

IN THE SUPREME COURT OF THE STATE 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 GOFF GONZALEZ,  
DISTRICT JUDGE,

Respondents,

and

WYNN RESORTS, LIMITED, A  
NEVADA CORPORATION,

Real Party in Interest.

No. 71432

**FILED**

JAN 11 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
DEPUTY CLERK

*ORDER*

Petitioner has filed a motion to file volumes 3 through 6 of the appendix to her petition under seal. Real party in interest opposes the motion, and petitioner has replied.<sup>1</sup> The parties agree the documents are subject to a protective order entered by the district court, and it appears that the question of which documents should be sealed is intertwined with the merits of the petition. SRCR 4(b), (h); *cf. Taylor v. Barringer*, 75 Nev. 409, 344 P.2d 676 (1959). Accordingly, we grant the motion. The clerk shall file under seal volumes 3 through 6 of the appendix received on October 7, 2016.

<sup>1</sup>Real party has filed a motion to redact its opposition and to file its unredacted opposition and an exhibit thereto under seal. We grant the motion and direct the clerk to (1) file the redacted opposition received on November 1, 2016; (2) file under seal the opposition received November 4, 2016; and (3) file the reply received November 14, 2016.

Real party in interest has filed an unopposed motion to file a redacted version of its answer to the petition and to file an unredacted answer and volume 2 and 3 of the appendix thereto under seal. Cause appearing, we grant the motion. The clerk shall (1) file the redacted answer received on December 13, 2016; (2) file under seal the answer received on December 19, 2016; and (3) file under seal volume 2 and 3 of the appendix received on December 19, 2016.

Petitioner has filed a motion to extend the time to file her reply in support of the petition; real party opposes the motion in part, arguing that a shorter extension of time than that requested is appropriate, and petitioner has replied. Cause appearing, we grant the motion. Petitioner shall file her reply by January 27, 2017.

On October 21, 2016, this court granted a temporary stay of a deposition and evidentiary hearing pending receipt and consideration of further briefing on petitioner's motion for stay. Real party has filed its opposition.<sup>2</sup> In response, petitioner has filed a motion to strike portions of the opposition or, in the alternative, to exceed the page limit for her reply in support of the motion.<sup>3</sup> We grant the motion to the extent that petitioner's reply may exceed the applicable page limit; we also grant her unopposed motion to redact portions of the reply and to file Exhibits A and

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<sup>2</sup>Real party has filed an unopposed motion to file Exhibit D to its opposition under seal. We grant the motion and direct the clerk to file under seal the exhibit received on November 7, 2016.

<sup>3</sup>While real party has opposed the motion to strike, and petitioner has filed a reply, we note that real party does not appear to oppose the alternative request to file a reply that exceeds the applicable page limit.

C thereto under seal. The clerk shall (1) file the redacted reply in support of the motion for stay received November 15, 2016; and (2) file under seal the reply received November 16, 2016. In addition, the parties have filed a stipulation to permit Aruze USA, Inc., and Kazuo Okada (the Aruze parties), defendants and counterclaimants in the proceedings below, to file a response to petitioner's stay motion. We approve the stipulation and direct the clerk to file the Aruze parties' response received on November 2, 2016.

The parties concur that the object of the petition—to prevent the disclosure of the information at issue—will be defeated if the stay is lifted. NRAP 8(c). Real party and the Aruze parties object that the bases for petitioner's objections to disclosure are not well-founded, but they do not demonstrate that the petition itself is frivolous. *See State v. Robles-Nieves*, 129 Nev. 537, 542, 306 P.3d 399, 403 (2013) (“certain factors may be especially strong and counterbalance other weak factors” when considering a stay pending a proceeding in this court); *Mikohn Gaming Corp. v. McCrea*, 120 Nev. 248, 251, 89 P.3d 36, 38 (2004) (granting a stay even where “the merits [were] unclear”). Accordingly, we grant petitioner's motion and stay the deposition and evidentiary hearing described in the October 10, 2016, order in Eighth Judicial District Court Case No. A-12-656710-B pending further order of this court.

The Aruze parties have filed a motion to participate in this case as real parties in interest and for an extension of time to file an answer to the petition. Real party and petitioner both oppose the motion. We note that the district court has limited the Aruze parties' involvement in the discovery dispute that is the subject of the instant writ petition, and their participation therefore appears unnecessary at this point, and we

therefore deny the motion, though this court may order additional briefing or include the Aruze parties at a later date if deemed necessary.<sup>4</sup>

It is so ORDERED.

Cherry, C.J.  
Cherry

Douglas, J.  
Douglas

Gibbons, J.  
Gibbons

cc: Lewis Roca Rothgerber Christie LLP/Las Vegas  
Quinn Emanuel Urquhart & Sullivan, LLP  
Lewis Roca Rothgerber Christie LLP/Phoenix  
Pisanelli Bice, PLLC  
Morris Law Group  
Holland & Hart LLP  
Buckley Sandler LLP

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<sup>4</sup>We deny as moot the Aruze parties' motions to extend the time to file an answer and to file a redacted answer and answer under seal. The clerk shall return the proposed answer and appendix received on December 6, 2016, and the redacted answer received on December 8, 2016, unfiled.