

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELAINE P. WYNN,

Petitioner,

v.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELIZABETH GONZALEZ, DISTRICT
JUDGE, DEPT. 11,

Respondents,

and

WYNN RESORTS, LIMITED, a Nevada
Corporation,

Real Parties in Interest.

Electronically Filed
Nov 23 2016 02:50 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No. 71432
District Court Case No. A-12-656710-B

**MOTION TO DESIGNATE THE ARUZE
PARTIES AS REAL PARTIES IN
INTEREST
AND
MOTION FOR EXTENSION OF TIME
TO FILE ANSWER TO PETITION FOR
WRIT OF PROHIBITION OR, IN THE
ALTERNATIVE, MANDAMUS**

HOLLAND & HART LLP
J. Stephen Peek, Esq. (1758)
Bryce K. Kunimoto, Esq. (7781)
Robert J. Cassity, Esq. (9779)
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134
Telephone No. (702) 669-4600

Steve Morris, Esq. (1543)
Rosa Solis-Rainey, Esq. (7921)
MORRIS LAW GROUP
900 Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101

BUCKLEYSANDLER LLP
David S. Krakoff, Esq.
(Admitted Pro Hac Vice)
Benjamin B. Klubes, Esq.
(Admitted Pro Hac Vice)
Adam Miller, Esq.
(Admitted Pro Hac Vice)
1250 24th Street NW, Suite 700
Washington DC 20037
Telephone No. (202) 349-8000

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

Aruze USA, Inc., Universal Entertainment Corp., and Kazuo Okada (the "Aruze Parties") respectfully submit this Motion to Designate the Aruze Parties as Real Parties in Interest regarding Elaine Wynn's Petition for Writ of Prohibition or, in the Alternative, Mandamus (the "Petition") (filed Oct. 5, 2016) and Motion for Extension of Time to File an Answer to the Petition.

I. Motion to Designate the Aruze Parties as Real Parties in Interest

In the Petition, Ms. Wynn seeks protection from disclosure of certain information she claims to be protected under the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Dodd-Frank") and the Sarbanes-Oxley Act of 2002 ("SOX"). The Aruze Parties are parties to the underlying case and are among the parties from whom Ms. Wynn seeks to prevent disclosure of information allegedly protected under Dodd-Frank and SOX. *See* Petition at 58 ("Federal privileges and protections bar disclosure of Ms. Wynn's protected whistleblower activity to those who retaliated against her (the company), *her litigation adversaries (the Okada parties)*, and the public." (emphasis added)).

Because the Petition seeks to prevent disclosure to the Aruze Parties of the allegedly protected information, the Aruze Parties have an interest in the outcome of the Petition.¹ For the foregoing reasons, the Aruze Parties respectfully request that

¹*See Wickens v. Shell Oil Co.*, No. 1:05-CV-645-SEB-JMS, 2009 WL 48169, at *3 (S.D. Ind. Jan. 5, 2009) (granting motion to designate real parties in interest because the movants "do in fact have their own separate and distinct

the Aruze Parties be designated as real parties in interest for purposes of the Petition under NRAP 21.

II. Motion for Extension of Time to File Answer

The Aruze Parties also move this Court for an extension of time to file an answer to the Petition under NRAP 26(b)(1). Ms. Wynn filed the Petition on October 5, 2016. The answer is presently due on November 28, 2016. The Aruze Parties respectfully request an extension until December 5, 2016. This is the Aruze Parties' first request for an extension. The Aruze Parties request an extension because Ms. Wynn did not serve the Petition or appendices on the Aruze Parties. The Aruze Parties became aware of the Petition on October 12, 2016, and received volumes 1-2 of the appendices that same day but did not receive volumes 3-6 and volume 7 until November 14, 2016, and November 21, 2016, respectively.

interests from [plaintiffs] in what remains of this litigation"); *see also Univ. Creek Assocs., II, Ltd. v. Boston Am. Fin. Grp., Inc.*, 100 F. Supp. 2d 1337, 1339 (S.D. Fla. 1998) (stating a "real party in interest" is a term "used to designate [one] who possesses a sufficient interest in the action to entitle him to be heard on the merits" (quoting 6A Charles A. Wright, Arthur R. Miller & Mary Kay Kane, *Federal Practice & Procedure* § 1542 (2d ed. Supp. 1998))).

In light of the late notice of the Petition, coupled with counsel's limited availability during the Thanksgiving holiday, the Aruze Parties respectfully request an additional week (December 5, 2016) to file the answer.

MORRIS LAW GROUP

By: /s/ STEVE MORRIS
Steve Morris, Esq. (1543)
Rosa Solis-Rainey, Esq. (7921)
900 Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101

J. Stephen Peek, Esq. (1758)
Bryce K. Kunimoto, Esq. (7781)
Robert J. Cassity, Esq. (9779)
Holland & Hart LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134

David S. Krakoff, Esq.
(Admitted Pro Hac Vice)
Benjamin B. Klubes, Esq.
(Admitted Pro Hac Vice)
Adam Miller, Esq.
(Admitted Pro Hac Vice)
BuckleySandler LLP
1250 24th Street NW, Suite 700
Washington DC 20037

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

CERTIFICATE OF SERVICE

Pursuant to Nev. R. App. P. 25, I certify that I am an employee of Holland & Hart LLP, that in accordance therewith, I caused a copy of **MOTION TO DESIGNATE THE ARUZE PARTIES AS REAL PARTIES IN INTEREST AND MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO PETITION FOR WRIT OF PROHIBITION OR, IN THE ALTERNATIVE, MANDAMUS** to be served as indicated below, on the date and to the addressee(s) shown below:

VIA HAND DELIVERY ON November 23, 2016

Judge Elizabeth Gonzalez
Eighth Judicial District Court of
Clark County, Nevada
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

VIA ELECTRONIC AND U.S. MAIL ON November 23, 2016

James J. Pisanelli
Todd L. Bice
Debra Spinelli
PISANELLI BICE PLLC
400 South 7th Street, Suite 300
Las Vegas, NV 89101
T: 702.214.2100

Attorneys for Wynn Resorts, Limited, Real Party in Interest, Linda Chen, 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

Daniel F. Polsenberg
Marla J. Hudgens
Joel D. Henriod
Abraham G. Smith
Lewis Roca Rothgerber Christie
3993 Howard Hughes Parkway
Suite 600
Las Vegas, Nevada 89169

John B. Quinn
Michael T. Zeller
Susan R. Estrich
Michael L. Fazio
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
865 S. Figueroa Street, 10th Floor
Los Angeles, CA 90017
T: 213.443.3000

Attorneys for Petitioner Elaine P. Wynn

DATED this 23rd day of November, 2016

By: /s/ PATRICIA FERRUGIA