

**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 04:36 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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

**CORRECTED 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"). This information pertains to alleged violations of state and federal law by counter-defendants Wynn Resorts, Ltd. and its Chairman and CEO, Stephen Wynn, and therefore may be directly relevant to the Aruze Parties' claims in this lawsuit.

The Aruze Parties are parties to the underlying case and are among the parties from whom Ms. Wynn seeks to withhold the information. *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)).

Accordingly, the Aruze Parties have an interest in the outcome of the Petition. *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 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))).

For the foregoing reasons, the Aruze Parties respectfully request that 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 a one-week 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.

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 **CORRECTED 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