

IN THE SUPREME COURT OF THE STATE OF NEVADA

WYNN RESORTS LIMITED,

Petitioners,

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,

and

ELAINE P. WYNN,

Real Party in Interest.

Case No. 74063

District Court Case No. A-12-656701-B

Electronically Filed
Nov 22 2017 11:38 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**APPENDIX IN SUPPORT OF
WYNN RESORTS, LIMITED'S
PETITION FOR WRIT OF
PROHIBITION OR
ALTERNATIVELY, MANDAMUS**

VOLUME IV

DATED this 20th day of November, 2017.

PISANELLI BICE PLLC

By: /s/ Todd L. Bice

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

Attorneys for Petitioner Wynn Resorts, Limited

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

CHRONOLOGICAL INDEX

DOCUMENT	DATE	VOL.	PAGE
Notice of Entry of Order Denying Wynn Resorts, Limited's Motion for Protective Order	10/11/17	IV	627-633

ALPHABETICAL INDEX

DOCUMENT	DATE	VOL.	PAGE
Notice of Entry of Order Denying Wynn Resorts, Limited's Motion for Protective Order	10/11/17	IV	627-633

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 and U.S. Mail true and correct copies of the above and foregoing **APPENDIX VOLUME IV IN SUPPORT OF WYNN RESORTS, LIMITED'S PETITION FOR WRIT OF PROHIBITION OR ALTERNATIVELY, MANDAMUS** to the following:

J. Stephen Peek, Esq.
Bryce K. Kunimoto, Esq.
Robert J. Cassity, Esq.
HOLLAND & HART LLP
9555 Hillwood Drive, Second Floor
Las Vegas, NV 89134

Attorneys for Kazuo Okada

J. Randall Jones, Esq.
Mark M. Jones, Esq.
Ian P. McGinn, Esq.
KEMP, JONES &
COULTHARD, LLP
3800 Howard Hughes Parkway
17th Floor
Las Vegas, NV 89169

David S. Krakoff, Esq.
Benjamin B. Klubes, Esq.
Joseph J. Reilly, Esq.
BUCKLEY SANDLER LLP
1250 – 24th Street NW, Suite 700
Washington, DC 20037

Attorneys for Universal Entertainment Corp.; Aruze USA, Inc.

Donald J. Campbell, Esq.
J. Colby Williams, Esq.
CAMPBELL & WILLIAMS
700 South 7th Street
Las Vegas, NV 89101

Attorneys for Stephen Wynn

William R. Urga, Esq.
JOLLEY URGAL WOODBURY
HOLTHUS & ROSE
330 S. Rampart Blvd., Suite 380
Las Vegas, NV 89145

Mark E. Ferrario, Esq.
Tami D. Cowden, Esq.
GREENBERG TRAURIG, LLP
3773 Howard Hughes Parkway, #400
Las Vegas, NV 89169

James M. Cole, Esq.
SIDLEY AUSTIN LLP
1501 K. Street N.W.
Washington, DC 20005

Scott D. Stein, Esq.
SIDLEY AUSTIN, LLP
One South Dearborn St.
Chicago, Illinois 60603

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

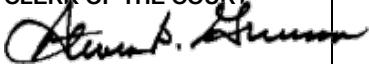
Steve Morris, Esq.
Rosa Solis-Rainey, Esq.
MORRIS LAW GROUP
411 E. Bonneville Avenue, Suite 360
Las Vegas, NV 89101

Attorneys for Defendants

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/ Kimberly Peets
An employee of PISANELLI BICE PLLC



James J. Pisanelli, Esq., Bar No. 4027
JJP@pisanellibice.com

Todd L. Bice, Esq., Bar No. 4534
TLB@pisanellibice.com

Debra L. Spinelli, Esq., Bar No. 9695
DLS@pisanellibice.com

PISANELLI BICE PLLC
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101
Telephone: 702.214.2100

Robert L. Shapiro, Esq. (*pro hac vice* admitted)
RS@glaserweil.com

GLASER WEIL FINK HOWARD
AVCHEN & SHAPIRO LLP
10250 Constellation Boulevard, 19th Floor
Los Angeles, CA 90067
Telephone: 310.553.3000

Mitchell J. Langberg, Esq., Bar No. 10118
mlangberg@bhfs.com
BROWNSTEIN HYATT FARBER SCHRECK
100 North City Parkway, Suite 1600
Las Vegas, Nevada 89106
Telephone: 702.382.2101

Attorneys for Wynn Resorts, Limited, Linda Chen,
Russell Goldsmith, Ray R. Irani, Robert J. Miller,
John A. Moran, Marc D. Schorr, Alvin V. Shoemaker,
Kimmarré Sinatra, D. Boone Wayson, and Allan Zeman

DISTRICT COURT

CLARK COUNTY, NEVADA

WYNN RESORTS, LIMITED, a Nevada
Corporation,

Plaintiff,

vs.

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

Defendants.

AND ALL RELATED CLAIMS

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

**NOTICE OF ENTRY OF ORDER DENYING
WYNN RESORTS, LIMITED'S MOTION
FOR PROTECTIVE ORDER**

Hearing Date: August 25, 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 Denying Wynn Resorts, Limited's Motion for
2 Protective Order" was entered in the above-captioned matter on October 10, 2017, a true and correct
3 copy of which is attached hereto.

4 DATED this 11th day of October, 2017.

5 PISANELLI BICE PLLC

6 By: /s/ Debra L. Spinelli

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

10 Robert L. Shapiro, Esq. (*pro hac vice admitted*)
11 GLASER WEIL FINK HOWARD
12 AVCHEN & SHAPIRO LLP
10250 Constellation Boulevard, 19th Floor
Los Angeles, California 90067

13 Mitchell J. Langberg, Esq., Bar No. 10118
14 BROWNSTEIN HYATT FARBER
15 SCHRECK
100 N. City Parkway, Suite 1600
Las Vegas, Nevada 89106

16 Attorneys for Wynn Resorts, Limited, Linda Chen,
17 Russell Goldsmith, Ray R. Irani, Robert J. Miller,
18 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 11th day of October, 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:

Donald J. Campbell, Esq.
J. Colby Williams, Esq.
CAMPBELL & WILLIAMS
700 South 7th Street
Las Vegas, NV 89101
Attorneys for Stephen A. Wynn

Melinda Haag, Esq.
James N. Kramer, Esq.
ORRICK, HERRINGTON & SUTCLIFFE
405 Howard Street
San Francisco, CA 94105
Attorneys for Kimmarie Sinatra

J. Stephen Peek, Esq.
Bryce K. Kunimoto, Esq.
Robert J. Cassity, Esq.
HOLLAND & HART LLP
9555 Hillwood Drive, Second Floor
Las Vegas, NV 89134
Attorneys for Kazuo Okada

David S. Krakoff, Esq.
Benjamin B. Klubes, Esq.
Adam Miller, Esq.
BUCKLEY SANDLER LLP
1250 – 24th Street NW, Suite 700
Washington, DC 20037
Attorneys for Aruze USA, Inc. and Universal Entertainment Corp.

Steve Morris, Esq.
Rosa Solis-Rainey, Esq.
MORRIS LAW GROUP
411 E. Bonneville Avenue, Suite 360
Las Vegas, NV 89101
Attorneys for Defendants

J. Randall Jones, Esq.
Mark M. Jones, Esq.
Ian P. McGinn, Esq.
KEMP, JONES & COULTHARD, LLP
3800 Howard Hughes Parkway, 17th Floor
Las Vegas, NV 89169
Attorneys for Aruze USA, Inc. and Universal Entertainment Corporation

William R. Urga, Esq.
David J. Malley, Esq.
JOLLEY URGa WOODBURY HOLTHUS
& ROSE
330 S. Rampart Boulevard, Suite 380
Las Vegas, NV 89145
Attorneys for Elaine P. Wynn

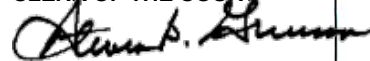
Mark E. Ferrario, Esq.
Tami D. Cowden, Esq.
GREENBERG TRAUIG, LLP
3773 Howard Hughes Parkway, Suite 400
Las Vegas, NV 89169
Attorneys for Elaine P. Wynn

Daniel F. Polsenberg, Esq.
Joel D. Henriod, Esq.
LEWIS ROCA ROTHGERBER CHRISTIE
3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169
Attorneys for Elaine P. Wynn

James M. Cole, Esq.
SIDLEY AUSTIN LLP
1501 K. Street N.W.
Washington, DC 20005

Scott D. Stein, Esq.
SIDLEY AUSTIN, LLP
One South Dearborn St.
Chicago, Illinois 60603
Attorneys for Elaine P. Wynn

/s/ Kimberly Peets
An employee of PISANELLI BICE PLLC



1 James J. Pisanelli, Esq., Bar No. 4027
JJP@pisanellibice.com

2 Todd L. Bice, Esq., Bar No. 4534
TLB@pisanellibice.com

3 Debra L. Spinelli, Esq., Bar No. 9695
DLS@pisanellibice.com

4 PISANELLI BICE PLLC
400 South 7th Street, Suite 300
5 Las Vegas, Nevada 89101
Telephone: 702.214.2100
6 Facsimile: 702.214.2101

7 Robert L. Shapiro, Esq. (*admitted pro hac vice*)
RS@glaserweil.com

8 GLASER WEIL FINK HOWARD
AVCHEN & SHAPIRO
9 10250 Constellation Boulevard, 19th Floor
Los Angeles, California 90067
10 Telephone: 310.553.3000

11 Mitchell J. Langberg, Esq., Bar No. 10118
mlangberg@bhfs.com
12 BROWNSTEIN HYATT FARBER SCHRECK
100 North City Parkway, Suite 1600
13 Las Vegas, Nevada 89106-4614
Telephone: 702.382.2101

14 Attorneys for Wynn Resorts, Limited, Linda Chen,
15 Russell Goldsmith, Ray R. Irani, Robert J. Miller,
John A. Moran, Marc D. Schorr, Alvin V. Shoemaker,
16 Kimmarré Sinatra, D. Boone Wayson, and Allan Zeman

17 **DISTRICT COURT**

18 **CLARK COUNTY, NEVADA**

19 WYNN RESORTS, LIMITED, a Nevada
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
26 AND ALL RELATED CLAIMS
27
28

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

**ORDER DENYING WYNN RESORTS,
LIMITED'S MOTION FOR PROTECTIVE
ORDER**

Date of Hearing: August 25, 2017

Time of Hearing: 9:00 a.m.

Wynn Resorts, Limited's Motion for Protective Order on Order Shortening Time, came on for hearing on August 14, 2017 and August 25, 2017 ("Motion"). William J. Urga, Esq., of Jolley Urga Woodbury Holthus & Rose, Mark E. Ferrario, Esq., of Greenberg Traurig, LLP, and Scott D. Stein, Esq. of Sidley Austin, LLP appeared on behalf of Counterdefendant/Counterclaimant/Crossclaimant Elaine P. Wynn ("Ms. Wynn"). James J. Pisanelli, Esq., Todd L. Bice, Esq., and Debra L. Spinelli, Esq., of Pisanelli Bice PLLC, appeared on behalf of Plaintiff/Counterdefendant Wynn Resorts, Limited ("Wynn Resorts") and Counterdefendants Linda Chen, Russell Goldsmith, Ray R. Irani, Robert J. Miller, John A. Moran, Marc D. Schorr, Alvin V. Shoemaker, Kimmarie Sinatra, D. Boone Wayson, and Allan Zeman (collectively the "Wynn Parties"). J. Stephen Peek, Esq. and Robert J. Cassity, Esq., of Holland & Hart LLP, appeared on behalf of Defendant Kazuo Okada ("Okada"). Randall Jones, Esq., of Kemp, Jones, and Coulthard, LLC and David S. Krakoff, Esq. of Buckley Sandler, LLP appeared on behalf of Defendants/Counterclaimants/Counterdefendants Aruze USA, Inc. ("Aruze USA") and Universal Entertainment Corp. ("Universal") (collectively the "Aruze Parties"). J. Colby Williams, Esq., of Campbell & Williams, appeared on behalf of Counterdefendant/Cross-defendant Stephen A. Wynn ("Mr. Wynn"). Bruce Leslie, Esq. appeared on behalf of non-party Doreen Whennen.

The Court having considered the Motion; the Opposition filed by Ms. Wynn on August 10, 2017; the Reply filed by Wynn Resorts on August 14, 2017; the Supplement to Wynn Resorts' Motion filed on August 18, 2017; the Supplement to Wynn Resorts' Motion filed on August 24, 2017; and the Supplemental Memorandum in Opposition filed by Ms. Wynn on August 23, 2017; as well as the arguments of counsel presented at the hearings on August 14, 2017 and August 25, 2017, and good cause appearing therefor, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Motion is DENIED, as follows:

1. Wynn Resorts' work-product claim over the documents subject to the Subpoena Duces Tecum Ms. Wynn issued to Ms. Whennen on July 14, 2017 (the "Subpoena") is overruled because the document does not appear to be one that, in and of itself, would fit the "because of" test under the Nevada

Supreme Court's decision, *Wynn Resorts, Limited, v. the Eighth Judicial District Court*, 133 Nev. 52.

2. The Court vacates its previous suspension of Ms. Whennen's obligation to respond to the Subpoena, and Ms. Whennen must comply therewith.

3. The Court acknowledges that there may be an issue about ownership of the notes, but that is not an issue over which this Court has jurisdiction. If Wynn Resorts pursues a separate action to address the ownership issue, the court presiding over that separate action shall coordinate with this Court related to the subject documents.

IT IS FURTHER ORDERED THAT this Order shall be stayed for 30 days from August 25, 2017, *i.e.*, through September 25, 2017, to permit Wynn Resorts to file a writ petition with the Nevada Supreme Court. Once the petition is filed, Wynn Resorts can request an additional stay from this Court.

IT IS SO ORDERED.

DATED this 12th day of September 2017.


THE HONORABLE ELIZABETH GONZALEZ
EIGHTH JUDICIAL DISTRICT COURT

Respectfully submitted by:

(Resigned due to loss 10/10/17)

PISANELLI BICE PLLC

By:  (12698)

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

Robert L. Shapiro, Esq. (*admitted pro hac vice*)
GLASER WEIL FINK HOWARD
AVCHEN & SHAPIRO, LLP
10259 Constellation Boulevard, 19th Floor
Los Angeles, California 90067

1 Mitchell J. Langberg, Esq., Bar No. 10118
2 BROWNSTEIN HYATT FARBER SCHRECK
3 100 North City Parkway, Suite 1600
4 Las Vegas, Nevada 89106

4 Attorneys for Wynn Resorts, Limited, Linda Chen,
5 Russell Goldsmith, Ray R. Irani, Robert J. Miller,
6 John A. Moran, Marc D. Schorr, Alvin V. Shoemaker,
7 Kimmarie Sinatra, D. Boone Wayson, and Allan Zeman

8 CAMPBELL & WILLIAMS

8 By: /s/ J. Colby Williams
9 Donald J. Campbell, Esq., Bar No. 1216
10 J. Colby Williams, Esq., Bar No. 5549
11 700 South Seventh Street
12 Las Vegas, NV 89109

11 *Attorneys for Stephen A. Wynn*