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IN THE SUPREME COURT OF THE STATE OF NEVADA

WYNN RESORTS, LIMITED,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, IN AND FOR THE
COUNTY OF CLARK; AND THE
HONORABLE ELIZABETH
GONZALEZ, DISTRICT JUDGE,
DEPT. XI,
Respondent,
ELAINE P. WYNN,
Real Party in Interest.

Case No. 74063
Electronically Filed
Nov 21 2017 09:13 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**WYNN RESORTS, LIMITED'S
MOTION TO REDACT PORTIONS
OF ITS REPLY IN SUPPORT OF
PETITION FOR WRIT OF
PROHIBITION OR
ALTERNATIVELY, MANDAMUS**

I. INTRODUCTION

Pursuant to Part VII of the Supreme Court Rules Governing Sealing and Redacting Court Records, Petitioner Wynn Resorts, Limited ("Wynn Resorts") hereby moves this Court to redact portions of its Reply in Support of Petition for Writ of Prohibition or Alternatively, Mandamus (the "Reply"). The Reply quotes and summarizes either sealed or redacted filings, deposition transcripts, and exhibits in the District Court pursuant to the Protective Order with Respect to Confidentiality entered by the District Court on February 14, 2013 pursuant to Nevada Rule of Civil Procedure 26(c). This Court granted Wynn Resorts' Motion to File Pages 215-626 of its Appendix Under Seal and to Redact for Writ of Prohibition or Alternatively, Mandamus on October 18, 2017, and allowed Wynn Resorts to redact portions of its Petition and seal certain exhibits contained in the Appendix.

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
7 interest in access to the court record. Furthermore, the public interest in
8 privacy outweighs the public interest in open court records when the sealing or
9 redaction 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
18 Order includes designation of materials as Highly Confidential if "the disclosure of
19 which would create a substantial risk of competitive, business, or personal injury to
20 the Producing Party." (*Id.* ¶ 5.) And, information that is designated as
21 Confidential or Highly Confidential may be filed with the Court and kept under
22 seal and/or 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 Reply 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 Reply in redacted form and to submit the unredacted Reply for this Court's
6 consideration under seal. The Reply discusses and summarizes documents
7 contained in the Appendix, which this Court allowed portions of which to be filed
8 under seal.

9 **III. CONCLUSION**

10 Based upon the foregoing, Wynn Resorts respectfully requests that this Court
11 permit it to file the Reply in redacted form and to submit the unredacted Reply
12 under seal.

13 DATED this 20th day of November, 2017.

14 PISANELLI BICE PLLC

15
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 20th day of November, 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 REDACT PORTIONS OF ITS REPLY IN SUPPORT OF PETITION FOR WRIT OF PROHIBITION OR ALTERNATIVELY, MANDAMUS** properly addressed to the following:

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