

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
Nov 15 2016 10:53 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION TO STRIKE PORTIONS OF OPPOSITION
OR, IN THE ALTERNATIVE,
MOTION TO EXCEED THE PAGE LIMIT FOR
REPLY BRIEF ON EXTENDING STAY**

Petitioner Elaine P. Wynn moves to strike the allegations of misappropriation and litigation misconduct in Wynn Resorts' opposition to petitioner's request to extend the district court's stay. In the alternative, Ms. Wynn requests leave to exceed the five-page limit on her reply brief so she may respond to these allegations.

**MOTION TO STRIKE PORTIONS OF WYNN RESORTS' OPPOSITION
ALLEGING MISAPPROPRIATION AND ETHICAL VIOLATIONS**

A response to a motion, like the motion itself, must present only

the arguments “*necessary* to support it.” NRAP 27(a)(2), (3). Analogously, this Court forbids parties from larding their briefs with “burdensome, irrelevant, immaterial or scandalous matters.” NRAP 28(j). “Briefs that are not in compliance may be disregarded or stricken, on motion or sua sponte by the court.” *Id.*

Here, Wynn Resorts abused its responsibility. Ms. Wynn’s motion asked to extend the district court’s order staying discovery of matters to which Ms. Wynn asserts federal privileges. In response, however, Wynn Resorts dredged up its accusations of misappropriation and violation of ethical standards, allegations relevant only to Wynn Resorts’ attempt to disqualify Ms. Wynn’s lawyers at Quinn Emanuel. And Wynn Resorts falsely suggests that the district court has determined that the charges were substantiated. (Opp. 3–5.)

Those calumnies are not relevant to this motion. Ms. Wynn did not seek a stay of the disqualification proceedings, which are going forward. (*See* Ex. A, Hr’g Tr. 10/20/16, at 26:1–8.) And nothing in NRAP 8(c) permits consideration of a party’s or counsel’s alleged ethical violations—issues that have yet to be decided—as the basis for denying a stay. Neither Ms. Wynn nor this Court should not have to address the

allegations of misappropriation and ethical breaches in this motion.

They should be stricken.

MOTION TO EXCEED THE PAGE LIMIT

In the alternative, Ms. Wynn requests an additional six pages to respond to the accusations against her and her counsel. Wynn Resorts sets out the allegations across four pages (Opp. 2–5) and adds five exhibits from the district-court record. The extra pages are also necessary to address the Aruze parties’ separate five-page opposition to the stay, as well as to answer Wynn Resorts’ repeated assertion that “Ms. Wynn cites no authority” (e.g., Opp. 6) with additional citations.

Dated this 14th day of November, 2016.

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CERTIFICATE OF SERVICE

I certify that on November 14, 2016, I submitted the foregoing
“MOTION TO STRIKE PORTIONS OF OPPOSITION OR, IN THE ALTERNATIVE,
MOTION TO EXCEED THE PAGE LIMIT FOR REPLY BRIEF ON EXTENDING
STAY” for filing *via* the Court’s eFlex electronic filing system. Electronic
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