

In the Supreme Court of Nevada

ELAINE P. WYNN, an individual,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
of the State of Nevada, in and for the
County of Clark, and THE HONORABLE
ELIZABETH GONZALEZ, District Judge,

Respondent,

and

WYNN RESORTS, LIMITED, a Nevada
Corporation,

Real Party in Interest.

Electronically Filed
Oct 25 2016 03:31 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

PETITIONER'S SUPPLEMENTAL APPENDIX

VOLUME 7

Pgs. 1233 – 1321

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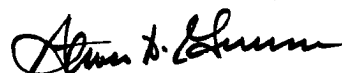
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ELAINE P. WYNN

CLERK OF THE COURT

DISTRICT COURT**CLARK COUNTY, NEVADA****WYNN RESORTS, LIMITED, a Nevada Corporation,**

Plaintiffs,

vs.

**KAZUO OKADA, an individual,
ARUZE USA, Inc., a Nevada corporation,
UNIVERSAL ENTERTAINMENT CORPORATION, a Japanese corporation,**

Defendants.

CASE NO. A-12-656710-B


DEPT. NO: XI

**NOTICE OF ENTRY OF ORDER
REGARDING ELAINE P. WYNN'S MOTION
FOR LEAVE TO TAKE DISCOVERY
REGARDING HER PROTECTED STATUS
AND WYNNRESORTS' VIOLATIONS OF
THE DODD-FRANK AND SARBANES-
OXLEY WHISTLEBLOWER ANTI-
RETALIATION STATUTES ON ORDER
SHORTENING TIME**HEARING DATE: SEPTEMBER 27, 2016
HEARING TIME: 8:30 A.M.**ELECTRONIC FILING CASE****AND ALL RELATED CLAIMS**

1 PLEASE TAKE NOTICE that an Order Regarding Elaine P. Wynn's Motion for Leave to
2 Take Discovery Regarding Her Protected Status and Wynn Resorts' Violations of the Dodd-
3 Frank and Sarbanes-Oxley Whistleblower Anti-Retaliation Statutes on Order Shortening Time
4 was entered on the 10th day of October, 2016, a copy of which is attached.
5

6
7 Dated: October 10, 2016

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of October, 2016, I caused the foregoing **NOTICE OF ENTRY OF ORDER REGARDING ELAINE P. WYNN'S MOTION FOR LEAVE TO TAKE DISCOVERY REGARDING HER PROTECTED STATUS AND WYNN RESORTS' VIOLATIONS OF THE DODD-FRANK AND SARBANES-OXLEY WHISTLEBLOWER ANTI-RETALIATION STATUTES ON ORDER SHORTENING TIME** to be served as follows:

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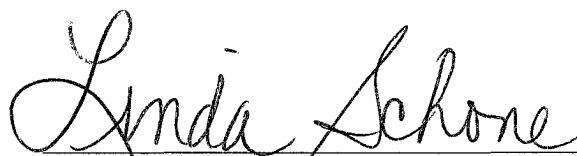
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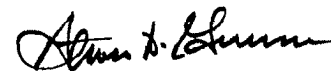
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DISTRICT COURT

CLARK COUNTY, NEVADA

WYNN RESORTS, LIMITED, a Nevada
Corporation,

Plaintiffs,

vs.

KAZUO OKADA, an individual; ARUZE
USA, INC., a Nevada corporation,
UNIVERSAL ENTERTAINMENT
CORPORATION, a Japanese corporation,

Defendants.

AND ALL RELATED CLAIMS.

CASE NO. A-12-656710-B
Dept. No.: XI

**ORDER REGARDING ELAINE P.
WYNN'S MOTION FOR LEAVE TO
TAKE DISCOVERY REGARDING HER
PROTECTED STATUS AND WYNN
RESORTS' VIOLATIONS OF THE
DODD-FRANK AND SARBANES-OXLEY
WHISTLEBLOWER ANTI-
RETALIATION STATUTES ON ORDER
SHORTENING TIME**

1 Elaine P. Wynn's Motion for Leave to Take Discovery Regarding her Protected Status and
2 Wynn Resorts' Violations of the Dodd-Frank and Sarbanes-Oxley Whistleblower Anti-Retaliation
3 Statutes on Order Shortening Time, filed on September 20, 2016 ("Motion for Leave to Take
4 Discovery"), came before this Court for hearing on September 27, 2016.

5 William R. Urga, Esq. and David Malley, Esq. of Jolley Urga Woodbury & Little and Dan
6 Polsenberg, Esq. of Lewis Roca Rothgerber Christie LLP, appeared on behalf of
7 Counterdefendant/Counterclaimant/Cross-claimant Elaine P. Wynn ("Ms. Wynn"). Donald J.
8 Campbell, Esq. and Colby Williams, Esq. of Campbell & Williams appeared on behalf of
9 Counterdefendant/Cross-defendant Stephen A. Wynn. James J. Pisanelli, Esq., Todd L. Bice, Esq.
10 and Debra L. Spinelli, Esq. of Pisanelli Bice PLLC appeared on behalf of
11 Plaintiff/Counterdefendant Wynn Resorts, Limited ("WRL") and Counterdefendants Linda Chen,
12 Russell Goldsmith, Ray R. Irani, Robert J. Miller, John A. Moran, Marc D. Schorr, Alvin V.
13 Shoemaker, Kimmarie Sinatra, D. Boone Wayson, and Allan Zeman (collectively, with WRL, the
14 "Wynn Parties"). J. Stephen Peek, Esq. and Robert Cassity, Esq. of Holland & Hart, LLP
15 appeared on behalf of Defendant Kazuo Okada and Defendants/Counterclaimants/Counter-
16 defendants Aruze USA, Inc. and Universal Entertainment Corp.

17 The Court having reviewed and considered the Motion and the opposition filed thereto, as
18 well as the arguments of counsel presented at the hearing, and good cause appearing therefore,

19 THE COURT HEREBY DENIES Ms. Wynn's Motion for Leave to Take Discovery.

20

21 DATED this 6th day of ^{Oct.}~~September~~, 2016.

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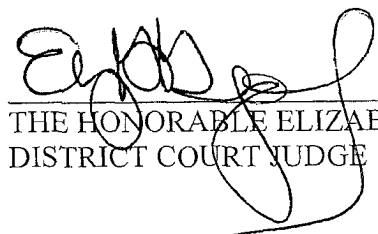
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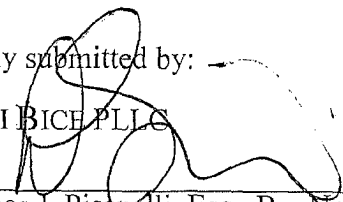
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THE HONORABLE ELIZABETH GONZALEZ
DISTRICT COURT JUDGE

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ELAINE P. WYNN**DISTRICT COURT****CLARK COUNTY, NEVADA****WYNN RESORTS, LIMITED, a Nevada
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Plaintiffs,

vs.

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Defendants.

CASE NO. A-12-656710-B

DEPT. NO: XI

**NOTICE OF ENTRY OF ORDER
REGARDING ELAINE P. WYNN'S MOTION
FOR PROTECTIVE ORDER REGARDING
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DODD-FRANK AND SARBANES-OXLEY
ACT ON ORDER SHORTENING TIME, OR
IN THE ALTERNATIVE MOTION FOR STAY
OF DISCOVERY PENDING RESOLUTION
OF THE MOTION AND/OR WRIT PETITION
IF THE MOTION IS DENIED**

HEARING DATE: SEPTEMBER 20, 2016

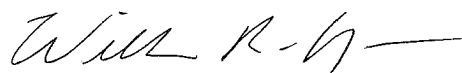
HEARING TIME: 8:30 A.M.

ELECTRONIC FILING CASE**AND ALL RELATED CLAIMS**

1 PLEASE TAKE NOTICE that an Order Regarding Elaine P. Wynn's Motion for
2 Protective Order Regarding Wynn Resorts' Violations of the Dodd-Frank and Sarbanes-Oxley
3 Act on Order Shortening Time, or in the Alternative Motion for Stay of Discovery Pending
4 Resolution of the Motion and/or Writ Petition if the Motion is Denied was entered on the 10th day
5 of October, 2016, a copy of which is attached.
6

7
8 Dated: October 10, 2016

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001243

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of October, 2016, I caused the foregoing **NOTICE OF ENTRY OF ORDER REGARDING ELAINE P. WYNN'S MOTION FOR PROTECTIVE ORDER REGARDING WYNN RESORTS' VIOLATIONS OF THE DODD-FRANK AND SARBANES-OXLEY ACT ON ORDER SHORTENING TIME, OR IN THE ALTERNATIVE MOTION FOR STAY OF DISCOVERY PENDING RESOLUTION OF THE MOTION AND/OR WRIT PETITION IF THE MOTION IS DENIED** to be served as follows:

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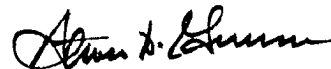
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Attorneys for Counterdefendant/Counterclaimant/Crossclaimant

ELAINE P. WYNN

DISTRICT COURT

CLARK COUNTY, NEVADA

WYNN RESORTS, LIMITED, a Nevada
Corporation,

Plaintiffs,

vs.

KAZUO OKADA, an individual; ARUZE
USA, INC., a Nevada corporation,
UNIVERSAL ENTERTAINMENT
CORPORATION, a Japanese corporation,

Defendants.

AND ALL RELATED CLAIMS.

CASE NO. A-12-656710-B
Dept. No.: XI

**ORDER REGARDING ELAINE P.
WYNN'S MOTION FOR PROTECTIVE
ORDER REGARDING WYNN RESORTS'
VIOLATIONS OF THE DODD-FRANK
AND SARBANES-OXLEY ACT ON
ORDER SHORTENING TIME, OR IN
THE ALTERNATIVE MOTION FOR
STAY OF DISCOVERY PENDING
RESOLUTION OF THE MOTION
AND/OR WRIT PETITION IF THE
MOTION IS DENIED**

10-35-10P02:57 RCVD

1 Counterdefendant/Counterclaimant/Crossclaimant Elaine P. Wynn's Motion for Protective
2 Order Regarding Wynn Resorts' Violations of the Dodd-Frank and Sarbanes-Oxley Act on Order
3 Shortening Time (the "Motion for Protective Order"), or in the Alternative Motion for Stay of
4 Discovery Pending Resolution of the Motion and/or Writ Petition if the Motion is Denied, filed on
5 August 9, 2016 (the "Alternative Motion for Stay") (collectively, the "Motion"), came before this
6 Court for hearing on September 20, 2016. Michael T. Zeller, Esq. of Quinn Emanuel Urquhart &
7 Sullivan, LLP, William R. Urga, Esq. and David Malley, Esq. of Jolley Urga Woodbury & Little
8 and Dan Polsenberg, Esq. of Lewis Roca Rothgerber Christie LLP, appeared on behalf of
9 Counterdefendant/Counterclaimant/Cross-claimant Elaine P. Wynn ("Ms. Wynn"). Donald J.
10 Campbell, Esq. and Colby Williams, Esq. of Campbell & Williams appeared on behalf of
11 Counterdefendant/Cross-defendant Stephen A. Wynn. James J. Pisanelli, Esq., Todd L. Bice, Esq.
12 and Debra L. Spinelli, Esq. of Pisanelli Bice PLLC appeared on behalf of
13 Plaintiff/Counterdefendant Wynn Resorts, Limited ("WRL") and Counterdefendants Linda Chen,
14 Russell Goldsmith, Ray R. Irani, Robert J. Miller, John A. Moran, Marc D. Schorr, Alvin V.
15 Shoemaker, Kimmarie Sinatra, D. Boone Wayson, and Allan Zeman (collectively, with WRL, the
16 "Wynn Parties"). J. Stephen Peek, Esq. and Robert Cassity, Esq. of Holland & Hart, LLP
17 appeared on behalf of Defendant Kazuo Okada and Defendants/Counterclaimants/Counter-
18 defendants Aruze USA, Inc. and Universal Entertainment Corp.

19 The Court having reviewed and considered the Motion and the Opposition filed thereto,
20 the Supplemental Opposition and the Supplemental Reply, as well as the arguments of counsel
21 presented at the hearing, and good cause appearing therefore,

22 THE COURT HEREBY FINDS as follows:

- 23 1. Elaine Wynn is not an employee. Therefore, there is no potential retaliation and no
24 protection under the Sarbanes-Oxley Act of 2002.
- 25 2. Ms. Wynn is not providing information to agencies that would fall within the Dodd-
26 Frank Wall Street Reform and Consumer Protection Act ("DFA"). Therefore, there is
27 no protection for her under the DFA at this time.

28

Accordingly, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Motion for Protective Order Regarding Wynn Resorts' Violations of the Dodd-Frank and Sarbanes-Oxley Act on Order Shortening Time, or in the Alternative Motion for Stay of Discovery Pending Resolution of the Motion and/or Writ Petition if the Motion is Denied, is DENIED as to the Motion for Protective Order, and GRANTED as to the Alternative Motion for Stay as follows:

1. The continued deposition of Ms. Wynn scheduled for September 22 or 23, 2016 is vacated;
2. The stay granted hereby shall continue until and including October 20, 2016. The evidentiary hearing scheduled for September 29 and 30, 2016 is vacated, to be re-set following expiration of the stay granted hereby; and
3. A status check is scheduled for October 20, 2016 at 8:30 a.m.

DATED this 6th day of October, 2016.



THE HONORABLE ELIZABETH GONZALEZ
DISTRICT COURT JUDGE

Respectfully submitted by:

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HOLLAND & HART LLP

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and

and

1 Accordingly, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Motion
 2 for Protective Order Regarding Wynn Resorts' Violations of the Dodd-Frank and Sarbanes-Oxley
 3 Act on Order Shortening Time, or in the Alternative Motion for Stay of Discovery Pending
 4 Resolution of the Motion and/or Writ Petition if the Motion is Denied, is DENIED as to the
 5 Motion for Protective Order, and GRANTED as to the Alternative Motion for Stay as follows:

- 6 1. The continued deposition of Ms. Wynn scheduled for September 22 or 23, 2016 is
 7 vacated;
- 8 2. The stay granted hereby shall continue until and including October 20, 2016. The
 9 evidentiary hearing scheduled for September 29 and 30, 2016 is vacated, to be re-set
 10 following expiration of the stay granted hereby; and
- 11 3. A status check is scheduled for October 20, 2016 at 8:30 a.m.

12

13 DATED this _____ day of _____, 2016.

14

15

16

THE HONORABLE ELIZABETH GONZALEZ
 DISTRICT COURT JUDGE

17

Respectfully submitted by:

18

PISANELLI BICE PLLC

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HOLLAND & HART LLP

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11 *Sinatra, D. Boone Wayson, and Allan Zeman*

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21 Michael T. Zeller, Esq.
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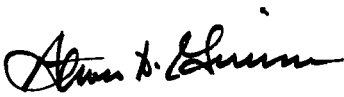
26 and

27 Daniel F. Polsenberg, Esq.
28 Joel D. Henriod, Esq.
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DISTRICT COURT

CLARK COUNTY, NEVADA

WYNN RESORTS, LIMITED, a Nevada
Corporation,

Plaintiff,

vs.

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

Defendants.

AND ALL RELATED CLAIMS

Case No.: A-12-656710-B
Dept. No.: XI

**NOTICE OF ENTRY OF ORDER ON
MOTIONS TO SEAL AND/OR REDACT**

Date of Hearing: September 29, 2016

Time of Hearing: 8:30 a.m.

001251
PISANELLI BICE PLLC
400 SOUTH 7TH STREET, SUITE 300
LAS VEGAS, NEVADA 89101

001251

1 PLEASE TAKE NOTICE that an "Order on Motions to Seal and/or Redact" was entered in
 2 the above-captioned matter on October 11, 2016, a true and correct copy of which is attached hereto.

3 DATED this 11th day of October, 2016.

4 PISANELLI BICE PLLC

5 By: /s/ Debra L. Spinelli

6 James J. Pisanelli, Esq., Bar No. 4027
 7 Todd L. Bice, Esq., Bar No. 4534
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10 Robert L. Shapiro, Esq. (*pro hac vice admitted*)
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17 Attorneys for Wynn Resorts, Limited, Linda Chen,
 18 Russell Goldsmith, Ray R. Irani, Robert J. Miller,
 19 John A. Moran, Marc D. Schorr, Alvin V.
 Shoemaker, Kimmarie Sinatra, D. Boone Wayson,
 and Allan Zeman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 11th day of October 2016, I caused to be **electronically served through the Court's filing system** true and correct copies of the foregoing **NOTICE OF ENTRY OF ORDER ON MOTIONS TO SEAL AND/OR REDACT** to the following:

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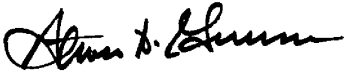
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/s/ Kimberly Peets
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Kimmarie Sinatra, D. Boone Wayson, and Allan Zeman

DISTRICT COURT

CLARK COUNTY, NEVADA

WYNN RESORTS, LIMITED, a Nevada
Corporation,

Plaintiff,

vs.

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

Defendants.

AND ALL RELATED CLAIMS

Case No.: A-12-656710-B
Dept. No.: XI

**ORDER ON MOTIONS TO SEAL
AND/OR REDACT**

Date of Hearing: September 29, 2016

Time of Hearing: 8:30 a.m.

PISANELLI BICE PLLC
400 SOUTH 7TH STREET, SUITE 300
LAS VEGAS, NEVADA 89101
001254

001254

1 The following Motions came before this Court for a hearing on September 29, 2016:

2 1. Motion to Seal Wynn Resorts, Limited's Motion to (1) Adopt its Confidentiality
3 Designations for Elaine P. Wynn's Deposition Testimony, et al.; Application for Order Shortening
4 Time, filed on September 27, 2016; and

5 2. Motion to Seal Wynn Resorts, Limited's Opposition to Elaine P. Wynn's Motion
6 for Leave to Take Discovery Regarding Her Protected Status and Wynn Resorts' Violations of the
7 Dodd-Frank and Sarbanes-Oxley Whistleblower Anti-Retaliation Statutes on Order Shortening
8 Time; Application for Order Shortening Time, filed on September 27, 2016.

9 Upon review of the papers and pleadings on file in this matter, the Court finds the exhibits
10 and portions of the underlying filings contain sensitive commercial information creating a
11 compelling interest in protecting these documents from widespread dissemination to the public in
12 furtherance of the Wynn Parties' Protective Order with Respect to Confidentiality entered by this
13 Court therein on February 14, 2013, which outweighs the public disclosure of said information in
14 accordance with Rule 3(1) of the Nevada Supreme Court's Rules Governing Sealing and
15 Redacting of Court Records. Therefore, good cause appearing therefor:

16 THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES that:

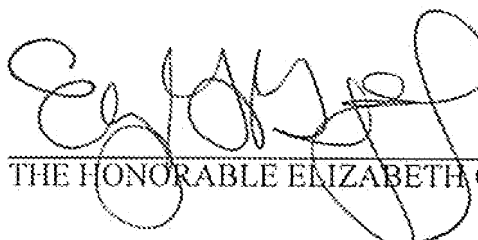
17 1. The Motion to Seal Wynn Resorts, Limited's Motion to (1) Adopt its
18 Confidentiality Designations for Elaine P. Wynn's Deposition Testimony, et al; Application for
19 Order Shortening Time is GRANTED as follows: The Motion is ordered REDACTED given the
20 sensitive commercial information contained in the documents.

21 2. The Motion to Seal Wynn Resorts, Limited's Opposition to Elaine P. Wynn's
22 Motion for Leave to Take Discovery Regarding Her Protected Status and Wynn Resorts'
23 Violations of the Dodd-Frank and Sarbanes-Oxley Whistleblower Anti-Retaliation Statutes on
24 Order Shortening Time; Application for Order Shortening Time is GRANTED as follows: The
25 Opposition is ordered REDACTED given the sensitive commercial information contained in the
26 documents.

27 3. Wynn Resorts, Limited shall provide proposed redactions of the foregoing to the
28 Court for approval within 10 days of entry of this Order.

4. The order granting the above-referenced Motions and requiring Wynn Resorts, Limited to provide proposed redactions is STAYED until and including October 20, 2016. The above-referenced filings will remain under seal until after the expiration of the stay and after the Court reviews and approves the proposed redactions.

DATED: 10/10/16



THE HONORABLE ELIZABETH GONZALEZ

Respectfully submitted by:

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Attorneys for Defendants Kazuo Okada, Aruze USA, Inc. and Universal Entertainment Corp.

4. The order granting the above-referenced Motions and requiring Wynn Resorts, Limited to provide proposed redactions is STAYED until and including October 20, 2016. The above-referenced filings will remain under seal until after the expiration of the stay and after the Court reviews and approves the proposed redactions.

DATED: _____

THE HONORABLE ELIZABETH GONZALEZ

Respectfully submitted by:

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HOLLAND & HART LLP

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By: _____

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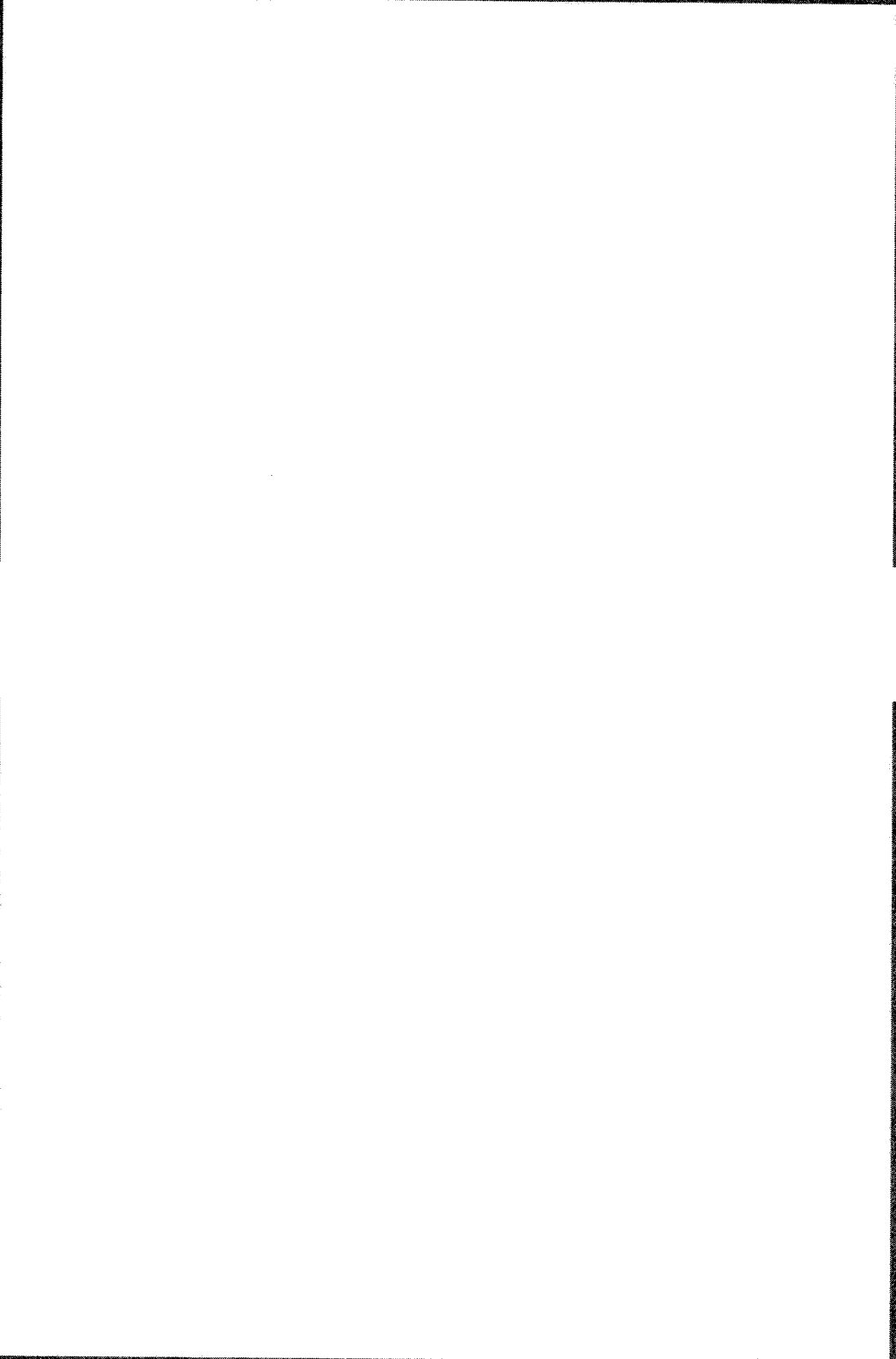
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001259



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 and Universal Entertainment Corp.*

DISTRICT COURT**CLARK COUNTY, NEVADA**

WYNN RESORTS, LIMITED, a Nevada
 corporation,

Plaintiff,
 v.

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

Defendants.

AND ALL RELATED CLAIMS.

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

**NOTICE OF ENTRY OF ORDER
 GRANTING THE ARUZE PARTIES'
 MOTION TO COMPEL SERVICE OF
 CERTAIN FILINGS AND THE
 DEPOSITION TRANSCRIPT OF
 ELAINE P. WYNN**

Electronic Filing Case

Hearing Date:
 Hearing Time:

1
2
3 PLEASE TAKE NOTICE that an Order Granting the Aruze Parties' Motion to Compel
4 Service of Certain Filings and The Deposition Transcript of Elaine P. Wynn was entered on the
5 12th day of October 2016. A copy is attached hereto.

6 DATED this 13th day of October 2016.

7
8 By /s/ Robert J. Cassity
9 J. Stephen Peek, Esq. (1758)
10 Bryce K. Kunimoto, Esq. (7781)
11 Robert J. Cassity, Esq. (9779)
12 HOLLAND & HART LLP
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25 *Defendants/Counterclaimants Aruze USA, Inc.,*
26 *and Universal Entertainment Corp.*
27
28

001261

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of October 2016, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING THE ARUZE PARTIES' MOTION TO COMPEL SERVICE OF CERTAIN FILINGS AND THE DEPOSITION TRANSCRIPT OF ELAINE P. WYNN** was served by the following method(s):

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

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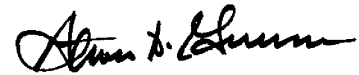
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DISTRICT COURT**CLARK COUNTY, NEVADA**

WYNN RESORTS, LIMITED, a Nevada
 corporation,

Plaintiff,
 v.

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

Defendants.

AND ALL RELATED CLAIMS.

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

**ORDER GRANTING THE ARUZE
 PARTIES' MOTION TO COMPEL
 SERVICE OF CERTAIN FILINGS AND
 THE DEPOSITION TRANSCRIPT OF
 ELAINE P. WYNN**

Electronic Filing Case

Hearing Date: Sept. 27, 2016
 Hearing Time: 8:30 a.m.

Defendants Aruze USA, Inc., Universal Entertainment Corp. and Kazuo Okada (the

1 “Aruze Parties”) filed their Motion to Compel Service of Certain Filings and the Deposition
 2 Transcript of Elaine P. Wynn (the “Motion”) on September 23, 2016. After briefing, the Motion
 3 came before this Court for hearing on September 27, 2016. James J. Pisanelli, Esq., Todd L.
 4 Bice, Esq., and Debra L. Spinelli, Esq., of PISANELLI BICE PLLC, appeared on behalf of
 5 Plaintiff/Counterdefendant Wynn Resorts, Limited (“WRL”) and Counterdefendants Linda
 6 Chen, Russell Goldsmith, Ray R. Irani, Robert J. Miller, John A. Moran, Marc D. Schorr, Alvin
 7 V. Shoemaker, Kimmarie Sinatra, D. Boone Wayson, and Allan Zeman (collectively, with WRL,
 8 the “Wynn Parties”). Donald J. Campbell, Esq. of Campbell & Williams, appeared on behalf of
 9 Counterdefendant/Cross-defendant Stephen A. Wynn (“Mr. Wynn”). Dan Polsenberg, Esq. of
 10 Lewis Roca Rothgerber Christie, LLP, William R. Urga, Esq. and David J. Malley, Esq. of Jolley
 11 Urga Woodbury & Little, and Michael Zeller of Quinn Emanuel Urquhart & Sullivan LLP,
 12 appeared on behalf of Counterdefendant/Counterclaimant/Cross-claimant Elaine P. Wynn (“Ms.
 13 Wynn”). And, J. Stephen Peek, Esq. and Robert J. Cassity, Esq. of Holland & Hart LLP appeared
 14 on behalf of the Aruze Parties.

15 The Court having considered the Motion, the Opposition filed by Ms. Wynn, as well as
 16 the arguments of counsel presented at the hearing, and good cause appearing therefor, IT IS
 17 HEREBY ORDERED, ADJUDGED, AND DECREED that the Motion is GRANTED as
 18 follows:

19 1. During the September 20, 2016 hearing, the Court found that Ms. Wynn is not an
 20 employee of Wynn Resorts, Limited. Therefore, there is no potential retaliation and no
 21 protection under the Sarbanes-Oxley Act of 2002 (“SOX”). The Court also found that Ms.
 22 Wynn is not providing information to agencies that would fall within the Dodd-Frank Wall Street
 23 Reform and Consumer Protection Act (“DFA”). Therefore, Ms. Wynn is not entitled to
 24 protection under the DFA at this time.

25 2. Ms. Wynn has failed to establish a basis upon which any party is not required to
 26 comply with Rule 5(a) of the Nevada Rules of Civil Procedure with respect to filings that
 27 concern information Ms. Wynn claims is subject to protection under SOX or DFA.
 28

1 3. Ms. Wynn shall immediately serve the Aruze Parties with all of her filings that
2 have not been served upon the Aruze Parties on the basis of Ms. Wynn's claim of protections
3 under SOX or the DFA, subject to the provisions of the *Protocol Regarding Service of Filings*
4 *Related to Motion to Disqualify Quinn Emanuel* dated September 20, 2016 (the "Protocol") for
5 filings containing information that is the subject of a claim of attorney-client privilege and/or
6 work product doctrine.

7 4. The Wynn Parties shall immediately serve the Aruze Parties with all of their
8 filings that have not been served upon the Aruze Parties on the basis of Ms. Wynn's claim of
9 protections under SOX or the DFA, subject to the provisions of the Protocol for filings
10 containing information that is the subject of a claim of attorney-client privilege and/or work
11 product doctrine.

12 5. The Wynn Parties and Ms. Wynn shall provide to counsel for the Aruze Parties a
13 copy of the deposition transcript of Ms. Wynn's deposition taken on August 15, 2016.

14 6. This Order is stayed until October 20, 2016 to enable Ms. Wynn to seek writ
15 relief from the Nevada Supreme Court. Absent relief from the Nevada Supreme Court, Ms.
16 Wynn and the Wynn Parties shall comply with the requirements of Paragraphs 3-5 of this Order
17 no later than October 21, 2016.

18 DATED this 10 day of ^{October}~~September~~ 2016.

19
20 
21 THE HONORABLE ELIZABETH GONZALEZ
22 EIGHTH JUDICIAL DISTRICT COURT

23 Respectfully submitted by:

24 By: 
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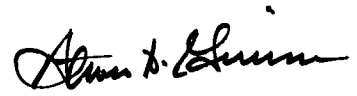
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16 **DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18 WYNN RESORTS, LIMITED, a Nevada
Corporation,

19 Plaintiff,

20 vs.

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

23 Defendants.

24 AND ALL RELATED CLAIMS

Case No.: A-12-656710-B
Dept. No.: XI

**NOTICE OF ENTRY OF ORDER ON
MOTIONS TO SEAL AND/OR REDACT**

Date of Hearing: October 4, 2016

Time of Hearing: 8:30 a.m.

001268
PISANELLI BICE PLLC
400 SOUTH 7TH STREET, SUITE 300
LAS VEGAS, NEVADA 89101

001268

1 PLEASE TAKE NOTICE that an "Order on Motions to Seal and/or Redact" was entered in
 2 the above-captioned matter on October 13, 2016, a true and correct copy of which is attached hereto.

3 DATED this 13th day of October, 2016.

4 PISANELLI BICE PLLC

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 19 John A. Moran, Marc D. Schorr, Alvin V.
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 and Allan Zeman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 13th day of October 2016, I caused to be **electronically served through the Court's filing system** true and correct copies of the foregoing **NOTICE OF ENTRY OF ORDER ON MOTIONS TO SEAL AND/OR REDACT** to the following:

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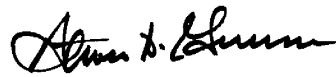
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John A. Moran, Marc D. Schorr, Alvin V. Shoemaker,
Kimmarie Sinatra, D. Boone Wayson, and Allan Zeman**DISTRICT COURT****CLARK COUNTY, NEVADA**WYNN RESORTS, LIMITED, a Nevada
Corporation,

Plaintiff,

vs.

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

Defendants.

AND ALL RELATED CLAIMS

Case No.: A-12-656710-B
Dept. No.: XI**ORDER ON MOTIONS TO SEAL
AND/OR REDACT**

Date of Hearing: October 4, 2016

Time of Hearing: 8:30 a.m.

PISANELLI BICE PLLC
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001271

Wynn Resorts, Limited's Motion to Seal Appendix to Wynn Resorts, Limited's Motion to (1) Adopt its Confidentiality Designations for Elaine P. Wynn's Deposition Testimony, et al.; Application for Order Shortening Time, filed on September 29, 2016, came before this Court for a hearing on October 4, 2016.

Upon review of the papers and pleadings on file in this matter, the Court finds that the Appendix contains sensitive commercial information creating a compelling interest in protecting these documents from widespread dissemination to the public in furtherance of the Wynn Parties' Protective Order with Respect to Confidentiality entered by this Court therein on February 14, 2013, which outweighs the public disclosure of said information in accordance with Rule 3(1) of the Nevada Supreme Court's Rules Governing Sealing and Redacting of Court Records. Therefore, good cause appearing therefor:

THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES that:

1. Motion to Seal Appendix to Wynn Resorts, Limited's Motion to (1) Adopt its Confidentiality Designations for Elaine P. Wynn's Deposition Testimony, et al.; Application for Order Shortening Time, is GRANTED as follows: The Appendix is ordered REDACTED given the sensitive commercial information contained therein.

3. Wynn Resorts, Limited shall provide proposed redactions of the Appendix to the Court for approval within 10 days of entry of this Order.

4. This order granting the above-referenced Motion and requiring Wynn Resorts, Limited to provide proposed redactions is STAYED until and including October 20, 2016. The above-referenced filing will remain under seal until after the expiration of the stay and after the Court reviews and approves the proposed redactions.

DATED: 10/12/16


THE HONORABLE ELIZABETH GONZALEZ

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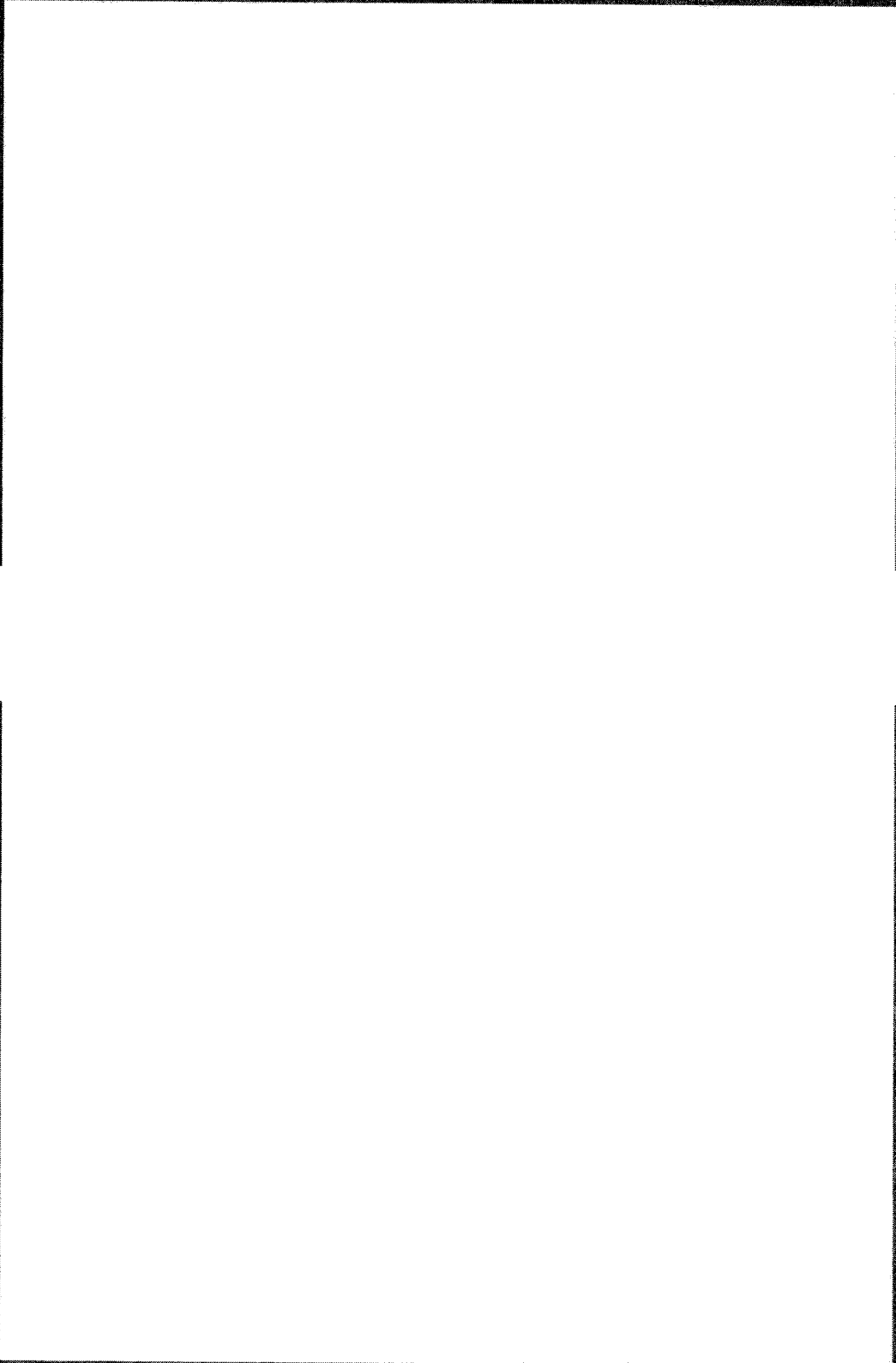
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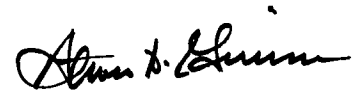
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Kimmarré Sinatra, D. Boone Wayson, and Allan Zeman

DISTRICT COURT

CLARK COUNTY, NEVADA

WYNN RESORTS, LIMITED, a Nevada
Corporation,

Plaintiff,

vs.

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

Defendants.

AND ALL RELATED CLAIMS

Case No.: A-12-656710-B
Dept. No.: XI

NOTICE OF ENTRY OF ORDER

Hearing Dates: September 27 and 29, 2016

Hearing Time: 8:30 a.m.

PISANELLI BICE PLLC
400 SOUTH 7TH STREET, SUITE 300
LAS VEGAS, NEVADA 89101
001276

001276

PLEASE TAKE NOTICE that an "Order on Wynn Resorts, Limited's Motion to (1) Adopt Its Confidentiality Designations for Elaine P. Wynn's Deposition Testimony, (2) Provide the Entirety of Her Deposition Testimony to Ernst & Young, and (3) Provide Certain Materials to Wynn Resorts, Limited's Special Committee; Application for Order Shortening Time" was entered in the above-captioned matter on October 13, 2016, a true and correct copy of which is attached hereto.

DATED this 13th day of October, 2016.

PISANELLI BICE PLLC

By: 

James J. Pisanelli, Esq., Bar No. 4027
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and

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Russell Goldsmith, Ray R. Irani, Robert J. Miller,
John A. Moran, Marc D. Schorr, Alvin V.
Shoemaker, Kimmarie Sinatra, D. Boone Wayson,
and Allan Zeman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 13th day of October 2016, I caused to be electronically served through the Court's filing system true and correct copies of the foregoing **NOTICE OF ENTRY OF ORDER** to the following:

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DISTRICT COURT

CLARK COUNTY, NEVADA

WYNN RESORTS, LIMITED, a Nevada
Corporation,

Plaintiff,

vs.

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

Defendants.

AND ALL RELATED CLAIMS

Case No.: A-12-656710-B
Dept. No.: XI

**ORDER ON WYNN RESORTS,
LIMITED'S MOTION TO (1) ADOPT
ITS CONFIDENTIALITY
DESIGNATIONS FOR ELAINE P.
WYNN'S DEPOSITION TESTIMONY,
(2) PROVIDE THE ENTIRETY OF
HER DEPOSITION TESTIMONY TO
ERNST & YOUNG, AND (3) PROVIDE
CERTAIN MATERIALS TO WYNN
RESORTS, LIMITED'S SPECIAL
COMMITTEE; APPLICATION FOR
ORDER SHORTENING TIME**

Hearing Dates: September 27 and 29, 2016
Hearing Times: 8:30 a.m.

001279
PISANELLI BICE PLLC
400 SOUTH 7TH STREET, SUITE 300
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001279

1 Wynn Resorts, Limited's Motion to (1) Adopt its Confidentiality Designations for Elaine P.
2 Wynn's Deposition Testimony, (2) Provide the Entirety of Her Deposition Testimony to Ernst &
3 Young, and (3) Provide Certain Materials to Wynn Resorts, Limited's Special Committee;
4 Application for Order Shortening Time, filed on September 23, 2016 ("Wynn Resorts' Motion
5 regarding Confidentiality"), came before this Court for hearing on September 27, 2016. Ms.
6 Wynn's oral motion to stay came before this Court on September 29, 2016, which sought to stay
7 the Court's rulings as to the confidentiality designations of Ms. Wynn's deposition and service of
8 the transcript on the Okada Parties, and as to provision of discovery materials to the Special
9 Committee ("Ms. Wynn's Oral Motion to Stay"). Ms. Wynn did not oppose or seek to stay the
10 Court's ruling as to the provision of the deposition transcript to Ernst & Young.

11 The Court having reviewed and considered Wynn Resorts' Motion regarding
12 Confidentiality, the opposition filed thereto, Ms. Wynn's Oral Motion to Stay, and the arguments
13 of counsel presented at the hearing, and good cause appearing therefor,

14 THE COURT HEREBY GRANTS Wynn Resorts' Motion regarding Confidentiality.

15 THE COURT FURTHER ORDERS that Ms. Wynn's Oral Motion to Stay is GRANTED
16 IN PART and DENIED IN PART as follows:

- 17 1. The Oral Motion to Stay is GRANTED as to the confidentiality designations of Ms.
18 Wynn's deposition and service of the transcript on the Okada Parties; and the Court's
19 rulings on these issues are STAYED until and including October 20, 2016;
- 20 2. The Motion to Stay is DENIED as to the provision of discovery materials to the Special
21 Committee.

22 ///

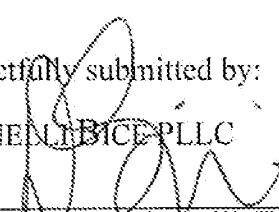
3. The deposition transcript will remain designated Highly Confidential in its entirety for the duration of the stay (i.e., until and including October 20, 2016). Consistent with this Court's rulings, however, Ernst & Young is not bound by any Confidential or Highly Confidential designations and may receive, use and/or disclose designated materials in any manner and without restriction.

DATED: 10/12/16


THE HONORABLE ELIZABETH GONZALEZ

Respectfully submitted by:

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DISTRICT COURT

CLARK COUNTY, NEVADA

WYNN RESORTS, LIMITED, a Nevada
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Plaintiff,

vs.

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

Defendants.

AND ALL RELATED CLAIMS

Case No.: A-12-656710-B
Dept. No.: XI

NOTICE OF ENTRY OF ORDER

Hearing Dates: August 11, 2016

Hearing Time: 9:30 a.m.

PISANELLI BICE PLLC
400 SOUTH 7TH STREET, SUITE 300
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001284

001284

1 PLEASE TAKE NOTICE that an "Order Granting Wynn Resorts, Limited's Motion for
 2 Limited and Specific Relief Related to the Protective Order with Respect to Confidentiality" was
 3 entered in the above-captioned matter on October 19, 2016, a true and correct copy of which is
 4 attached hereto.

5 DATED this 19th day of October 2016.

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7 By:  12698

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 21 John A. Moran, Marc D. Schorr, Alvin V.
 Shoemaker, Kimmarie Sinatra, D. Boone Wayson,
 and Allan Zeman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 19 day of October 2016, I caused to be **electronically served through the Court's filing system** true and correct copies of the foregoing **NOTICE OF ENTRY OF ORDER** to the following:

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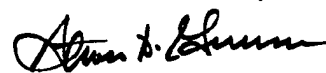
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Russell Goldsmith, Ray R. Irani, Robert J. Miller,

John A. Moran, Marc D. Schorr, Alvin V. Shoemaker,

Kimmarie Sinatra, D. Boone Wayson, and Allan Zeman

DISTRICT COURT

CLARK COUNTY, NEVADA

WYNN RESORTS, LIMITED, a Nevada
Corporation,

Plaintiff,

vs.

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

Defendants.

Case No.: A-12-656710-B

Dept. No.: XI

**ORDER GRANTING WYNN RESORTS,
LIMITED'S MOTION FOR LIMITED AND
SPECIFIC RELIEF RELATED TO THE
PROTECTIVE ORDER WITH RESPECT
TO CONFIDENTIALITY**

AND ALL RELATED CLAIMS.

Date of Hearing: August 11, 2016

Time of Hearing: 9:30 a.m.

1 The above-captioned action came before the Court on August 11, 2016 on a number of
2 matters. James J. Pisanelli, Esq., Todd L. Bice, Esq. and Debra L. Spinelli, Esq., of PISANELLI
3 BICE PLLC, appeared on behalf of Plaintiff/Counterdefendant Wynn Resorts, Limited ("Wynn
4 Resorts") and Counterdefendants Linda Chen, Russell Goldsmith, Ray R. Irani, Robert J. Miller,
5 John A. Moran, Marc D. Schorr, Alvin V. Shoemaker, D. Boone Wayson, and Allan Zeman
6 (collectively with Wynn Resorts, the "Wynn Parties"). Donald J. Campbell, Esq. and Colby
7 Williams, Esq., of Campbell & Williams, appeared on behalf of Counterdefendant/Cross-
8 defendant Stephen A. Wynn ("Mr. Wynn"). William R. Urga, Esq. and David J. Malley, Esq., of
9 Jolley Urga Woodbury & Little, Michael T. Zeller, Esq., of Quinn Emanuel Urquhart & Sullivan
10 LLP, and Daniel R. Polsenberg, Esq., of Lewis Rocha Rothgerber Christie LLP, appeared on
11 behalf of Counterdefendant/ Counterclaimant/Crossclaimant Elaine P. Wynn ("Ms. Wynn").
12 And, J. Stephen Peek, Esq. and Laura Chester, Esq., of Holland & Hart LLP, appeared on behalf
13 of Defendant Kazuo Okada ("Mr. Okada") and Defendants/Counterclaimants/Counterdefendants
14 Aruze USA, Inc. ("Aruze USA") and Universal Entertainment Corp. ("Universal") (the "Okada
15 Parties").

16 The Court having considered the Motion for Limited and Specific Relief Related to the
17 Protective Order with Respect to Confidentiality filed on August 1, 2016, the Supplement to
18 Motion filed on August 9, 2016 the written opposition thereto filed by Ms. Wynn on August 10,
19 2016, as well as arguments of counsel presented at the hearing, and good cause appearing
20 therefor,

21 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Motion for Limited
22 and Specific Relief Related to the Protective Order with Respect to Confidentiality is GRANTED
23 IN PART as follows: any information that Wynn Resorts provides to Ernst & Young that has
24 been designated as Confidential or Highly Confidential under the Protective Order with Respect
25 to Confidentiality ("Protective Order"), entered by the Court on February 14, 2013, shall be
26 treated as Confidential unless a party seeks leave of the Court, by way of a Motion, to maintain
27 the Highly Confidential designation under the Protective Order. Ernst & Young is in no way
28

1 restricted by the Protective Order and may use the information, whether it has been designated or
 2 not, in any way that it deems is consistent with or appropriate to fulfill its duties or
 3 responsibilities as Wynn Resorts' independent auditor.

4 DATED: 9/22/16

5 
 6 DISTRICT COURT JUDGE 

7 Respectfully submitted by:

8 PISANELLI BICE PLLC

9 By: 

10 James J. Pisanelli, Esq., Bar No. 4027
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 25 Russell Goldsmith, Ray R. Irani, Robert J. Miller,
 26 John A. Moran, Marc D. Schorr, Alvin V.
 27 Shoemaker, Kimmarie Sinatra, D. Boone Wayson,
 28 and Allan Zeman

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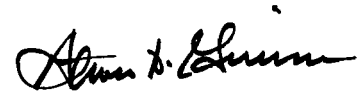
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27

27



CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

WYNN RESORTS LIMITED .

Plaintiff .

vs. .

KAZUO OKADA, et al. .

Defendants .

.

CASE NO. A-656710

DEPT. NO. XI

**Transcript of
Proceedings**

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

HEARING ON MOTIONS

THURSDAY, OCTOBER 20, 2016

COURT RECORDER:

JILL HAWKINS
District Court

TRANSCRIPTION BY:

FLORENCE HOYT
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript
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APPEARANCES:

FOR THE PLAINTIFF:

JAMES J. PISANELLI, ESQ.
DEBRA SPINELLI, ESQ.

FOR THE DEFENDANTS:

J. STEPHEN PEEK, ESQ.
ROBERT CASSITY, ESQ.
WILLIAM R. URGAS, ESQ.
DAN R. POLSENBERG, ESQ.
MICHAEL T. ZELLER, ESQ.
PHILIP ERWIN, ESQ.

1 LAS VEGAS, NEVADA, THURSDAY, OCTOBER 20, 2016, 8:36 A.M.

2 (Court was called to order)

3 THE COURT: So that means I'm going to Wynn.

4 (Pause in the proceedings)

5 THE COURT: So, Mr. Cassity, when you send a status
6 report after 5:00 o'clock and I've already left, I don't read
7 it till the next day.

8 MR. CASSITY: Understood, Your Honor.

9 THE COURT: Okay.

10 MR. CASSITY: It's a little bit of a response to a
11 status report that was filed about 4:30, so --

12 THE COURT: I didn't get 4:30 one, either. I had
13 some stuff in my box this morning when I came in, but since
14 I'm being Judge Kishner on an emergency basis, I can't read
15 your stuff, too.

16 All right. So I want to start with Mr. Peek's
17 motions after you all identify yourselves for purposes of my
18 record. Because they interrelate with some of Mr. Urga's
19 motions.

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

23 MS. SPINELLI: Good morning, Your Honor. Debra
24 Spinelli on behalf of the same parties.

25 MR. ERWIN: Phil Erwin, Campbell & Williams, on

1 behalf of Mr. Wynn.

2 MR. PEEK: Good morning, Your Honor. Stephen Peek
3 on behalf of the Aruze parties.

4 MR. CASSITY: Robert Cassity on behalf of the Aruze
5 parties.

6 MR. ZELLER: Good morning, Your Honor. Mike Zeller
7 on behalf of Elaine Wynn.

8 MR. URGAS: William Urgas on behalf of Elaine Wynn,
9 Your Honor.

10 MR. POLSENBERG: Good morning, Your Honor. Dan
11 Polsenberg and Abe Smith for Elaine Wynn.

12 THE COURT: Okay. Mr. Peek, you're up first on your
13 motion.

14 MR. PEEK: Thank you, Your Honor.

15 Your Honor, we bring this motion because the Aruze
16 parties continue to be prejudiced by the stay of discovery and
17 by our inability to share with our clients even during this
18 period over the stay those documents and deposition testimony
19 designated by Wynn Resorts as highly confidential under the
20 protective order.

21 While the Wynn parties have very carefully gone back
22 -- or they have gone back anyway, Your Honor, and made an
23 effort to de-designate much of the highly confidential
24 information that they had previously designated, we still
25 believe, Your Honor, that much of that testimony is not --

1 does not meet the standard under the protective order of
2 highly confidential. They have continued -- they continue to
3 overdesignate. We can't challenge those designations, we
4 can't review that critical information that was improperly
5 designated. Four months have now passed since the stay was
6 issue, and the Court and the parties of Elaine Wynn and Wynn
7 Resorts appear to be no closer to resolving the issues about
8 disqualification or the alleged protective order violation,
9 which is the Sarbanes-Oxley and Dodd-Frank issues.

10 It is now time for the Court to modify the stay to
11 allow motions related to confidentiality designations to be
12 filed and heard by the Court.

13 Wynn says there's no exigency, but that's because
14 they're the party causing the exigency. They're the party
15 causing the overdesignate. They have the benefit with their
16 client of their designations and to review those designations
17 with their client, but we don't have the benefit of reviewing
18 them with our client. Wynn Resorts with every passing day has
19 access to all of the available information in this case to
20 prepare in advance its legal strategy while denying to us the
21 ability to review our -- their designations with our clients
22 to develop our own and advance our own legal strategy. It's
23 no fault of ours that we are hamstrung by the stay. It is
24 that dispute between Elaine Wynn and Wynn Resorts that has
25 required the Court to impose a stay.

1 It's interesting, Your Honor, because I note in
2 their opposition on pages 12 and 13 that they actually state
3 why it is so important for us to have these motions heard and
4 to allow the Court to rule on whether or not highly
5 confidential has been overdesignated. And I'm reading, Your
6 Honor, from pages 12 and 13, where they say, "The documents
7 and testimony subject to motions to de-designate bear on the
8 substantive matters in this case." They bear on the
9 substantive matters. These are their words. "They constitute
10 evidence that the parties will evaluate and incorporate into
11 motion practice and introduce at trial." It is that
12 substantive evidence that they deny us from sharing and
13 discussing with our clients.

14 Those substantive issues are important to us. They
15 go as -- well, here's page 13. "Motions concerning
16 confidentiality designations necessarily address substantive
17 information, information that goes to the merits of the case."
18 We need to begin to develop our strategies now, not later, not
19 after the stay is heard, not after the stay is lifted and
20 we're allowed someday to go to trial, when I don't know. We
21 need, Your Honor, to have the motions to de-designate heard.
22 To deny us that opportunity allows information to be picked
23 and chosen by Wynn Resorts as to what can and should be
24 conveyed to our clients. Only the Aruze parties should be
25 allowed to make that determination.

1 Highly designations [sic], Your Honor, were
2 generally designed primarily for trade secret-type cases,
3 where the information might be used against you, not in this
4 case just to protect it from the ability of the lawyers to use
5 with their clients. It is -- it does go to the substantive.
6 The stay should be modified to allow us to do that.

7 Wynn Resorts makes the argument that the substantive
8 information is the reason to exclude Quinn Emanuel. Well,
9 Quinn Emanuel has the same constraints that I have, which are
10 the inability to discuss with their client the substantive
11 information designated highly confidential. It's not
12 privileged information. They haven't designated privileged
13 information. They've only designated highly confidential.
14 They say, Quinn Emanuel -- and I'll let Mr. Polsenberg address
15 this issue, because he'd probably do better than I. But that
16 doesn't make sense here. Even if Quinn Emanuel were excluded,
17 we know that there are very competent counsel in the form of
18 Mr. Polsenberg and Mr. Urga who can engage in the motion
19 practice.

20 I get their argument, and I think it's important
21 that Quinn Emanuel be involved, and I think they can be
22 involved. I don't think there's any risk that Quinn Emanuel
23 could be tainted by discussing highly confidential
24 designations and addressing the Court about the highly
25 confidential designations made by the Wynn parties.

1 So, Your Honor, I would ask the Court to allow us to
2 move on and get back to work so that we can address the
3 substantive issues and the substantive claims in this case
4 with our clients. Thank you.

5 THE COURT: Okay. Who's arguing Elaine Wynn's
6 motion for leave to file motions to de-designate
7 confidentiality designations on order shortening time?

8 MR. POLSENBERG: I am, Your Honor.

9 THE COURT: Lovely.

10 MR. POLSENBERG: You know, if Mr. Peek and I agree,
11 either we have to be right or it's a sign of Armageddon.

12 We've already discussed de-designation, and I think
13 that's an appropriate thing to do. It's not a surprise to you
14 that that's our position. And I know the Court has concerns
15 and Wynn Resorts has concerns about Quinn Emanuel's disclosure
16 of privileged information. But, as Mr. Peek points out,
17 there's a difference between the confidentiality issues we're
18 talking about here and privilege. So I don't think that
19 concern is relevant. So I think that our lead counsel should
20 be involved in that motion practice. Thank you, Your Honor.

21 THE COURT: Ms. Spinelli.

22 MS. SPINELLI: Thank you, Your Honor. I was a
23 little surprised by the Okada parties' motion, not that they
24 brought it, Your Honor, but the substance of it. And Quinn
25 Emanuel's motion or the motion related to Quinn Emanuel I

1 wasn't as surprised, though I don't believe the substance of
2 it is correct, either.

3 When the Okada parties came to Your Honor a month
4 and a half ago and asked to modify the protective order we
5 told you our reasons why. And Your Honor was very careful in
6 balancing the interests between the parties meeting and
7 conferring and the confidentiality designation and challenge
8 process going forward, but to not engage in the motion
9 practice with Quinn Emanuel if Quinn Emanuel kept arguing that
10 it was only that firm for some reason that needed to
11 participate. I want to address -- and that concern still
12 exists, Your Honor, at least on behalf of Wynn Resorts. Mr.
13 Peek argued that -- and he used our words -- that the
14 information in the confidentiality designations is
15 substantive. Yes, we agree with that. When people talk in
16 depositions it's substantive information. But I understood
17 Your Honor saying that the confidentiality challenge process
18 wasn't necessarily substantive. And we agree, Your Honor,
19 except to the point of motion practice.

20 Quinn Emanuel's letters and now the letters that I
21 believe Mr. Urga are filing or his firm are serving on us now
22 de-designating documents or challenging documents are
23 substantive. They argue the confidentiality should or should
24 not exist based upon information they know or think they know
25 on the substance of the designations. And that is why we

1 think Quinn Emanuel -- if Your Honor says this motion should
2 continue, Quinn Emanuel needs to be quarantined. They still
3 -- their quarantine needs to remain in place unless or until
4 the resolution of their disqualification and the level and
5 extent of their taint is resolved.

6 I understand it's not going as quickly as everybody
7 would like, but we can't necessarily control the special
8 master's schedule. We've been working, we gave him a lot of
9 information jointly for him to understand the issues, and I
10 understand that process is in place. We'd like it to go
11 faster, we'd like to resolve it, but we can't control it. And
12 the effect of that should not be that Wynn Resorts is forced
13 to engage in motion practice with a law firm who is possibly
14 or potentially subject to disqualification because of their
15 access to information that they never should have had in the
16 first place.

17 On the issue of the motion practice happening if
18 Quinn Emanuel decides to step out or Your Honor does as you
19 ordered last time, which is Ms. Wynn is free to proceed with
20 discovery, just not with -- just not with Quinn Emanuel. Mr.
21 Zeller stood up here and said, we're not going to go forward
22 if Quinn Emanuel can't participate. And if that's still the
23 choice, fine. But if they decide that Mr. Urga's firm or Mr.
24 Polsenberg, who so eloquently argued a very short motion, can
25 participate and Your Honor says it must proceed, I have

1 another issue. I don't think it should proceed. And the
2 reason is I think before Your Honor makes a decision about the
3 exigency or the critical nature of the information that Wynn
4 Resorts everyone keeps saying is abusively violating the
5 protective order, some of that substance needs to get to Your
6 Honor. Because we did -- as I've said to you numerous times
7 since your August hearing, we have taken your direction and we
8 have looked at those documents, and we have downgraded a
9 considerable amount of information from highly confidential to
10 confidential. And some we've even downgraded the confidential
11 nature.

12 The thing -- I started off with surprise in the
13 substance of Okada parties' motion is the whole premise of it
14 is that we have excluded and kept as highly confidential
15 information about the board meetings, deposition testimony
16 about the board meetings and the board members' conversations
17 about Mr. Okada during the board meetings. And that is just
18 not true. And in my meet and confer with Mr. Miller I told
19 him, I'm not sure what you are going to challenge, but we have
20 downgraded everything involved the board meetings with Mr.
21 Okada, everything regarding the Freeh investigation up to and
22 until the redemption. The only issues we were -- and if it
23 quoted a highly confidential document, Your Honor, yes, we did
24 mark that confidential. So that might be a dispute they have.
25 But the rest of the information has been downgraded, and they

1 are allowed to communicate with their clients about it.

2 The only information that we haven't downgraded is
3 stuff that we're absolutely authorized to under the protective
4 order. Compliance investigations. That was an issue raised
5 by Mr. Urga. And we agree on behalf of Wynn Resorts. Our
6 compliance investigations with regard to specific individuals
7 are absolutely highly confidential information, and I'm pretty
8 Gaming would agree. The same would be true with our audit
9 committee investigations if they involve specific individuals
10 or actions, specific financial information. Your Honor, we
11 were very particular. And unless and until substance before
12 Your Honor comes up to show that we actually abused the way
13 they're arguing that we did, both sides, I think that this
14 motion is not ripe.

15 THE COURT: So let me ask you a question.

16 MS. SPINELLI: Sure.

17 THE COURT: What is the harm to Wynn of Quinn
18 Emanuel participating in challenges to confidentiality on
19 depositions they actually participated in?

20 MS. SPINELLI: Your Honor, we -- and I'm going try
21 to get -- I'm going to try to answer as directly as possible.
22 During the deposition process when Quinn Emanuel was
23 participating we were unaware of their access to privileged
24 information. To this day we do not know what they have seen,
25 what they are reviewing, what they have or have not reviewed,

1 or what Ms. Wynn, quite frankly, told them that she shouldn't
2 have told them because she was subject to our privilege until
3 she was no longer a director. Until that information is
4 learned, anything on any subject could be tainted by a
5 privileged information they should never have access to.

6 Now, maybe it'll come out one day -- I don't think
7 this is true -- that they didn't have access to privilege.
8 And then they can participate. But until then the potential
9 for unfair prejudice to us to have an opposing counsel
10 participate with information that we think is privileged that
11 she never should have had and they certainly never should have
12 had under Merits Incentive or even just professional
13 responsibility should not move forward.

14 I have worked with Mr. Urga's firm for a very long
15 time. They are perfectly capable of doing it on
16 confidentiality. And the same with Mr. Polsenberg's firm. I
17 just don't understand why the balance of the potential for
18 harm would possibly weigh in favor of Quinn Emanuel, as
19 opposed to the other law firms on this case to the prejudice
20 of my client and potential tainted privileged communication
21 with opposing counsel.

22 THE COURT: Okay. Anything else you want to tell
23 me?

24 MS. SPINELLI: I did want to point out one irony in
25 Ms. Wynn's motion. And the first is they did argue, Your

1 Honor, that it was Wynn Resorts who overdesignated Ms. Wynn's
2 deposition transcript, which is obviously quite funny, since
3 they designated the entire thing highly confidential and you
4 adopted our designations.

5 And the other issue I want to be perfectly clear
6 with Your Honor is that when Ms. Wynn's motion was filed the
7 other argument, the other deposition that she gives as an
8 example of our, quote, "abusive overuse of the protective
9 order" is Mr. Poster's deposition. Obviously she's very
10 interested in Mr. Poster. We, quite frankly, understand that.
11 But when she filed the motion we had not de-designated -- it
12 was highly confidential under the terms of the protective
13 order in its entirety. It was after that motion on 17th of
14 October where we gave our confidentiality designations to an
15 additional I think 13 volumes of deposition transcript. And
16 for Mr. Poster we downgraded -- we only -- not degraded,
17 because it wasn't done, but we only designated as highly
18 confidential a few excerpts on six pages of his deposition --
19 not even six entire pages, excerpts on six pages. It is not
20 abuse. It is when the call of the question involves highly
21 confidential information somehow they have access to, not in a
22 -- or maybe they rightly do. I don't know. It's not resolved
23 yet. But if the call of the question talks about a compliance
24 committee, an employment investigation, an audit committee
25 investigation and it has information, we are going to

1 designate that highly confidential. It isn't an abuse. It
2 was actually very particular, and it's consistent, we think,
3 Your Honor, with your orders. And if it isn't, it should be
4 something that's subject to the process after the stay is
5 lifted and they're remove of all taint if that's Your Honor's
6 decision.

7 THE COURT: Thank you.

8 Anything else, Mr. Peek, Mr. Polsenberg?

9 MR. PEEK: I have nothing further to add, Your
10 Honor.

11 THE COURT: Mr. Polsenberg, anything else?

12 MR. POLSENBERG: Just briefly. I can't understand
13 the prejudice that would be -- that would result in Quinn
14 Emanuel participating. And Counsel didn't answer that
15 question other than to say it's just rude to have them when
16 there's the possibility of taint. And I don't think that's
17 enough to carry the day. Thank you, Your Honor.

18 THE COURT: Thank you.

19 The motion is granted in part. The procedure for
20 challenging confidentiality designations of depositions and
21 documents may proceed at this point. However, Quinn Emanuel
22 may only participate in that process on a deposition that they
23 participated in, not on any document challenges. So if you
24 didn't participate in a deposition, you can't do it, and on
25 any documents you are not permitted to do it.

1 Any questions?

2 MR. PEEK: Just a quick question, Your Honor. I
3 think I know the answer. But if there are exhibits shown that
4 have had highly confidential designations and then there's
5 testimony about it during the course of the deposition --

6 THE COURT: If the exhibit was marked as an exhibit
7 during the deposition --

8 MR. PEEK: We can --

9 THE COURT: -- then you may -- Quinn Emanuel may
10 participate if they were there for the deposition.

11 MR. PEEK: But we can also challenge that
12 designation of the exhibit, the document?

13 THE COURT: You can challenge the designation of
14 anything you want, Mr. Peek.

15 MR. PEEK: Okay. It's only -- okay. Thank you,
16 Your Honor.

17 MS. SPINELLI: Your Honor, can I ask for one
18 exception to that, which is the deposition of Ms. Sinatra, our
19 general counsel, which is when we --

20 THE COURT: Yes, you may.

21 MS. SPINELLI: Thank you, Your Honor.

22 THE COURT: Because that deposition's not been
23 completed, and that is the one that led us to the point we're
24 currently in.

25 That takes me to Wynn Resorts' motion to lift stay

1 and Elaine Wynn's motion to extend stay.

2 MR. PISANELLI: Eyeroll.

3 THE COURT: Yes, there was an eyeroll, the record
4 should reflect.

5 Good morning, gentlemen.

6 MR. PISANELLI: How are you, Your Honor?

7 THE COURT: Just delightful, Mr. Pisanelli.

8 MR. PISANELLI: So, Your Honor, at some point I'm
9 going to stop being surprised by Ms. Wynn's I'm going to call
10 it brazenness and just unbridled contempt for the rules of
11 this Court and authority generally. So here we go again. Ms.
12 Wynn comes into this courtroom fighting for secrecy, telling
13 us how badly she's going to be prejudiced if the world knows
14 about the positions she taken in this case, and basically
15 tries to create a silent chamber where no one can talk to the
16 public, no one -- the public cannot see what's going on in
17 this courtroom, and no one can see either her papers or her
18 deposition until she has the opportunity to do something
19 herself.

20 So Your Honor enters at least two orders, at least,
21 granting her that protection. One of them is the foundation,
22 of course, that's the foundation of our sanctions hearing that
23 we're going to have. That's a confidentiality order that she
24 breached in the first instance. And the most recent is your
25 October 13th order. So Your Honor was very clear in that

1 order. You said that Ms. Wynn's deposition transcript, which
2 recall she designated the entirety, cover page to signature
3 page, as highly confidential, Your Honor said her deposition
4 transcript "will remain designated highly confidential in its
5 entirety for the duration of the stay until and including
6 October 20 of 2016."

7 THE COURT: That, for the record, is today.

8 MR. PISANELLI: It is today.

9 THE COURT: Okay.

10 MR. PISANELLI: So, notwithstanding those two orders
11 about the highly confidential information in this case, she
12 files a writ in the Supreme Court, seals off all of the
13 appendices so that no one can see the foundation for what
14 she's saying, but then writes a brief open to the public, a
15 brief that shockingly quotes her own deposition, quotes all
16 this information she came into this courtroom to have sealed
17 as highly confidential, and, not surprisingly, giving a false
18 narrative to the public, and, of course, mission accomplished,
19 its immediately in "Bloomberg News," et cetera. That clearly
20 was the objective from our perspective.

21 So the point is this. The violation of your two
22 orders, Your Honor, should be added to our contempt hearing
23 when we get to that; but, most importantly, this game has to
24 end. The stay should be lifted to the extent there was any
25 secrecy needed, to the extent there's any reason for it in the

1 first place --

2 THE COURT: Ms. Spinelli used most of your time.

3 MR. PISANELLI: All right. I'll wrap --

4 THE COURT: Hurry up.

5 MR. PISANELLI: I will. I'll wrap it up.

6 To the extent there is any basis for the stay in the
7 first place she told us what the real reason for the stay was,
8 and that is just to give her a unilateral platform to tell her
9 story with no ability for any other party to rebut what
10 happened in this case.

11 So, Your Honor, it's time to put an end to her
12 gamesmanship, time to just lift the stay, and let's move
13 forward. Let's move forward with the orders that you entered,
14 including, most importantly, to get her deposition completed,
15 really starting again from new because of all the obstruction,
16 and no more secrecy. She told us what she wanted the secrecy
17 for, and it was not good faith. It's time to lift the stay
18 and move forward with the discovery against her so that we can
19 get these evidentiary hearings completed.

20 THE COURT: Thank you.

21 MR. PISANELLI: Thanks.

22 THE COURT: Mr. Polsenberg.

23 MR. POLSENBERG: Thank you, Your Honor.

24 The draft of the writ petition right before we filed
25 it actually set out all the facts and what the confidential

1 communications were.

2 THE COURT: You have three minutes. Three.

3 MR. POLSENBERG: Very good. And so the last day we
4 rewrote that and took all that out. It's in the appendix if
5 the Supreme Court wants to look at it. But the essential fact
6 was only that there was a communication to Ernst & Young and
7 to the audit committee, and we left out what the communication
8 is so that it -- only referring to it as the possibility of
9 securities laws violations. So it simply gets out a narrative
10 that I do not think is a false narrative and just presents the
11 essential facts.

12 Now, if there -- I think the only possible issue
13 there could be here is whether there's a waiver. We were the
14 ones who designated Elaine Wynn's deposition. There are parts
15 where we talk about communications where we refer to her
16 affidavit, there are parts where we refer to her depositions.
17 But they only have to do with issues about how she felt
18 retaliated against and what her employment situation was. So
19 if we're talking about a waiver of parts of the designation,
20 if we're talking about unsealing particular parts, I think
21 that's what their motion really should be. But a motion for
22 sanctions I think would be inappropriate. And we are here to
23 ask for you to continue the stay, because we did -- all our
24 briefs say October 6th, but it was actually under Rule 8 filed
25 on October 5th, our writ petition. And so since we filed the

1 writ petition, we ask you to extend the stay to allow the
2 Supreme Court to act on that.

3 THE COURT: Okay. Anything else, since you're both
4 out of time?

5 MR. PISANELLI: Your Honor, just -- the only point
6 I'll make is this. Simply because a party is --

7 I'm sorry?

8 THE COURT: I'm telling Mr. Peek he doesn't get any
9 more on this motion. It's not his motion, although he did
10 file a response.

11 MR. PISANELLI: Okay. The designating party of
12 deposition doesn't own the information. Our orders are very
13 clear what happens when anyone designates. That's why I came
14 to you for permission to produce to the auditors highly
15 confidential designated information. I didn't say, well, I
16 designated it so I'm going to waive it or de-designate it. We
17 have two orders. One of them said it remains in place.
18 That's the October 13th letter, and then the original.
19 Testimony belongs to all of the parties in this case.

20 THE COURT: Thank you.

21 All of the motions on this issue are denied. The
22 stay will expire of its own accord today.

23 There are no sanctions appropriate for this
24 disclosure. I agree with Mr. Polsenberg it's more of a waiver
25 than a sanction issue.

1 I'm then going to go to the remaining motions that
2 are on calendar today.

3 All of the motions to seal involve the same issue.
4 Is there any reason that I should rule any differently on
5 these motions than we've been dealing with since the Nevada
6 Supreme Court is still pending its review?

7 MS. SPINELLI: No, Your Honor.

8 MR. CASSITY: No, Your Honor.

9 THE COURT: All right. So I'm going to go ahead and
10 grant those motions. Please remember, pursuant to your
11 stipulation everything needs to be served on the Aruze parties
12 unless it deals with a privilege issue.

13 So you told me you're running slow with the special
14 master. What does that mean about my hearing on injunctive
15 relief and disqualification issues?

16 MS. SPINELLI: Your Honor, when we talked to Judge
17 Wall he gave us -- he asked us for information in order to
18 inform his case. We asked for preliminary hearing of sorts,
19 and in response the -- when we gave the joint list of
20 documents and provided him the documents his assistant said he
21 would get back to us with a date. That was about a week and a
22 half ago. We can follow up with his assistant, but we have
23 not -- we understood we were waiting for him. So we're happy
24 to follow up with him and find out what his schedule was.
25 Originally he told us that he could begin the document review

1 in October. It is October. So hopefully that process can
2 start.

3 And one of the things that we wanted to have a
4 hearing about with him, Your Honor, was for him to decide
5 whether he needed to review all of the documents or review
6 substantive documents. And, quite frankly, that may make the
7 issue quite shorter if he opts to review just some of the
8 documents, if he does search terms, as opposed to reviewing
9 everything that he has in his possession.

10 THE COURT: Okay.

11 MR. ZELLER: Right. And that's what we hope to
12 accomplish for the initial conference with the judge. As soon
13 as he sets it, I will -- I'll be there.

14 THE COURT: So if you need a status conference with
15 me prior to your November 17th status conference on that
16 issue, please let me know. And it would be really helpful if
17 your status reports came by noon. And if you're going to file
18 them, that's great, but send me a courtesy copy at least
19 electronically so that I actually get them.

20 Mr. Peek.

21 MR. PEEK: Your Honor, I do want to be heard on
22 this, and we did actually put it in our status report, and I
23 apologize for the lateness of it. We also actually put in our
24 motion -- or opposition. But it's the same -- it's the same
25 refrain that we have played before the Court previously, which

1 is we're the ones being prejudiced by this stay. We're the
2 ones being prejudiced by the dispute over disqualification,
3 the SOX, and the Dodd-Frank arguments that the parties make.

4 THE COURT: The County enjoys getting the interest
5 off of the deposits that are being made.

6 MR. PEEK: They certainly do, Your Honor.

7 THE COURT: I don't think they realize they're
8 getting it, but they see this interest note and they don't
9 know where it comes from.

10 MR. PEEK: Yeah. There's -- I don't know what --
11 there's what, about \$70 million right now on deposit?

12 THE COURT: Yeah. They're just happy to see an
13 interest line item.

14 MR. PEEK: But the point is this Court well knows as
15 a practitioner and as a Judge that the only way that parties
16 move is when they have a deadline. We need to set the hearing
17 date and hold their feet to the fire. And let's set that
18 hearing date on that disqualification and the injunctive
19 relief and the sanctions that Wynn Resorts seeks for 45 days
20 from now so that they have a deadline, they know they have to
21 go -- they have to get the job done.

22 THE COURT: The person you're imposing the deadline
23 on isn't them, it's the special master. And so --

24 MR. PEEK: Then David needs to work a little bit
25 harder, as well. I take that back, because David works hard.

1 THE COURT: You call him Judge Wall.

2 MR. PEEK: Judge Wall. Judge Wall, Your Honor, is
3 very able.

4 THE COURT: He's a very hard worker.

5 MR. PEEK: But -- and I know he works hard. I've
6 had mediation with him where he works late into the night.
7 But the point is if he has a deadline, as well, Your Honor,
8 then we get this job done. He knows he has to do his job, the
9 parties know they have to do their job, and we know we can see
10 a light at the end of that tunnel and we can maybe put this
11 back on for trial. I know we still have a trial date in
12 February.

13 THE COURT: February.

14 MR. PEEK: We haven't completed discovery. We know
15 we've extended.

16 THE COURT: It's going to be a challenge to make
17 that.

18 MR. PEEK: We all know it's a challenge to make
19 that, Your Honor. But the point is let's have a hearing date,
20 because we know no matter what happens at that hearing, no
21 matter who wins that case -- who wins that result, it will
22 probably go to the Supreme Court.

23 THE COURT: Yes, we do know that.

24 MR. PEEK: So that's going to be even more of a stay
25 and prejudice to the Aruze parties.

1 THE COURT: And I'm aware of your issue, because you
2 put it in your response to the motions related to the stay.
3 So I'm aware of that issue. I am cognizant of it. Which is
4 why I am trying to push the special master and get my report.

5 MR. PEEK: A date would push him.

6 THE COURT: If we do not have a date by our next
7 status conference, which is in November, I'm going to just
8 pick a day.

9 MR. PEEK: Thank you, Your Honor.

10 THE COURT: Okay. Anything else? 'Bye.

11 Mr. Polsenberg, if you're going to seek a stay,
12 you've got to go to Carson.

13 MR. POLSENBERG: Excuse me?

14 THE COURT: If you want a stay, ask Carson City.

15 MR. POLSENBERG: That's why Mr. [inaudible] is here,
16 Your Honor.

17 THE COURT: Okay.

18 MR. PEEK: Thank you, Your Honor, for the October
19 pro bono.

20 THE PROCEEDINGS CONCLUDED AT 9:07 A.M.

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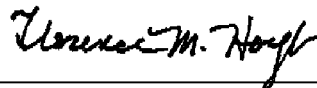
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

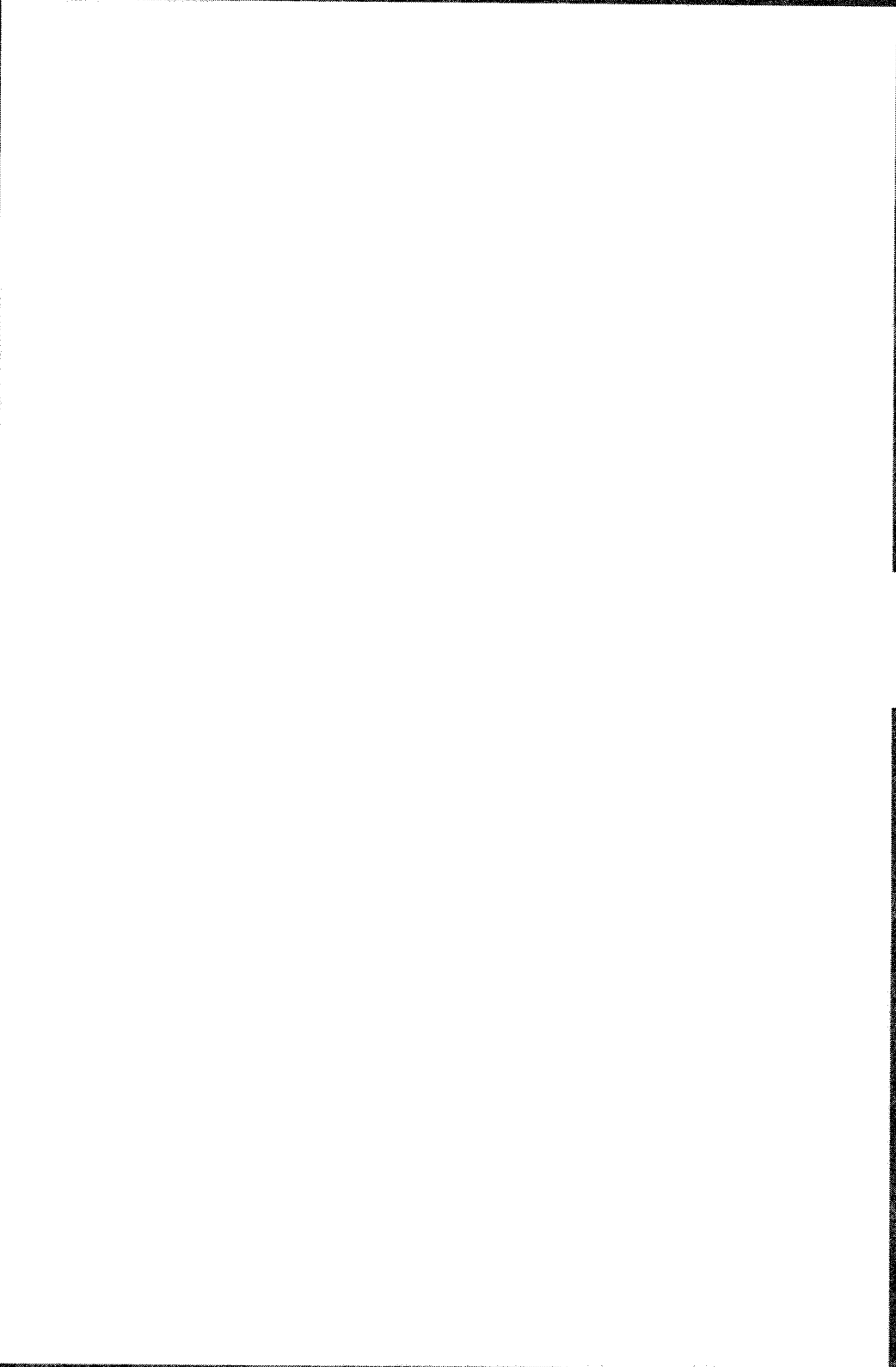
FLORENCE HOYT
Las Vegas, Nevada 89146



FLORENCE M. HOYT, TRANSCRIBER

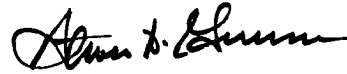
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DATE



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CLERK OF THE COURT

ORDG

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Attorneys for Counterdefendant/Counterclaimant/Cross-claimant

ELAINE P. WYNN

DISTRICT COURT**CLARK COUNTY, NEVADA**WYNN RESORTS, LIMITED, a Nevada
Corporation,

Plaintiffs,

vs.

KAZUO OKADA, an individual; ARUZE
USA, INC., a Nevada corporation,
UNIVERSAL ENTERTAINMENT
CORPORATION, a Japanese corporation,

Defendants.

AND ALL RELATED CLAIMS.

CASE NO. A-12-656710-B
Dept. No.: XI**ORDER GRANTING WYNN RESORTS,
LIMITED'S MOTION TO PRESERVE
HIGHLY CONFIDENTIAL
DESIGNATION OF TESTIMONY ON
ORDER SHORTENING TIME**

Date of Hearing: September 2, 2016

Time of Hearing 10:00 a.m.

1 The above-captioned action came before the Court on September 2, 2016 on a number of
2 matters. James J. Pisanelli, Esq., Todd L. Bice, Esq. and Debra L. Spinelli, Esq., of PISANELLI
3 BICE PLLC, appeared on behalf of Plaintiff/Counterdefendant Wynn Resorts, Limited ("Wynn
4 Resorts") and Counterdefendants Linda Chen, Russell Goldsmith, Ray R. Irani, Robert J. Miller,
5 John A. Moran, Marc D. Schorr, Alvin V. Shoemaker, D. Boone Wayson, and Allan Zeman
6 (collectively with Wynn Resorts, the "Wynn Parties"). Donald J. Campbell, Esq., of Campbell &
7 Williams, appeared on behalf of Counterdefendant/Cross-defendant Stephen A. Wynn
8 ("Mr. Wynn"). William R. Urga, Esq. and David J. Malley, Esq., of Jolley Urga Woodbury &
9 Little, Michael T. Zeller, Esq., of Quinn Emanuel Urquhart & Sullivan LLP, and Daniel R.
10 Polsenberg, Esq. of Lewis Rocha Rothgerber Christie LLP, appeared on behalf of
11 Counterdefendant/ Counterclaimant/Crossclaimant Elaine P. Wynn ("Ms. Wynn"). And, J.
12 Stephen Peek, Esq., of Holland & Hart LLP, appeared on behalf of Defendant Kazuo Okada
13 ("Mr. Okada") and Defendants/Counterclaimants/Counterdefendants Aruze USA, Inc. ("Aruze
14 USA") and Universal Entertainment Corp. ("Universal") (the "Okada Parties").

15 The Court having considered the Motion to Preserve Highly Confidential Designation of
16 Testimony, the written opposition thereto filed by Ms. Wynn, as well as arguments of counsel
17 presented at the hearing, and good cause appearing therefor,

18 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Motion to Preserve
19 Confidential Designation of Testimony is GRANTED IN PART as follows: any information that
20 Wynn Resorts provides to Ernst & Young that has been designated as Confidential or Highly
21 Confidential under the Protective Order with Respect to Confidentiality ("Protective Order"),
22 entered by the Court on February 14, 2013, shall maintain any protections afforded to that
23 designation, subject to the Court's later ruling on any challenges to that designation. Ernst &

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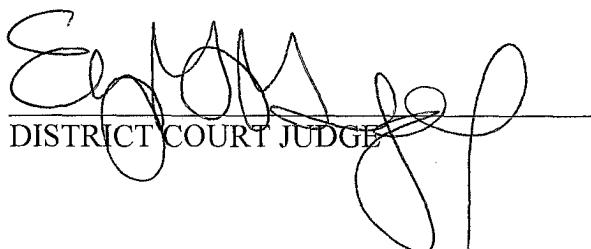
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1 Young is in no way restricted by the Protective Order and may use the information, whether it has
2 been designated or not, in any way that it deems is consistent with or appropriate to fulfill its
3 duties or responsibilities as Wynn Resorts' independent auditor.

4 DATED this 18th day of October, 2016.

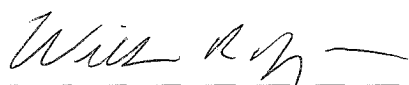
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DISTRICT COURT JUDGE

Submitted by:

JOLLEY URGAL WOODBURY & LITTLE

By:


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