

In the Supreme Court of Nevada

KAZUO OKADA; ARUZE USA, INC; and  
UNIVERSAL ENTERTAINMENT CORP.,

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,

Respondents,

and

WYNN RESORTS, LIMITED;  
and ROBERT J. MILLER,

Real Parties in  
Interest.

Electronically Filed  
Nov 30 2017 11:04 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

District Court  
No. A656710

**ELAINE P. WYNN'S EMERGENCY MOTION  
TO INTERVENE AND JOIN IN THE PETITION**

***(consented to by Petitioners)***

***(Action requested by December 1, 2017)***

Elaine P. Wynn, who is a counterdefendant, counterclaimant, and crossclaimant in the underlying litigation, moves to intervene and join this petition. She requests that her status as a joint petitioner be recognized by Friday, December 1, 2017, so that she may attend the oral

argument on December 4.<sup>1</sup> *Cf.* NRAP 27(e).

Petitioners have consented to this request, agreeing that Ms. Wynn can join their petition and support them at oral argument.

Standing to petition for mandamus or prohibition is broader than standing to appeal. *State ex rel. Tidvall v. Eighth Judicial Dist. Court*, 91 Nev. 520, 524, 539 P.2d 456, 458 (1975) (state superintendent of banks, not a party to the underlying litigation, had standing to petition for a writ of prohibition to enforce a statutory privilege).

Here, Ms. Wynn has an interest in the correct application of NRS 463.120(6). That ruling will determine not only what information is available to the parties in discovery but could have an impact on the entire case as it heads to trial on all of the parties' claims in April 2018.

Ms. Wynn joins in the previously filed petition, so her intervention will not prolong or complicate the briefing in any way.

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<sup>1</sup> Ms. Wynn also requests that the clerk modify the caption accordingly.

Dated this 30th day of November, 2017.

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**NRAP 27(e) CERTIFICATE**

**A. Contact information**

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#### **B. Nature of emergency**

On November 28, 2017, this Court ordered an expedited answer and scheduled oral argument for December 4. Without immediate recognition of Ms. Wynn's joinder in the petition, which the Okada petitioners do not oppose, she will be unable to participate in the oral argument.

#### **C. Notice and service**

At a hearing today in the underlying litigation, I personally told Jim Pisanelli from Pisanelli Bice about this motion. I also called Todd Bice from Pisanelli Bice and left a message notifying him of this motion. I also spoke with lawyers for the petitioners, who consented to this mo-

tion. My office is emailing copies of the motion and this certificate to each of the listed attorneys for petitioners and real parties in interest.

DATED this 30th day of November, 2017.

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**NRAP 26.1 DISCLOSURE**

Counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a) and must be disclosed for the judges of this court to evaluate possible disqualification or recusal.

Elaine P. Wynn is an individual. She has been represented in this litigation by William R. Urga and David J. Malley of Jolley Urga Woodbury Holthus & Rose; Mark E. Ferrario and Tami D. Cowden of Greenberg Traurig, LLP; James M. Cole and Scott D. Stein of Sidley Austin LLP; Daniel F. Polsenberg, Joel D. Henriod and Abraham G. Smith of Lewis Roca Rothgerber Christie LLP; and John B. Quinn, Michael T. Zeller, Susan R. Estrich, Michael L. Fazio and Ian S. Shelton of Quinn Emanuel Urquhart & Sullivan, LLP.

Dated this 30th day of November, 2017.

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**CERTIFICATE OF SERVICE**

I certify that on November 30, 2017, I submitted the foregoing “Elaine P. Wynn’s Motion to Intervene and Join in the Petition” for filing *via* the Court’s eFlex electronic filing system. Electronic notification will be sent to the following:

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I further certify that a copy of this document will be served by  
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