



1 **II. ANALYSIS**

2 Part VII of the Supreme Court Rules provides that records submitted to this  
3 Court may be submitted in redacted or sealed form, subject to further order. The  
4 Court will keep the documents redacted or under seal if there is an appropriate basis  
5 under SRCR 3(4). That rule permits the sealing or redaction of the record when  
6 justified by compelling privacy or safety interests that outweigh the public interest  
7 in access to the court record. Furthermore, the public interest in privacy  
8 outweighs the public interest in open court records when the sealing or redaction  
9 furthers a protective order entered under NRCP 26(c). SRCR 3(4)(b).

10 Here, after briefing from the parties, the District Court entered a  
11 Protective Order with Respect to Confidentiality under NRCP 26(c) (the  
12 "Protective Order"). (Ex. 1.) Pursuant to the Protective Order, the parties are  
13 permitted to designate materials that contain "information that constitutes, reflects,  
14 or discloses nonpublic information, trade secrets, know-how, or other financial,  
15 proprietary, commercially sensitive, confidential business, marketing, regulatory,  
16 or strategic information (regarding business plans or strategies, technical data, and  
17 nonpublic designs)" as Confidential. (*Id.* ¶¶ 2-3.) Additionally, the Protective Order  
18 includes designation of materials as Highly Confidential if "the disclosure of which  
19 would create a substantial risk of competitive, business, or personal injury to the  
20 Producing Party." (*Id.* ¶ 5.) And, information that is designated as Confidential or  
21 Highly Confidential may be filed with the Court and kept under seal and/or  
22 redacted upon motion of the filing party. (*Id.* ¶ 9.)

23 Wynn Resorts and Real Party in Interest Elaine P. Wynn have designated  
24 certain materials as Confidential or Highly Confidential in accordance with the  
25 Protective Order. Moreover, the parties have filed certain pleadings under seal  
26 and/or in redacted form in accordance with the Protective Order. To present this  
27 issue to the Court, however, it is necessary to present the unredacted and unsealed  
28

1 versions of this material to the Court, and to redact or seal certain portions of the  
2 Petition or Appendix that quote or summarize material designated as Confidential or  
3 Highly Confidential in accordance with the Protective Order. Thus, to avoid  
4 running afoul of the Protective Order, Wynn Resorts seeks an order allowing it to  
5 file the Petition in redacted form and to submit the unredacted Petition for this Court's  
6 consideration under seal. Wynn Resorts also seeks an order allowing it to file pages  
7 215-626 of its Appendix, which contain the unredacted versions of the materials,  
8 under seal.

9 Specifically, Wynn Resorts seeks to file the following documents contained in  
10 its Appendix under seal<sup>1</sup>:

- 11 (a) Wynn Resorts, Limited's Motion for Protective Order; Application for  
12 Order Shortening Time dated August 9, 2017 (App. Vol. II, 215-332);
- 13 (b) Elaine P. Wynn's Opposition to Wynn Resorts, Limited's Motion for  
14 Protective Order dated August 10, 2017 (App. Vol. II-III, 333-490);
- 15 (c) Reply in Support of Wynn Resorts, Limited's Motion for Protective  
16 Order; Application for Order Shortening Time dated August 13, 2017  
17 (App. Vol. III, 491-514);
- 18 (d) Supplemental Brief in Support of Wynn Resorts, Limited's Motion for  
19 Protective Order dated August 18, 2017 (App. Vol. III, 515-525);
- 20 (e) Elaine P. Wynn's Supplemental Memorandum in Opposition to Wynn  
21 Resorts, Limited's Motion for Protective Order dated August 23, 2017  
22 (App. Vol. III, 526-543); and
- 23 (f) Supplement to Wynn Resorts, Limited's Motion for Protective Order  
24 dated August 24, 2017 (App. Vol. III, 544-626).

25 The discussion that follows demonstrates how each document listed herein  
26 furthers the purpose and intent of the District Court's Protective Order, and identifies

27 \_\_\_\_\_  
28 <sup>1</sup> Volume I of the Appendix contains the publicly available (electronically filed) versions of these documents.

1 either the date the document was filed under seal in the District Court or that the  
2 document was designated Confidential or Highly Confidential under the  
3 District Court's Protective Order.

4 (a) ***Wynn Resorts, Limited's Motion for Protective Order; Application for***  
5 ***Order Shortening Time dated August 9, 2017.***

6 Wynn Resorts, Limited's Motion for Protective Order; Application for Order  
7 Shortening Time is presented in Volume II of the Appendix, 215-332. Wynn Resorts  
8 filed a motion to seal/redact on August 10, 2017.

9 The District Court granted Wynn Resorts' motion to seal/redact. (*See Ex. 2,*  
10 *Notice of Entry of Order Granting Mot. to (1) Redact Wynn Resorts, Ltd.'s Mot. for*  
11 *Protective Order & (2) Seal Exs. 1-5 electronically filed Sept. 15, 2017.*)  
12 Accordingly, Wynn Resorts requests that Wynn Resorts, Limited's Motion for  
13 Protective Order; Application for Order Shortening Time, presented in Volume II,  
14 215-332 of the Appendix, be sealed.

15 The publicly filed version of the Motion for Protective Order is set forth in  
16 Volume I of the Appendix, 001-024.

17 (b) ***Elaine P. Wynn's Opposition to Wynn Resorts, Limited's Motion for***  
18 ***Protective Order dated August 10, 2017.***

19 Elaine P. Wynn's Opposition to Wynn Resorts, Limited's Motion for Protective  
20 Order is presented in Volumes II and III of the Appendix, 333-490. Ms. Wynn filed  
21 a motion to seal/redact on August 11, 2017.

22 Although the District Court granted the motion to seal/redact on August 18,  
23 2017, the District Court has not yet entered a written order on the motion to  
24 seal/redact. (*See Ex. 3, August 18, 2017 Minutes.*) Wynn Resorts requests that Ms.  
25 Wynn's Opposition presented in Volumes II and III, 333-490 of the Appendix, be  
26 filed under seal.

27 The publicly filed version of the Opposition is set forth in Volume I of the  
28

1 Appendix, 025-048.

2 (c) ***Reply in Support of Wynn Resorts, Limited's Motion for Protective***  
3 ***Order; Application for Order Shortening Time dated August 13, 2017.***

4 The Reply in Support of Wynn Resorts, Limited's Motion for Protective Order;  
5 Application for Order Shortening Time dated August 13, 2017 is presented in  
6 Volume III of the Appendix, 491-514. Wynn Resorts filed a motion to seal/redact on  
7 August 16, 2017.

8 The District Court granted Wynn Resorts' motion to seal/redact. (*See Ex. 4,*  
9 *Notice of Entry of Order Granting Mot. to Redact Wynn Resorts, Ltd.'s Reply in*  
10 *Support of Mot. for Protective Order & Seal Exs. 6-8 Thereto electronically filed*  
11 *Sept. 4, 2017.*) Accordingly, Wynn Resorts requests that the Reply in Supp. of Wynn  
12 Resorts, Ltd.'s Mot. for Protective Order; Application for Order Shortening Time,  
13 presented in Volume III, 491-514 of the Appendix, be sealed.

14 The publicly filed version of the Reply is set forth in Volume I of the Appendix,  
15 049-065.

16 (d) ***Supplemental Brief in Support of Wynn Resorts, Limited's Motion for***  
17 ***Protective Order dated August 18, 2017.***

18 The Supplemental Brief in Support of Wynn Resorts, Limited's Motion for  
19 Protective Order dated August 18, 2017 is presented in Volume III of the Appendix,  
20 515-525. Wynn Resorts filed a motion to seal/redact on August 24, 2017.

21 The District Court granted Wynn Resorts' motion to seal/redact. (*See Ex. 5,*  
22 *Notice of Entry of Order Granting Mot. to (1) Redact Suppl. Br. in Supp. of Wynn*  
23 *Resorts, Ltd.'s Mot. for Protective Order & (2) Seal Ex. 9 Thereto electronically filed*  
24 *Sept. 12, 2017.*) Accordingly, Wynn Resorts requests that the Supplemental Brief in  
25 Support of Wynn Resorts, Limited's Motion for Protective Order dated August 18,  
26 2017, presented in Volume III, 515-525 of the Appendix, be sealed.

27 The publicly filed version of the Supplemental Brief dated August 18, 2017 is  
28

1 set forth in Volume I of the Appendix, 066-075.

2 (e) ***Elaine P. Wynn's Supplemental Memorandum in Opposition to Wynn***  
3 ***Resorts, Limited's Motion for Protective Order dated August 23, 2017.***

4 Elaine P. Wynn's Supplemental Memorandum in Opposition to Wynn Resorts,  
5 Limited's Motion for Protective Order dated August 23, 2017 is presented in Volume  
6 III of the Appendix, 526-543. Ms. Wynn filed a motion to seal/redact on August 25,  
7 2017.

8 Although the District Court granted the motion to seal/redact on August 25,  
9 2017, the District Court has not yet entered a written order on the motion to  
10 seal/redact. (*See* Ex. 6, August 25, 2017 Minutes.) Wynn Resorts requests that Ms.  
11 Wynn's Supplemental Memorandum presented in Volume III, 526-543 of the  
12 Appendix, be filed under seal.

13 The publicly filed version of Ms. Wynn's Supplemental Memorandum  
14 Opposition is set forth in Volume I of the Appendix, 076-089.

15 (f) ***Supplement to Wynn Resorts, Limited's Motion for Protective Order***  
16 ***dated August 24, 2017.***

17 The Supplement to Wynn Resorts, Limited's Motion for Protective Order dated  
18 August 24, 2017 is presented in Volume III of the Appendix, 544-626. Wynn Resorts  
19 filed a motion to seal/redact on August 25, 2017.

20 Although the District Court granted the motion to seal/redact on August 25,  
21 2017, the District Court has not yet entered a written order on the motion to  
22 seal/redact. (*See id.*) Wynn Resorts requests that its Supplement dated August 24,  
23 2017, presented in Volume III, 544-626 of the Appendix, be filed under seal.

24 The publicly filed version of Wynn Resorts' Supplement dated August 24,  
25 2017 is set forth in Volume I of the Appendix, 090-100.<sup>2</sup>

26 \_\_\_\_\_  
27 <sup>2</sup> The redacted version of the Supplement to Wynn Resorts, Limited's Motion  
28 for Protective Order is attached to the Motion to (1) Redact Supplement to Wynn  
Resorts, Limited's Motion for Protective Order Dated [sic] and (2) Seal Exhibits 2-

1 **III. CONCLUSION**

2 Based upon the foregoing, Wynn Resorts respectfully requests that this Court  
3 permit it to file the Petition in redacted form and to submit the unredacted Petition  
4 under seal. Wynn Resorts also respectfully requests an order allowing it to file pages  
5 215-626 of its Appendix under seal.

6 DATED this 25th day of September, 2017.

7 PISANELLI BICE PLLC

8  
9 By: /s/ Todd L. Bice  
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28 6 Thereto; and *Ex Parte* Application for an Order Shortening Time filed August  
25, 2017.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 26th day of September, 2017, I electronically filed and served by electronic mail a true and correct copy of the above and foregoing **WYNN RESORTS, LIMITED'S MOTION TO FILE PAGES 215-626 OF ITS APPENDIX UNDER SEAL AND TO REDACT PORTIONS OF ITS PETITION FOR WRIT OF PROHIBITION OR ALTERNATIVELY, MANDAMUS** properly addressed to the following:

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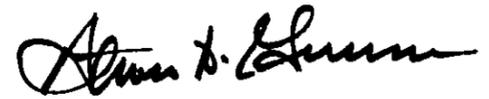
**SERVED VIA HAND-DELIVERY**

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

*Respondent*

/s/ Shannon Dinkel  
An employee of PISANELLI BICE PLLC

# **EXHIBIT 1**



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18 **DISTRICT COURT**  
19 **CLARK COUNTY, NEVADA**

20 WYNN RESORTS, LIMITED, a Nevada  
21 Corporation,  
22 **Plaintiff,**  
23 vs.  
24 KAZUO OKADA, an individual, ARUZE  
USA, INC., a Nevada corporation, and  
25 UNIVERSAL ENTERTAINMENT CORP.,  
a Japanese corporation,  
26 **Defendants.**  
27 **AND ALL RELATED CLAIMS**  
28

Case No.: A-12-656710-B  
Dept. No.: XI

**WYNN PARTIES' PROPOSED**  
**PROTECTIVE ORDER WITH**  
**RESPECT TO CONFIDENTIALITY**

PISANELLI BICE PLLC  
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LAS VEGAS, NEVADA 89169

1 The Wynn Parties hereby propose that the handling of confidential material in these  
2 proceedings shall be governed by the provisions set forth below:

3 1. **Applicability of this Protective Order:** Subject to Section 20 below, this  
4 Protective Order does not and will not govern any trial proceedings in this action but will  
5 otherwise be applicable to and govern the handling of documents, depositions, deposition  
6 exhibits, interrogatory responses, responses to requests for admissions, responses to requests for  
7 production of documents, and all other discovery obtained pursuant to Nevada Rules of Civil  
8 Procedure or other legal process by or from, or produced on behalf of, a party or witness in  
9 connection with this action (this information hereinafter shall be referred to as "Discovery  
10 Material"). As used herein, "Producing Party" or "Disclosing Party" shall refer to the parties and  
11 nonparties that give testimony or produce documents or other information in connection with this  
12 action; "Receiving Party" shall refer to the parties in this action that receive such information, and  
13 "Authorized Recipient" shall refer to any person or entity authorized by Sections 10 and 11 of this  
14 Protective Order to obtain access to Confidential Information, Highly Confidential Information,  
15 or the contents of such Discovery Material.

16 2. **Designation of Information:** Any Producing Party may designate Discovery  
17 Material that is in its possession, custody, or control produced to a Receiving Party as  
18 "Confidential" or "Highly Confidential" under the terms of this Protective Order if the Producing  
19 Party in good faith reasonably believes that such Discovery Material contains nonpublic,  
20 confidential information as defined in Sections 4 and 5 below.

21 3. **Exercise of Restraint and Care in Designating Material for Protection:** Each  
22 Producing Party that designates information or items for protection under this Protective Order  
23 must take care to limit any such designation to specific material that qualifies under the  
24 appropriate standards. Indiscriminate designations are prohibited.

25 4. **Confidential Information:** For purposes of this Protective Order, "Confidential  
26 Information" means any Protected Data (as defined below) or any information that constitutes,  
27 reflects, or discloses nonpublic information, trade secrets, know-how, or other financial,  
28 proprietary, commercially sensitive, confidential business, marketing, regulatory, or strategic

1 information (regarding business plans or strategies, technical data, and nonpublic designs), the  
2 disclosure of which the Producing Party believes in good faith might reasonably result in  
3 economic or competitive, or business injury to the Producing Party (or its affiliates, personnel, or  
4 clients) and which is not publicly known and cannot be ascertained from an inspection of publicly  
5 available sources, documents, material, or devices. Confidential Information shall also include  
6 sensitive personal information that is not otherwise publicly available, such as home addresses;  
7 social security numbers; dates of birth; employment personnel files; medical information; home  
8 telephone records/numbers; employee disciplinary records; family court documents sealed by the  
9 family court pursuant to NRS 125.110 or designated Confidential by agreement of the parties to  
10 the family court proceedings at issue; wage statements or earnings statements; employee benefits  
11 data; tax records; and other similar personal financial information. A party may also designate as  
12 "CONFIDENTIAL" compilations of publicly available discovery materials, which would not be  
13 known publicly in a compiled form.

14 (a) Protected Data. The term "Protected Data" shall refer to any information  
15 that a party believes in good faith to be subject to federal, state or foreign data protection laws or  
16 other privacy obligations. Protected Data constitutes highly sensitive materials requiring special  
17 protection. Examples of such laws include, but are not limited to, the Macau Personal Data  
18 Protection Act ("MDPA"), Macao Special Administrative Region Law n.º 16/2001 ("Judicial  
19 system for operating games of fortune in casinos"), and other state, federal, and/or foreign law(s)  
20 that impose special protections.

21 5. **Highly Confidential Information:** For purposes of this Protective Order, Highly  
22 Confidential Information is any Protected Data and/or Confidential Information as defined in  
23 Section 4 above that also includes (a) extremely sensitive, highly confidential, nonpublic  
24 information, consisting either of trade secrets or proprietary or other highly confidential business,  
25 financial, regulatory, private, or strategic information (including information regarding business  
26 plans, technical data, and nonpublic designs), the disclosure of which would create a substantial  
27 risk of competitive, business, or personal injury to the Producing Party, and/or (b) nonpublic  
28 documents or information reflecting the substance of conduct or communications that are the

1 subject of state, federal, or foreign government investigations. Certain Protected Data may  
2 compel alternative or additional protections beyond those afforded Highly Confidential  
3 Information, in which event the parties shall meet and confer in good faith, and, if unsuccessful,  
4 the party seeking any greater protection shall move the Court for appropriate relief. A party may  
5 re-designate material originally "CONFIDENTIAL" as "HIGHLY CONFIDENTIAL" by giving  
6 notice of such a re-designation to all parties.

7       **6. Designating Confidential Information or Highly Confidential Information.** If  
8 any party in this action determines in good faith that any information, documents, things, or  
9 responses produced in the course of discovery in this action should be designated as Confidential  
10 Information or Highly Confidential Information (the "Designating Party"), it shall advise any  
11 party receiving such material of this fact, and all copies of such document, things, or responses, or  
12 portions thereof deemed to be confidential shall be marked "CONFIDENTIAL" or "HIGHLY  
13 CONFIDENTIAL" (whether produced in hard copy or electronic form) at the expense of the  
14 designating party and treated as such by all parties. A Designating Party may inform another  
15 party that a document is Confidential or Highly Confidential by providing the Bates number of  
16 the document in writing. If Confidential or Highly Confidential Information is produced via an  
17 electronic form on a computer readable medium (*e.g.*, CD-ROM), other digital storage medium,  
18 or via Internet transmission, the Producing Party or Designating Party shall affix in a prominent  
19 place on the storage medium or container file on which the information is stored, and on any  
20 container(s) for such medium, the legend "Includes CONFIDENTIAL INFORMATION" or  
21 "Includes HIGHLY CONFIDENTIAL INFORMATION." Nothing in this section shall extend  
22 confidentiality or the protections associated therewith to any information that does not otherwise  
23 constitute "Confidential Information" or "Highly Confidential Information" as defined in Sections  
24 4 and 5 herein.

25       **7. Redaction Allowed:** Any Producing Party may redact from the documents or  
26 things it produces matter that the Producing Party claims is subject to the attorney-client privilege,  
27 the work product doctrine, a legal prohibition against disclosure, or any other privilege from  
28 disclosure. Any Producing Party also may redact information that is both personal and

1 nonresponsive, such as a social security number. A Producing Party may not withhold  
2 nonprivileged, responsive information solely on the grounds that such information is contained in  
3 a document that includes privileged information. The Producing Party shall mark each redaction  
4 with a legend stating "REDACTED," and include an annotation indicating the specific reason for  
5 the redaction (*e.g.*, "REDACTED—Work Product"). All documents redacted based on attorney  
6 client privilege or work product immunity shall be listed in an appropriate log in conformity with  
7 Nevada law and Nevada Rule of Civil Procedure 26(b)(5). Where a document consists of more  
8 than one page, the page on which information has been redacted shall so be marked. The  
9 Producing Party shall preserve an unredacted version of such document. In addition to the  
10 foregoing, the following shall apply to redactions of Protected Data:

11 (a) Any party may redact Protected Data that it claims, in good faith, requires  
12 protections under the terms of this Protective Order.

13 (b) Protected Data shall be redacted from any public filing not filed under seal.

14 (c) The right to challenge and the process for challenging redactions shall be  
15 the same as the right to challenge and the process from challenging the designation of  
16 Confidential Information or Highly Confidential Information.

17 **8. Use of Confidential Information or Highly Confidential Information.** Except  
18 as provided herein, Confidential Information and Highly Confidential Information designated or  
19 marked shall be maintained in confidence, used solely for the purposes of this action, to the extent  
20 not otherwise prohibited by an order of the Court, shall be disclosed to no one except those  
21 persons identified herein in Sections 10 and 11, and shall be handled in such manner until such  
22 designation is removed by the Designating Party or by order of the Court. Confidential or Highly  
23 Confidential information produced by another party shall not be used by any Receiving Party for  
24 any commercial, competitive or personal purpose. Nothing in this Protective Order shall govern  
25 or restrict a Producing Party's use of its own Confidential or Highly Confidential Information in  
26 any way.

27 **9.** Once the Court enters this Protective Order, a party shall have thirty (30) days to  
28 designate as Confidential or Highly Confidential any documents previously produced in this

1 action, which it can do by stamping "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" on the  
2 document, or informing the other parties of the Bates-numbers of the documents so designated.

3       **10. Use of Confidential Information and Highly Confidential Information in**  
4 **Depositions.** Counsel for any party shall have the right to disclose Confidential or Highly  
5 Confidential Information at depositions, provided that such disclosure is consistent with this  
6 Protective Order, including Sections 10 and 11. Any counsel of record may request that all  
7 persons not entitled under Sections 10 or 11 of this Protective Order to have access to  
8 Confidential Information or Highly Confidential Information leave the deposition room during the  
9 confidential portion of the deposition. Failure of such other persons to comply with a request to  
10 leave the deposition shall constitute substantial justification for counsel to advise the witness that  
11 the witness need not answer the question where the answer would disclose Confidential  
12 Information or Highly Confidential Information. Additionally, at any deposition session, (1) upon  
13 inquiry with regard to the content of any discovery material(s) designated or marked as  
14 "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY;"  
15 (2) whenever counsel for a party deems that the answer to a question may result in the disclosure  
16 or revelation of Confidential or Highly Confidential Information; and/or (3) whenever counsel  
17 for a party deems that the answer to any question has resulted in the disclosure or revelation of  
18 Confidential or Highly Confidential Information, counsel to any party may designate portions of a  
19 deposition transcript and/or video of any deposition (or any other testimony) as containing  
20 Confidential or Highly Confidential Information in accordance with this Order by a statement on  
21 the record during the deposition or by notifying all other parties in writing, within thirty (30)  
22 calendar days of receiving the transcript or video that it contains Confidential or Highly  
23 Confidential Information and designating the specific pages, lines, and/or counter numbers as  
24 containing Confidential or Highly Confidential Information. If a designation is made via a  
25 statement on the record during a deposition, counsel must follow up in writing within thirty (30)  
26 calendar days of receiving the transcript or video, identifying the specific pages, lines, and/or  
27 counter numbers containing the Confidential or Highly Confidential Information. If no  
28 confidentiality designations are made within the thirty calendar (30) day period, the entire

1 transcript shall be considered nonconfidential. During the thirty (30) day period, the entire  
2 transcript and video shall be treated as Confidential Information (or Highly Confidential  
3 Information). All originals and copies of deposition transcripts that contain Confidential  
4 Information or Highly Confidential Information shall be prominently marked "CONFIDENTIAL"  
5 or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" on the cover thereof and, if and  
6 when filed with the Court, the portions of such transcript so designated shall be filed under seal.  
7 Counsel must designate portions of a deposition transcript as "CONFIDENTIAL" or "HIGHLY  
8 CONFIDENTIAL – ATTORNEYS' EYES ONLY" within thirty calendar (30) days of receiving  
9 the transcript. Any DVD or other digital storage medium containing Confidential or Highly  
10 Confidential deposition testimony shall be labeled in accordance with the provisions of  
11 Section 6.

12 **11. Persons Authorized to Receive Confidential Information.** Confidential  
13 Information produced pursuant to this Protective Order may be disclosed or made available only  
14 to the Court, its employees, other court personnel, any discovery referee, mediator or other  
15 official who may be appointed by the Court, and to the persons below:

16 (a) A party, or officers, directors, employees, and agents of a party deemed  
17 necessary by counsel to aid in the prosecution, defense, or settlement of this action;

18 (b) Counsel for a party (including in house attorneys, outside attorneys  
19 associated with a law firm(s) of record, and paralegal, clerical, and secretarial staff employed by  
20 such counsel);

21 (c) Persons retained by a party to provide litigation support services  
22 (photocopying, videotaping, translating, preparing exhibits or demonstrations, organizing, storing,  
23 retrieving data in any form or medium, etc.);

24 (d) Consultants or expert witnesses (together with their support staff) retained  
25 for the prosecution or defense of this litigation, provided that such an expert or consultant is  
26 not a current employee of a direct competitor of a party named in this action; (fn)

27 (e) Court reporter(s) and videographers(s) employed in this action;

28 (f) Any authors or recipients of the Confidential Information;

(fn) A party may seek leave of court to provide information to a consultant employed by a competitor

1 (g) A witness at any deposition or other proceeding in this action, who shall  
2 sign the Confidentiality Agreement attached as "Exhibit A" to this Protective Order before being  
3 shown a confidential document; and

4 (h) Any other person as to whom the parties in writing agree or that the Court  
5 in these proceedings so designates.

6 Any person to whom Confidential Information is disclosed pursuant to subparts (a)  
7 through (g) hereinabove shall be advised that the Confidential Information is being disclosed  
8 pursuant to an order of the Court, that the information may not be disclosed by such person to any  
9 person not permitted to have access to the Confidential Information pursuant to this Protective  
10 Order, and that any violation of this Protective Order may result in the imposition of such  
11 sanctions as the Court deems proper. Any person to whom Confidential Information is disclosed  
12 pursuant to subpart (c), (d), (g) or (h) of this section shall also be required to execute a copy of the  
13 form Exhibit A. The persons shall agree in writing to be bound by the terms of this Protective  
14 Order by executing a copy of Exhibit A (which shall be maintained by the counsel of record for  
15 the party seeking to reveal the Confidential Information) in advance of being shown the  
16 Confidential Information. No party (or its counsel) shall discourage any persons from signing a  
17 copy of Exhibit A. If a person refuses to execute a copy of Exhibit A, the party seeking to reveal  
18 the Confidential Information shall seek an order from the Court directing that the person be bound  
19 by this Protective Order. In the event of the filing of such a motion, Confidential Information  
20 may not be disclosed to such person until the Court resolves the issue. Proof of each written  
21 agreement provided for under this Section shall be maintained by each of the parties while this  
22 action is pending and disclosed to the other parties upon good cause shown and upon order of the  
23 Court.

24 12. **Persons Authorized to Receive Highly Confidential Information.** "HIGHLY  
25 CONFIDENTIAL – ATTORNEYS' EYES ONLY" documents and information may be used only  
26 in connection with this case and may be disclosed only to the Court and the persons listed in  
27 subsections (b) to (e) and (g) to (h) of Section 10 above, but shall not be disclosed to a party, or  
28 an employee of a party, unless otherwise agreed or ordered. With respect to sub-section (f), the

1 parties will consider disclosure of Highly Confidential Information to an author or recipient  
2 on a case by case basis. Any person to whom Highly Confidential Information is disclosed  
3 pursuant to sub-sections (c), (d), (g) or (h) of Section 10 above shall also be required to execute a  
4 copy of the form Exhibit A.

5       **13. Filing of Confidential Information or Highly Confidential Information With**  
6 **Court.** Any party seeking to file or disclose materials designated as Confidential Information or  
7 Highly Confidential Information with the Court in this Action must seek to file such Confidential  
8 or Highly Confidential Information under seal pursuant to Rule 3 of the Nevada Rules for Sealing  
9 and Redacting Court Records. The Designating Party will have the burden to provide the Court  
10 with any information necessary to support the designation as Confidential Information.

11       **14. Notice to Nonparties.** Any party issuing a subpoena to a nonparty shall enclose a  
12 copy of this Protective Order and advise the nonparty that it may designate any Discovery  
13 Material it produces pursuant to the terms of this Protective Order, should the nonparty producing  
14 party wish to do so. This Order shall be binding in favor of nonparty designating parties to the  
15 maximum extent permitted by law. Any nonparty invoking the Protective Order shall comply  
16 with, and be subject to, all applicable sections of the Protective Order.

17       **15. Knowledge of Unauthorized Use or Possession.** If a party receiving Confidential  
18 Information or Highly Confidential Information learns of any possession, knowledge, use or  
19 disclosure of any Confidential Information or Highly Confidential Information in violation of the  
20 terms of this Protective Order, the Receiving Party shall immediately notify in writing the party  
21 that produced the Confidential Information or Highly Confidential Information. The Receiving  
22 Party shall promptly furnish the Producing Party the full details of such possession, knowledge,  
23 use or disclosure. With respect to such unauthorized possession, knowledge, use or disclosure the  
24 Receiving Party shall assist the Producing Party in remedying the disclosure (e.g., by retrieving  
25 the Confidential Information from an unauthorized recipient) and/or preventing its recurrence.

26       **16. Copies, Summaries or Abstracts.** Any copies, summaries, abstracts or exact  
27 duplications of Confidential Information or Highly Confidential Information shall be marked  
28 "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY" and shall be

1 considered Confidential Information or Highly Confidential Information subject to the terms and  
2 conditions of this Protective Order. Attorney-client communications and attorney work product  
3 regarding Confidential Information or Highly Confidential Information shall not be subject to this  
4 section, regardless of whether they summarize, abstract, paraphrase, or otherwise reflect  
5 Confidential Information or Highly Confidential Information.

6 **17. Information Not Confidential.** The restrictions set forth in this Protective Order  
7 shall not be construed to apply to any information or materials that:

8 (a) Were lawfully in the Receiving Party's possession prior to such  
9 information being designated as Confidential or Highly Confidential Information in this action,  
10 and that the Receiving Party is not otherwise obligated to treat as confidential;

11 (b) Were obtained without any benefit or use of Confidential or Highly  
12 Confidential Information from a third party having the right to disclose such information to the  
13 Receiving Party without restriction or obligation of confidentiality;

14 (c) Were independently developed after the time of disclosure by persons who  
15 did not have access to the Producing Party's Confidential or Highly Confidential Information;

16 (d) Have been or become part of the public domain by publication or  
17 otherwise and not due to any unauthorized act or omission on the part of a Receiving Party; or

18 (e) Under law, have been declared to be in the public domain.

19 **18. Challenges to Designations.** Any party may object to the designation of  
20 Confidential Information or Highly Confidential Information on the ground that such information  
21 does not constitute Confidential Information or Highly Confidential Information by serving  
22 written notice upon counsel for the Producing Party within sixty (60) calendar days of the date  
23 the item(s) was designated, specifying the item(s) in question and the grounds for the objection.  
24 If a party objects to the designation of any materials as Confidential Information or Highly  
25 Confidential Information, the party challenging the designation shall arrange for an EDCR 2.34  
26 conference to be held within ten (10) calendar days of service of a written objection to the  
27 designation to attempt to informally resolve the dispute. If the parties cannot resolve the matter,  
28 the party challenging the designation may file a motion with the Court to resolve the dispute.

1 Such motions must be filed within ten (10) calendar days of the EDCR 2.34 conference. This  
2 Protective Order will not affect the burden of proof on any such motion, or impose any burdens  
3 upon any party that would not exist had the Protective Order not been entered; as a general  
4 matter, the burden shall be on the person making the designation to establish the propriety of the  
5 designation. Any contested information shall continue to be treated as confidential and subject to  
6 this Protective Order until such time as such motion has been ruled upon.

7       **19. Use in Court.** If any Confidential Information or Highly Confidential Information  
8 is used in any pretrial Court proceeding in this action, it shall not necessarily lose its confidential  
9 status through such use, and the party using such information shall take all reasonable steps  
10 consistent with the Nevada Supreme Court Rules Governing Sealing and Redacting Court  
11 Records to maintain its confidentiality during such use.

12       **20. No Waiver.** This Protective Order is entered solely for the purpose of facilitating  
13 the exchange of documents and information among the parties to this action without involving the  
14 Court unnecessarily in the process. Nothing in this Protective Order, nor the production of any  
15 information or document under the terms of this Protective Order, nor any proceedings pursuant  
16 to this Protective Order shall be deemed to be a waiver of any rights or objections to challenge the  
17 authenticity or admissibility of any document, testimony or other evidence at trial. Additionally,  
18 this Protective Order will not prejudice the right of any party or nonparty to oppose production of  
19 any information on the ground of attorney-client privilege; work product doctrine or any other  
20 privilege or protection provided under the law.

21       **21. Reservation of Rights.** The parties each reserve the right to seek or oppose  
22 additional or different protection for particular information, documents, materials, items or things.  
23 This Stipulation shall neither enlarge nor affect the proper scope of discovery in this Action. In  
24 addition, this Stipulation shall not limit or circumscribe in any manner any rights the Parties (or  
25 their respective counsel) may have under common law or pursuant to any state, federal, or foreign  
26 statute or regulation, and/or ethical rule.

27       **22. Inadvertent Failure to Designate.** The inadvertent failure to designate  
28 information produced in discovery as Confidential or Highly Confidential shall not be deemed, by

1 itself, to be a waiver of the right to so designate such discovery materials as Confidential  
2 Information or Highly Confidential Information. Within a reasonable time of learning of any  
3 such inadvertent failure, the Producing Party shall notify all Receiving Parties of such inadvertent  
4 failure and take such other steps as necessary to correct such failure after becoming aware of it.  
5 Disclosure of such discovery materials to any other person prior to later designation of the  
6 discovery materials in accordance with this section shall not violate the terms of this Protective  
7 Order. However, immediately upon being notified of an inadvertent failure to designate, all  
8 parties shall treat such information as though properly designated, and shall take any actions  
9 necessary to prevent any future unauthorized disclosure, use, or possession.

10       **23. No Waiver of Privilege:** Disclosure (including production) of information after  
11 the parties' entry of this Protective Order that a party or nonparty later claims was inadvertent and  
12 should not have been disclosed because of a privilege, including, but not limited to, the  
13 attorney-client privilege or work product doctrine ("Privileged Information"), shall not constitute  
14 a waiver of, or estoppel as to, any claim of attorney-client privilege, attorney work product, or  
15 other ground for withholding production as to which the Disclosing or Producing Party would be  
16 entitled in this action.

17       **24. Effect of disclosure of Privileged Information:** The Receiving Party hereby  
18 agrees to promptly return, sequester, or destroy any Privileged Information disclosed or produced  
19 by Disclosing or Producing Party upon request by Disclosing or Producing Party regardless of  
20 whether the Receiving Party disputes the designation of Privileged Information. The Receiving  
21 Party may sequester (rather than return or destroy) such Privileged Information only if it contends  
22 that the information itself is not privileged or otherwise protected and it challenges the privilege  
23 designation, in which case it may only sequester the information until the claim of privilege or  
24 other protection is resolved. If any party disputes the privilege claim ("Objecting Party"), that  
25 Objecting Party shall object in writing by notifying the Producing Party of the dispute and the  
26 basis therefore. The parties thereafter shall meet and confer in good faith regarding the disputed  
27 claim within seven (7) court days after service of the written objection. In the event that the  
28 parties do not resolve their dispute, the Objecting Party may bring a motion for a determination of

1 whether a privilege applies within ten (10) court days of the meet and confer session, but may  
2 only contest the asserted privileges on ground other than the inadvertent production of such  
3 document(s). In making such a motion, the Objecting Party shall not disclose the content of the  
4 document(s) at issue, but may refer to the information contained on the privilege log. Nothing  
5 herein shall relieve counsel from abiding by applicable ethical rules regarding inadvertent  
6 disclosure and discovery of inadvertently disclosed privileged or otherwise protected material.  
7 The failure of any party to provide notice or instructions under this Paragraph shall not constitute  
8 a waiver of, or estoppel as to, any claim of attorney-client privilege, attorney work product, or  
9 other ground for withholding production as to which the Disclosing or Producing Party would be  
10 entitled in this action.

11           **25. Inadvertent Production of Non-Discoverable Documents.** If a Producing Party  
12 inadvertently produces a document that contains no discoverable information, the Producing Party  
13 may request in writing that the Receiving Party return the document, and the Receiving Party will  
14 return the document. A Producing Party may not request the return of a document pursuant to  
15 this section if the document contains any discoverable information. If a Producing Party  
16 inadvertently fails to redact personal information (*e.g.*, a social security number), the Producing  
17 Party may provide the Receiving Party a substitute version of the document that redacts the  
18 personal information, and the Receiving Party shall return the original, unredacted document to  
19 the Producing Party.

20           **26. Return of Information.** Within thirty (30) calendar days after the final  
21 disposition of this action, all Confidential Material and/or Highly Confidential Material produced  
22 by an opposing party or nonparty (including, without limitation, any copies, extracts or  
23 summaries thereof) as part of discovery in this action shall be destroyed by the parties to whom  
24 the Confidential Material and/or Highly Confidential Material was produced, and each counsel  
25 shall, by declaration delivered to all counsel for the Producing Party, affirm that all such  
26 Confidential Material and/or Highly Confidential Material (including, without limitation, any  
27 copies, extracts or summaries thereof) has been destroyed; provided, however, that each counsel  
28 shall be entitled to retain pleadings, motions and memoranda in support thereof, declarations or

1 affidavits, deposition transcripts and videotapes, or documents reflecting attorney work product or  
2 consultant or expert work product, even if such material contains or refers to Confidential  
3 Material and/or Highly Confidential Material, but only to the extent necessary to preserve a  
4 litigation file with respect to this action.

5       **27. Attorney's Fees.** Nothing in this Protective Order is intended to either expand or  
6 limit a prevailing party's right under the Nevada Rules of Civil Procedure or other applicable state  
7 or federal law to pursue costs and attorney's fees incurred related to confidentiality designations  
8 or the abuse of the process described herein.

9       **28. Injunctive Relief and Sanctions Available for Unauthorized Disclosure or Use**  
10 **of Confidential Information or Highly Confidential Information.** The Parties and/or  
11 nonparties shall not utilize any Confidential Information and/or Highly Confidential Information  
12 for their own personal and/or business advantage or gain, aside from purpose(s) solely related to  
13 the instant litigation. The Parties and nonparties acknowledge and agree that unauthorized use  
14 and/or disclosure of Confidential Information and/or Highly Confidential Information beyond this  
15 litigation shall subject the offending party or nonparty to sanctions contemplated in  
16 NRCPC 37(b)(2)(A)-(D), up to and including entry of judgment against the offending party in  
17 circumstances involving willful disobedience with this order. Further, the Parties and/or  
18 nonparties receiving or being given access to Confidential Information and/or Highly Confidential  
19 Information acknowledge that monetary remedies would be inadequate to protect each party in  
20 the case of unauthorized disclosure or use of Confidential Information or Highly Confidential  
21 Information that the Receiving Party only received through discovery in this action and that  
22 injunctive relief would be necessary and appropriate to protect each party's rights in the event  
23 there is any such unauthorized disclosure or use of Confidential Information or Highly  
24 Confidential Information. The availability of injunctive relief to protect against the unauthorized  
25 disclosure or use of Confidential Information or Highly Confidential Information shall not be  
26 exclusive.

27       **29. Other Actions and Proceedings.** If a Receiving Party (a) is subpoenaed in  
28 another action, investigation, or proceeding, (b) is served with a demand in another action,

1 investigation, or proceeding, or (c) is served with any legal process by one not a party to this  
2 Protective Order, seeking materials which were produced or designated as Confidential of Highly  
3 Confidential pursuant to this Protective Order, the Receiving Party shall give prompt actual  
4 written notice by electronic transmission to counsel of record for such Producing Party within  
5 five (5) business days of receipt of such subpoena, demand or legal process, or such shorter notice  
6 as may be required to provide other parties with the opportunity to object to the immediate  
7 production of the requested discovery materials to the extent permitted by law. The burden of  
8 opposing enforcement of the subpoena shall fall upon the party or nonparty who produced or  
9 designated the Discovery Material as Confidential or Highly Confidential Information. Unless  
10 the party or nonparty who produced or designated the Confidential or Highly Confidential  
11 Information obtains an order directing that the subpoena not be complied with, and serves such  
12 order upon the Receiving Party prior to production pursuant to the subpoena, the Receiving Party  
13 shall be permitted to produce documents responsive to the subpoena on the subpoena response  
14 date. Compliance by the Receiving Party with any order directing production pursuant to a  
15 subpoena of any Confidential or Highly Confidential Information shall not constitute a violation  
16 of this Protective Order. Nothing in this Protective Order shall be construed as authorizing a  
17 party to disobey a lawful subpoena issued in another action.

18       **30. Execution in Counterparts.** This Protective Order may be signed in counterparts,  
19 and a fax or "PDF" signature shall have the same force and effect as an original ink signature.

20       **31. Order Survives Termination.** This Protective Order shall survive the termination  
21 of this action, and the Court shall retain jurisdiction to resolve any dispute concerning the use of  
22 information disclosed hereunder.

23 DATED this 7th day of February 2013.

DATED this 7th day of February, 2013.

24 PISANELLI BICE PLLC

CAMPBELL & WILLIAMS

25 By: /s/ James J. Pisanelli  
26 James J. Pisanelli, Esq., Bar # 4027  
27 Todd L. Bice, Esq., Bar # 4534  
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Attorneys for Stephen A. Wynn

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and  
Paul K. Rowe, Esq. *(admitted pro hac vice)*  
Bradley R. Wilson, Esq. *(admitted pro hac vice)*  
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J. Miller, John A. Moran, Marc D. Schorr,  
Alvin V. Shoemaker, Kimmarie Sinatra, D.  
Boone Wayson, and Allan Zeman

DATED this 7th of day of February, 2013.

JOLLY URGA WIRTH WOODBURY &  
STANDISH

By: /s/ William R. Urga  
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Martin A. Little, Esq., Bar # 7067  
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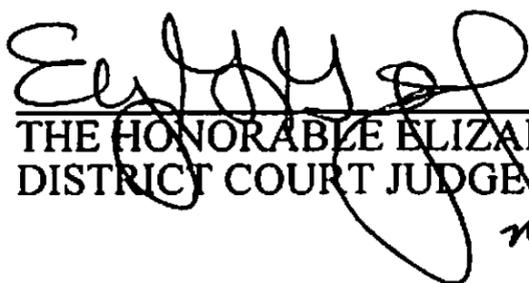
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Attorneys for Elaine P. Wynn

**ORDER**

IT IS SO ORDERED.

DATED: February 13, 2013

  
\_\_\_\_\_  
THE HONORABLE ELIZABETH GONZALEZ  
DISTRICT COURT JUDGE

PISANELLI BICE PLLC  
3883 HOWARD HUGHES PARKWAY, SUITE 800  
LAS VEGAS, NEVADA 89169

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**EXHIBIT A**

**CONFIDENTIALITY AGREEMENT**

I, \_\_\_\_\_ do hereby acknowledge and agree, under penalty of perjury, as follows:

1. I have read the Stipulated Confidentiality Agreement and Protective Order ("the Protective Order") entered in *Wynn Resorts, Limited v. Kazuo Okada, et al.*, Eighth Judicial District Court Case No. A-12-656710-B on \_\_\_\_\_, \_\_\_\_\_, and I fully understand its contents.

2. I hereby agree and consent to be bound by the terms of the Protective Order and to comply with it in all respects, and to that end, I hereby knowingly and voluntarily submit and subject myself to the personal jurisdiction of the Eighth Judicial District Court of Nevada so that the said court shall have the power and authority to enforce the Protective Order and to impose appropriate sanctions upon me for knowingly violating the Protective Order, including punishment for contempt of court for a knowing violation of the Protective Order.

3. I understand that by signing this instrument, I will be eligible to receive "Confidential Information" and/or "Highly Confidential Information" under the terms and conditions of the Protective Order. I further understand and agree that I must treat any "Confidential Information" and/or "Highly Confidential Information" in accordance with the terms and conditions of the Protective Order, and that, if I should knowingly make a disclosure of any such information in a manner unauthorized by the Protective Order, I will have violated a court order, will be in contempt of court, and will be subject to punishment by the court for such conduct.

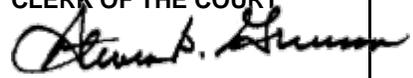
DATED: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Address)

# **EXHIBIT 2**



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14 John A. Moran, Marc D. Schorr, Alvin V. Shoemaker,  
Kimmarie Sinatra, D. Boone Wayson, and Allan Zeman

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 WYNN RESORTS, LIMITED, a Nevada  
18 Corporation,

19 Plaintiff,

20 vs.

21 KAZUO OKADA, an individual, ARUZE  
USA, INC., a Nevada corporation, and  
22 UNIVERSAL ENTERTAINMENT CORP.,  
a Japanese corporation,

23 Defendants.

24 AND ALL RELATED CLAIMS

Case No.: A-12-656710-B  
Dept. No.: XI

**NOTICE OF ENTRY OF ORDER  
GRANTING MOTION TO (1) REDACT  
WYNN RESORTS, LIMITED'S MOTION  
FOR PROTECTIVE ORDER AND (2) SEAL  
EXHIBITS 1-5 THERETO**

Hearing Date: August 14, 2017

Hearing Time: 8:00 a.m.

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

1 PLEASE TAKE NOTICE that an "Order Granting Motion to (1) Redact  
2 Wynn Resorts, Limited's Motion for Protective Order and (2) Seal Exhibits 1-5 Thereto" was  
3 entered in the above-captioned matter on September 14, 2017, a true and correct copy of which is  
4 attached hereto.

5 DATED this 15th day of September, 2017.

6 PISANELLI BICE PLLC

7 By: /s/ Debra L. Spinelli

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25 John A. Moran, Marc D. Schorr, Alvin V.  
26 Shoemaker, Kimmarie Sinatra, D. Boone Wayson,  
27 and Allan Zeman  
28

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 15th day of September, 2017, I caused to be **electronically served through the Court's filing system** true and correct copies of the foregoing **NOTICE OF ENTRY OF ORDER** to the following:

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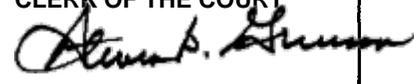
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15 *John A. Moran, Marc D. Schorr, Alvin V. Shoemaker,*  
*Kimmarie Sinatra, D. Boone Wayson, and Allan Zeman*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

18 WYNN RESORTS, LIMITED, a Nevada  
19 Corporation,

20 Plaintiff,

21 vs.

22 KAZUO OKADA, an individual, ARUZE  
23 USA, INC., a Nevada corporation, and  
UNIVERSAL ENTERTAINMENT CORP.,  
24 a Japanese corporation,

25 Defendants.

26 AND ALL RELATED CLAIMS  
27

Case No.: A-12-656710-B  
Dept. No.: XI

**ORDER GRANTING MOTION TO (1)  
REDACT WYNN RESORTS, LIMITED'S  
MOTION FOR PROTECTIVE ORDER  
AND (2) SEAL EXHIBITS 1-5 THERETO**

Date of Hearing: August 14, 2017

Time of Hearing: 8:00 a.m.

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

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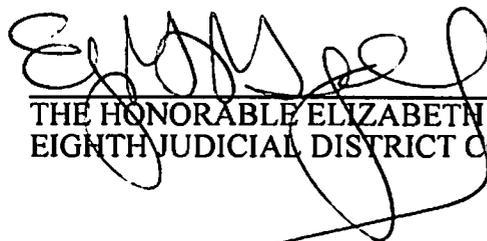
1 The Motion to (1) Redact Wynn Resorts, Limited's Motion for Protective Order and  
2 (2) Seal Exhibits 1-5 Thereto; and *Ex Parte* Application for an Order Shortening Time  
3 (the "Motion to Seal/Redact"), filed on August 10, 2017, came before this Court for hearing on  
4 August 14, 2017.

5 Upon review of the papers and pleadings on file in this matter and there being no objection  
6 to the Motion to Seal/Redact either on file or by the parties during the August 14, 2017 hearing,  
7 the Motion to Seal/Redact was granted by the Court.

8 The Court finding portions of Wynn Resorts, Limited's Motion for Protective Order  
9 (the "Motion") and Exhibits 1, 2, 3, 4, and 5 thereto contain sensitive commercial information  
10 creating a compelling interest in protecting the Motion and exhibits 1-5 thereto from widespread  
11 dissemination to the public in furtherance of the Wynn Parties' Protective Order with Respect to  
12 Confidentiality entered by this Court therein on February 14, 2013, which outweighs the public  
13 disclosure of said information in accordance with Rule 3(1) of the Nevada Supreme Court's Rules  
14 Governing Sealing and Redacting of Court Records. Therefore, good cause appearing therefor:

15 THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES that the Motion to  
16 Seal/Redact is GRANTED as follows: Exhibits 1, 2, 3, 4, and 5 to the Motion are SEALED given  
17 the sensitive commercial information contained in the documents, and the identified portions of  
18 the redacted version of the Motion, filed on August 10, 2017, is APPROVED, given the sensitive  
19 commercial information contained in the Motion.

20 DATED: Sept. 14, 2017

  
\_\_\_\_\_  
THE HONORABLE ELIZABETH GONZALEZ  
EIGHTH JUDICIAL DISTRICT COURT  
CR

23 Respectfully submitted by:  
24 PISANELLI BICE PLLC

25 By:  (12696)  
26 James J. Pisanelli, Esq., Bar No. 4027  
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# **EXHIBIT 3**

# REGISTER OF ACTIONS

CASE No. A-12-656710-B

Wynn Resorts, Limited, Plaintiff(s) vs. Kazuo Okada, Defendant(s)

§  
§  
§  
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§

Case Type: Business Court  
Subtype: NRS Chapters 78-89  
Date Filed: 02/19/2012  
Location: Department 11  
Cross-Reference Case Number: A656710  
Supreme Court No.: 61966

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PARTY INFORMATION

---

Counter Claimant	Aruze USA Inc	Lead Attorneys Jon Randall Jones Retained 7023856000(W)
Counter Claimant	Sinatra, Kimmarie	James J Pisanelli Retained 702-214-2100(W)
Counter Claimant	Universal Entertainment Corp	Jon Randall Jones Retained 7023856000(W)
Counter Claimant	Wynn, Elaine P.	William R. Urga Retained 7026997500(W)
Counter Defendant	Aruze USA Inc	Jon Randall Jones Retained 7023856000(W)
Counter Defendant	Chen, Linda	James J Pisanelli Retained 702-214-2100(W)
Counter Defendant	Goldsmith, Russell	James J Pisanelli Retained 702-214-2100(W)
Counter Defendant	Irani, Ray R	James J Pisanelli Retained 702-214-2100(W)
Counter Defendant	Miller, Robert J	James J Pisanelli Retained 702-214-2100(W)
Counter Defendant	Moran, John A	James J Pisanelli Retained 702-214-2100(W)
Counter Defendant	Schorr, Marc D	James J Pisanelli Retained 702-214-2100(W)
Counter Defendant	Shoemaker, Alvin V	James J Pisanelli Retained 702-214-2100(W)
Counter Defendant	Sinatra, Kimmarie	James J Pisanelli Retained

702-214-2100(W)

Counter Defendant	Wayson, D Boone	James J Pisanelli Retained 702-214-2100(W)
Counter Defendant	Wynn Resorts, Limited	James J Pisanelli Retained 702-214-2100(W)
Counter Defendant	Wynn, Elaine P.	William R. Urga Retained 7026997500(W)
Counter Defendant	Wynn, Elaine P.	William R. Urga Retained 7026997500(W)
Counter Defendant	Wynn, Stephen A	Donald Jude Campbell Retained 7023825222(W)
Counter Defendant	Zeman, Allan	James J Pisanelli Retained 702-214-2100(W)
Cross Claimant	Sinatra, Kimmarie	James J Pisanelli Retained 702-214-2100(W)
Cross Claimant	Wynn, Elaine P.	William R. Urga Retained 7026997500(W)
Cross Defendant	Sinatra, Kimmarie	James J Pisanelli Retained 702-214-2100(W)
Cross Defendant	Wynn Resorts, Limited	James J Pisanelli Retained 702-214-2100(W)
Cross Defendant	Wynn, Elaine P.	William R. Urga Retained 7026997500(W)
Cross Defendant	Wynn, Stephen A	Donald Jude Campbell Retained 7023825222(W)
Defendant	Aruze USA Inc	Jon Randall Jones Retained 7023856000(W)
Defendant	Okada, Kazuo	Joseph S. Peek Retained 702-669-4600(W)
Defendant	Quinn Emanuel Urquhart & Sullivan LLP	Patricia K. Lundvall Retained 702-873-4100(W)
Defendant	Universal Entertainment Corp	Jon Randall Jones Retained

7023856000(W)

Intervenor United States Of America

Daniel G. Bogden  
Retained  
7757845438(W)

Plaintiff Wynn Resorts, Limited

James J Pisanelli  
Retained  
702-214-2100(W)

---

EVENTS & ORDERS OF THE COURT

---

08/18/2017 All Pending Motions (3:00 AM) (Judicial Officer Gonzalez, Elizabeth)

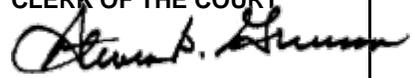
## Minutes

08/18/2017 3:00 AM

- MOTION TO (1) REDACT WYNN RESORTS, LIMITED'S OPPOSITION TO ELAINE P WYNN'S MOTION TO CLARIFY PROTECTIVE ORDER REGARDING EXPERTS ON ORDER SHORTENING TIME AND (2) SEAL EXHIBIT 1 THERETO; AND EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME...ELAINE P WYNN'S MOTION TO REDACT HER OPPOSITION TO WYNN RESORTS, LIMITED'S MOTION FOR PROTECTIVE ORDER AND SEAL EXHIBITS ON ORDER SHORTENING TIME MOTION TO (1) REDACT WYNN RESORTS, LIMITED'S OPPOSITION TO ELAINE P WYNN'S MOTION TO CLARIFY PROTECTIVE ORDER REGARDING EXPERTS ON ORDER SHORTENING TIME AND (2) SEAL EXHIBIT 1 THERETO; AND EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME: Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to (1) Redact Wynn Resorts, Limited s Opposition to Elaine P. Wynn s Motion to Clarify protective Order regarding Experts on OST and (2) seal Ex. 1 thereto is deemed unopposed. Therefore, as the information redacted and sealed is commercially sensitive information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. ELAINE P WYNN'S MOTION TO REDACT HER OPPOSITION TO WYNN RESORTS, LIMITED'S MOTION FOR PROTECTIVE ORDER AND SEAL EXHIBITS ON ORDER SHORTENING TIME: Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Elaine P. Wynn s Motion to Redact her Opposition to Wynn Resorts, Limited s Motion for protective Order is deemed unopposed. Therefore, as the information redacted and sealed is commercially sensitive information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / dr 8-30-17

[Return to Register of Actions](#)

# **EXHIBIT 4**



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Russell Goldsmith, Ray R. Irani, Robert J. Miller,  
14 John A. Moran, Marc D. Schorr, Alvin V. Shoemaker,  
Kimmarie Sinatra, D. Boone Wayson, and Allan Zeman

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 WYNN RESORTS, LIMITED, a Nevada  
18 Corporation,

19 Plaintiff,

20 vs.

21 KAZUO OKADA, an individual, ARUZE  
USA, INC., a Nevada corporation, and  
22 UNIVERSAL ENTERTAINMENT CORP.,  
a Japanese corporation,

23 Defendants.

24 AND ALL RELATED CLAIMS

Case No.: A-12-656710-B  
Dept. No.: XI

**NOTICE OF ENTRY OF ORDER  
GRANTING MOTION TO REDACT  
WYNN RESORTS, LIMITED'S REPLY IN  
SUPPORT OF MOTION FOR  
PROTECTIVE ORDER AND SEAL  
EXHIBITS 6-8 THERETO**

Hearing Date: August 21, 2017

Hearing Time: 8:00 a.m.

PISANELLI BICE PLLC  
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LAS VEGAS, NEVADA 89101

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1 PLEASE TAKE NOTICE that an "Order Granting Motion to Redact Wynn Resorts,  
2 Limited's Reply in Support of Motion for Protective Order and Seal Exhibits 6-8 Thereto" was  
3 entered in the above-captioned matter on August 31, 2017, a true and correct copy of which is  
4 attached hereto.

5 DATED this 4th day of September, 2017.

6 PISANELLI BICE PLLC

7  
8 By: /s/ Debra L. Spinelli

9 James J. Pisanelli, Esq., Bar No. 4027  
10 Todd L. Bice, Esq., Bar No. 4534  
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25 Russell Goldsmith, Ray R. Irani, Robert J. Miller,  
26 John A. Moran, Marc D. Schorr, Alvin V.  
27 Shoemaker, Kimmarie Sinatra, D. Boone Wayson,  
28 and Allan Zeman

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 4th day of September, 2017, I caused to be **electronically served through the Court's filing system** true and correct copies of the foregoing **NOTICE OF ENTRY OF ORDER** to the following:

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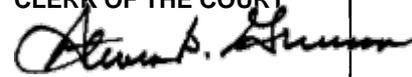
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/s/ Kimberly Peets  
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15 *John A. Moran, Marc D. Schorr, Alvin V. Shoemaker,*  
*Kimmarie Sinatra, D. Boone Wayson, and Allan Zeman*

16 **DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18 WYNN RESORTS, LIMITED, a Nevada  
19 Corporation,

20 Plaintiff,

21 vs.

22 KAZUO OKADA, an individual, ARUZE  
23 USA, INC., a Nevada corporation, and  
UNIVERSAL ENTERTAINMENT CORP.,  
24 a Japanese corporation,

25 Defendants.

Case No.: A-12-656710-B  
Dept. No.: XI

**ORDER GRANTING MOTION TO  
REDACT WYNN RESORTS, LIMITED'S  
REPLY IN SUPPORT OF MOTION FOR  
PROTECTIVE ORDER AND SEAL  
EXHIBITS 6- 8 THERETO**

Date of Hearing: August 21, 2017

Time of Hearing: 8:00 p.m.

26 **AND ALL RELATED CLAIMS**  
27

28 08-22-17 2:12 RCVD

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

1 The Motion to Redact Wynn Resorts, Limited's Reply in Support of Motion for Protective  
2 Order and Seal Exhibits 6-8 thereto; and *Ex Parte* Application for an Order Shortening Time  
3 (the "Motion to Seal/Redact"), filed on August 16, 2017, came before this Court for hearing on  
4 August 21, 2017.

5 Upon review of the papers and pleadings on file in this matter and there being no objection  
6 to the Motion to Seal/Redact either on file or by the parties during the August 21, 2017 hearing,  
7 the Motion to Seal/Redact was granted by the Court.

8 The Court finding portions of Wynn Resorts, Limited's Reply In Support of Motion for  
9 Protective Order (the "Reply") and Exhibits 6, 7, and 8 thereto contain sensitive commercial  
10 information creating a compelling interest in protecting the Reply and Exhibits 6, 7, and 8 thereto  
11 from widespread dissemination to the public in furtherance of the Wynn Parties' Protective Order  
12 with Respect to Confidentiality entered by this Court therein on February 14, 2013, which  
13 outweighs the public disclosure of said information in accordance with Rule 3(1) of the Nevada  
14 Supreme Court's Rules Governing Sealing and Redacting of Court Records. Therefore, good  
15 cause appearing therefor:

16 THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES that the Motion to  
17 Seal/Redact is GRANTED as follows: Exhibits 6, 7, and 8 to the Reply are SEALED given the  
18 sensitive commercial information contained in the documents, and the identified portions of the  
19 redacted version of the Reply, filed on August 16, 2017, is APPROVED, given the sensitive  
20 commercial information contained in the Reply.

21 DATED: 8/31/17

  
\_\_\_\_\_  
THE HONORABLE ELIZABETH GONZALEZ  
EIGHTH JUDICIAL DISTRICT COURT Jw

22  
23 Respectfully submitted by:  
24 PISANELLI BICE PLLC

25 By:  (12690)  
26 James J. Pisanelli, Esq., Bar No. 4027  
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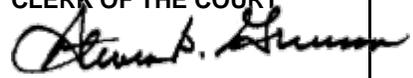
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# **EXHIBIT 5**



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Russell Goldsmith, Ray R. Irani, Robert J. Miller,  
14 John A. Moran, Marc D. Schorr, Alvin V. Shoemaker,  
Kimmarie Sinatra, D. Boone Wayson, and Allan Zeman

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 WYNN RESORTS, LIMITED, a Nevada  
18 Corporation,

19 Plaintiff,

20 vs.

21 KAZUO OKADA, an individual, ARUZE  
USA, INC., a Nevada corporation, and  
22 UNIVERSAL ENTERTAINMENT CORP.,  
a Japanese corporation,

23 Defendants.

24 AND ALL RELATED CLAIMS

Case No.: A-12-656710-B  
Dept. No.: XI

**NOTICE OF ENTRY OF ORDER  
GRANTING MOTION TO (1) REDACT  
SUPPLEMENTAL BRIEF IN SUPPORT OF  
WYNN RESORTS, LIMITED'S MOTION  
FOR PROTECTIVE ORDER AND (2) SEAL  
EXHIBIT 9 THERETO**

Hearing Date: August 25, 2017

Hearing Time: 8:00 a.m.

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

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

1 PLEASE TAKE NOTICE that an "Order Granting Motion to (1) Redact Supplemental Brief  
2 in Support of Wynn Resorts, Limited's Motion for Protective Order and (2) Seal Exhibit 9 Thereto;  
3 and Ex Parte Application for an Order Shortening Time" was entered in the above-captioned matter  
4 on September 11, 2017, a true and correct copy of which is attached hereto.

5 DATED this 12th day of September, 2017.

6 PISANELLI BICE PLLC

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By: /s/ Debra L. Spinelli  
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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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 12th day of September, 2017, I caused to be **electronically served through the Court's filing system** true and correct copies of the foregoing **NOTICE OF ENTRY OF ORDER** to the following:

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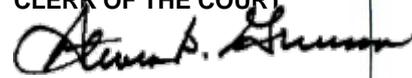
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15 *John A. Moran, Marc D. Schorr, Alvin V. Shoemaker,*  
*Kimmarie Sinatra, D. Boone Wayson, and Allan Zeman*

16 **DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18 WYNN RESORTS, LIMITED, a Nevada  
19 Corporation,

20 Plaintiff,

21 vs.

22 KAZUO OKADA, an individual, ARUZE  
USA, INC., a Nevada corporation, and  
23 UNIVERSAL ENTERTAINMENT CORP.,  
a Japanese corporation,

24 Defendants.

25 AND ALL RELATED CLAIMS

Case No.: A-12-656710-B  
Dept. No.: XI

**ORDER GRANTING MOTION TO (1)  
REDACT SUPPLEMENTAL BRIEF IN  
SUPPORT OF WYNN RESORTS,  
LIMITED'S MOTION FOR PROTECTIVE  
ORDER AND (2) SEAL EXHIBIT 9  
THERE TO; AND EX PARTE  
APPLICATION FOR AN ORDER  
SHORTENING TIME**

Date of Hearing: August 25, 2017

Time of Hearing: 9:00 a.m.

09-07-17P02:20 RCVD

PISANELLI BICE PLLC  
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1 The Motion to (1) Redact Wynn Resorts, Limited's Supplemental Brief In Support of  
2 Wynn Resorts Limited's Motion for Protective Order and (2) Seal Exhibit 9 Thereto; and *Ex Parte*  
3 Application for an Order Shortening Time (the "Motion to Seal/Redact"), filed on August 24,  
4 2017, came before this Court for hearing on August 25, 2017.

5 Upon review of the papers and pleadings on file in this matter and there being no objection  
6 to the Motion to Seal/Redact either on file or by the parties during the August 25, 2017 hearing,  
7 the Motion to Seal/Redact was granted by the Court.

8 The Court finding portions of Wynn Resorts, Limited's Supplemental Brief In Support of  
9 the Motion for Protective Order (the "Supplemental Brief") and exhibit 9 thereto contain sensitive  
10 commercial information creating a compelling interest in protecting them from widespread  
11 dissemination to the public in furtherance of the Wynn Parties' Protective Order with Respect to  
12 Confidentiality entered by this Court therein on February 14, 2013, which outweighs the public  
13 disclosure of said information in accordance with Rule 3(1) of the Nevada Supreme Court's Rules  
14 Governing Sealing and Redacting of Court Records. Therefore, good cause appearing therefor:

15 THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES that the Motion to  
16 Seal/Redact is GRANTED as follows: Exhibit 9 to the Supplemental Brief is SEALED given the  
17 sensitive commercial information contained in the document, and the identified portions of the  
18 redacted version of the Supplemental Brief, filed on August 24, 2017, is APPROVED, given the  
19 sensitive commercial information contained in the Supplemental Brief.

20 DATED: 9/8/17

  
\_\_\_\_\_  
THE HONORABLE ELIZABETH GONZALEZ  
EIGHTH JUDICIAL DISTRICT COURT *CR*

23 Respectfully submitted by:

24 PISANELLI BICE PLLC

25 By:  (12698)

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13 *Russell Goldsmith, Ray R. Irani, Robert J. Miller,*  
14 *John A. Moran, Marc D. Schorr, Alvin V. Shoemaker,*  
15 *Kimmarie Sinatra, D. Boone Wayson, and Allan Zeman*

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# **EXHIBIT 6**

# REGISTER OF ACTIONS

CASE No. A-12-656710-B

Wynn Resorts, Limited, Plaintiff(s) vs. Kazuo Okada, Defendant(s)

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Case Type: Business Court  
Subtype: NRS Chapters 78-89  
Date Filed: 02/19/2012  
Location: Department 11  
Cross-Reference Case Number: A656710  
Supreme Court No.: 61966

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PARTY INFORMATION

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Counter Claimant	Aruze USA Inc	Lead Attorneys Jon Randall Jones Retained 7023856000(W)
Counter Claimant	Sinatra, Kimmarie	James J Pisanelli Retained 702-214-2100(W)
Counter Claimant	Universal Entertainment Corp	Jon Randall Jones Retained 7023856000(W)
Counter Claimant	Wynn, Elaine P.	William R. Urga Retained 7026997500(W)
Counter Defendant	Aruze USA Inc	Jon Randall Jones Retained 7023856000(W)
Counter Defendant	Chen, Linda	James J Pisanelli Retained 702-214-2100(W)
Counter Defendant	Goldsmith, Russell	James J Pisanelli Retained 702-214-2100(W)
Counter Defendant	Irani, Ray R	James J Pisanelli Retained 702-214-2100(W)
Counter Defendant	Miller, Robert J	James J Pisanelli Retained 702-214-2100(W)
Counter Defendant	Moran, John A	James J Pisanelli Retained 702-214-2100(W)
Counter Defendant	Schorr, Marc D	James J Pisanelli Retained 702-214-2100(W)
Counter Defendant	Shoemaker, Alvin V	James J Pisanelli Retained 702-214-2100(W)
Counter Defendant	Sinatra, Kimmarie	James J Pisanelli Retained

702-214-2100(W)

Counter Defendant	Wayson, D Boone	James J Pisanelli Retained 702-214-2100(W)
Counter Defendant	Wynn Resorts, Limited	James J Pisanelli Retained 702-214-2100(W)
Counter Defendant	Wynn, Elaine P.	William R. Urga Retained 7026997500(W)
Counter Defendant	Wynn, Elaine P.	William R. Urga Retained 7026997500(W)
Counter Defendant	Wynn, Stephen A	Donald Jude Campbell Retained 7023825222(W)
Counter Defendant	Zeman, Allan	James J Pisanelli Retained 702-214-2100(W)
Cross Claimant	Sinatra, Kimmarie	James J Pisanelli Retained 702-214-2100(W)
Cross Claimant	Wynn, Elaine P.	William R. Urga Retained 7026997500(W)
Cross Defendant	Sinatra, Kimmarie	James J Pisanelli Retained 702-214-2100(W)
Cross Defendant	Wynn Resorts, Limited	James J Pisanelli Retained 702-214-2100(W)
Cross Defendant	Wynn, Elaine P.	William R. Urga Retained 7026997500(W)
Cross Defendant	Wynn, Stephen A	Donald Jude Campbell Retained 7023825222(W)
Defendant	Aruze USA Inc	Jon Randall Jones Retained 7023856000(W)
Defendant	Okada, Kazuo	Joseph S. Peek Retained 702-669-4600(W)
Defendant	Quinn Emanuel Urquhart & Sullivan LLP	Patricia K. Lundvall Retained 702-873-4100(W)
Defendant	Universal Entertainment Corp	Jon Randall Jones Retained

7023856000(W)

Intervenor United States Of America

Daniel G. Bogden  
Retained  
7757845438(W)

Plaintiff Wynn Resorts, Limited

James J Pisanelli  
Retained  
702-214-2100(W)

## EVENTS &amp; ORDERS OF THE COURT

08/25/2017 All Pending Motions (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)

## Minutes

08/25/2017 9:00 AM

- APPEARANCES CONTINUED: Attorney Bruce Leslie, counsel for Ms. Whennen; Attorney Scott Stein for Elaine Wynn; Attorney J. Randall Jones and Attorney Ian McGinn, local counsel with Buckley Sandler for the Aruze and Universal Parties; Attorney Ava Schaeffer and Attorney Tiffany Kahler for Wynn Resorts Limited; Attorney Phil Erwin for Stephen Wynn; Eric Aldrian, Client Representative for Wynn Resorts. WYNN RESORTS, LIMITED'S MOTION FOR PROTECTIVE ORDER; APPLICATION FOR ORDER SHORTENING TIME: Following arguments by Mr. Pisanelli, Mr. Ferrario, and Mr. Leslie re Ms. Whennen's notes, COURT NOTED it had previously determined that this particular incident was something that was the subject of discovery unlike the issue of the Ferraris and Rolexes; the Human Resources type of report taken by Ms. Whennen is not one that in and of itself would fit the "because of" test under the Nevada Supreme Court's most recent pronouncement of the work product privilege, Wynn vs. Okada, 133 Nev 52. For that reason, the notes do not fall within the attorney work product exception, and there may be an issue of ownership of the notes, but the Court will NO LONGER SUSPEND COMPLIANCE with the subpoena. Mr. Pisanelli renewed Wynn Resorts' request to quash the subpoena as they can litigate here but he can proceed with ownership and possession in the other case. Court noted it understands and will let counsel resolve it someplace else; that judge will take action subject to this Court's subpoena, but since this Court has said that the subpoena be complied with, then counsel will have to have that judge coordinate that decision with this Court when that happens. Mr. Pisanelli later requested a stay of everything the Court just said. Mr. Bice confirmed they can file a writ in 15 days. COURT ORDERED, STAY of FIFTEEN (15) DAYS GRANTED to allow the Wynn parties to file a petition for extraordinary relief. Counsel to inform the Court once petition for relief is filed and the Court can extend the stay. Mr. Ferrario objected to the stay. COURT REITERATED that it is not quashing the subpoena but by the Court's ruling determining that the subpoena be responded to since the attorney work product objection has been overruled. COURT SUBSEQUENTLY ORDERED, STAY of THIRTY (30) DAYS GRANTED, instead of fifteen (15). DEFENDANTS' MOTION TO OVERRULE WORK PRODUCT CLAIMS AS TO PRE-REDEMPTION FREEH DOCUMENTS AND TO COMPEL IMMEDIATE PRODUCTION EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME AND ORDER THEREON: Arguments by Mr. Krakoff and Mr. Bice. After a brief recess and further argument by Mr. Bice and Ms. Spinelli, COURT ORDERED, the Nevada Supreme Court has instructed this Court to apply the "but for" analysis and after considering the totality of the circumstances the Court's determination remains the same. The Freeh report was not prepared in anticipation of litigation. While the parties anticipated litigation, the report was prepared for determination of suitability of Mr. Okada for use by the Compliance committee in making their decisions as to whether a redemption would occur. However, as the Court has said before, the documents created by the Freeh law firm and team after production of the report are for a different purpose. The Court can resume a discussion with the parties that was held 2 years ago about this matter. WYNN PARTIES MOTION FOR PROTECTIVE ORDER TO ENFORCE TERMS OF BUSINESS JUDGMENT WRIT; AND EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME: Argument by Mr. Bice. Court ORDERED, the pre-text theory that Mr. Okada has brought forward as a viable discovery option is still going to be PERMITTED. Although no discovery may be had behind substantive basis of the Brownstein Hyatt opinions the pre-text argument is still viable for the purposes of the counterclaim that has been brought. Upon Mr. Bice's inquiry, Court noted the pre-text argument goes back to the original Schone analysis, i.e. goes to the

issue of interested and independence. Colloquy between the Court and Mr. Bice as to what the latter wishes the Court's order to reflect. DEFENDANTS' MOTION TO SET A DATE CERTAIN ON PRODUCTION OF PRE-REDEMPTION FREEH DOCUMENTS WITHHELD AS ATTORNEY-CLIENT PRIVILEGED EX PARTE APPLICATION FOR ORDER SHORTENING TIME AND ORDER THEREON...STATUS CHECK: DEFENDANTS' STATUS REPORT FILED 8/18/17 RE: PRE-REDEMPTION FREEH DOCUMENTS: Mr. Krakoff requested the 2300 Freeh documents attorney client privilege be turned over now. Court cited footnote 7 of the NV Supreme Court's decision. Mr. Pisanelli requested a stay of at least 30 days as they will be in Hong Kong and Mr. Bice has to prepare the writ. COURT ORDERED, with regards to the Freeh documents a STAY of FIFTEEN (15) DAYS is GRANTED. Upon further inquiry by Mr. Peek, Court noted it will not give a date certain but that it has ordered them produced. ELAINE P WYNN'S MOTION TO COMPEL WYNN RESORTS, LIMITED, TO PRODUCE UNREDACTED BOARD OF DIRECTORS MATERIALS ON ORDER SHORTENING TIME...DEFENDANTS' JOINDER TO ELAINE P. WYNN'S MOTION TO COMPEL WYNN RESORTS, LIMITED, TO PRODUCE UNREDACTED BOARD OF DIRECTOR MATERIALS: Arguments by Mr. Stein and Mr. Bice. COURT NOTED its concern about granting the motion wholesale as in the Court's experience there is frequently information in draft board minutes that relates to attorney client privilege discussions; without going through each pages of the 2 volumes of information if the Court were to have it in unredacted form the Court cannot provide counsel with that information. While in general the Court recognizes that drafts of board minutes and drafts of SEC filings would not be protected by attorney client privilege, the Court is not willing to do a wholesale determination that they have to all be produced. Court asked Ms. Spinelli how long it would take for her to tell the Court which of the items in the 2 binders are attorney-client vs. draft issues. Mr. Stein advised the 2 binders submitted to the Court are just the tip of the iceberg as they did not want to give the Court 5 boxes of blank Xerox copies. Ms. Spinelli advised their board and committees meet quarterly, described Plaintiff's review purposes, and advised they would have to re-review. Court asked Mr. Ferrario if his client would like to be severed. Colloquy regarding discovery quagmire, trial setting, and severing out Elaine Wynn. Mr. Ferrario responded that these decisions are going to be complex; he will be making calls but may not be able to get a decision right away. Matter TRAILED. Mr. Krakoff left to catch his plane. Proceedings resumed. Mr. Ferrario advised there are a lot of questions. Court NOTED the issue will be discussed when someone files a motion to sever. Court and counsel further discussed what a severance would entail and potential writs. ~ MOTIONS TO SEAL / REDACT: Court noted late submitted motions to seal/redact as well as their OST's. MOTION TO (1) REDACT SUPPLEMENT TO WYNN RESORTS, LIMITED'S MOTION FOR PROTECTIVE ORDER DATED AND (2) SEAL EXHIBITS 2-6 THERETO; AND EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME: COURT ORDERED, motion GRANTED as unopposed. COURT ORDERED, Clerk to FILE the motion. ELAINE P. WYNN'S MOTION TO REDACT HER SUPPLEMENTAL MEMORANDUM IN OPPOSITION TO WYNN RESORTS, LIMITED'S MOTION FOR PROTECTIVE ORDER AND SEAL ONE EXHIBIT ON ORDER SHORTENING TIME: COURT ORDERED, motion GRANTED as unopposed. COURT ORDERED, Clerk to FILE the motion. MOTION T REDACT DEFENDANTS' REPLY IN SUPPORT OF MOTION TO SET A DATE CERTAIN ON PRODUCTION OF PRE-REDEMPTION FREEH DOCUMENTS AND TO SEAL CERTAIN EXHIBITS THERETO: COURT ORDERED, motion GRANTED as unopposed. COURT ORDERED, Clerk to FILE the motion. ~ CLERK'S NOTE: The following Motions to Seal / Redact were added late to the August 25, 2017 calendar, after distribution of the final calendar. COURT ORDERED, motions are GRANTED. (1) MOTION TO SEAL EXHIBIT A TO DEFENDANTS' MOTION TO SET A DATE CERTAIN ON PRODUCTION OF PRE-REDEMPTION FREEH DOCUMENTS WITHHELD AS ATTORNEY-CLIENT PRIVILEGED EX PARTE APPLICATION FOR ORDER SHORTENING TIME AND ORDER THEREON. (2) ELAINE P WYNN'S MOTION TO REDACT HER MOTION TO COMPEL WYNN RESORTS, LIMITED TO PRODUCE UNREDACTED BOARD OF DIRECTORS MATERIALS AND TO FILE EXHIBITS UNDER SEAL ON ORDER SHORTENING TIME. (3) MOTION TO (1) REDACT WYNN RESORTS, LIMITED'S OPPOSITION TO MOTION TO SET A DATE CERTAIN ON PRODUCTION OF PRE-REDEMPTION FREEH DOCUMENTS AND (2) SEAL EXHIBITS 1-14 AND 16 THERETO; AND EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME. The following Motion to Redact was previously reset to the August 25, 2017 calendar but was not addressed in open court on that day. COURT ORDERED, motion GRANTED. (1) MOTION TO (1)

REDACT SUPPLEMENTAL BRIEF IN SUPPORT OF WYNN  
RESORTS, LIMITED'S MOTION FOR PROTECTIVE ORDER AND  
(2) SEAL EXHIBIT 9 THERETO; AND EX PARTE APPLICATION FOR  
AN ORDER SHORTENING TIME. / dr 9-13-17

[Parties Present](#)

[Return to Register of Actions](#)