

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

2 ELAINE P. WYNN, an individual,  
3 Petitioner,

Case No. 71432

4 vs.

Electronically Filed  
Nov 01 2016 10:45 a.m.

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

Elizabeth A. Brown  
Clerk of Supreme Court  
**WYNN RESORTS, LIMITED'S  
MOTION TO REDACT  
OPPOSITION TO ELAINE P.  
WYNN'S MOTION TO FILE  
UNDER SEAL PORTIONS OF  
APPENDIX TO WRIT PETITION  
AND FILE EXHIBIT B THERETO  
UNDER SEAL**

12 Respondent,

13 and

14 WYNN RESORTS, LIMITED, a  
15 Nevada Corporation,

16 Real Party in Interest.

17 **I. INTRODUCTION**

18 Pursuant to Part VII of the Supreme Court Rules Governing Sealing and  
19 Redacting Court Records, Real Party in Interest Wynn Resorts Limited ("WRL")  
20 hereby moves this Court for an order to file under seal Exhibit B to its Opposition  
21 to Motion to File Portions of Appendix to Writ Under Seal (the "Opposition") and  
22 file a redacted version of the Opposition, which quotes from Exhibit B. Exhibit B  
23 to the Opposition was filed under seal in the District Court on September 26, 2016  
24 pursuant to a protective order and Ms. Wynn's claims she is entitled to  
25 whistleblower protections. The subject matter of Ms. Wynn's Motion to File Under  
26 Seal Portions of Appendix to Writ Petition (the "Motion") is whether these filings  
27 should be filed under sealed, rather than redacting the confidential and highly  
28 confidential portions. WRL has prepared a redacted version of the filing.  
However, until the Court has decided the underlying Motion, WRL requests that  
Exhibit B be filed under seal and it be allowed to file a redacted version of the  
Opposition pursuant to SRCR 3(4).

1 **II. ANALYSIS**

2 Rule 7 of Part VII of the Supreme Court Rules provides that sealed  
3 District Court records shall be made available to this Court on appeal but that those  
4 records "shall be sealed from public access" subject to further order of this Court.  
5 This Court will keep the documents under seal if there is an appropriate basis to do  
6 so under SRCR 3(4). SRCR 3(4) permits the sealing or redaction of the record  
7 when justified by compelling privacy or safety interests that outweigh the public  
8 interest in access to the court record. The public interest in privacy outweighs the  
9 public interest in open court records when the sealing or redaction furthers a  
10 protective order entered under NRCP 26(c). SRCR 3(4)(b).

11 Here, the District Court, after briefing from the parties, entered a Protective  
12 Order with Respect to Confidentiality under NRCP 26(c) (the "Protective Order")  
13 (1 APP. 001-017.) Pursuant to the Protective Order, the parties are permitted to  
14 designate materials that contain "information that constitutes, reflects, or discloses  
15 nonpublic information, trade secrets, know-how, or other financial, proprietary,  
16 commercially sensitive, confidential business, marketing, regulatory, or strategic  
17 information (regarding business plans or strategies, technical data, and nonpublic  
18 designs)" as Confidential. (*Id.* at 2-3.) And, information that is designated as  
19 confidential may be filed with the Court and kept under seal and/or redacted upon  
20 motion of the filing party. (*Id.* at 9.)

21 In the present case, Ms. Wynn demanded that all filings relating to her claim  
22 she is entitled to whistleblower protections be filed under seal. Although WRL  
23 does not believe Ms. Wynn is entitled to whistleblower protections, it has complied  
24 with her demands, and the filings were filed under seal with the District Court.  
25 Ms. Wynn has since changed her position, arguing that only the substance of the  
26 communications between her and the Audit Committee or Ernst & Young cannot be  
27 disclosed. WRL has prepared redacted versions of these filings, including  
28 Exhibit B, but these filings are still under seal at the District Court, and Ms. Wynn's

1 Motion moves to seal these filings in her appendix to her writ petition. Thus, in  
2 order to avoid running afoul of the Protective Order, WRL seeks an order from this  
3 Court allowing it to file Exhibit B, which contains an unredacted version of the  
4 filing, under seal and a version of the Opposition which redacts the quotation from  
5 Exhibit B. An Order permitting WRL to file these documents under seal or with  
6 redactions will facilitate the Court's review of WRL's Opposition.

7 **III. CONCLUSION**

8 Based upon the foregoing, WRL respectfully requests that the Court permit it  
9 to file Exhibit B to its Opposition under seal and to file Opposition in redacted form  
10 and to submit the unredacted Opposition under seal.

11 DATED this 31st day of October, 2016.

12 PISANELLI BICE PLLC

13  
14 By:           /s/ Todd L. Bice            
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 31st day of October, 2016, I electronically filed and served by electronic mail and United States Mail a true and correct copy of the above and foregoing **WYNN RESORTS, LIMITED'S MOTION TO REDACT OPPOSITION TO ELAINE P. WYNN'S MOTION TO FILE UNDER SEAL PORTIONS OF APPENDIX TO WRIT PETITION AND FILE EXHIBIT B THERETO UNDER SEAL** properly addressed to the following:

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