

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

2
3 ELAINE P. WYNN,

4 Petitioner,
5 vs.

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

12 Respondent,

13 WYNN RESORTS, LIMITED, a
14 Nevada Corporation,

15 Real Party in Interest.

Case No. 71432
Electronically Filed
Dec 29 2016 08:07 a.m.

**POSITION TO
PARTIAL OPPOSITION TO
MOTION FOR EXTENSION OF
Clerk of Supreme Court
TIME**

16 Petitioner Elaine P. Wynn's ("Ms. Wynn") request for an extension of three
17 times the amount allotted for a reply brief is unwarranted and unduly prejudicial.
18 Respectfully, Ms. Wynn is utilizing her unfounded Petition to unduly delay this case
19 and thereby perpetuate involvement of her lead counsel, Quinn Emanuel Urquhart &
20 Sullivan, LLP, in the face of Real Party in Interest Wynn Resorts, Ltd.'s ("Wynn
21 Resorts") pending motion for disqualification of counsel for improper possession and
22 use of the Company's privileged information. As set forth in Wynn Resorts'
23 opposition to the Petition, Ms. Wynn's claims of a testimonial privilege – one that
24 entitles her to conceal discoverable information and the identity of witnesses – is
25 plainly without merit. Yet, she was actively utilizing this Court's stay of her
26 discovery obligations concerning the contemptuous conduct of herself and her lead
27 counsel while simultaneously that same tainted counsel seeks to manufacture
28 disputes with Wynn Resorts' audit committee and outside auditors, hoping to end run
the District Court's discovery processes and the pending motion for its
disqualification.

PISANELIBICE PLLC
400 SOUTH 7TH STREET, SUITE 300
LAS VEGAS, NEVADA 89101

1 Purely as a courtesy to Ms. Wynn's appellate counsel, Wynn Resorts agreed to
2 double the amount of time permitted for her reply brief. That reasonable
3 accommodation is more than adequate to address any scheduling concerns.
4 Respectfully, any suggestion that her appellate counsel has been preoccupied with
5 other proceedings in this case is not forthright. Contrary to the representations in the
6 motion, most of this case is stayed due to the pending motion to disqualify
7 Ms. Wynn's lead counsel, Quinn Emanuel. There have been no depositions to
8 schedule and thus preoccupy counsel. The stay was modified only slightly to allow
9 motions to challenge confidentiality of deposition transcripts, which appellate
10 counsel has had nothing to do with, much less presented argument on the
11 confidentiality motion practice.

12 However, that there is a stay is not is not grounds for a further extension. She
13 has effectively frozen this case with groundless objections to comply with ordinary
14 discovery obligations, and then sought and obtained a stay of the entire case as the
15 issue remains pending. Ms. Wynn's further statement that "anticipated district-court
16 rulings over the next few weeks may be relevant to issues raised in Wynn Resorts'
17 answer" is also odd since the only pending issues are deposition confidentiality and
18 disqualification. Ms. Wynn's explanation that she needs more time for her reply so
19 that, during the extra month she seeks, her tainted lead counsel can delay its
20 disqualification and try to cause as much disruption as possible before
21 disqualification and the resolution of this whistleblower issue can hardly be
22 persuasive. The continued stay on the basis of Ms. Wynn's unfounded Petition
23 should not be allowed to stand.

24 . . .

25 . . .

26 . . .

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, Wynn Resorts opposes any extension of time beyond 15 days.
Doubling the amount of time Ms. Wynn's Reply Brief is more than adequate.¹

DATED this 28th day of December, 2016.

PISANELLI BICE PLLC

By: /s/ Todd L. Bice
James J. Pisanelli, Esq., Bar No. 4027
Todd L. Bice, Esq., Bar No. 4534
Debra L. Spinelli, Esq., Bar No. 9695
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101

Attorneys for Real Party in Interest
Wynn Resorts, Limited

¹ Ms. Wynn's suggestion that her extraordinary extension is comparable to the short extension that Wynn Resorts obtained to file its opposition to her Petition is untenable. To file its opposition, Wynn Resorts obtained a shorter extension that what it has already agreed to give to Ms. Wynn concerning her Reply Brief.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 28th day of December, 2016, I filed and served via the Court's eFlex electronic filing system and via United States mail, a true and correct copy of the above and foregoing **PARTIAL OPPOSITION TO MOTION FOR EXTENSION OF TIME** properly addressed to the following:

John B. Quinn, Esq.
Michael T. Zeller, Esq.
Jennifer D. English, Esq.
Susan R. Estrich, Esq.
QUINN EMANUEL URQUHART &
SULLIVAN LLP
865 Figueroa Street, Tenth Floor
Los Angeles, CA 90017
Attorneys for Elaine P. Wynn

Daniel F. Polsenberg, Esq.
Marla J. Hudgens, Esq.
Joel D. Henriod, Esq.
Abraham G. Smith, Esq.
LEWIS ROCA ROTHGERBER
CHRISTIE LLP
3993 Howard Hughes Pkwy, Ste. 600
Las Vegas, NV 89169
Attorneys for Elaine P. Wynn

J. Stephen Peek, Esq.
Bryce K. Kunimoto, Esq.
Robert J. Cassity, Esq.
Brian G. Anderson, Esq.
HOLLAND & HART LLP
9555 Hillwood Drive, Second Floor
Las Vegas, NV 89134
*Attorneys for Kazuo Okada,
Universal Entertainment, Inc. and
Aruze USA, Inc.*

David S. Krakoff, Esq.
Benjamin B. Klubes, Esq.
Joseph J. Reilly, Esq.
BUCKLEY SANDLER LLP
1250 – 24th Street NW, Suite 700
Washington, DC 20037
*Attorneys for Kazuo Okada, Universal
Entertainment, Inc. and Aruze USA, Inc.*

Steve Morris, Esq.
Rosa Solis-Rainey, Esq.
MORRIS LAW GROUP
900 Bank of America Plaza
300 South Fourth Street
Las Vegas, NV 89101
*Attorneys for Kazuo Okada,
Universal Entertainment, Inc. and
Aruze USA, Inc.*

The Honorable Elizabeth Gonzalez
Eighth Judicial District court, Dept. XI
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155

/s/ Shannon Thomas
An employee of Pisanelli Bice PLLC