15:00:26 1 Q. And was she okay with you coming out?

15:00:31 2 A. Yes, she's -- I don't have this kind of problem

La Barbera Deposition Transcript

15:00:35 3 usually.

15:00:37 4 Q. Is she aware that you had a gambling addiction?

15:00:43 5 A. Yes.

15:00:48 6 Q. When you spoke with Mr. Pariente after you left the
15:00:52 7 wynn -- and I think you had said that you spoke to him two
15:00:57 8 or three times over the phone -- did you call him or did he
15:01:02 9 call you?

15:01:05 10 A. He called first. I'm certain about this. He talked
15:01:10 11 to me about market, marker, money, arrest and all that.

15:01:18 12 Q. And that was the first phone call?

15:01:22 13 A. I think so, yes. Yes. I think there were two more
15:01:26 14 after that and that was it.

15:01:29 15 Q. How long after you left wynn did Mr. Pariente
15:01:33 16 contact you?

15:01:42 17 A. A month or two, I can't remember.

15:01:48 18 Q. Then the second or third time that you spoke to him
15:01:51 19 by phone, did he call you or did you call him?

15:01:57 20 A. Once I called. I think twice, probably. Once to
15:02:05 21 tell him that he could not do what he said to me he would
15:02:12 22 do, and the third time was to finally send him to the devil
15:02:19 23 and tell him to fuck off.

15:02:21 24 Q. okay. So your recollection is he called you first
15:02:26 25 and then you called him two additional times?

104

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15:02:31 1 A. Yes, I think so.

15:02:32 2 Q. And those were the only when calls or communications
15:02:35 3 you had with Mr. Pariente?

15:02:38 4 A. That's it.

La Barbera Deposition Transcript

15:02:45 5 Q. Before you left the Wynn did you tell Mr. Pariente
15:02:49 6 goodbye?
15:02:55 7 A. I think so. I think so. Perhaps when I signed the
15:03:00 8 bill, I don't remember, but I think so.
15:03:04 9 Q. Did you say goodbye in person or over the phone?
15:03:10 10 A. In person.
15:03:10 11 My plane is at half past six.
15:03:59 12 MR. ALBREGTS: How much time does he need?
15:04:03 13 A. It's about an hour from here to get to the airport.
15:04:13 14 MR. SEMENZA: So what time do you need to leave?
15:04:21 15 A. I should be out of here at half past four.
15:04:24 16 BY MR. SEMENZA:
15:04:24 17 Q. I think we can accommodate that.
15:04:37 18 Do you have any recollection of the specific dates
15:04:39 19 and times that you obtained any of the markers that you --
15:04:50 20 any of the markers that you had at the Wynn?
15:04:54 21 MR. ALBREGTS: Objection, vague and ambiguous.
15:04:55 22 Does he understand the question?
15:05:01 23 A. Yes.
15:05:01 24 MR. ALBREGTS: Okay.
15:05:02 25 A. Yes. But no, I don't remember. I don't remember

105

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15:05:05 1 hours, times or anything. There was a nine-hour time
15:05:09 2 difference from Italy, so no.
15:05:14 3 BY MR. SEMENZA:
15:05:14 4 Q. I know about the time difference.
15:05:18 5 A. I had enough to get over the jet lag and I was back
15:05:22 6 home again.
15:05:24 7 Q. So, as far as dates you took out particular markers,

Page 97

La Barbera Deposition Transcript

15:05:27 8 you have no understanding?

15:05:31 9 A. (In English): No, no.

15:05:32 10 Q. As far as times you took out particular markers, you
15:05:35 11 have no understandings?

15:05:37 12 A. (In English): No, no, no.

15:05:39 13 Q. Did you gamble during the day while you were at
15:05:45 14 wynn?

15:05:46 15 A. (Answer interpreted): I -- I made the night of the
15:05:59 16 day because I couldn't sleep anyway, so it was -- I slept
15:06:03 17 very little in three days, what with jet lag and everything
15:06:07 18 else.

15:06:12 19 Q. One of the interrogatories, one of the questions
15:06:15 20 that we posed to you, was interrogatory number 4. I'll read
15:06:21 21 that into the record and your answer. It says:

15:06:27 22 "Identify all persons by name, address and telephone
15:06:33 23 number with whom you've had a communications with relating
15:06:39 24 to the agreement, the marker or receiving credit at Wynn."

15:06:48 25 You responded by saying:
106

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15:06:50 1 "Only Mr. Alberto Dell'Utri."

15:06:55 2 Do you remember that?

15:06:59 3 A. If you mean that I only spoke about this with
15:07:02 4 Dell'Utri, that would be correct, yes.

15:07:06 5 Q. Did you ever speak to Mr. Dell'Utri about credit at
15:07:10 6 Wynn?

15:07:11 7 A. Yes, I did. Of course. He knew that I had made
15:07:20 8 these transfers.

15:07:21 9 Q. Okay. Did you talk to Mr. Dell'Utri about any of

La Barbera Deposition Transcript

15:07:24 10 the markers?

15:07:31 11 A. I don't recall and honestly I don't remember.

15:07:36 12 Q. Do you recall having any communications with him
15:07:38 13 about your credit agreement?

15:07:44 14 A. Yes. That I had -- had a credit line open. It says
15:07:53 15 300 here, I've just read this, but I remember 200 anyway.

15:07:59 16 Q. So you spoke to Mr. Dell'Utri about your credit
15:08:02 17 line?

15:08:02 18 A. Yes.

15:08:05 19 Q. Okay. Sitting here today -- I think this is an easy
15:08:09 20 question -- but my hope is, sitting here today, do you know
15:08:16 21 your bank account balances in your Credit Suisse account on
15:08:23 22 the dates that you were present at the Wynn in Las Vegas?

15:08:31 23 A. Yes, I do. 2,200,000 euros.

15:08:37 24 Q. 2,200,000 euros in the Credit Suisse account
15:08:43 25 from March 29 through April 5?
107

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15:08:51 1 A. Yes.

15:08:51 2 Q. How can you recall that?

15:08:53 3 A. Because I remember, because I sent 1 million to
15:08:56 4 Wynn, USD 1 million, that is, to Wynn.

15:09:02 5 Q. And you had a remaining 1.2 million euros in that
15:09:05 6 account?

15:09:08 7 A. Well, at the time the dollar was weaker, actually.
15:09:14 8 It was weaker. .7, if I recalled correctly. .65, something
15:09:22 9 like that.

15:09:24 10 Q. Okay. So, taking away the USD 1 million that was
15:09:30 11 paid to Wynn, how much remained in your bank accounts during
15:09:34 12 that period of time?

La Barbera Deposition Transcript

15:09:34 13 A. 1.5 million roughly, euros.

15:09:36 14 Q. 1.5 million. How much -- during that same time
15:09:48 15 period do you know, off the top of your head, how much money
15:09:51 16 was in your Banca Popolare Italiana account?

15:10:03 17 A. No, honestly. The Swiss one I recall because I have
15:10:10 18 been able to refresh my memory on these credit lines and
15:10:16 19 therefore I have it more vivid in my mind. But that's
15:10:22 20 because I'm seeing the statements of the Swiss account.

15:10:25 21 Q. Okay. During March 29 through April 5, 2008, did
15:10:32 22 you have over USD 1 million in the Banca Popolare Italiana
15:10:42 23 bank account?

15:10:45 24 A. Not USD 1 million, no. Perhaps 5/600,000 euros,
15:10:53 25 possibly. No dollars, I have no dollar account.

108

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15:10:58 1 Q. Okay. So would the euro equivalent in dollars be
15:11:04 2 USD 1 million, or over USD 1 million?

15:11:07 3 MR. ALBREGTS: At that time.

15:11:11 4 A. Well, if they were not in the account they would
15:11:14 5 have been invested somewhere.

15:11:16 6 Q. Okay.

15:11:17 7 MR. ALBREGTS: His question was whether it was
15:11:19 8 equivalent to USD 1 million at that time.

15:11:27 9 A. Yes, I had much more in Switzerland.

15:11:31 10 BY MR. SEMENZA:

15:11:32 11 Q. Okay. So you had euros in your Banca Popolare
15:11:37 12 account?

15:11:37 13 A. Yes.

15:11:37 14 Q. And how many euros did you think you had during that

La Barbera Deposition Transcript

15:11:41 15 period of time?

15:11:42 16 A. That's what I just said. I think if you group up
15:11:48 17 investments and everything else, 600,000, 500,000.

15:11:54 18 Q. Okay, so let's -- let's --

15:11:58 19 A. The reason why I remember Switzerland is because we
15:12:00 20 have all the information here. But I can't recall what
15:12:05 21 I had eight years ago. That's it because that's the
15:12:10 22 average, that used to be the average.

15:12:12 23 Q. So again I don't want to spend a lot of time on
15:12:16 24 this, but how much did you have in that account that was
15:12:20 25 cash, not invested?

109

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15:12:27 1 A. I don't remember. You're talking about the Banca
15:12:30 2 Popolare?

15:12:31 3 Q. Yes.

15:12:32 4 A. I don't remember. I once again say that
15:12:38 5 Credit Suisse is fresh in my mind because I have the
15:12:41 6 statements here. Otherwise I would have to go back to my
15:12:44 7 statements dating back to eight years ago and I can't find
15:12:51 8 them anywhere.

15:12:52 9 Q. Okay.

15:12:52 10 (3:12 p.m.)

15:12:52 11 (Discussion off the record.)

15:12:52 12 (3:14 p.m.)

15:14:34 13 BY MR. SEMENZA:

15:14:37 14 Q. I think I'm getting close.

15:15:22 15 Before you left the Wynn at the end of your trip did
15:15:26 16 you tell anyone that you were so intoxicated that you didn't
15:15:32 17 know that you were signing markers, or something to the

Page 101

La Barbera Deposition Transcript

15:15:35 18 equivalent?

15:15:37 19 MR. ALBREGTS: Anyone at all or anyone at the

15:15:39 20 Wynn?

15:15:39 21 BY MR. SEMENZA:

15:15:40 22 Q. Anyone at the Wynn.

15:15:43 23 A. Not at the Wynn, nobody at the Wynn. When I said

15:15:49 24 when I was speaking the last day I was there I said that in

15:15:54 25 five nights I have -- might have slept three or four hours
110

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15:15:59 1 in five nights.

15:16:01 2 BY MR. SEMENZA:

15:16:02 3 Q. And why was that?

15:16:05 4 A. I just couldn't sleep. I couldn't sleep.

15:16:09 5 Q. But, as far as discussing your level of intoxication

15:16:16 6 during that trip at Wynn, you never spoke to anyone at Wynn

15:16:20 7 about that, did you?

15:16:23 8 A. No.

15:16:27 9 Q. Did you speak to anyone else other than -- well, did

15:16:30 10 you speak to anyone about it?

15:16:34 11 A. Oh, with friends once I got back to Italy, yes.

15:16:44 12 I was a fool to go to Las Vegas.

15:16:53 13 Q. During your conversations with Mr. Pariente after

15:16:59 14 you left the Wynn did you ever discuss with him your level

15:17:04 15 of intoxication on the trip?

15:17:12 16 A. No. I spoke about, mainly after he called me and

15:17:17 17 after he told me what I was getting myself into if I did not

15:17:23 18 pay and the rest and everything else, I didn't speak about

15:17:28 19 this at all with him. Only in conversations around this

La Barbera Deposition Transcript

15:17:33 20 arrest and that's all.

15:17:45 21 MR. SEMENZA: Could we take just a quick break.

15:17:48 22 (3:17 p.m.)

15:18:09 23 (Break taken.)

15:18:09 24 (3:24 p.m.)

15:24:48 25 MR. SEMENZA: Jeff, I would like Mr. La Barbera
111

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15:24:51 1 to sign his signature on a piece of paper for some samplers,

15:25:00 2 if we were to get a handwriting expert.

15:25:05 3 MR. ALBREGTS: Well, the fundamental problem we

15:25:07 4 have with that issue is that any handwriting expert would

15:25:08 5 tell you you have to have samplers contemporaneous with the

15:25:12 6 disputed signature and this is eight years later. But we've

15:25:14 7 spent a lot of time and energy getting over here to Europe,

15:25:19 8 I just want to reserve that objection that these signatures

15:25:22 9 are not contemporaneous with the signature at the time that

15:25:24 10 are allegedly made on the markers in question in 2008.

15:25:33 11 MR. SEMENZA: Can you do -- let's do this. If

15:25:38 12 you can sign this side, a few, and sign a few on this side

15:25:42 13 as well. Make sure there's enough space.

15:25:50 14 THE INTERPRETER: Parallel with the lines?

15:25:52 15 MR. SEMENZA: Just skip some lines.

15:26:21 16 THE INTERPRETER: Is three enough on one column?

15:26:23 17 MR. SEMENZA: Yes. What I would like to do with

15:26:56 18 this is we'll mark this as exhibit 5. What I would like to

15:27:09 19 do, Jeff, with your consent, is I'll like to keep the

15:27:12 20 original. I'll make a photocopy of this document,

15:27:15 21 exhibit 5, and then provide it to the Court Reporter as

15:27:19 22 opposed -- because I am going to need the original.

La Barbera Deposition Transcript

15:27:22 23 MR. ALBREGTS: I understand that, but how are you
15:27:23 24 gonna authenticate it later if you take custody of it and
15:27:28 25 you are an officer of the court? That's why we have the
112

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15:27:31 1 Court Reporter take custody of it.

15:27:34 2 MR. SEMENZA: Do you have an issue with me doing
15:27:34 3 it that way?

15:27:38 4 MR. ALBREGTS: No. I mean, do I trust you? Yes.
15:27:40 5 If that's your question.

15:27:41 6 MR. SEMENZA: We could stipulate we are
15:27:42 7 essentially doing it that way. You tell me what you want to
15:27:47 8 do.

15:27:53 9 MR. ALBREGTS: I've always been a big
15:27:56 10 chain-of-custody guy, LJ, but that's my generation of
15:27:59 11 lawyers.

15:28:00 12 MS. MICHAELS: Can't we have you or some of you
15:28:02 13 kind of sign down at the bottom so we know it's the same
15:28:06 14 document, you can authenticate your own signature --

15:28:09 15 MR. ALBREGTS: The other thing we could do is
15:28:09 16 just have him do another sheet.

15:28:14 17 MR. SEMENZA: But then they're not the same
15:28:15 18 document.

15:28:16 19 MR. ALBREGTS: It doesn't matter, you're
15:28:18 20 comparing signatures. Why would it matter? The whole
15:28:21 21 purpose of the document is to compare a signature. So I
15:28:24 22 guess two originals, it doesn't matter.

15:28:25 23 MR. SEMENZA: Right. Each signature can't be
15:28:30 24 duplicated with an original.

La Barbera Deposition Transcript

15:28:32 25

MR. ALBREGTS: All you're assuming is -- and the
113

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15:28:33 1 handwriting expert would make that assumption -- is that
15:28:35 2 there's gonna be a difference between what he just did and a
15:28:38 3 second sheet of paper.

15:28:40 4 MR. SEMENZA: But there may be, but that's up to
15:28:42 5 the experts. That's the issue, I guess.

15:28:45 6 MR. ALBREGTS: I used to use a guy named
15:28:45 7 John Kettler for many years in the 80s and 90s. In fact,
15:28:45 8 all your predecessors used him too for handwriting analysis.
15:28:56 9 And that never made a difference in his analysis. The whole
15:29:00 10 issue is the signatures are being compared contemporaneous
15:29:03 11 and that you do have original signatures from that time,
15:29:04 12 although they don't always use originals.

15:29:07 13 I'll stipulate to you taking -- it just seems to me
15:29:12 14 it would be a lot easier for him to --

15:29:15 15 MR. SEMENZA: What I'll do is this, if you are
15:29:16 16 fine with it, I will take custody and control of the
15:29:19 17 original signature that will be marked as exhibit 5. Right?

15:29:26 18 MR. ALBREGTS: You might want to get a copyright
15:29:28 19 right now so you're on the record with a copy. Watch out,
15:29:33 20 she's not very good up there. (Pause.)

15:29:35 21 (Exhibit 5 marked for identification)

15:31:30 22 BY MR. SEMENZA:

15:31:30 23 Q. So, with regard to exhibit 5, I've provided the
15:31:34 24 Court Reporter with a photocopy and I'm going to retain the
15:31:38 25 original signature that Mr. La Barbera has provided here
114

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La Barbera Deposition Transcript

15:31:42 1 today. I've also provided a copy of the document to Mr. La
15:31:49 2 Barbera's Italian counsel as well, and American counsel.

15:31:57 3 Mr. La Barbera, do you normally sign documents that
15:32:01 4 you do not read?

15:32:04 5 MR. ALBREGTS: Objection, asked and answered.

15:32:05 6 A. When I work I read everything. In this case the
15:32:18 7 fact was they said things, they added commentary like
15:32:24 8 saying, "This is to increase your credit line." So I didn't
15:32:27 9 read the content.

15:32:33 10 BY MR. SEMENZA:

15:32:33 11 Q. So typically you do read documents before you sign
15:32:36 12 them?

15:32:38 13 A. When I'm not in the casino I read everything.

15:32:42 14 Q. And that is important to you in your business,
15:32:45 15 correct?

15:32:45 16 A. Yes, of course, it's my job.

15:32:47 17 Q. And it's important to you in your personal life as
15:32:50 18 well?

15:32:52 19 A. Of course.

15:32:52 20 Q. Is the only place that you do not read documents
15:32:56 21 before you sign them in a casino?

15:33:01 22 A. I take them for granted there. I take things for
15:33:06 23 granted. I read the amount, 3, 200, 300, for example, and
15:33:12 24 I think that we need to sign to confirm that information
15:33:17 25 increasing, for example, the credit line.

115

♀

La Barbera Deposition Transcript

15:33:20 1 Q. Do you regret not reading the documents that we've
15:33:24 2 gone over today before you've signed them?

15:33:27 3 MR. ALBREGTS: Objection to the extent that he
15:33:29 4 signed the documents, there are some documents he disputes.
15:33:34 5 Go ahead.

15:33:38 6 A. Had I known on arrival at Las Vegas how things
15:33:45 7 worked in that town I would have got onto the next plane
15:33:50 8 back and come back to Italy.

15:33:54 9 BY MR. SEMENZA:

15:33:54 10 Q. But my question is do you regret not reading the
15:33:59 11 documents that you signed?

15:34:05 12 A. I was on my own, I didn't know the language, and
15:34:09 13 I trusted what Alex "Pirate" Pariente said to me.

15:34:19 14 Q. But the way I understand your testimony is that
15:34:23 15 Mr. Pariente didn't say anything that was false, he just
15:34:29 16 didn't explain to you the terms of the documents that you
15:34:33 17 signed.

15:34:34 18 MR. ALBREGTS: Objection to the extent it
15:34:35 19 mischaracterizes the law. An omission of fact is as equally
15:34:38 20 as fraudulent as an outright misrepresentation. Go ahead
15:34:42 21 and answer the question.

15:34:43 22 MR. SEMENZA: Hold on. There couldn't be
15:34:44 23 a misrepresentation because the information was on the face
15:34:49 24 of the document. Go ahead.

15:34:51 25 MR. ALBREGTS: He doesn't read and write English.
116

♀

15:35:01 1 A. Had I know how things operate in Las Vegas, once
15:35:07 2 again I would have taken the first flight back to Italy.

15:35:14 3 MR. SEMENZA: Okay. I don't think I have
Page 107

La Barbera Deposition Transcript

15:35:16 4 anything further at this time.
15:35:19 5 A. This is like a death sentence to a gambler going to
15:35:23 6 Las Vegas.
15:35:28 7 MR. SEMENZA: Go for it Jeff.
15:35:29 8 EXAMINATION BY MR. ALBREGTS:
15:35:29 9 BY MR. ALBREGTS:
15:35:30 10 Q. Thank you. Tell him I'm going to question him now.
15:35:41 11 Mr. La Barbera, when was the first time you met me?
15:35:46 12 A. Yesterday.
15:35:47 13 Q. Last night?
15:35:50 14 A. Yesterday afternoon, yes.
15:35:51 15 Q. And we never communicated before that?
15:35:53 16 A. No.
15:35:54 17 Q. Neither verbally?
15:35:56 18 A. No.
15:35:57 19 Q. Nor by e-mail?
15:35:58 20 A. No.
15:35:59 21 Q. Nor did we write each other love letters?
15:36:02 22 A. No, you're not my type.
15:36:08 23 Q. Likewise.
15:36:12 24 The first time you and I had any opportunity to
15:36:14 25 discuss this case or go above -- or go over any documents
117

♀

15:36:22 1 regarding this case was last night?
15:36:24 2 A. Yes.
15:36:25 3 Q. Among the documents we went over last night were the
15:36:27 4 ones Mr. Semenza gave to me yesterday afternoon. Do you
15:36:32 5 recall that?

La Barbera Deposition Transcript

15:36:32 6 A. Yes, I do.
15:36:53 7 (Exhibit 6 marked for identification)
15:36:56 8 Q. Let me show you what's been marked as exhibit 6.
15:37:01 9 Mr. La Barbera, at the top of the document it's entitled
15:37:05 10 "Mario La Barbera, Player Report". And then, in the middle
15:37:09 11 of the document, it says "summary by trip". Do you see
15:37:16 12 that?
15:37:17 13 A. Yes.
15:37:17 14 Q. It says "trip number 2". Based on your questions
15:37:24 15 from Mr. Semenza all day you only took one trip to Las
15:37:28 16 Vegas, correct?
15:37:29 17 A. Only once, yes.
15:37:30 18 Q. And there's a trip date of August 20, 2008.
15:37:38 19 A. No.
15:37:38 20 Q. You were never in Las Vegas in August 2008?
15:37:41 21 A. No, no.
15:37:41 22 Q. In fact, the reason you wouldn't be in Las Vegas
15:37:45 23 in August 2008 is there was a bench warrant out for your
15:37:50 24 arrest.
15:37:50 25 MR. SEMENZA: Objection, misstates the facts.

118

♀

15:37:52 1 The markers weren't deposited until August 2008.
15:38:03 2 A. I was not in Las Vegas in August. The first time in
15:38:10 3 Las Vegas was the 29th to the 4th or the 5th, whatever it
15:38:15 4 was.
15:38:15 5 BY MR. ALBREGTS:
15:38:15 6 Q. In response to Mr. Semenza's objection, when did you
15:38:19 7 first learn that you would be arrested for not paying
15:38:23 8 a gambling debt in Las Vegas?

Page 109

La Barbera Deposition Transcript

15:38:26 9 MR. SEMENZA: Objection as to relevance --

15:38:30 10 A. From the District Attorney. I was told first by
15:38:34 11 Pariente on the phone and threatened, and then I received
15:38:38 12 a letter of the District Attorney's office.

15:38:44 13 MR. SEMENZA: I would like to complete my
15:38:45 14 objection. So objection as to relevance.

15:38:46 15 BY MR. ALBREGTS:

15:38:47 16 Q. Was that prior to August 2008?

15:38:56 17 A. These are things I don't remember.

15:38:59 18 Q. Thank you. Then going to -- we'll mark next in
15:39:03 19 order as 7.

15:39:27 20 (Exhibit 7 marked for identification)

15:39:28 21 Q. It's the Comps Report. Let me show you what has
15:39:31 22 been marked as exhibit 7, the Comps Report. This is another
15:39:35 23 document Mr. Semenza provided us yesterday. Correct? Do
15:39:42 24 you recall -- is that a "yes"?

15:39:46 25 A. (In English): Yes, yes, yes. (Answer
119

♀

15:39:48 1 interpreted): Yes.

15:39:49 2 Q. We went over this document last night, correct?

15:39:52 3 A. Yes.

15:39:52 4 Q. And on page 2 do you see the last entry, the date
15:40:00 5 is August 21, 2008. Did you have event tickets in 2008 from
15:40:08 6 the Wynn?

15:40:12 7 A. Who is the person who has an event ticket in August?

15:40:14 8 Q. It looks like under -- I think that's the person who
15:40:17 9 provides the Comps. Yes, "issued by".

15:40:23 10 A. (In English): Pariente. Pariente. (Answer

La Barbera Deposition Transcript

15:40:31 11 interpreted): This guy is a twister.

15:40:35 12 Q. Here is my question: you didn't use any event

15:40:40 13 tickets from the Wynn in August 2008?

15:40:44 14 A. No, I was not in Las Vegas in August. (In English):

15:40:55 15 Twister.

15:41:07 16 Q. May I see exhibit 1, please. With reference to

15:41:14 17 exhibit 1 and the questions you were asked by Mr. Semenza

15:41:18 18 today, in reference to page 47 Wynn, above your signature

15:41:26 19 here which you said is your signature, correct?

15:41:31 20 A. (Answer interpreted): Yes.

15:41:32 21 Q. Do you know what this language says?

15:41:38 22 A. No.

15:41:39 23 Q. The same question. Let me read it to you, this is

15:41:42 24 what the language says:

15:41:45 25 "Warning: For the purpose of Nevada law, a credit
120

♀

15:41:49 1 instrument is identical to a personal check and may be

15:41:50 2 deposited in or presented to a bank or other financial

15:41:54 3 institution on which the credit instrument is drawn.

15:42:00 4 wilfully drawn or passing a credit instrument with the

15:42:03 5 intent to defraud, including knowing that there are

15:42:07 6 insufficient funds in the account upon which it may be

15:42:09 7 drawn, is a crime in the State of Nevada which may result in

15:42:14 8 criminal prosecution in addition to civil proceedings to

15:42:17 9 collect the outstanding debt."

15:42:23 10 A. If I had known or if anybody had told me this

15:42:27 11 I would have gone back to Italy on the same -- the same

15:42:34 12 minute.

15:42:35 13 Q. You would have never gambled on credit?

La Barbera Deposition Transcript

15:42:40 14 A. That definitely means drowning oneself.

15:42:43 15 Q. Now, when you signed this did you ask Mr. Pariente
15:42:46 16 what this language said?

15:42:49 17 A. No. No. He just said, "Sign here", and I signed.
15:42:53 18 I didn't think, because I thought all this was necessary for
15:42:57 19 the credit.

15:43:00 20 Q. In other words, you weren't aware of the
15:43:02 21 consequences of not paying debts?

15:43:05 22 A. No.

15:43:45 23 Q. Now, basically what we've heard from you today is
15:43:52 24 that you recognize the signature on your credit application
15:43:58 25 and your credit agreement, but you don't recognize your
121

♀

15:44:04 1 signature on the markers themselves.

15:44:11 2 A. They are not my signatures.

15:44:12 3 Q. Now, the way you and I communicated prior to today
15:44:16 4 was through Mr. Miotti, correct?

15:44:20 5 A. Yes.

15:44:21 6 Q. He is present in the room now?

15:44:24 7 A. Yes.

15:44:24 8 Q. He's your Italian lawyer?

15:44:27 9 A. Yes.

15:44:28 10 Q. And, in these request for admissions, Mr. Semenza
15:44:35 11 asked you to admit or deny certain things. And, among the
15:44:42 12 things he asked you to admit or deny, was whether you had
15:44:46 13 signed the credit instrument, the credit agreement and the
15:44:51 14 credit application. Okay? And, in response to the request
15:44:57 15 regarding your signature on the markers, we responded "it

La Barbera Deposition Transcript

15:45:05 16 appears to be this defendant's signature". Why?

15:45:15 17 A. Because I had not carefully looked at these
15:45:19 18 documents as I did today, and I had not examined the
15:45:25 19 signature with care. It might be that they just put it
15:45:31 20 under my nose when I was full of liquor and they just said
15:45:38 21 sign and I signed. After eight years I've no recollection
15:45:41 22 of it --

15:45:43 23 Q. And --

15:45:44 24 A. -- I was drunk.

15:45:45 25 Q. And, as I understand it, even though you don't
122

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15:45:48 1 recall signing the markers -- which means, if you didn't
15:45:54 2 sign them, somebody else must have signed them -- you are
15:45:59 3 still not willing to say that the markers were forged.

15:46:06 4 A. I cannot say this and I do not say this, I'm just
15:46:09 5 saying that it's not my signature.

15:46:11 6 Q. Because he didn't see anybody else sign them.

15:46:15 7 A. No, I did not.

15:46:17 8 Q. That's why he won't say that?

15:46:20 9 A. That's correct.

15:46:21 10 Q. To be clear: that's why you won't say they're
15:46:25 11 forged?

15:46:27 12 A. That's correct.

15:46:27 13 Q. As I understand it, you won't say something like
15:46:29 14 that unless you know for certain?

15:46:34 15 A. Of course.

15:46:35 16 Q. But you believe the signature on the markers is not
15:46:37 17 your signature?

15:46:39 18 MR. SEMENZA: Jeff, I just want to say that you
Page 113

La Barbera Deposition Transcript

15:46:42 19 can't lead him.

15:46:44 20 MR. ALBREGTS: Okay, I'll stop, on that line of
15:46:50 21 questioning. Just, it was for the sake of economy, I don't
15:46:57 22 know if that was exactly leading anyway, based on what you
15:46:59 23 did earlier.

15:47:00 24 MR. SEMENZA: Well, I can lead him.

15:47:02 25 MR. ALBREGTS: Of course. I mean the foundation
123

♀

15:47:03 1 you established very well throughout the day, sir. You
15:47:07 2 interrupted my train of thought. Hold on a second.
15:47:18 3 (Pause.) well, I'll wrap it up.

15:47:36 4 Q. Would you have gambled on credit if you knew you
15:47:39 5 could be arrested?

15:47:44 6 A. No, absolutely not.

15:47:48 7 Q. Now, after you transferred USD 1 million to the Wynn
15:47:53 8 in 2008, while you were there, did you believe that was the
15:47:59 9 credit you were gambling on?

15:48:03 10 A. That's correct.

15:48:09 11 Q. When you left the Wynn after that trip did anybody
15:48:13 12 from the Wynn tell you you owed the Wynn money?

15:48:17 13 A. No.

15:48:20 14 Q. When was the first time you understood you owed the
15:48:24 15 Wynn money as a result of that trip?

15:48:28 16 A. When Pariente phoned me.

15:48:31 17 Q. I know he's been asked a lot today and it's been
15:48:35 18 a long day, but was that a month after he left, two months
15:48:38 19 after he left? Was it 2008?

15:48:44 20 A. Yes, it was 2008, a couple of months.

La Barbera Deposition Transcript

15:48:48 21 Q. Was it hot outside in Italy?
15:48:53 22 A. I think a couple of months later.
15:48:55 23 Q. June/July?
15:48:58 24 A. (In English): June (Answer interpreted): June-ish.
15:49:03 25 I think June. It was April when I returned. May/June, yes,
124

♀

15:49:11 1 probably June-ish.
15:49:13 2 Q. Was the phone call with him when you were at home
15:49:16 3 here in Italy?
15:49:19 4 A. Yes, it was in Italy but I was on my mobile.
15:49:22 5 Q. Was anybody present in the room when you were
15:49:26 6 speaking to Mr. Pariente that could hear you?
15:49:29 7 A. No.
15:50:19 8 Q. Just for the record, Mr. La Barbera -- I'm sorry,
15:50:36 9 LJ, do you remember what the batesstamp was on the credit
15:50:39 10 application?
15:50:43 11 MR. SEMENZA: Yes, it is 33.
15:50:44 12 BY MR. ALBREGTS:
15:50:45 13 Q. Thank you. I did write it down right. (Pause.) You
15:51:09 14 know, I can't recall and I know you asked him and
15:51:12 15 I apologize. On exhibit 1, wynn, page 33, is that your
15:51:17 16 printing?
15:51:20 17 A. Yes, that's my writing.
15:51:22 18 Q. How about on the right-hand corner where the number
15:51:24 19 is 3580678?
15:51:27 20 A. No, I did not write that.
15:51:29 21 Q. What does that number mean?
15:51:32 22 A. I've no idea. It could be the card number.
15:51:39 23 THE INTERPRETER: Meaning the red card that was
Page 115

La Barbera Deposition Transcript

15:51:42 24 mentioned earlier.

15:51:44 25 BY MR. ALBREGTS:

125

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15:51:45 1 Q. One last question. The printing below your

15:51:47 2 signature on Wynn 33, exhibit 1, is that your printing?

15:51:52 3 A. No, no.

15:51:53 4 Q. Do you know whose that is?

15:51:56 5 A. No.

15:51:56 6 Q. Did anybody else write on this document in your
15:51:59 7 presence after you filled it out? Did you see anybody?

15:52:05 8 A. I don't remember.

15:52:06 9 Q. He doesn't recall?

15:52:07 10 A. I don't remember.

15:52:08 11 MR. ALBREGTS: Thank you for your patience. LJ.

15:52:11 12 MR. SEMENZA: Give me one second, let me see if
15:52:14 13 there's anything else.

15:52:15 14 MR. ALBREGTS: You know what, I'm really sorry,
15:52:17 15 let me talk to Giacomo real quick.

15:52:20 16 (3:52 p.m.)

15:52:24 17 (Break taken.)

15:52:24 18 (3:57 p.m.)

15:56:55 19 BY MR. ALBREGTS:

15:56:57 20 Q. Mr. La Barbera, did you ever go back to Las Vegas
15:57:01 21 for any kind of trip after this trip in 2008?

15:57:04 22 A. No.

15:57:05 23 Q. Did you communicate with anybody from the Wynn after
15:57:09 24 that trip about any debt you owed other than Mr. Pariente or
15:57:14 25 the District Attorney's office?

126

Page 116

La Barbera Deposition Transcript

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15:57:16 1 A. No.

15:57:17 2 Q. Nobody else from the wynn contacted you to speak
15:57:21 3 with you?

15:57:21 4 A. No. As far as I remember, no.

15:57:24 5 MR. ALBREGTS: I'm done. Thank you.

15:57:25 6 EXAMINATION BY MR. SEMENZA:

15:57:25 7 BY MR. SEMENZA:

15:57:39 8 Q. Do you believe that your consumption of alcohol on
15:57:42 9 your trip in March and April of 2008 aggravated your
15:57:50 10 gambling addiction and caused you to gamble more?

15:58:05 11 A. More than worsening my gambling addiction, it put
15:58:11 12 me -- it caused me to lose control. I couldn't -- I was
15:58:18 13 drinking and I couldn't sleep, so it's not so much about the
15:58:21 14 addiction as to my ability to interact, I was a little bit
15:58:27 15 dazed.

15:58:29 16 Q. You would characterize your alcohol inebriation as
15:58:35 17 "a little dazed"?

15:58:52 18 A. I was -- I'm not sure what the right term is --
15:58:58 19 "spaced out" is informal enough. Spaced out, dazed and
15:59:08 20 confused.

15:59:17 21 Q. After you made the wire transfers to the wynn how
15:59:26 22 much did you continue to gamble after those transfers were
15:59:31 23 completed?

15:59:35 24 A. Everything that reached me through the transfers
15:59:38 25 I gambled with. I left the wynn with perhaps USD 100.

127

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La Barbera Deposition Transcript

15:59:46 1 Q. So after you obtained -- after the wire transfers
15:59:52 2 were paid, how much generally do you think you gambled,
16:00:01 3 dollar-wise?

16:00:06 4 A. Up to the end of my million and then the money ran
16:00:09 5 out.

16:00:11 6 Q. Why were you playing on credit after the wire
16:00:16 7 transfers had taken place if you had money at Wynn?

16:00:26 8 MR. ALBREGTS: Objection to the extent he was --
16:00:29 9 or knew or was aware he gambled --

16:00:34 10 A. I had no money at the Wynn of my own. I arrived at
16:00:40 11 the Wynn with nothing. Then I operated the transfers, then
16:00:45 12 I carried out the transfers.

16:00:47 13 BY MR. SEMENZA:

16:00:47 14 Q. When the USD 1 million went to or was wired to Wynn
16:00:55 15 didn't you already owe USD 1 million?

16:01:02 16 A. No. It is clear from the dates that they increased
16:01:11 17 my credit -- when the first transfer arrived, USD 400, they
16:01:21 18 increased my credit line to USD 500,000. Then they gave me
16:01:29 19 a further 100,000, and then from 6 -- when the 600,000
16:01:34 20 arrived, when that transfer arrived, they increased my
16:01:41 21 credit line to 1 million. I've just seen it now so it's
16:01:47 22 fresh in my mind. And I remember that.

16:01:55 23 Q. So it is your contention that you did not lose USD
16:02:00 24 2 million, as Wynn alleges, you essentially only lost USD
16:02:07 25 1 million?

128

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16:02:09 1 A. No, I never thought I had lost USD 2 million.

La Barbera Deposition Transcript

16:02:11 2 I thought I was gambling with USD 1 million. I only found
16:02:16 3 out when Pariente told me.

16:02:19 4 MR. SEMENZA: Okay. I have nothing further.

16:02:22 5 MR. ALBREGTS: Thank you, neither do I.

16:02:57 6 (4:02 p.m.)

16:03:01 7 (whereupon, the deposition concluded at 4:02 p.m.)

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129

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16:03:01 1 CERTIFICATE OF DEPONENT

16:03:01 2

16:03:01 3 I, MARIO LA BARBERA, hereby certify that I have read the
16:03:01 4 foregoing pages, numbered 1 through 129, of my deposition of
16:03:01 4 testimony taken in these proceedings on Thursday, June 11,
Page 119

La Barbera Deposition Transcript

16:03:01 2015 and, with the exception of the changes listed on the
16:03:01 5 next page and/or corrections, if any, find them to be a true
16:03:01 6 and accurate transcription thereof.

16:03:01 7
16:03:01 8
16:03:01 9

16:03:01 10 Signed:

16:03:01 11 Name: MARIO LA BARBERA

16:03:01 12 Date:

16:03:01 13
16:03:01 14
16:03:01 15
16:03:01 16
16:03:01 17
16:03:01 18
16:03:01 19
16:03:01 20
16:03:01 21
16:03:01 22
16:03:01 23
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130

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16:03:01 1 CERTIFICATE OF COURT REPORTER

16:03:01 2

16:03:01 3 I, GEORGIA GOULD, an Accredited Real-time Reporter, hereby

16:03:01 4 certify that the testimony of the witness MARIO LA BARBERA

16:03:01 5 in the foregoing transcript, numbered pages 1 through 129,

16:03:01 6 taken on this 11th day of June, 2015 was recorded by me in

Page 120

La Barbera Deposition Transcript

16:03:01 7 machine shorthand and was thereafter transcribed by me; and
 16:03:01 8 that the foregoing transcript is a true and accurate
 16:03:01 9 verbatim record of the said testimony.

16:03:01 10

16:03:01 11

16:03:01 12 I further certify that I am not a relative, employee,
 16:03:01 13 counsel or financially involved with any of the parties to
 16:03:01 14 the within cause, nor am I an employee or relative of any
 16:03:01 15 counsel for the parties, nor am I in any way interested in
 16:03:01 16 the outcome of the within cause.

16:03:01 17

16:03:01 18

16:03:01 19 Signed:

16:03:01 20 Name: GEORGIA GOULD

16:03:01 21 Date:

16:03:01 22

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131

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16:03:01 1 ERRATA SHEET

16:03:01 2 Case Name: Wynn Las Vegas
 16:03:01 Witness Name: MARIO LA BARBERA
 16:03:01 3 Date: 06/11/2015

Page/Line	From	To
16:03:01 5	____/____	_____
16:03:01 6	____/____	_____
16:03:01 7	____/____	_____
16:03:01 8	____/____	_____
16:03:01 9	____/____	_____

Page 121

La Barbera Deposition Transcript

16:03:01	10	____/____	_____	_____
16:03:01	11	____/____	_____	_____
16:03:01	12	____/____	_____	_____
16:03:01	13	____/____	_____	_____
16:03:01	14	____/____	_____	_____
16:03:01	15	____/____	_____	_____
16:03:01	16	____/____	_____	_____
16:03:01	17	____/____	_____	_____
16:03:01	18	____/____	_____	_____
16:03:01	19	____/____	_____	_____
16:03:01	20	____/____	_____	_____
16:03:01	21	Subscribed and sworn to before		
16:03:01	22	me this 11th day of June, 2015.		
16:03:01	23	_____		
16:03:01	24	MARIO LA BARBERA		
	25			

EXHIBIT C

EXHIBIT C

credit application

Once completed, please mail back or fax it to us at (702) 770-1580. Should you have any questions, please feel free to call us at 1-866-770-7107. Upon arriving at Wynn Las Vegas, please proceed to the Credit Desk adjacent to the Main Cage where we will complete your application. Positive identification will be required to activate your account. Identification should be in the form of a valid driver's license, state-issued ID, passport or active military ID. A major credit card is also required as a second ID.

X 8801 #3580678

Name (Please Print) MARIO LA BARBERA Date of Birth 15/06/852
First Middle Last

Street Address VIA MONTEBELLO NO 10
 City SANTA FLAVIA State ITALY Zip Code 90017

Residence Phone: _____ SSN _____

Email Address MARIO.LA BARBERA@BRUNHIFARMA.COM

Credit Amount Requested \$ 300,000 Firm Name BRUNHIFARMA
 Type of Business PHARMACEUTICAL Position OWNER

Business Phone (_____) _____ Business Fax (_____) _____

Street Address of Firm _____
 City _____ State _____ Zip Code _____

Direct All Correspondence To ☐ Business ☐ Residence ☐ Alternate

Alternate Mailing Address _____

Bank #1 Name (Checking Accounts Only) CREDIT SWISS ABA# _____
 Branch or Street Address _____
 City LUIGANO State L.H Zip Code CH-6900

Account # _____ Account # _____ Deposit _____
 Business _____ Personal 045649084182 Checks To ☐ Business ☐ Personal

Bank #2 Name (Checking Accounts Only) _____ ABA# _____
 Branch or Street Address _____
 City _____ State _____ Zip Code _____

Account # _____ Account # _____ Deposit _____
 Business _____ Personal _____ Checks To ☐ Business ☐ Personal

Anticipated Arrival Date _____

My signature below is authorization for Wynn Las Vegas to obtain and verify credit and employment information from any source including information pertaining to my personal and business accounts in accordance with applicable laws. I will not hold any financial institutions or current or former employers responsible for any information released.

Signature _____

3/29/2008 TTC oliver Damente

First Name Middle Initial Last Name
MARIO LA BARBERA
Date of Birth
06/15/1952
Social Security #

CREDIT AGREEMENT

Street Address of Residence
VIA MORBELLO HOLEO
City State Zip Code
SANTA FLAVIA ITA 90017

Residence Phone
()

New Street Address of Residence (if changed)

City State Zip Code

New Residence Phone
()

Business Name Position
BRUHIFARRA OWNER
Type of Business

Street Address of Business

City State Zip Code

Business Phone
()

New Street Address of Business (if changed)

City State Zip Code

New Business Phone

Bank 1 Name ABA #
WIN BANK 0988999998
Branch Name Street Address

City State Zip Code
WIN BANK NV 89109 USA

Acct. # Business Acct. # Personal
PERSONAL 3580678

Deposit Checks to: Business Personal
YES

Bank 2 Name ABA #

Branch Name Street Address

City State Zip Code

Acct. # Business Acct. # Personal

Deposit Checks to: Business Personal
NO

Send Credit Correspondence to: Business Residence Alternate

Send Marketing Correspondence to: Business Residence Alternate

Alternate Address

Credit Card Verification Required E-mail Address

MARIO LA BARBERA @ BRUHIFARRA

 LAS VEGAS

MARIO LA BARBERA
First Name Middle Initial Last Name
06/15/1952
Date of Birth

3580678
Account Number
\$ 300,000
CREDIT REQUESTED

I give Wynn Las Vegas and its representatives permission to obtain and verify credit information from any source, obtain my credit and employment history and exchange information with others about my credit and account experience with Wynn Las Vegas. I agree not to hold any of these entities responsible or liable for the information released. I agree that Wynn Las Vegas will retain this application whether or not it approves the credit line.

Before drawing on my line of credit, if granted, I agree to sign credit instruments (i.e. checks) in the amount of the draw. I authorize Wynn Las Vegas to complete any of the following missing items on these credit instruments: (1) the name of a payee, (2) any missing amounts, (3) a date, (4) the name, account number, and/or address and branch of any banks and financial institutions and (5) any electronic encoding of the above items. This information can be for any account from which I now have or may in the future have the right to withdraw funds, regardless of whether that account now exists and whether I provided the information on the account to Wynn Las Vegas.

I acknowledge that irrespective of any currency exchange laws in the country in which I reside, I have the ability and intent to legally repay any advance of money to Wynn Las Vegas. I also acknowledge that an independent agent collecting front money deposits or payments on my debt is my agent and not an agent for Wynn Las Vegas or any of its affiliates.

I agree that each draw against my credit line is a separate advance of money by Wynn Las Vegas. If I receive the advance before I execute a credit instrument, I promptly will sign a credit instrument in the amount of the advance.

I agree that Nevada law exclusively governs the terms of the credit line, advances or credit instruments. I agree that Wynn Las Vegas may litigate any dispute involving the credit line, the debt, or the payee in any court, state or federal, in Nevada. I submit to the jurisdiction of any court, state or federal, in Nevada.

Besides any amounts authorized by law, I will pay interest at the rate of 18% per annum from the date of execution of the credit instruments and all costs of collection, including attorney fees and court costs.

WYNN LAS VEGAS ENDORSES RESPONSIBLE GAMING: We will cancel or reduce your credit line upon your request. If you or anyone you know may have a problem gaming responsibly, please call 1-800-622-4700.

I agree that the information set forth above is true and accurate to the best of my knowledge.

Approved Credit Limit Date

Disposition

Credit Executive Signature and ID #

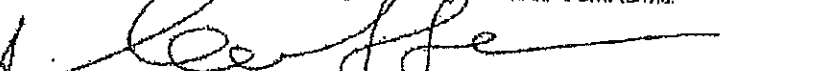
Casino Employee Signature and ID #

Marketing Representative

FOR CASINO USE ONLY

Application Received ☐ Mail ☐ Walk-In ☐ Phone-In Date

Signature acknowledges receipt of Wynn Las Vegas conditions and terms.

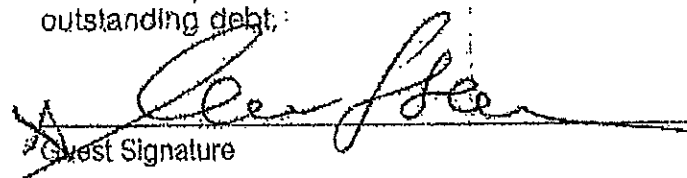


Signature (as it appears on checks)

CR-008 rev-3/08

WYNN-00046

Warning: For the purpose of Nevada law, a credit instrument is identical to a personal check and may be deposited in or presented to a bank or other financial institution on which the credit instrument is drawn. Willfully drawing or passing a credit instrument with the intent to defraud, including knowing that there are insufficient funds in the account upon which it may be drawn, is a crime in the State of Nevada which may result in criminal prosecution in addition to civil proceedings to collect the outstanding debt.

 3/29/08
Guest Signature Date

S

WYNN-00047



CREDIT LINE INCREASE REQUEST

Name M. LA RODRIGUEZ Date 04.02.08
D.O.B. _____ ACCT. # 3580678
Perm. _____ Temp. ☒ Increase Amt. from \$ 600,000 To \$ 650,000
Temp. _____ Increase to consider check in transit as clear Check Amount _____ Deposit Date 1/1

Before drawing on my permanent or temporary marker limit, if granted, I agree to sign credit instruments (i.e. markers or checks) in the amount of the draw. I authorize Wynn Las Vegas to complete any information on the credit instruments as is necessary for the instrument to be presented for payment, including but not limited to (1) name of payee; (2) a date; (3) name, account number and/or address of any of my banks or financial institutions; (4) electronic encoding of the above; and (5) as otherwise authorized by law. I further authorize Wynn Las Vegas to add information relating to any account, which I now have or may in the future have, regardless of whether that account now exists, or whether I provided the information on the account.

I agree that each draw against my marker limit is a separate transaction with Wynn Las Vegas. If I receive funds (ie cash, chips, tokens, etc.) before I execute a credit instrument, I promptly will sign a credit instrument in the amount of the funds provided.

I agree that Nevada law exclusively applies to these transactions. I agree that the exclusive jurisdiction for any dispute arising out of or related to any of the above shall be a federal or state court situated in Clark County, Nevada.

In addition to any amounts authorized by Nevada law, I agree to pay all costs of collection, including attorneys' fees and court costs and interest at the rate of 18%, unless prohibited by Nevada law, and in such case at the highest amount permitted by Nevada law, from the date of issuance of the marker (if dishonored by a financial institution).

Customer Signature

Witness

Title

WYNN LAS VEGAS ENDORSES RESPONSIBLE GAMING

We will cancel or reduce your marker limit upon your request. If you or anyone you know may have a problem gaming responsibly, please call 1-866-770-7107 or request assistance at the Casino Cage.

CR-001

WYNN-00035



CREDIT LINE INCREASE REQUEST

Name M. LA BARBERA Date 03/31/08
D.O.B. _____ ACCT. # 3580678
Perm. _____ Temp. ☒ Increase Amt. from \$ 500,000 To \$ 600,000
Temp. _____ Increase to consider check in transit as clear. Check Amount _____ Deposit Date 1/1/1

Before drawing on my permanent or temporary marker limit, if granted, I agree to sign credit instruments (i.e. markers or checks) in the amount of the draw. I authorize Wynn Las Vegas to complete any information on the credit instruments as is necessary for the instrument to be presented for payment, including but not limited to (1) name of payee; (2) a date; (3) name, account number and/or address of any of my banks or financial institutions; (4) electronic encoding of the above; and (5) as otherwise authorized by law. I further authorize Wynn Las Vegas to add information relating to any account, which I now have or may in the future have, regardless of whether that account now exists, or whether I provided the information on the account.

I agree that each draw against my marker limit is a separate transaction with Wynn Las Vegas. If I receive funds (ie cash, chips, tokens, etc.) before I execute a credit instrument, I promptly will sign a credit instrument in the amount of the funds provided.

I agree that Nevada law exclusively applies to these transactions. I agree that the exclusive jurisdiction for any dispute arising out of or related to any of the above shall be a federal or state court situated in Clark County, Nevada.

In addition to any amounts authorized by Nevada law, I agree to pay all costs of collection, including attorneys' fees and court costs and interest at the rate of 18%, unless prohibited by Nevada law, and in such case at the highest amount permitted by Nevada law, from the date of issuance of the marker (if dishonored by a financial institution).

Customer Signature [Signature]

Witness [Signature]

Title _____

WYNN LAS VEGAS ENDORSES RESPONSIBLE GAMING

We will cancel or reduce your marker limit upon your request. If you or anyone you know may have a problem gaming responsibly, please call 1-866-770-7107 or request assistance at the Casino Cage.

CR-001

WYNN-00036

3580616



CREDIT LINE INCREASE REQUEST

Name M. LA BARBERA Date 03/31/08
D.O.B. _____ ACCT. # _____
Perm. _____ Temp. ☒ Increase Amt. from \$ 400.00 To \$ 500.00
Temp. _____ Increase to consider check in transit as clear. Check Amount _____ Deposit Date 1/1

Before drawing on my permanent or temporary marker limit, if granted, I agree to sign credit instruments (i.e. markers or checks) in the amount of the draw. I authorize Wynn Las Vegas to complete any information on the credit instruments as is necessary for the instrument to be presented for payment, including but not limited to (1) name of payee; (2) a date; (3) name, account number and/or address of any of my banks or financial institutions; (4) electronic encoding of the above; and (5) as otherwise authorized by law. I further authorize Wynn Las Vegas to add information relating to any account, which I now have or may in the future have, regardless of whether that account now exists, or whether I provided the information on the account.

I agree that each draw against my marker limit is a separate transaction with Wynn Las Vegas. If I receive funds (ie cash, chips, tokens, etc.) before I execute a credit instrument, I promptly will sign a credit instrument in the amount of the funds provided.

I agree that Nevada law exclusively applies to these transactions. I agree that the exclusive jurisdiction for any dispute arising out of or related to any of the above shall be a federal or state court situated in Clark County, Nevada.

In addition to any amounts authorized by Nevada law, I agree to pay all costs of collection, including attorneys' fees and court costs and interest at the rate of 18%, unless prohibited by Nevada law, and in such case at the highest amount permitted by Nevada law, from the date of issuance of the marker (if dishonored by a financial institution).

Customer Signature [Signature]

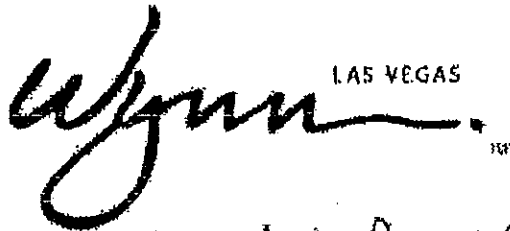
Witness _____ Title _____

[Signature]

WYNN LAS VEGAS ENDORSES RESPONSIBLE GAMING

We will cancel or reduce your marker limit upon your request. If you or anyone you know may have a problem gaming responsibly, please call 1-866-770-7107 or request assistance at the Casino Cage.

CR-001



CREDIT LINE INCREASE REQUEST

Name M. LA BARBERA Date 04/03/08
D.O.B. _____ ACCT. # 3580578
Perm. _____ Temp. ☒ Increase Amt. from \$ 600,000 To \$ 1,000,000
Temp. _____ Increase to consider check in transit as clear. Check Amount _____ Deposit Date 1/1

Before drawing on my permanent or temporary marker limit, if granted, I agree to sign credit instruments (i.e. markers or checks) in the amount of the draw. I authorize Wynn Las Vegas to complete any information on the credit instruments as is necessary for the instrument to be presented for payment, including but not limited to (1) name of payee; (2) a date; (3) name, account number and/or address of any of my banks or financial institutions; (4) electronic encoding of the above; and (5) as otherwise authorized by law. I further authorize Wynn Las Vegas to add information relating to any account, which I now have or may in the future have, regardless of whether that account now exists, or whether I provided the information on the account.

I agree that each draw against my marker limit is a separate transaction with Wynn Las Vegas. If I receive funds (ie cash, chips, tokens, etc.) before I execute a credit instrument, I promptly will sign a credit instrument in the amount of the funds provided.

I agree that Nevada law exclusively applies to these transactions. I agree that the exclusive jurisdiction for any dispute arising out of or related to any of the above shall be a federal or state court situated in Clark County, Nevada.

In addition to any amounts authorized by Nevada law, I agree to pay all costs of collection, including attorneys' fees and court costs and interest at the rate of 18%, unless prohibited by Nevada law, and in such case at the highest amount permitted by Nevada law, from the date of issuance of the marker (if dishonored by a financial institution).

Customer Signature

Witness

Title

WYNN LAS VEGAS ENDORSES RESPONSIBLE GAMING

We will cancel or reduce your marker limit upon your request. If you or anyone you know may have a problem gaming responsibly, please call 1-866-770-7107 or request assistance at the Casino Cage.

CR-001

WYNN-00038



CREDIT LINE INCREASE REQUEST

Name MARCO LASARBERA Date 08/29/08
D.O.B. _____ ACCT. # 3580678
Perm. _____ Temp. ☒ Increase Amt. from \$ 0 To \$ 300,000
Temp. _____ Increase to consider check in transit as clear. Check Amount _____ Deposit Date 1/1/1

Before drawing on my permanent or temporary marker limit, if granted, I agree to sign credit instruments (i.e. markers or checks) in the amount of the draw. I authorize Wynn Las Vegas to complete any information on the credit instruments as is necessary for the instrument to be presented for payment, including but not limited to (1) name of payee; (2) a date; (3) name, account number and/or address of any of my banks or financial institutions; (4) electronic encoding of the above; and (5) as otherwise authorized by law. I further authorize Wynn Las Vegas to add information relating to any account, which I now have or may in the future have, regardless of whether that account now exists, or whether I provided the information on the account.

I agree that each draw against my marker limit is a separate transaction with Wynn Las Vegas. If I receive funds (i.e. cash, chips, tokens, etc.) before I execute a credit instrument, I promptly will sign a credit instrument in the amount of the funds provided.

I agree that Nevada law exclusively applies to these transactions. I agree that the exclusive jurisdiction for any dispute arising out of or related to any of the above shall be a federal or state court situated in Clark County, Nevada.

In addition to any amounts authorized by Nevada law, I agree to pay all costs of collection, including attorneys' fees and court costs and interest at the rate of 18%, unless prohibited by Nevada law, and in such case at the highest amount permitted by Nevada law, from the date of issuance of the marker (if dishonored by a financial institution).

Customer Signature

Witness

Title

WYNN LAS VEGAS ENDORSES RESPONSIBLE GAMING

We will cancel or reduce your marker limit upon your request. If you or anyone you know may have a problem gaming responsibly, please call 1-866-770-7107 or request assistance at the Casino Cage.

CR-001

WYNN-00039

DESK ISSUE RECORD

Marker #: 70601883

MARIO LA BARBERA

3580678

11-SR-01

04/03/2008 10:01

\$100,000

Signature Check

Pit Clerk Sig/ID

DESK PAYMENT RECORD:

Amt Paid Cash

Amt Paid Chips

Redemption #

Posted by Pit Clerk Sig/ID

PAYMENT STUB

Marker #: 70601883

MARIO LA BARBERA

3580678

11-SR-01

04/03/2008 10:01

GDS

\$100,000

Floor Supervisor Sig/ID

Box or Dealer Sig/ID

Amt Paid Cash

Amt Paid Chips

New Marker #

MARIO LA BARBERA

VIA MORRELLO HOLOO
ITALY

SANTA FLAVIA, 90017
Italy

3580678

Pay to Order Of: Wynn Las Vegas

One Hundred Thousand and No/100

Check #: 70601883

04/03/2008 10:01

\$100,000

Payable in United States Dollars

Signature

NON-NEGOTIABLE

DESK ISSUE RECORD

Marker #: 70601886
MARIO LA BARBERA

3580678
11-SR-01
04/03/2008 10:08

\$50,000

Signature Check

Pit Clerk Sig/ID

DESK PAYMENT RECORD:

Amt Paid Cash

Amt Paid Chips

Redemption #

Posted by Pit Clerk Sig/ID

PAYMENT STUB

Marker #: 70601886

MARIO LA BARBERA

3580678
11-SR-01

04/03/2008 10:08

QDS

\$50,000

Floor Supervisor Sig/ID

Box or Dealer Sig/ID

Amt Paid Cash

Amt Paid Chips

New Marker #

MARIO LA BARBERA

VIA MORRELLO HOLED
ITALY
SANTA FLAVIA, 90017
Italy

3580678

Pay to Order Of: Wynn Las Vegas

Fifty Thousand and No/100

Check #: 70601886

04/03/2008 10:08

\$50,000

Payable in United States Dollars

Signature

NON-NEGOTIABLE

CG-014

WYNN-00148

DESK ISSUE RECORD

Marker #: 70601890

MARIO LA BARBERA

3580678

11-SR-01

04/03/2008 10:17

GDS

\$50,000

Signature Check

Pit Clerk Sig/ID

DESK PAYMENT RECORD:

Amt Paid Cash

Amt Paid Chips

Redemption #

Posted by Pit Clerk Sig/ID

PAYMENT STUB

Marker #: 70601890

MARIO LA BARBERA

3580678

11-SR-01

04/03/2008 10:17

GDS

\$50,000

Floor Supervisor Sig/ID

Box or Dealer Sig/ID

Amt Paid Cash

Amt Paid Chips

New Marker #

MARIO LA BARBERA

VIA MORRELLO HOLEO

ITALY

SANTA FLAVIA, 90017

Italy

3580678

Pay to Order Of: Wynn Las Vegas

Fifty Thousand and No/100

Check #: 70601890

04/03/2008 10:17

\$50,000

Payable in United States Dollars

Signature

NON-NEGOTIABLE

DESK ISSUE RECORD

Marker #: 70601892

MARIO LA BARBERA

3580678

11-SR-02

04/03/2008 10:21

GDS

\$100,000

Signature Check

Pit Clerk Sig/ID

DESK PAYMENT RECORD:

Amt Paid Cash

Amt Paid Chips

Redemption #

Posted by Pit Clerk Sig/ID

PAYMENT STUD

Marker #: 70601892

MARIO LA BARBERA

3580678

11-SR-02

04/03/2008 10:21

GDS

\$100,000

Floor Supervisor Sig/ID

Box or Dealer Sig/ID

Amt Paid Cash

Amt Paid Chips

New Marker #

MARIO LA BARBERA

VIA MORRELLO HOLEO
ITALY

SANTA FLAVIA, 90017
Italy

3580678

Pay to Order Of: Wynn Las Vegas

One Hundred Thousand and No/100

Check #:

192

04/03/2008 10:21

\$100,000

Payable in United States Dollars

Signature

NON-NEGOTIABLE

DESK ISSUE RECORD

Marker #: 70601898
MARIO LA BARBERA

3580678
11-SR-01
04/03/2008 10:47 GDS

\$100,000
Signature Check *Mario*
Pit Clerk Sig/ID

DESK PAYMENT RECORD:

Amt Paid Cash
Amt Paid Chips
Redemption #
Posted by Pit Clerk Sig/ID

P PAYMENT STUD

Marker #: 70601898

MARIO LA BARBERA
3580678
11-SR-01

04/03/2008 10:47 GDS
\$100,000

Floor Supervisor Sig/ID
Box or Dealer Sig/ID
Amt Paid Cash Amt Paid Chips
New Marker #

MARIO LA BARBERA
VIA MORRELLO HOLEO
ITALY
SANTA FLAVIA, 90017
Italy

Check #: 70601898

04/03/2008 10:47

3580678

Pay to Order Of: Wynn Las Vegas
One Hundred Thousand and No/100

\$100,000

Payable in United States Dollars

Signature

NON-NEGOTIABLE

DESK ISSUE RECORD

Marker #: 70601900

MARIO LA BARBERA

3580678

11-SR-01

04/03/2008 10:53

GDS

\$50,000

☒ Signature Check

Pit Clerk Sig/ID

DESK PAYMENT RECORD:

Amt Paid Cash

Amt Paid Chips

Redemption #

Posted by Pit Clerk Sig/ID

PAYMENT STUD

Marker #: 70601900

MARIO LA BARBERA

3580678

11-SR-01

04/03/2008 10:53

GDS

\$50,000

Floor Supervisor Sig/ID

Box or Dealer Sig/ID

Amt Paid Cash

Amt Paid Chips

New Marker #

MARIO LA BARBERA

VIA MORRELLO HOLEO

ITALY

SANTA FLAVIA, 90017

Italy

3580678

Pay to Order Of: Wynn Las Vegas

Fifty Thousand and No/100

Check #: 70601900

04/03/2008 10:53

\$50,000

Payable in United States Dollars

Signature

NON-NEGOTIABLE

MARIO LA BARBERA
VIA MORRELLO HOLEO
ITALY
SANTA FLAVIA, 90017
Italy
3580678

Marker Bank

Document #: 70601978

Ref #: 70601126

04/03/2008 14:36 Day

\$50,000

Christopher Hudson

Cashier

Supervisor

MARIO LA BARBERA
VIA MORRELLO HOLEO
ITALY
SANTA FLAVIA, 90017
Italy
3580678

Marker Bank

Document #: 70601978

Ref #: 70601126

04/03/2008 14:36 Day

\$50,000

Christopher Hudson

MARKER

MARIO LA BARBERA
VIA MORRELLO HOLEO
ITALY
SANTA FLAVIA, 90017
Italy
3580678

Check #: 70601978

Pay to Order Of: Wynn Las Vegas

\$50,000

Fifty Thousand and No/100

Payable in United States Dollars

Signature

I authorize the payee to complete any of the following missing items on this instrument: the name of payee; any missing amounts; a date; the name, account number, address and/or branch of any bank or financial institution; and any electronic encoding of the preceding items. I acknowledge that the debt for which this instrument is issued was incurred in Nevada; agree that Nevada law governs the debt and this instrument; submit to the exclusive jurisdiction of any court, state or federal, in Nevada; and agree to pay all costs of collection, including accrued interest at the rate of 18% per annum, attorney's fees and court costs. I further acknowledge that, under Nevada law, this instrument is identical to a personal check, and that willfully drawing or passing a check knowing there are insufficient funds is an account upon which it may be drawn, or with the intent to defraud, is a crime which may result in prosecution.

MARIO LA BARBERA
VIA MORRELLO HOLEO
ITALY
SANTA FLAVIA, 90017
Italy
3580678

Check #: 70601978

04/03/2008 14:36

Pay to Order Of: Wynn Las Vegas

\$50,000

Fifty Thousand and No/100

Payable in United States Dollars

Signature

NON-NEGOTIABLE

WYNN-00149

DESK ISSUE RECORD

Marker #: 70602091
MARIO LA BARBERA

3580678
11-SR-02
04/03/2008 17:53 GDS

\$100,000

ES Signature Check

Pit Clerk Sig/ID

DESK PAYMENT RECORD:

Amt Paid Cash

Amt Paid Chips

Redemption #

Posted by Pit Clerk Sig/ID

MARIO LA BARBERA
VIA MORRELLO-HOLEO
ITALY
SANTA FLAVIA, 90017
Italy

3580678

Pay to Order Of: Wynn Las Vegas

One Hundred Thousand and No/100

PAYMENT STUD

Marker #: 70602091

MARIO LA BARBERA

3580678

11-SR-02

04/03/2008 17:53 GDS

\$100,000

Floor Supervisor Sig/ID

Box or Dealer Sig/ID

Amt Paid Cash

Amt Paid Chips

New Marker #

Check #: 70602091

04/03/2008 17:53

\$100,000

Payable in United States Dollars

Signature

NON-NEGOTIABLE

DESK ISSUE RECORD

Marker #: 70602095

MARIO LA BARBERA

3580678

11-SF-02

04/03/2008 17:59

GDS

\$100,000

Signature Check

Pit Clerk Sig/ID

DESK PAYMENT RECORD:

Amt Paid Cash

Amt Paid Chips

Redemption #

Posted by Pit Clerk Sig/ID

PAYMENT STUB

Marker #: 70602095

MARIO LA BARBERA

3580678

11-SF-02

04/03/2008 17:59

GDS

\$100,000

Floor Supervisor Sig/ID

Boxer Dealer Sig/ID

Amt Paid Cash

Amt Paid Chips

New Marker #

MARIO LA BARBERA

VIA MORRELLO HOLEO
ITALY

SANTA FLAVIA, 90017
Italy

3580678

Pay to Order Of: Wynn Las Vegas

One Hundred Thousand and No/100

Check #: 70602095

04/03/2008 17:59

\$100,000

Payable in United States Dollars

Signature

NON-NEGOTIABLE

DESK ISSUE RECORD

Marker #: 70602099

MARIO LA BARBERA

3580678

11-SR-02

04/03/2008 18:04

GDS

\$100,000

Signature Check

Pit Clerk Sig/ID

DESK PAYMENT RECORD:

Amt Paid Cash

Amt Paid Chips

Redemption #

Posted by Pit Clerk Sig/ID

PAYMENT SLIP

Marker #: 70602099

MARIO LA BARBERA

3580678

11-SR-02

04/03/2008 18:04

GDS

\$100,000

Floor Supervisor Sig/ID

Box or Dealer Sig/ID

Amt Paid Cash

Amt Paid Chips

New Marker #

MARIO LA BARBERA

VIA MORRELLO HOLEO

ITALY

SANTA FLAVIA, 90017

Italy

3580678

Pay to Order Of: Wynn Las Vegas

One Hundred Thousand and No/100

Check #: 70602099

04/03/2008 18:04

\$100,000

Payable in United States Dollars

Signature

NON-NEGOTIABLE

DESK ISSUE RECORD

Marker #: 70602104

MARIO LA BARBERA

3580678

11-SR-02

04/03/2008 18:09

GDS

\$100,000

Signature Check

Pit Clerk Sig/ID

DESK PAYMENT RECORD:

Amt Paid Cash

Amt Paid Chips

Redemption #

Posted by Pit Clerk Sig/ID

PAYMENT STUB

Marker #: 70602104

MARIO LA BARBERA

3580678

11-SR-02

04/03/2008 18:09

GDS

\$100,000

Floor Supervisor Sig/ID

Box or Dealer Sig/ID

Amt Paid Cash

Amt Paid Chips

New Marker #

MARIO LA BARBERA

VIA MORRELLO HOLED

ITALY

SANTA FLAVIA, 90017

Italy

3580678

Pay to Order Of: Wynn Las Vegas

One Hundred Thousand and No/100

Check #: 70602104

04/03/2008 18:09

\$100,000

Payable in United States Dollars

Signature

NON-NEGOTIABLE

DESK ISSUE RECORD

Marker #: 70602124

MARIO LA BARBERA

3580678

11-SR-02

04/03/2008 18:40

GDS

\$100,000

Signature Check

Pit Clerk Sig/ID

DESK PAYMENT RECORD:

Amt Paid Cash

Amt Paid Chips

Redemption #

Posted by Pit Clerk Sig/ID

MARIO LA BARBERA

VIA MORRELLO HOLEO

ITALY

SANTA FLAVIA, 90017

Italy

3580678

Pay to Order Of: Wynn Las Vegas

One Hundred Thousand and No/100

PAYMENT STUB

Marker #: 70602124

MARIO LA BARBERA

3580678

11-SR-02

04/03/2008 18:40

GDS

\$100,000

Floor Supervisor Sig/ID

Box or Dealer Sig/ID

Amt Paid Cash

Amt Paid Chips

New Marker #

Check #: 70602124

04/03/2008 18:40

\$100,000

Payable in United States Dollars

Signature

NON-NEGOTIABLE

EXHIBIT D

EXHIBIT D

Devera, Dolores

3580678

From: Mele, Sandra
Sent: Wednesday, June 18, 2008 10:17 AM
To: Devera, Dolores
Subject: FW: Mario La Barbera
Importance: High

Would please handle this

From: Pariente, Alex
Sent: Tuesday, June 17, 2008 09:29 PM
To: Mele, Sandra
Subject: Mario La Barbera
Importance: High

Hi Sandy

Could you please update this customer profile with the following bank information?:
Banca Popolare Italiana, Filiale di Baghiera, Baghiera; Via diego d'amico. account number
2191028
thank you!



Alex Pariente | Executive Vice President International Marketing
Wynn Las Vegas
3131 Las Vegas Blvd. South | Las Vegas, NV 89109
office 702.770.8803 | cell 702.521.3278 | fax 702.770.1335
alex.pariente@wynnlasvegas.com
From U.K.: 0808 234 6370
From Mexico: 001 866 489 4907
From Argentina: 0800 333 0526
From Brazil: 0800 891 6001

The information contained in this correspondence is confidential and intended for the use of the individual or entity named above. Unauthorized distribution is prohibited.

dd
6/18/08

06/18/2008

EXHIBIT E

EXHIBIT E

Mario La Barbera Player Report

Address Type Home Business	Address VIA MONDELLO 4040 SANTA FLAVIA VIA MAESTRA LS BARBERA 18 SANTA FLAVIA	City PALERMO PALERMO	First Name MARIO	Middle Name		Last Name LA BARBERA	BirthDay 6/15/1952		
				State	ZipCode				
						isMailing	YES	isCredit	YES
						NO	NO		NO
Phone Type	Phone	IsPreferred	AllowMessages						

Identification Type Passport	Region Italy	ID Number B549231	Expiration Date 9/30/2013	Verified Date IsPrimaryID 3/30/2008 YES
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Summary By Month

Year Month	Days In Trip	TG Cash Buy In	TG Net Markers	TG Time Played	TG Avg Bet	TG Actual Win	Slot Coin In	Slot Coin Out	Slot Actual Win
2008 March	3	20200.00	1600000.00	33720	33959.28	598100.00	10340.00	2380.00	-3260.00
2008 April	5	5200.00	2420000.00	49200	29893.73	1400900.00	0.00	0.00	0.00
2008 August	1	0.00	0.00	0	0.00	0.00	0.00	0.00	0.00

44Summary By Year

Year	Days In Trip	TG Cash Buy In	TG Net Markers	TG Time Played	TG Avg Bet	TG Actual Win	Slot Coin In	Slot Coin Out	Slot Actual Win
2008	9	25400.00	4020000.00	82920	31662.40	10340.00	2380.00	-3260.00	

Summary By Trip

Trip Number	Begin Date	End Date	Days In Trip	Room Type	Promotion	Room Folio	TG Cash Buy In	TG Net Markers	TG Time Played	TG Average Bet	TG Actual Win	Slot Coin In	Slot Coin Out	Slot Actual Win
1	03/29/08	04/05/08	8	RFB	None		25400.00	4020000.00	82920	31631.27	1999000.00	10340.00	13600.00	-3260.00
2	08/20/08	08/20/08	1		None		0.00	0.00	00 00	0.00	0.00	0.00	0.00	0.00
1-2	03/29/08	08/20/08	9				25400.00	4020000.00	23 02	31600.20	1999000.00	10340.00	13600.00	-3260.00

Ratings

Start Time	End Time	SiteID	Type	Location	Avg Bet	Time Played	Win	Buy In
3/29/08 5:14 PM	3/29/08 5:48 PM	1	TABLE	11-SR-01(20148)	45000.00	2040	74000.00	0.00
3/29/08 5:48 PM	3/29/08 6:14 PM	1	TABLE	11-SR-02(20149)	45000.00	1560	-111000.00	0.00
3/29/08 6:06 PM	3/29/08 6:25 PM	1	TABLE	11-SR-01(20148)	50000.00	1140	34000.00	0.00
3/29/08 6:26 PM	3/29/08 6:28 PM	1	TABLE	11-SR-01(20148)	50000.00	120	100000.00	0.00
3/29/08 6:26 PM	3/29/08 7:04 PM	1	TABLE	11-SR-02(20149)	50000.00	2280	-636000.00	0.00
3/29/08 7:12 PM	3/29/08 7:35 PM	1	TABLE	11-B1-02(20130)	6000.00	1380	-5000.00	200.00
3/29/08 9:11 PM	3/29/08 9:56 PM	1	TABLE	11-B1-02(20130)	20000.00	2700	-100000.00	0.00
3/30/08 3:46 AM	3/30/08 4 08 AM	1	TABLE	11-SR-01(20148)	55000.00	1320	-195000.00	0.00
3/30/08 3 57 AM	3/30/08 4 08 AM	1	TABLE	11-SR-02(20149)	40000.00	660	50000.00	0.00
3/30/08 4:26 AM	3/30/08 4:50 AM	1	TABLE	11-SR-01(20148)	25000.00	240	60000.00	0.00

WYNN-00128

4643342 03/29/08 Comp In Room Dining Amenity Oth System Redeemed 03/29/08 1 125.00 Alejandro Pariente (457) Opera, Opera () Opera
4643343 03/29/08 Comp In Room Dining Amenity Grat System Redeemed 03/29/08 1 10.00 Alejandro Pariente (457) Opera, Opera () Opera
4645198 03/30/08 Comp Bartolotta Food System Redeemed 03/29/08 1 203.00 Alejandro Pariente (457) Opera, Opera () Opera
4645199 03/30/08 Comp Bartolotta Beverage System Redeemed 03/29/08 1 19.00 Alejandro Pariente (457) Opera, Opera () Opera
4645200 03/30/08 Comp Bartolotta Tax System Redeemed 03/29/08 1 15.19 Alejandro Pariente (457) Opera, Opera () Opera
4645504 03/30/08 Comp Room Revenue System Redeemed 03/29/08 1 1300.00 Alejandro Pariente (457) Opera, Opera () Opera
4646809 03/30/08 Comp In Room Dining Food System Redeemed 03/30/08 1 22.00 Alejandro Pariente (457) Opera, Opera () Opera
4646810 03/30/08 Comp In Room Dining Other System Redeemed 03/30/08 1 5.00 Alejandro Pariente (457) Opera, Opera () Opera
4646811 03/30/08 Comp In Room Dining Tax System Redeemed 03/30/08 1 2.09 Alejandro Pariente (457) Opera, Opera () Opera
4649303 03/30/08 Comp In Room Dining Food System Redeemed 03/30/08 1 25.00 Alejandro Pariente (457) Opera, Opera () Opera
4649304 03/30/08 Comp In Room Dining Tax System Redeemed 03/30/08 1 2.33 Alejandro Pariente (457) Opera, Opera () Opera
4649305 03/30/08 Comp In Room Dining Other System Redeemed 03/30/08 1 5.00 Alejandro Pariente (457) Opera, Opera () Opera
4649350 03/30/08 Comp In Room Dining Food System Redeemed 03/30/08 1 25.00 Alejandro Pariente (457) Opera, Opera () Opera
4649351 03/30/08 Comp In Room Dining Tax System Redeemed 03/30/08 1 1.94 Alejandro Pariente (457) Opera, Opera () Opera
4649448 03/30/08 Comp Mini Bar Food System Redeemed 03/30/08 1 10.00 Alejandro Pariente (457) Opera, Opera () Opera
4649561 03/30/08 Comp In Room Dining Food System Redeemed 03/30/08 1 42.00 Alejandro Pariente (457) Opera, Opera () Opera
4649562 03/30/08 Comp In Room Dining Other System Redeemed 03/30/08 1 5.00 Alejandro Pariente (457) Opera, Opera () Opera
4649563 03/30/08 Comp In Room Dining Tax System Redeemed 03/30/08 1 3.64 Alejandro Pariente (457) Opera, Opera () Opera
4651060 03/31/08 Comp Room Revenue System Redeemed 03/31/08 1 1300.00 Alejandro Pariente (457) Opera, Opera () Opera
4652522 03/31/08 Comp In Room Dining Tax System Redeemed 03/31/08 1 3.95 Alejandro Pariente (457) Opera, Opera () Opera
4652523 03/31/08 Comp In Room Dining Food System Redeemed 03/31/08 1 46.00 Alejandro Pariente (457) Opera, Opera () Opera
4652524 03/31/08 Comp In Room Dining Other System Redeemed 03/31/08 1 5.00 Alejandro Pariente (457) Opera, Opera () Opera
4653241 03/31/08 Comp Mini Bar Food System Redeemed 03/31/08 1 20.00 Alejandro Pariente (457) Opera, Opera () Opera
4653675 03/31/08 Tableau System Redeemed 03/31/08 3 181.00 Alejandro Pariente (457) Kern, Samol (020371) Wynn
4655774 04/01/08 Comp Room Revenue System Redeemed 03/31/08 1 1300.00 Alejandro Pariente (457) Opera, Opera () Opera
4656480 04/01/08 Tableau System Redeemed 03/31/08 1 0.00 Alejandro Pariente (457) Galvan, Eddie (012827) Wynn
4656482 04/01/08 Tableau Gratuity System Redeemed 04/01/08 1 5.00 Alejandro Pariente (457) Opera, Opera () Opera
4657801 04/02/08 Comp Room Revenue System Redeemed 04/01/08 1 1300.00 Alejandro Pariente (457) Opera, Opera () Opera
4658546 04/02/08 Country Club Grill System Redeemed 04/02/08 3 241.00 Alejandro Pariente (457) Allen, Cynthia (009594) Wynn
4659230 04/02/08 Comp Mini Bar Food System Redeemed 04/02/08 1 5.00 Alejandro Pariente (457) Opera, Opera () Opera
4660174 04/02/08 Comp Room Revenue System Redeemed 04/02/08 1 1300.00 Alejandro Pariente (457) Opera, Opera () Opera
4661177 04/03/08 Comp Room Revenue System Redeemed 04/03/08 1 5.00 Alejandro Pariente (457) Opera, Opera () Opera
4661570 04/03/08 Comp In Room Dining Food System Redeemed 04/03/08 1 2.17 Alejandro Pariente (457) Lee, Elaine (1057) Wynn
4661571 04/03/08 Comp In Room Dining Other System Redeemed 04/03/08 1 2.17 Alejandro Pariente (457) Opera, Opera () Opera
4661572 04/03/08 Comp In Room Dining Tax System Redeemed 04/03/08 1 145.00 Alejandro Pariente (457) Opera, Opera () Opera
4662170 04/03/08 Tableau System Redeemed 04/03/08 3 1000.00 Alejandro Pariente (457) Opera, Opera () Opera
4664281 04/03/08 Comp Bartolotta Food System Redeemed 04/03/08 1 320.00 Alejandro Pariente (457) Opera, Opera () Opera
4664282 04/03/08 Comp Bartolotta Beverage System Redeemed 04/03/08 1 102.30 Alejandro Pariente (457) Opera, Opera () Opera
4664283 04/03/08 Comp Bartolotta Tax System Redeemed 04/03/08 1 340.00 Alejandro Pariente (457) Opera, Opera () Opera
4664301 04/03/08 Comp Villa Beverage System Redeemed 04/03/08 1 26.35 Alejandro Pariente (457) Opera, Opera () Opera
4664302 04/03/08 Comp Villa Tax System Redeemed 04/03/08 1 6000.00 Alejandro Pariente (457) Opera, Opera () Opera
4665561 04/04/08 Comp Country Clubs Grill Food System Redeemed 04/04/08 1 216.50 Alejandro Pariente (457) Opera, Opera () Opera
4667559 04/04/08 Comp Country Clubs Grill Tax System Redeemed 04/04/08 1 159.07 Alejandro Pariente (457) Opera, Opera () Opera
4667560 04/04/08 Comp Country Clubs Grill Beverage System Redeemed 04/04/08 1 1836.00 Alejandro Pariente (457) Opera, Opera () Opera
4667561 04/05/08 Comp Room Revenue System Redeemed 04/05/08 1 32.00 Alejandro Pariente (457) Opera, Opera () Opera
4671120 04/05/08 Comp In Room Dining Food System Redeemed 04/05/08 1 2.87 Alejandro Pariente (457) Opera, Opera () Opera
4671260 04/05/08 Comp In Room Dining Tax System Redeemed 04/05/08 1 5.00 Alejandro Pariente (457) Opera, Opera () Opera
4671261 04/05/08 Comp In Room Dining Other System Redeemed 04/05/08 1 64.00 Alejandro Pariente (457) Opera, Opera () Opera
4671262 04/05/08 Comp Villa Food System Redeemed 04/05/08 1 4.96 Alejandro Pariente (457) Opera, Opera () Opera
4672733 04/05/08 Comp Villa Tax System Redeemed 04/05/08 1 11.52 Alejandro Pariente (457) Opera, Opera () Opera
4672734 04/05/08 Comp Villa Gratuity System Redeemed 04/05/08 1 34.00 Alejandro Pariente (457) Ahia, Abraham (05728) Opera
4672750 04/09/08 Mini Bar System Redeemed 04/03/08 1 200.00 Alejandro Pariente (457) Manuel, Laverne (013796) Opera
4694157 04/10/08 Comp Spa Services System Redeemed 04/05/08 1 8.28 Alejandro Pariente (457) Elisworth, Jennie (10526) Opera
4694449 04/11/08 Comp Villa Gratuity System Redeemed 04/05/08 1 5.76 Alejandro Pariente (457) Elisworth, Jennie (10526) Opera
4694500 04/11/08 Comp Villa Gratuity System Redeemed 04/05/08 1 4.50 Alejandro Pariente (457) Elisworth, Jennie (10526) Opera
469451 04/11/08 Comp Villa Gratuity System Redeemed 04/05/08 1 4.14 Alejandro Pariente (457) Elisworth, Jennie (10526) Opera
469452 04/11/08 Comp Villa Gratuity System Redeemed 04/05/08 1 237.60 Alejandro Pariente (457) Elisworth, Jennie (10526) Opera
469453 04/11/08 Comp Villa Gratuity System Redeemed 04/05/08 1 6.30 Alejandro Pariente (457) Elisworth, Jennie (10526) Opera
469454 04/11/08 Comp Villa Gratuity System Redeemed 04/05/08 1 20.00 Alejandro Pariente (457) Elisworth, Jennie (10526) Opera
4698456 04/11/08 Comp Villa Gratuity System Redeemed 04/05/08 1 20.00 Alejandro Pariente (457) Elisworth, Jennie (10526) Opera

4698458	04/11/08	Comp Villa Gratuity	Redeemed	04/05/08	1	7.55	Alejandro Pariente (457)	Ellsworth, Jennie (10526)	Opera
4698695	04/11/08	Comp Country Club Grill Gratuity	Redeemed	04/05/08	1	200.00	Alejandro Pariente (457)	Ellsworth, Jennie (10526)	Opera
4698697	04/11/08	Comp Bartolotta Gratuity	Redeemed	04/05/08	1	39.96	Alejandro Pariente (457)	Ellsworth, Jennie (10526)	Opera
4698884	04/11/08	Comp Phone Local	Redeemed	04/05/08	1	33.25	Alejandro Pariente (457)	Manuel, Laverne (013796)	Opera
4698914	04/11/08	Comp Phone Long Distance	Redeemed	04/05/08	1	561.41	Alejandro Pariente (457)	Manuel, Laverne (013796)	Opera
4698928	04/11/08	Comp Laundry Charge	Redeemed	04/05/08	1	51.38	Alejandro Pariente (457)	Manuel, Laverne (013796)	Opera
4698934	04/11/08	Comp In Room Fax	Redeemed	04/05/08	1	32.42	Alejandro Pariente (457)	Manuel, Laverne (013796)	Opera
4698940	04/11/08	Comp In Room Movie	Redeemed	04/05/08	1	74.97	Alejandro Pariente (457)	Manuel, Laverne (013796)	Opera
4698947	04/11/08	Comp Internet	Redeemed	04/05/08	1	11.99	Alejandro Pariente (457)	Manuel, Laverne (013796)	Opera
4791642	05/03/08	Pro Shop	Redeemed	04/05/08	1	415.00	David International Sisk (00027)	Elam, Dustin (004666)	Wynn
5288415	08/21/08	Event Tickets	Redeemed	08/20/08	2	562.00	Alejandro Pariente (457)	Parrawatson, Lorna (5517)	Wynn

WYNN-00131

MARKER HISTORY REPORT

Date	Document ID	Reference #	Location	Transaction	Status	Amount	Running Balance	Pay Method
6/25/2011 11:08	70601883		Accounting	Marker	Write-Off	-100,000.00	0	
6/25/2011 11:08	70601886		Accounting	Marker	Write-Off	-50,000.00	100,000.00	
6/25/2011 11:07	70601890		Accounting	Marker	Write-Off	-50,000.00	150,000.00	
6/25/2011 11:07	70601892		Accounting	Marker	Write-Off	-100,000.00	200,000.00	
6/25/2011 11:07	70601898		Accounting	Marker	Write-Off	-100,000.00	300,000.00	
6/25/2011 11:07	70601900		Accounting	Marker	Write-Off	-50,000.00	400,000.00	
6/25/2011 11:07	70602091		Accounting	Marker	Write-Off	-100,000.00	450,000.00	
6/25/2011 11:07	70602095		Accounting	Marker	Write-Off	-100,000.00	550,000.00	
6/25/2011 11:07	70602099		Accounting	Marker	Write-Off	-100,000.00	650,000.00	
6/25/2011 11:07	70602104		Accounting	Marker	Write-Off	-100,000.00	750,000.00	
6/25/2011 11:07	70602124		Accounting	Marker	Write-Off	-100,000.00	850,000.00	
6/25/2011 11:07	70601978	70601126	Accounting	Marker	Write-Off	-50,000.00	950,000.00	
1/5/2009 12:43	70601883		Accounting	Marker	Returned	100,000.00	1,000,000.00	
1/5/2009 12:43	70601886		Accounting	Marker	Returned	50,000.00	1,000,000.00	
1/5/2009 12:43	70601890		Accounting	Marker	Returned	50,000.00	1,000,000.00	
1/5/2009 12:42	70601892		Accounting	Marker	Returned	100,000.00	1,000,000.00	
1/5/2009 12:42	70601898		Accounting	Marker	Returned	100,000.00	1,000,000.00	
1/5/2009 12:42	70601900		Accounting	Marker	Returned	50,000.00	1,000,000.00	
1/5/2009 12:42	70601978	70601126	Accounting	Marker	Returned	50,000.00	1,000,000.00	
1/5/2009 12:42	70602091		Accounting	Marker	Returned	100,000.00	1,000,000.00	
1/5/2009 12:42	70602095		Accounting	Marker	Returned	100,000.00	1,000,000.00	
1/5/2009 12:42	70602099		Accounting	Marker	Returned	100,000.00	1,000,000.00	
1/5/2009 12:42	70602124		Accounting	Marker	Returned	100,000.00	1,000,000.00	
1/5/2009 12:42	70602104		Accounting	Marker	Returned	100,000.00	1,000,000.00	
4/3/2008 18:40	70602124		Accounting	Marker	Open	100,000.00	1,000,000.00	
4/3/2008 18:09	70602104		Accounting	Marker	Open	100,000.00	900,000.00	
4/3/2008 18:04	70602099		Accounting	Marker	Open	100,000.00	800,000.00	
4/3/2008 17:59	70602095		Accounting	Marker	Open	100,000.00	700,000.00	
4/3/2008 17:53	70602091		Accounting	Marker	Open	100,000.00	600,000.00	
4/3/2008 17:45	170568882	70601103	Mgr Window 05	Mkr Redpt	Complete	-100,000.00	500,000.00	Front Money(1000000)
4/3/2008 14:36	70601978	70601126	Accounting	Marker	Open	50,000.00	600,000.00	
4/3/2008 14:36	170568776	70601126	Mgr Window 05	Mkr Redpt	Complete	-120,000.00	550,000.00	Marker(50000), Front Money(20700000)
4/3/2008 14:36	170568775	70601122	Mgr Window 05	Mkr Redpt	Complete	-100,000.00	670,000.00	Marker(50000), Front Money(20700000)
4/3/2008 14:36	170568774	70601098	Mgr Window 05	Mkr Redpt	Complete	-100,000.00	770,000.00	Marker(50000), Front Money(20700000)
4/3/2008 14:36	170568773	70601097	Mgr Window 05	Mkr Redpt	Complete	-100,000.00	870,000.00	Marker(50000), Front Money(20700000)
4/3/2008 14:36	170568772	70601096	Mgr Window 05	Mkr Redpt	Complete	-100,000.00	970,000.00	Marker(50000), Front Money(20700000)
4/3/2008 14:36	170568771	70601095	Mgr Window 05	Mkr Redpt	Complete	-100,000.00	1,070,000.00	Marker(50000), Front Money(20700000)
4/3/2008 14:36	170568770	70601092	Mgr Window 05	Mkr Redpt	Complete	-100,000.00	1,170,000.00	Marker(50000), Front Money(20700000)
4/3/2008 14:36	170568769	70601089	Mgr Window 05	Mkr Redpt	Complete	-100,000.00	1,270,000.00	Marker(50000), Front Money(20700000)
4/3/2008 14:36	170568768	70600774	Mgr Window 05	Mkr Redpt	Complete	-100,000.00	1,370,000.00	Marker(50000), Front Money(20700000)
4/3/2008 14:36	170568767	70600748	Mgr Window 05	Mkr Redpt	Complete	-100,000.00	1,470,000.00	Marker(50000), Front Money(20700000)
4/3/2008 14:36	170568766	70600127	Mgr Window 05	Mkr Redpt	Complete	-100,000.00	1,570,000.00	Marker(50000), Front Money(20700000)

MARKER HISTORY REPORT

4/3/2008 14:36	170568765	70600067	Mgr Window 05	Mkr Redpt	Complete	-100,000.00	1,670,000.00	Marker(50000), Front Money(2070000)
4/3/2008 14:36	170568764	70600063	Mgr Window 05	Mkr Redpt	Complete	-100,000.00	1,770,000.00	Marker(50000), Front Money(2070000)
4/3/2008 14:36	170568763	70600062	Mgr Window 05	Mkr Redpt	Complete	-100,000.00	1,870,000.00	Marker(50000), Front Money(2070000)
4/3/2008 14:36	170568762	70600060	Mgr Window 05	Mkr Redpt	Complete	-300,000.00	1,970,000.00	Marker(50000), Front Money(2070000)
4/3/2008 14:36	170568761	70600055	Mgr Window 05	Mkr Redpt	Complete	-100,000.00	2,270,000.00	Marker(50000), Front Money(2070000)
4/3/2008 14:36	170568760	70600053	Mgr Window 05	Mkr Redpt	Complete	-100,000.00	2,370,000.00	Marker(50000), Front Money(2070000)
4/3/2008 14:36	170568759	70600043	Mgr Window 05	Mkr Redpt	Complete	-200,000.00	2,470,000.00	Marker(50000), Front Money(2070000)
4/3/2008 10:53	70601900		Accounting	Marker	Open	50,000.00	2,670,000.00	
4/3/2008 10:47	70601898		Accounting	Marker	Open	100,000.00	2,620,000.00	
4/3/2008 10:21	70601892		Accounting	Marker	Open	100,000.00	2,520,000.00	
4/3/2008 10:17	70601890		Accounting	Marker	Open	50,000.00	2,420,000.00	
4/3/2008 10:08	70601886		Accounting	Marker	Open	50,000.00	2,370,000.00	
4/3/2008 10:01	70601883		Accounting	Marker	Open	100,000.00	2,320,000.00	
4/3/2008 9:52	170568662	70601553	Mgr Window 03	Mkr Redpt	Complete	-50,000.00	2,220,000.00	Front Money(50000)
4/2/2008 17:18	70601553		Marker Bank	Marker	Open	50,000.00	2,270,000.00	
4/1/2008 15:24	70601126		Marker Bank	Marker	Open	120,000.00	2,220,000.00	
4/1/2008 15:13	70601122		Marker Bank	Marker	Open	100,000.00	2,100,000.00	
4/1/2008 13:53	70601103		Marker Bank	Marker	Open	100,000.00	2,000,000.00	
4/1/2008 13:52	170567890	70601085	11-SR-01	Mkr Redpt	Complete	-100,000.00	1,900,000.00	Chips(100000)
4/1/2008 13:52	170567889	70601087	11-SR-01	Mkr Redpt	Complete	-100,000.00	2,000,000.00	Chips(100000)
4/1/2008 13:40	70601098		Marker Bank	Marker	Open	100,000.00	2,100,000.00	
4/1/2008 13:37	70601097		Marker Bank	Marker	Open	100,000.00	2,000,000.00	
4/1/2008 13:34	70601096		Marker Bank	Marker	Open	100,000.00	1,900,000.00	
4/1/2008 13:31	70601095		Marker Bank	Marker	Open	100,000.00	1,800,000.00	
4/1/2008 13:15	70601092		Marker Bank	Marker	Open	100,000.00	1,700,000.00	
4/1/2008 13:05	70601089		Marker Bank	Marker	Open	100,000.00	1,600,000.00	
4/1/2008 13:02	70601087		11-SR-01	Marker	Open	100,000.00	1,500,000.00	
4/1/2008 12:58	70601085		11-SR-01	Marker	Open	100,000.00	1,400,000.00	
4/1/2008 12:57	170567883	70601082	11-SR-01	Mkr Redpt	Complete	-100,000.00	1,300,000.00	Chips(100000)
4/1/2008 12:57	170567882	70601083	11-SR-01	Mkr Redpt	Complete	-100,000.00	1,400,000.00	Chips(100000)
4/1/2008 12:50	70601083		11-SR-01	Marker	Open	100,000.00	1,500,000.00	
4/1/2008 12:48	70601082		11-SR-01	Marker	Open	100,000.00	1,400,000.00	
4/1/2008 12:42	170567875	70601060	11-B5-01	Mkr Redpt	Complete	-100,000.00	1,300,000.00	Chips(100000)
4/1/2008 12:41	170567874	70601050	11-B5-01	Mkr Redpt	Complete	-100,000.00	1,400,000.00	Chips(100000)
4/1/2008 11:44	70601060		11-B5-01	Marker	Open	100,000.00	1,500,000.00	
4/1/2008 11:07	70601050		11-B5-01	Marker	Open	100,000.00	1,400,000.00	
4/1/2008 11:02	170567854	70601045	11-SR-01	Mkr Redpt	Complete	-100,000.00	1,300,000.00	Chips(100000)
4/1/2008 11:01	170567852	70601043	11-SR-01	Mkr Redpt	Complete	-100,000.00	1,400,000.00	Chips(100000)
4/1/2008 10:59	170567851	70601042	11-SR-01	Mkr Redpt	Complete	-100,000.00	1,500,000.00	Chips(100000)
4/1/2008 10:24	70601045		11-SR-01	Marker	Open	100,000.00	1,600,000.00	
4/1/2008 10:20	70601043		11-SR-01	Marker	Open	100,000.00	1,500,000.00	
4/1/2008 10:11	70601042		11-SR-01	Marker	Open	100,000.00	1,400,000.00	
3/31/2008 15:24	70600774		Marker Bank	Marker	Open	100,000.00	1,300,000.00	

MARKER HISTORY REPORT

3/31/2008 14:28	70600748	Marker Bank	Marker	Open	100,000.00	1,200,000.00	
3/30/2008 10:22	70600127	Marker Bank	Marker	Open	100,000.00	1,100,000.00	
3/30/2008 6:04	70600067	Marker Bank	Marker	Open	100,000.00	1,000,000.00	
3/30/2008 5:56	70600063	Marker Bank	Marker	Open	100,000.00	900,000.00	
3/30/2008 5:41	70600062	Marker Bank	Marker	Open	100,000.00	800,000.00	
3/30/2008 5:35	70600060	Marker Bank	Marker	Open	300,000.00	700,000.00	
3/30/2008 5:08	70600055	Marker Bank	Marker	Open	100,000.00	400,000.00	
3/30/2008 5:07	70600053	Marker Bank	Marker	Open	100,000.00	300,000.00	
3/30/2008 4:37	70600043	Marker Bank	Marker	Open	200,000.00	200,000.00	
3/29/2008 21:54	170566420	11-BJ-02	Mkr Redpt	Complete	-100,000.00	0	Chips(100000)
3/29/2008 21:53	170566419	11-BJ-02	Mkr Redpt	Complete	-100,000.00	100,000.00	Chips(100000)
3/29/2008 21:35	70599777	11-BJ-02	Marker	Open	100,000.00	200,000.00	
3/29/2008 21:33	70599775	11-BJ-02	Marker	Open	100,000.00	100,000.00	
3/29/2008 18:46	170566300	11-SR-01	Mkr Redpt	Complete	-100,000.00	0	Chips(100000)
3/29/2008 18:45	170566299	11-SR-01	Mkr Redpt	Complete	-100,000.00	100,000.00	Chips(100000)
3/29/2008 18:44	170566298	11-SR-02	Mkr Redpt	Complete	-100,000.00	200,000.00	Chips(100000)
3/29/2008 18:34	70599643	11-SR-02	Marker	Open	100,000.00	300,000.00	
3/29/2008 18:16	70599632	11-SR-01	Marker	Open	100,000.00	200,000.00	
3/29/2008 18:11	170566284	11-SR-01	Mkr Redpt	Complete	-50,000.00	100,000.00	Chips(50000)
3/29/2008 18:10	170566281	11-SR-01	Mkr Redpt	Complete	-50,000.00	150,000.00	Chips(50000)
3/29/2008 18:07	70599623	11-SR-01	Marker	Open	100,000.00	200,000.00	
3/29/2008 18:01	170566279	11-SR-02	Mkr Redpt	Complete	-100,000.00	100,000.00	Chips(100000)
3/29/2008 17:51	70599606	11-SR-02	Marker	Open	100,000.00	200,000.00	
3/29/2008 17:19	70599584	11-SR-01	Marker	Open	50,000.00	100,000.00	
3/29/2008 17:16	70599582	11-SR-01	Marker	Open	50,000.00	50,000.00	

Skipped Accounts (WLV Marketing Casino)

La Barbera, Mario

Arrival: 03-29-08
Departure: 04-05-08
Room No.: 8808
Wynn Acct. ID: 3580678
Folio: 1660657 2
Conf. No.: 2783456

Date	Description	Credits/Payments	Charges
04-05-08	The Pro Shop		447.16
04-05-08	Direct Bill	447.16	
04-05-08	Direct Bill	-447.16	
04-05-08	Direct Bill	447.16	

Total Credits/Payments: 447.16

Total Charges: 447.16

Balance: 0.00

Alejandro Pariente

La Barbera, Mario

Arrival: 03-29-08
Departure: 04-05-08
Room No.: 8808
Wynn Acct. ID: 3580678
Folio: 1660658 101
Conf. No.: 2783456

Date	Description	Credits/Payments	Charges
03-29-08	Comp In Room Dining Amenity Food		214.73
03-29-08	Comp Bartolotta Food		237.19
03-29-08	Comp Room Revenue		1,300.00
03-30-08	Comp In Room Dining Food		29.09
03-30-08	Comp In Room Dining Food		32.33
03-30-08	Comp In Room Dining Food		26.94
03-30-08	Comp Mini Bar Food		10.00
03-30-08	Comp In Room Dining Food		50.64
03-30-08	Comp Room Revenue		1,300.00
03-31-08	Comp In Room Dining Tax		54.95
03-31-08	Comp Mini Bar Food		20.00
03-31-08	Comp Room Revenue		1,300.00
04-01-08	Comp Mini Bar Food		5.00
04-01-08	Comp Room Revenue		1,300.00
04-02-08	Comp Mini Bar Food		5.00
04-02-08	Comp Room Revenue		1,300.00
04-03-08	Comp In Room Dining Food		30.17
04-03-08	Comp Bartolotta Food		1,422.30
04-03-08	Comp Villa Beverage		366.35
04-03-08	Comp Room Revenue		6,000.00
04-04-08	Comp Country Club Grill Food		2,211.57
04-04-08	Comp Room Revenue		6,000.00
04-05-08	Comp In Room Dining Food		39.87
04-05-08	Comp Spa Services		200.00
04-05-08	Comp Bartolotta Gratuity		39.96
04-05-08	Comp In Room Movie		14.99
04-05-08	Comp Villa Gratuity		4.50
04-05-08	Comp In Room Fax		1.00
04-05-08	Comp In Room Fax		1.00
04-05-08	Comp Villa Gratuity		7.56
04-05-08	Comp In Room Movie		29.99
04-05-08	Comp In Room Fax		2.00
04-05-08	Comp In Room Fax		2.00

Alejandro Pariente

La Barbera, Mario

Arrival: 03-29-08
Departure: 04-05-08
Room No.: 8808
Wynn Acct. ID: 3580678
Folio: 1660658 101
Conf. No.: 2783456

Date	Description	Credits/Payments	Charges
04-05-08	Comp In Room Fax		2.00
04-05-08	Comp In Room Fax		4.00
04-05-08	Comp In Room Fax		2.00
04-05-08	Comp In Room Fax		4.00
04-05-08	Comp Villa Gratuity		6.30
04-05-08	Comp Villa Gratuity		8.28
04-05-08	Comp In Room Movie		29.99
04-05-08	Comp Phone Long Distance		21.89
04-05-08	Comp In Room Fax		14.42
04-05-08	Comp Phone Local		1.25
04-05-08	Comp Phone Local		1.25
04-05-08	Comp Phone Local		1.25
04-05-08	Comp Phone Long Distance		20.23
04-05-08	Comp Phone Long Distance		39.16
04-05-08	Comp Phone Local		1.25
04-05-08	Comp Phone Long Distance		38.33
04-05-08	Comp Phone Long Distance		20.81
04-05-08	Comp Phone Long Distance		25.19
04-05-08	Comp Phone Long Distance		29.57
04-05-08	Comp Phone Long Distance		20.81
04-05-08	Comp Phone Long Distance		20.81
04-05-08	Comp Phone Long Distance		20.81
04-05-08	Comp Phone Long Distance		29.57
04-05-08	Comp Phone Long Distance		25.19
04-05-08	Comp Phone Long Distance		51.10
04-05-08	Comp Phone Long Distance		27.99
04-05-08	Comp Phone Local		1.25
04-05-08	Comp Villa Gratuity		4.14
04-05-08	Comp Phone Local		8.00
04-05-08	Comp Television Internet		11.99
04-05-08	Comp Villa Gratuity		237.60
04-05-08	Comp Villa Gratuity		20.00
04-05-08	Comp Phone Long Distance		23.69

Alejandro Pariente

La Barbera, Mario

Arrival: 03-29-08
Departure: 04-05-08
Room No.: 8808
Wynn Acct. ID: 3580678
Folio: 1660658 101
Conf. No.: 2783456

Date	Description	Credits/Payments	Charges
04-05-08	Comp Phone Long Distance		17.51
04-05-08	Comp Phone Long Distance		17.51
04-05-08	Comp Phone Long Distance		23.69
04-05-08	Comp Phone Long Distance		17.51
04-05-08	Comp Phone Long Distance		14.42
04-05-08	Comp Phone Local		8.00
04-05-08	Comp Country Club Grill Gratuity		200.00
04-05-08	Comp Phone Long Distance		17.51
04-05-08	Comp Laundry Charge		51.38
04-05-08	Comp Phone Local		11.00
04-05-08	Comp Phone Long Distance		17.51
04-05-08	Comp Phone Long Distance		20.60
04-05-08	Comp Villa Gratuity		5.76
04-05-08	Comp Villa Food		68.96
04-05-08	Comp Villa Gratuity		11.52
04-05-08	Comp Settlement	24,836.13	

Total Credits/Payments: 24,836.13

Total Charges: 24,836.13

Balance: 0.00

La Barbera, Mario (#3580678)

COMPS REPORT

0	Issued Date	Description	Status	Redeemed Date	Covers	Points	Comp	Rewards	Authorized By	Issued By	Type	TypeID	IssuedSite	Location	OriginID
4643340	3/29/2008	Comp In Room Dining Amenity Food	System Redeemed	3/29/2008	1	0	65	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4643341	3/29/2008	Comp In Room Dining Amenity Tax	System Redeemed	3/29/2008	1	0	14.73	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4643342	3/29/2008	Comp In Room Dining Amenity Oth	System Redeemed	3/29/2008	1	0	125	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4643343	3/29/2008	Comp In Room Dining Amenity Grat	System Redeemed	3/29/2008	1	0	10	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4645198	3/30/2008	Comp Bartolotta Food	System Redeemed	3/30/2008	1	0	203	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4645199	3/30/2008	Comp Bartolotta Beverage	System Redeemed	3/30/2008	1	0	19	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4645200	3/30/2008	Comp Bartolotta Tax	System Redeemed	3/30/2008	1	0	15.19	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4645504	3/30/2008	Comp Room Revenue	System Redeemed	3/30/2008	1	0	1,300.00	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4646809	3/30/2008	Comp In Room Dining Food	System Redeemed	3/30/2008	1	0	22	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4646810	3/30/2008	Comp In Room Dining Other	System Redeemed	3/30/2008	1	0	5	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4646811	3/30/2008	Comp In Room Dining Tax	System Redeemed	3/30/2008	1	0	2.09	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4649303	3/30/2008	Comp In Room Dining Food	System Redeemed	3/30/2008	1	0	25	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4649304	3/30/2008	Comp In Room Dining Tax	System Redeemed	3/30/2008	1	0	2.33	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4649305	3/30/2008	Comp In Room Dining Other	System Redeemed	3/30/2008	1	0	5	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4649330	3/30/2008	Comp In Room Dining Food	System Redeemed	3/30/2008	1	0	25	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4649331	3/30/2008	Comp In Room Dining Tax	System Redeemed	3/30/2008	1	0	1.94	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4649448	3/30/2008	Comp Mini Bar Food	System Redeemed	3/30/2008	1	0	10	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4649561	3/30/2008	Comp In Room Dining Food	System Redeemed	3/30/2008	1	0	42	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4649562	3/30/2008	Comp In Room Dining Other	System Redeemed	3/30/2008	1	0	5	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4649563	3/30/2008	Comp In Room Dining Tax	System Redeemed	3/30/2008	1	0	3.64	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4651060	3/31/2008	Comp Room Revenue	System Redeemed	3/31/2008	1	0	1,300.00	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4652522	3/31/2008	Comp In Room Dining Tax	System Redeemed	3/31/2008	1	0	3.95	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4652523	3/31/2008	Comp In Room Dining Food	System Redeemed	3/31/2008	1	0	46	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4652524	3/31/2008	Comp In Room Dining Other	System Redeemed	3/31/2008	1	0	5	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4653241	3/31/2008	Comp Mini Bar Food	System Redeemed	3/31/2008	1	0	20	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4653675	3/31/2008	Tableau	System Redeemed	3/31/2008	3	0	181	0	Pariente, Alejandro	Kem, Samol	Comp	2	1	Wynn	1
4655774	4/1/2008	Comp Room Revenue	System Redeemed	4/1/2008	1	0	1,300.00	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4656480	4/1/2008	Tableau	Redeemed	3/31/2008	1	0	0	0	Pariente, Alejandro	Galvan, Eddie	Comp	2	1	Wynn	5
4656482	4/1/2008	Tableau Gratuity	Redeemed	3/31/2008	1	0	0	0	Pariente, Alejandro	Galvan, Eddie	Comp	2	1	Opera	5
4657801	4/1/2008	Comp Mini Bar Food	System Redeemed	4/1/2008	1	0	5	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4658546	4/2/2008	Comp Room Revenue	System Redeemed	4/2/2008	1	0	1,300.00	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4659230	4/2/2008	Country Club Grill	System Redeemed	4/2/2008	3	0	241	0	Pariente, Alejandro	Allen, Cynthia	Comp	2	1	Wynn	1
4660174	4/2/2008	Comp Mini Bar Food	System Redeemed	4/2/2008	1	0	5	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4661177	4/3/2008	Comp Room Revenue	System Redeemed	4/3/2008	1	0	1,300.00	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4661570	4/3/2008	Comp In Room Dining Food	System Redeemed	4/3/2008	1	0	23	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4661571	4/3/2008	Comp In Room Dining Other	System Redeemed	4/3/2008	1	0	5	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4661572	4/3/2008	Comp In Room Dining Tax	System Redeemed	4/3/2008	1	0	2.17	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3
4662170	4/3/2008	Tableau	System Redeemed	4/3/2008	3	0	145	0	Pariente, Alejandro	Lee, Elaine	Comp	2	1	Wynn	1
4664281	4/3/2008	Comp Bartolotta Food	System Redeemed	4/3/2008	1	0	1,000.00	0	Pariente, Alejandro	Opera, Opera	Comp	2	1	Opera	3

La Barbera, Mario (#3580678)

COMPS REPORT

4664282	4/3/2008	Comp Bartolotta Beverage	System Redeemed	4/3/2008	1	0	320	0 Pariente, Alejandro	Opera, Opera	Comp	2	1 Opera	3
4664283	4/3/2008	Comp Bartolotta Tax	System Redeemed	4/3/2008	1	0	102.3	0 Pariente, Alejandro	Opera, Opera	Comp	2	1 Opera	3
4664301	4/3/2008	Comp Villa Beverage	System Redeemed	4/3/2008	1	0	340	0 Pariente, Alejandro	Opera, Opera	Comp	2	1 Opera	3
4664302	4/3/2008	Comp Villa Tax	System Redeemed	4/3/2008	1	0	26.35	0 Pariente, Alejandro	Opera, Opera	Comp	2	1 Opera	3
4665561	4/4/2008	Comp Room Revenue	System Redeemed	4/4/2008	1	0	6,000.00	0 Pariente, Alejandro	Opera, Opera	Comp	2	1 Opera	3
4667559	4/4/2008	Comp Country Club Grill Food	System Redeemed	4/4/2008	1	0	216.5	0 Pariente, Alejandro	Opera, Opera	Comp	2	1 Opera	3
4667560	4/4/2008	Comp Country Club Grill Tax	System Redeemed	4/4/2008	1	0	159.07	0 Pariente, Alejandro	Opera, Opera	Comp	2	1 Opera	3
4667561	4/4/2008	Comp Country Club Grill Beverage	System Redeemed	4/4/2008	1	0	1,836.00	0 Pariente, Alejandro	Opera, Opera	Comp	2	1 Opera	3
4671120	4/5/2008	Comp Room Revenue	System Redeemed	4/5/2008	1	0	6,000.00	0 Pariente, Alejandro	Opera, Opera	Comp	2	1 Opera	3
4671260	4/5/2008	Comp In Room Dining Food	System Redeemed	4/5/2008	1	0	32	0 Pariente, Alejandro	Opera, Opera	Comp	2	1 Opera	3
4671261	4/5/2008	Comp In Room Dining Tax	System Redeemed	4/5/2008	1	0	2.87	0 Pariente, Alejandro	Opera, Opera	Comp	2	1 Opera	3
4671262	4/5/2008	Comp In Room Dining Other	System Redeemed	4/5/2008	1	0	5	0 Pariente, Alejandro	Opera, Opera	Comp	2	1 Opera	3
4672733	4/5/2008	Comp Villa Food	System Redeemed	4/5/2008	1	0	64	0 Pariente, Alejandro	Opera, Opera	Comp	2	1 Opera	3
4672734	4/5/2008	Comp Villa Tax	System Redeemed	4/5/2008	1	0	4.96	0 Pariente, Alejandro	Opera, Opera	Comp	2	1 Opera	3
4672750	4/5/2008	Comp Villa Gratuity	System Redeemed	4/5/2008	1	0	11.52	0 Pariente, Alejandro	Opera, Opera	Comp	2	1 Opera	3
4690069	4/9/2008	Mini Bar	Redeemed	4/8/2008	1	0	34	0 Pariente, Alejandro	Ahia, Abraham	Comp	2	1 Opera	5
4694157	4/10/2008	Comp Spa Services	Redeemed	4/9/2008	1	0	200	0 Pariente, Alejandro	Manuel, Laverne	Comp	2	1 Opera	3
4698449	4/11/2008	Comp Villa Gratuity	Redeemed	4/10/2008	1	0	8.28	0 Pariente, Alejandro	Ellsworth, Jennie	Comp	2	1 Opera	3
4698450	4/11/2008	Comp Villa Gratuity	Redeemed	4/10/2008	1	0	5.76	0 Pariente, Alejandro	Ellsworth, Jennie	Comp	2	1 Opera	3
4698451	4/11/2008	Comp Villa Gratuity	Redeemed	4/10/2008	1	0	4.5	0 Pariente, Alejandro	Ellsworth, Jennie	Comp	2	1 Opera	3
4698452	4/11/2008	Comp Villa Gratuity	Redeemed	4/10/2008	1	0	4.14	0 Pariente, Alejandro	Ellsworth, Jennie	Comp	2	1 Opera	3
4698453	4/11/2008	Comp Villa Gratuity	Redeemed	4/10/2008	1	0	237.6	0 Pariente, Alejandro	Ellsworth, Jennie	Comp	2	1 Opera	3
4698454	4/11/2008	Comp Villa Gratuity	Redeemed	4/10/2008	1	0	6.3	0 Pariente, Alejandro	Ellsworth, Jennie	Comp	2	1 Opera	3
4698456	4/11/2008	Comp Villa Gratuity	Redeemed	4/10/2008	1	0	20	0 Pariente, Alejandro	Ellsworth, Jennie	Comp	2	1 Opera	3
4698458	4/11/2008	Comp Villa Gratuity	Redeemed	4/10/2008	1	0	7.56	0 Pariente, Alejandro	Ellsworth, Jennie	Comp	2	1 Opera	3
4698695	4/11/2008	Comp Country Club Grill Gratuity	Redeemed	4/10/2008	1	0	200	0 Pariente, Alejandro	Ellsworth, Jennie	Comp	2	1 Opera	3
4698697	4/11/2008	Comp Bartolotta Gratuity	Redeemed	4/10/2008	1	0	39.96	0 Pariente, Alejandro	Ellsworth, Jennie	Comp	2	1 Opera	3
4698884	4/11/2008	Comp Phone Local	Redeemed	4/10/2008	1	0	33.25	0 Pariente, Alejandro	Manuel, Laverne	Comp	2	1 Opera	3
4698914	4/11/2008	Comp Phone Long Distance	Redeemed	4/10/2008	1	0	561.41	0 Pariente, Alejandro	Manuel, Laverne	Comp	2	1 Opera	3
4698928	4/11/2008	Comp Laundry Charge	Redeemed	4/10/2008	1	0	51.38	0 Pariente, Alejandro	Manuel, Laverne	Comp	2	1 Opera	3
4698934	4/11/2008	Comp In Room Fax	Redeemed	4/10/2008	1	0	32.42	0 Pariente, Alejandro	Manuel, Laverne	Comp	2	1 Opera	3
4698940	4/11/2008	Comp In Room Movie	Redeemed	4/10/2008	1	0	74.97	0 Pariente, Alejandro	Manuel, Laverne	Comp	2	1 Opera	3
4698947	4/11/2008	Comp Internet	Redeemed	4/10/2008	1	0	11.99	0 Pariente, Alejandro	Manuel, Laverne	Comp	2	1 Opera	3
4791642	5/3/2008	Pro Shop	Redeemed	5/2/2008	1	0	415	0 Sisk, David International	Elam, Dustin	Comp	2	1 Wynn	3
5288415	8/21/2008	Event Tickets	Redeemed	8/20/2008	2	0	562	0 Pariente, Alejandro	Parrawatson, Lorna	Comp	2	1 Wynn	5

Mr. Mario La Barbera
Via Mondello 4040
Santa Flavia
90017 Palermo

Arrival: 03-29-08
Departure: 04-05-08
Room No.: 8808
Wynn Acct. ID: 3580678
Folio: 1660656 1
Conf. No.: 2783456

Date	Description	Credits/Payments	Charges
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