

IN THE SUPREME COURT OF THE STATE OF NEVADA

WYNN RESORTS LIMITED,

Petitioner,

v.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
ELIZABETH GOFF GONZALEZ,  
DISTRICT JUDGE, DEPT. 11,

Respondents,

and

KAZUO OKADA, UNIVERSAL  
ENTERTAINMENT CORP. AND  
ARUZE USA, INC.,

Real Parties in Interest.

Electronically Filed  
Dec 27 2017 08:39 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Supreme Court No. 74591

District Court Case No. A-12-656710-B

**APPENDIX IN SUPPORT OF  
ANSWER OF REAL PARTIES IN  
INTEREST TO PETITION FOR WRIT  
OF MANDAMUS OR  
ALTERNATIVELY, PROHIBITION  
FILED BY WYNN RESORTS, LIMITED**

**VOLUME II (RAPP 0251-RAPP 0500)  
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LIMITED**

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## CERTIFICATE OF SERVICE

Pursuant to Nev. R. App. P. 25, I certify that I am an employee of Morris Law Group, that in accordance therewith, I caused a copy of **APPENDIX TO ANSWER OF REAL PARTIES IN INTEREST TO PETITION FOR WRIT OF MANDAMUS OR ALTERNATIVELY, PROHIBITION FILED BY WYNN RESORTS, LIMITED VOLUME II (RAPP 0251-RAPP 0500) (REDACTED)** to be served via U.S. Mail unless otherwise indicated below:

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By: /s/ PATRICIA FERRUGIA

1 corresponding with OPDP?

2       A     So if I ask ODP for something and they send me back  
3 a letter giving me an answer, I feel comfortable letting that  
4 letter outside of Macau, depending on the circumstances, in  
5 this case this case, with their name on it. If, forgetting  
6 attorney-client privilege, I type an email to Ian and within  
7 the email I say, I met with government officials A, B, and C,  
8 and they said X, Y, and Z, I do not feel comfortable --

9       Q     That's not what I asked. The question was if you  
10 have written correspondence with a Macau Government official,  
11 not email correspondence, direct, old-fashioned letter  
12 correspondence. Edmund Ho, write a letter to Edmund Ho.

13       A     So --

14       Q     Would you produce that document without redaction?

15       A     It depends if it was protected by other privileges.

16       Q     Okay. What other -- there's no attorney-client  
17 privilege, is there?

18       A     There's the Macau law privilege that we talked  
19 about.

20       Q     I don't want to go back into that, and you don't,  
21 either, do you, Mr. Schall?

22       A     No.

23       Q     Okay. So let's just -- I'll just ask you to bear  
24 with me on my hypothetical. It's dealing with the land  
25 concession, which you said did not -- was not covered by Macau

1 law privilege, would that letter be redacted of Edmund Ho's  
2 name if he signed it or it was -- he was the addressee?

3 A So the land concession at this time I do not believe  
4 is protected by the Macau law privilege, namely in part  
5 because the Macau Government itself released our entire Cotai  
6 land file to a gadfly organization that has nothing to do with  
7 this case who then published it on the Internet. At certain  
8 points in this case, namely before that occurred and before  
9 we'd have a chance to think about it I would have said that  
10 Macau law privileges protected certain, if not all, land-  
11 related documents. However, as I sit here today I do not  
12 believe the Macau law privilege applies to land documents at  
13 all, and I wouldn't redact names from them if they're official  
14 correspondence going back and forth.

15 Q What about email correspondence over the same  
16 subject matter with Macau Government officials?

17 A To the extent that exists -- look, I'd have to see  
18 the email, but I would generally classify an email with the  
19 Macau Government officials as official correspondence, so  
20 therefore I would give you the same answer, that it could be  
21 released unredacted.

22 Q Were you ever asked to review as you describe it  
23 official correspondence, whether it be electronic, email, or  
24 old-fashioned letter --

25 A I'm sorry, Mr. Peek, I can't recall.

1 Q -- before production? Did you ever -- were you ever  
2 asked to review that?

3 A I can't recall. Oh. But however, so I do recall  
4 when we were heading towards this hearing reviewing some  
5 documents that were related to the land specifically and  
6 okaying them for release that were held here in the United  
7 States.

8 Q So would a letter from Alexandria Carerra da Silva  
9 to a Macau Government official be one of those official  
10 letters?

11 A I believe this related to documents in the United  
12 States already. So if that document were in the United States  
13 and related to -- again, I'd have to see it --

14 Q I'm not asking if it's in the United States. You  
15 said that you thought that documents with Macau Government  
16 officials didn't necessarily come to the U.S., but at least  
17 just documents between a Macau Government official and a WRMSA  
18 person, official, Government official, should be produced  
19 without redaction.

20 A Right. And then you asked me if I'd reviewed any,  
21 and I said I reviewed some leading up to this hearing or my  
22 deposition, I don't remember which, when it was, but sometime  
23 this year that resided in the United States that related to  
24 the land that I said should be released.

25 Q Okay. That's not what I'm focused on. My focus

1 really is whether or not a document from a Macau -- Mr. da  
2 Silva, who's a Macau Government official, which is an official  
3 government official, should or should not have redactions of  
4 the government official to whom it is sent.

5 A Related to the land?

6 Q Right, related to the land concession.

7 A I'd have to see the document. But if it was purely  
8 land related, at this time now I would agree that it could be  
9 released.

10 Q Okay. I was beyond whether it exists in the United  
11 States.

12 A Okay.

13 Q So we'll deal with that subject. Did any of those  
14 documents with respect to the Wynn Resorts -- WRMSA land  
15 concession that were given to, as you say, this gadfly, did  
16 they contain any redactions, to your knowledge?

17 A You're talking about the documents the Macau  
18 Government actually --

19 Q The ones that the Macau Government actually gave to  
20 -- what was the name of the organization?

21 A I can't remember. I remember the principal involved  
22 with the organization, I don't remember --

23 Q Who's that? What's the name of the principal?

24 A Jeffrey Fiedler.

25 Q I'm sorry, what?



1           A     Jeffrey Fiedler.

2           Q     Okay. Did those documents that were released to  
3 Jeffrey Fiedler contain any redactions at all, to your  
4 knowledge?

5           A     I'm not aware.

6           Q     Did it include the names of WRMSA Macanese  
7 individuals?

8           A     I recall there being some Macau Government  
9 correspondence that would have had a sender's name on it, but  
10 I don't remember who the senders from the government were or  
11 the recipients.

12          Q     Okay. So -- but really my question was focused on  
13 did any of that -- any of those documents include the name of  
14 a WRMS employee?

15          A     That I don't know.

16          Q     Okay. Did it include the names of a WRMSA employee  
17 who may have signed the land concession?

18          A     Who may have signed the land concession?

19          Q     Right. You executed a land concession with the  
20 Macau Government, did you not?

21          A     I don't know if that correspondence did, but the  
22 signature would be in the Official Gazette of who signed for  
23 the company.

24          Q     By the way, was Palo Real Estate the one that was  
25 awarded the concession, or was it WRMSA who was awarded the

1 concession?

2 A Both.

3 Q Both. Same parcel?

4 A Same parcel.

5 Q Palo Real Estate is an affiliate of WRMSA?

6 A Subsidiary, yes.

7 Q Subsidiary of WRMSA. Were there documents that were  
8 produced as gadfly regarding Tien Chao?

9 A I'm not -- I'm no longer familiar with exactly what  
10 the government gave over. I just remember it was voluminous.  
11 I did review it at one time, I'm not saying I didn't. I just  
12 can't recall exactly what was in there. But it was --

13 Q When you say you reviewed it, you reviewed it --  
14 where did you -- in what media did you review it? Did you  
15 have a hard copy, did you have an Internet site? What'd you  
16 have?

17 A I believe I went on one of Fiedler's Internet sites  
18 and scrolled through them.

19 Q So I want to sort of get back to the documents that  
20 would exist or should -- would exist outside of the United  
21 States either because it was sent to or sent from -- sent --  
22 either sent into Macau or sent from Macau.

23 THE COURT: Documents that exist outside Macau?

24 BY MR. PEEK:

25 Q Outside. Right. Outside Macau. Documents outside

1 Macau. I want to focus on those. Let me have you take a look  
2 at Exhibit 588.

3 THE COURT: That's a proposed exhibit.

4 BY MR. PEEK:

5 Q Proposed Exhibit 588. You know, of course, Mr.  
6 Gansmo.

7 A Yes.

8 MR. BICE: Your Honor, we have an objection, because  
9 this is --

10 THE COURT: He hasn't offered it yet.

11 MR. BICE: Well, I understand that. But I object to  
12 this whole line, because this is yet another one of the  
13 redacted documents not identified in response to the discovery  
14 request, no witness identified it at the depositions as a  
15 document for which they claimed any form of privilege -- or  
16 prejudice.

17 THE COURT: Proposed Exhibit 588 is a redacted  
18 document that was not included in their response to requests  
19 for production?

20 MR. BICE: That is correct.

21 THE COURT: Mr. Peek.

22 MR. PEEK: Your Honor, I find it interesting that I  
23 get a continuing objection to documents that they're ordered  
24 to produce and did not produce that they know that exist  
25 outside of the United States because they actually --

1 THE COURT: You mean outside Macau.

2 MR. PEEK: We know that they exist outside of Macau.  
3 We -- you know, we violated a Court order, but you didn't tell  
4 me what the documents were on which I violated the Court  
5 order.

6 THE COURT: So, Mr. Peek, that's why I ordered  
7 discovery before this hearing, gave everybody an opportunity  
8 to identify those documents. If we hadn't had discovery, we  
9 might have a different discussion.

10 MR. PEEK: And I --

11 THE COURT: But in this case we had discovery.

12 MR. PEEK: And I said, Your Honor, in the response  
13 to both the interrogatory and in the RFP that it's all the  
14 documents that were redacted. Now, I understand that may be  
15 too much for them, but given the nature of the productions --  
16 you know, I just -- I'm sorry. It's not lost on me that it's  
17 okay for them to violate a Court order --

18 THE COURT: No, Mr. Peek, it is not okay for them to  
19 violate a Court order, and at some point in time we're going  
20 to have a discussion about whether it was wilful or not and  
21 whether there's been prejudice or not and, if so, what the  
22 appropriate sanction is.

23 MR. PEEK: But I --

24 THE COURT: But I'm not quite there yet.

25 MR. PEEK: I know. But without being able to show,

1 Your Honor, for example this -- some documents, and I'm loathe  
2 to mention it, but this document contains redactions, and it  
3 says, we are in Macau -- or, excuse me, my apologies. It  
4 says, we are in Hong Kong. That's what the email says, we are  
5 in Hong Kong. So obviously that document was sent from Hong  
6 Kong into Macau by Mr. Gansmo using whatever device -- or to  
7 Mr. Gansmo. I don't know who sent it to Mr. Gansmo --

8 THE COURT: Mr. Peek, I understand your position.  
9 I've ruled. I said if it wasn't one of the specific documents  
10 you identified in the scope of your request for production  
11 we're not going to talk about that specific document, although  
12 I will let you talk about privilege log entries, because there  
13 is a difference of opinion on the discovery requests as to  
14 whether it included that.

15 MR. PEEK: But I'm being sanctioned, Your Honor.

16 THE COURT: No, Mr. Peek. You're being limited.

17 MR. PEEK: Yes, I am. I am being --

18 THE COURT: Not sanctioned, limited.

19 MR. PEEK: Yes, I am, Your Honor. I am being  
20 sanctioned by not being allowed to show a document that exists  
21 outside of Macau that was redacted by them, but I'm not really  
22 showing Your Honor the document for redactions, I'm showing  
23 the document for -- existing outside of the United States.  
24 It's not a document that has a redaction --

25 THE COURT: So, Mr. Peek --

1           MR. PEEK: -- related to outside of Macau. It's a  
2 document that they're obligated to produce.

3           THE COURT: Mr. Peek, that should have been --

4           MR. PEEK: The request was for redacted documents.

5           THE COURT: That should have been identified in  
6 response to the request for production. I understand your  
7 position. Would you like to proceed on something else?

8           MR. PEEK: I'm going to proceed with each one of  
9 these, Your Honor. The ruling's going to be the same.

10          THE COURT: Okay.

11          MR. PEEK: I appreciate that the ruling's going to  
12 be the same.

13          THE COURT: You want to give me a list so we can  
14 just go through it that way, or do you want to go through this  
15 process on each one? Because if we're not done with this  
16 witness by Wednesday afternoon, we're coming back on Friday.

17          MR. PEEK: You're punishing me for that, too.

18          THE COURT: No, I'm not punishing you. I'm saying  
19 we're going to get done.

20          MR. PEEK: Yeah, you are, Your Honor. You're  
21 punishing me by not allowing me to go into this for their  
22 violation of the order of November 1st because I -- because I  
23 read a document that said "redacted documents." So the bucket  
24 number 3, Your Honor, in the Court's order is not related to  
25 redacted documents. It's documents that exist outside of the

1 United States they're obligated to produce. So they asked me  
2 for redacted documents in 13.

3 THE COURT: Not Wynn -- this gentleman is from WRM.  
4 I did not order WRM to produce documents that were outside of  
5 Macau that had left Macau.

6 MR. PEEK: I know.

7 THE COURT: I ordered the people sitting behind you  
8 to produce those documents.

9 MR. PEEK: I know that, Your Honor. But in order to  
10 establish that they exist outside of Macau I wanted to show  
11 this witness documents that are -- say it's a WRMSA document  
12 that says, Hi, Robert, we are in Hong Kong. It obviously was  
13 sent to Macau from Hong Kong. And, yes, I can give you that  
14 list of those documents.

15 THE COURT: Let's make sure you preserve your record  
16 by doing that.

17 MR. PEEK: Yeah. Then I just --

18 THE COURT: Do you need a minute to get it together?

19 MR. PEEK: I just find it, you know, very --

20 THE COURT: Because I'd be happy to ask the witness  
21 some questions that are important to me while you do that.  
22 Because issues that you're raising are very important to me,  
23 but I have some others that are important to me that are on a  
24 slightly different subject, and I'd like to approach the tack  
25 differently, because I'm trying to identify the issues.

1 MR. PEEK: Go ahead, Your Honor.  
2 THE COURT: All right. Thank you.  
3 Sir, when the Freeh team came to do the  
4 investigation --  
5 THE WITNESS: Yes.  
6 THE COURT: -- were you involved in identifying the  
7 particular information they were going to review?  
8 THE WITNESS: No.  
9 THE COURT: So they came and decided what they were  
10 going to review.  
11 THE WITNESS: I was involved with helping them  
12 identify people to speak to. What information they requested  
13 out of those people I believe Freeh and his group determined.  
14 THE COURT: So we recognize that Freeh's purpose was  
15 coming to do an investigation because they had concerns about  
16 Mr. Okada.  
17 THE WITNESS: Correct.  
18 THE COURT: So he was looking for information to  
19 assist with his investigation.  
20 THE WITNESS: Correct.  
21 THE COURT: And WRMSA at the time assisted in that  
22 investigation?  
23 THE WITNESS: Correct.  
24 THE COURT: You did not do anything with the Office  
25 of Data Privacy at that time about his review of that



1 information?

2 THE WITNESS: Correct.

3 THE COURT: And when did you learn he was taking  
4 information from Macau?

5 THE WITNESS: After he'd left.

6 THE COURT: Okay. So you didn't have an opportunity  
7 to do anything before he left?

8 THE WITNESS: Correct.

9 THE COURT: So I'm going to use two words that we  
10 use in criminal cases but they're not really -- they sort of  
11 apply here. Would it be fair to say that Mr. Freeh was  
12 looking for information that was inculpatory or would support  
13 his investigation while he was there?

14 THE WITNESS: Correct.

15 THE COURT: He was not looking for information that  
16 exculpatory or would help Mr. Okada in defending against the  
17 investigation?

18 MR. BICE: Your Honor, I know that you don't like it  
19 when I object to your questions --

20 THE COURT: You can object to my questions.

21 MR. BICE: -- but I am -- my apologies.

22 MR. PEEK: I like your questions, Your Honor.

23 MR. BICE: I'm going to object to the -- I'm going  
24 to object to the question as it calls for this witness to  
25 speculate.

1 THE COURT: Overruled.

2 THE WITNESS: As I recall, he was looking for all  
3 information related to stays and usage of our facility by  
4 Okada and his parties. I can't tell you whether he was  
5 purposefully excluding exculpatory information or not. All I  
6 know is he was looking for everything.

7 THE COURT: And he was spending time and making  
8 decisions on how he was going to do the investigation himself?

9 THE WITNESS: It was an independent investigation,  
10 and he ran it, yes.

11 THE COURT: Okay. So when he left how long after he  
12 left did you learn he had taken information?

13 THE WITNESS: I would say -- it's a while ago, but  
14 quite, quite quickly. Within maybe 10 days.

15 THE COURT: Okay. How long after you learned that  
16 do you believe the policy of the ODP changed and the way they  
17 were enforcing the MDPA?

18 THE WITNESS: How long after I learned that he took  
19 the information?

20 THE COURT: Yes.

21 THE WITNESS: I believe the ODP didn't really shift  
22 until the Freeh report came out and the OPD investigated the  
23 circumstances behind the Freeh report.

24 THE COURT: So about six months?

25 THE WITNESS: I don't recall, Your Honor, but --

1 MR. PEEK: Your Honor, I would object. The Freeh  
2 investigation didn't start until October, and the report came  
3 out in February.

4 THE COURT: That's six months.

5 MR. PEEK: He was retained in late October.

6 THE COURT: October, November, December, January,  
7 February. That's five months.

8 MR. PEEK: I cap it as the -- it started in  
9 November, December, January, mid February.

10 THE COURT: Okay. So --

11 MR. PEEK: I'm glad people find that amusing.

12 THE COURT: -- after the ODP changed their theory on  
13 how information leaving the country should be handled was  
14 there an opportunity for anyone to investigate what I would  
15 call exculpatory information that may be in the possession of  
16 Wynn Macau?

17 MR. PEEK: I'm going to object, Your Honor. Assumes  
18 facts not in evidence that the ODP had changed its theory.

19 THE COURT: Overruled.

20 THE WITNESS: So you're asking me would there have  
21 been an opportunity for people to come and try find  
22 exculpatory evidence?

23 THE COURT: Yes.

24 THE WITNESS: Sure, there would have been.

25 THE COURT: Tell me what that opportunity was.

1           THE WITNESS: Oh, I'm not -- no one took it, but  
2 there would have been.

3           THE COURT: Well, but tell me the circumstances you  
4 believe that would exist.

5           THE WITNESS: If -- I believe Okada had an  
6 independent investigation commissioned by another former  
7 federal law enforcement type, Chertoff, maybe. If he had made  
8 an official request to come to Wynn Macau, and I'm not aware  
9 if he did or didn't, we would have tried within the parameters  
10 of Data Protection to allow him to come. But as far as I'm  
11 aware, that request was never made.

12          THE COURT: Okay. So my next question has to do  
13 with some of the transfer of information in the ordinary  
14 course of business ordinary course of business. Do you  
15 consider that the transfer of information in the ordinary  
16 course of business includes Wynn Resorts Limited being able to  
17 report information from Macau to Nevada Gaming Control Board?

18          THE WITNESS: It can, yes.

19          THE COURT: Why?

20          THE WITNESS: There's certain information that we're  
21 required to report here and that DICJ is aware that gets  
22 reported by the concessions, or at least by Wynn, because DICJ  
23 and the NGCB have a relationship. But we did after the ODP  
24 came down change the substance of some information that we do  
25 give to the GCB --

1 THE COURT: Okay.

2 THE WITNESS: -- to remove personal data.

3 THE COURT: All right. So let me go to the next  
4 area. There are some consolidated financials that are  
5 presented that involve Wynn Macau and Wynn Resorts Limited  
6 reporting with the SEC. Can you tell me how that information  
7 is provided and why you believe it does not violate the MDPD,  
8 Macau Data Privacy Act?

9 THE WITNESS: I'm not an accountant, Your Honor, but  
10 it'd be very unusual for financial statements to contain any  
11 personal data, only --

12 THE COURT: So when you have very large markers out  
13 by customers those aren't transmitted for purposes --

14 THE WITNESS: Never.

15 THE COURT: Okay. Hold on. I think I have one  
16 more.

17 Have there been public reports of criminal  
18 prosecutions for violations of the MPDPA?

19 THE WITNESS: There was one about a guy who ran a  
20 collection Website, WonderfulWorld or something. There was  
21 public reports on his criminal prosecution. He may have had  
22 to -- that's the only public report of a criminal prosecution  
23 I'm aware of.

24 THE COURT: All right. Thank you. Hold on. I  
25 think I had one more for you. Nope. Those are all.

1           Mr. Peek, did you want to give me the list?

2           MR. PEEK: I think what I'd like to do is -- I think  
3 yes, Your Honor. But what I'd like to do with the assurance  
4 that I'll have to come back on Friday, but I want to finish on  
5 Wednesday, that I will most likely give the Court a list. But  
6 I'm not going to represent that that's -- in fact, I'd like to  
7 consult with my colleagues. I'd like to consult with Mr.  
8 Krakoff.

9           THE COURT: So you want to ask some other questions  
10 and maybe come back to that?

11          MR. PEEK: Your Honor, I can ask a few other  
12 questions, but a lot of this you've already preempted me and  
13 said, I want a list. So I would like to have the opportunity  
14 this evening to consult with my colleagues Mr. Kunimoto, Mr.  
15 Cassity, Mr. Krakoff, Mr. Miller, about how if we're going to  
16 present this in the form of a, quote, unquote, "list," show in  
17 the process when that occurs. Because I don't want to close  
18 this evidence, but I do want to let this witness finish before  
19 Wednesday.

20          THE COURT: So just for the record, I have not told  
21 you you can't present the evidence related to the privilege  
22 logs. I've told you we may have other sources of information  
23 related to that as well as the, what were they, the conversion  
24 charts. I just said this probably wasn't the most appropriate  
25 witness to deal with that.

1           MR. PEEK: No, I understand. And I -- you know, I  
2 -- frankly, I don't want to call the only person who would  
3 know, because I think I can do this through the documents that  
4 have been produced and reference them, as opposed to calling a  
5 live person. So I think I can do that. I think the Court has  
6 at least seen from what I've shown it already the various  
7 iterations of the claims that have been made by Wynn Resorts  
8 and the changes that have occurred over time by them. Court  
9 will draw whatever inference it will. Mr. Bice will argue  
10 that, it's just mistakes on my part, innocent mistakes. The  
11 Court will make its own decision. But I think I can do that.

12           THE COURT: Okay.

13           MR. PEEK: With respect to --

14           THE COURT: I found my last question for Mr. Schall.  
15 Can I ask it.

16           Sir, have you heard anything more about Mr. Okada'  
17 Macau litigation since you were gone from here, since the last  
18 time you were here?

19           THE WITNESS: No. The courts are still closed, Your  
20 Honor.

21           THE COURT: They're still closed? The whole month  
22 of August?

23           THE WITNESS: Whole month.

24           THE COURT: See, the Nevada Supreme Court here  
25 doesn't issue any opinions in August.

1 MR. PEEK: It's the same thing in Japan, Your Honor.  
2 They close the whole month of August.

3 THE COURT: The Nevada Supreme Court doesn't issue  
4 opinions in August because of allegedly the law clerk  
5 turnover, but other people speculate they're gone.

6 Okay. Mr. Peek, you're up.

7 MR. PEEK: Your Honor, I want to --

8 THE COURT: Unless you're telling me you're over.

9 MR. PEEK: The topics that I had addressed the  
10 specific three orders; Macau law privilege, which I've  
11 addressed in part through the testimony and I will address, as  
12 well, in briefing; the consent, I'll finish a little bit more  
13 on the consents because I have some other questions about  
14 consents, because I have at least some names here. And then  
15 the third topic, which is documents to -- that went -- exist  
16 outside of Macau which was a part of the order. That's where  
17 I was going. The Court has said that because I didn't  
18 identify those documents within the RFP I think it was  
19 Number 7 or in Interrogatory 13, it is not going to allow me  
20 to introduce those documents into evidence or even talk about  
21 those documents.

22 THE COURT: Those particular documents.

23 MR. PEEK: Those particular documents that exist  
24 outside. I disagree with the Court --

25 THE COURT: Okay.



1           MR. PEEK: -- as you know, because, you know, you're  
2 doing -- it's okay for them to violate a Court order. I don't  
3 have any Court order on the discovery, and you're sanctioning  
4 me by not allowing me to prove my case. But it's okay for  
5 them to not produce --

6           THE COURT: I'm limiting you to your discovery  
7 responses.

8           MR. PEEK: -- not honor the obligation of the Court.  
9 So I don't know how else to prove the fact that they haven't  
10 produced the documents that exist outside of Macau if the  
11 Court isn't going to allow me to do that. Because there are a  
12 number of documents that should exist here that when they gave  
13 you -- remember they gave you the match-no match back a year  
14 and a half ago approximately -- no, not quite a year and a  
15 half ago, but they gave you the match-no match.

16          THE COURT: Yeah. And they weren't perfect matches.

17          MR. PEEK: Yeah. But we have identified a number of  
18 documents that we know exist outside of Macau, and that wasn't  
19 the request for production.

20          THE COURT: Okay. Anything else?

21          MR. PEEK: You disagree with me. So if you're not  
22 going to allow me to do that, I'll make an offer perhaps in  
23 writing --

24          THE COURT: That's a lovely way to do it.

25          MR. PEEK: -- and show you in writing why that

1 exists.

2 THE COURT: That's a lovely way.

3 MR. PEEK: Because otherwise I would be asking this  
4 document, because they are WRM documents that I would be  
5 discussing with him that we know should exist outside of the  
6 United States -- or, excuse me, should exist outside of  
7 outside of Macau. But if the Court's not going to allow me to  
8 do that, I'll just -- I'll make my offer and make my points to  
9 the Court at the time. But I'm going to go back to some  
10 issues. One is the issue that you raised.

11 DIRECT EXAMINATION (Resumed)

12 BY MR. PEEK:

13 Q Is it my understanding -- is it your testimony that  
14 had a representative of UEC asked to conduct an investigation  
15 at WRMSA to find evidence that would support Mr. Okada that  
16 you would have allowed that?

17 A I would have supported it.

18 Q That's not what I asked you. Would you have allowed  
19 it?

20 A If it were solely up to me, yes.

21 Q No. You think Mr. Wynn would have allowed it?

22 A I have no idea. Ask him.

23 Q Okay. But you don't know whether or not the company  
24 -- the company that asked for the investigation was WRL, was  
25 it not?

1           A     Yes.

2           Q     And that's the company that directed you to  
3 cooperate with Mr. Freeh and give him access to employees, as  
4 well as documents; correct?

5           A     Yes.

6           Q     And that was at the direction of Mr. Wynn; correct?

7           A     I believe Kim talked -- Sinatra told --

8           Q     But you knew it really came down from Mr. Wynn,  
9 though, didn't it?

10           MR. BICE:  Objection.  Objection.  Speculation.

11           THE COURT:  Sustained.

12           MR. PEEK:  I don't know if he's speculating or not,  
13 Your Honor.

14           THE COURT:  He said came down from Kim.

15 BY MR. PEEK:

16           Q     Do you know how Ms. Sinatra got the direction?

17           A     No.

18           Q     Good answer.  Going back to consents for a moment --

19           Oh.  By the way, have you ever heard the name Mike  
20 Chertoff?

21           A     I think I just mentioned it, yeah.

22           Q     I'm sorry.  You what?

23           A     I believe I just mentioned his name.  So, yes, I've  
24 heard of him.

25           THE COURT:  In response to my question.

1                   MR. PEEK: No, I -- okay. I didn't hear that, Your  
2 Honor.  
3 BY MR. PEEK:  
4           Q     Did anybody ask you if Mr. Chertoff could come and  
5 look?  
6           A     No one asked me.  
7           Q     Do you know whether he asked Wynn Resorts?  
8           A     I don't.  
9           Q     Do you know whether Wynn -- whether Mr. Okada's  
10 counsel asked for additional time to present evidence?  
11          A     When?  
12          Q     Right after he was interviewed by Louis Freeh. Do  
13 you know whether or not his counsel asked for additional time  
14 to submit evidence?  
15          A     I don't know anything --  
16          Q     You're not aware of that?  
17          A     No.  
18          Q     Have you read the Freeh report?  
19          A     Yes.  
20          Q     Do you know that it's in fact mentioned in the body  
21 of the Freeh report that he was asked to -- that his counsel  
22 asked to present additional evidence?  
23          A     I won't dispute that. But I have read it; I don't  
24 recall that.  
25          Q     And that additional evidence was not allowed before

1 Louis Freeh completed his report, was it?

2 A I have no -- I have no idea. I'm sorry.

3 Q Okay. So let me ask you about consents again. Did  
4 -- did you -- did you identify in the body of electronically  
5 stored information or hard copies individuals who were  
6 employees of either Aruze USA or Universal Entertainment  
7 Corporation?

8 A I have seen discovery materials that had Aruze  
9 Universal employees' names in them, yes.

10 Q In the WRM documents?

11 A Well, I've seen that they've been redacted and it  
12 says Aruze employee or something like that. So I'm aware that  
13 in the discovery there are Aruze and Universal people's names.

14 Q Okay. Now, you would certainly know, because you  
15 can look at those documents, the actual names of those people;  
16 correct?

17 A Actually, I would have known in kind of preparing  
18 for this or speaking with Pisanelli Bice, because, while in  
19 theory I guess I could look at the documents because they're  
20 in my safe in Macau, I actually wouldn't know how to take the  
21 hard drive and make it show me anything.

22 Q Well, and Pisanelli Bice can't look at those  
23 documents, either, and those names, can they?

24 A They can't look at anything in an unredacted form  
25 here that Macau held in a redacted form, correct, as far as

1 I'm aware.

2 Q Okay. Did you ever compile a list of Universal  
3 employees from whom consents would be sought?

4 A I didn't, no.

5 Q Now you know that Mr. Okada was asked to give  
6 consent?

7 A I am aware of that, yes.

8 Q You're aware of that. But were -- so but you're not  
9 aware whether any other employees of Universal or Aruze USA  
10 were asked to give consents; correct?

11 A Correct.

12 Q The only person who could know those names would be  
13 somebody at WRMSA; correct?

14 MR. BICE: Objection. Calls for speculation.

15 THE COURT: Overruled. You can answer if you can.

16 THE WITNESS: I don't know who would know those  
17 names, Mr. Peek. But --

18 BY MR. PEEK:

19 Q Yeah. Really I'm not -- what I'm looking for is  
20 that those names wouldn't exist in the U.S., because you would  
21 have redacted them; correct?

22 A If the document only resides in Macau and was  
23 subject to redactions when it came over here, then yes.

24 Q Okay. And the only people who could look at those  
25 documents would be -- would have been WRMSA employees;

1 correct?

2 A At this point?

3 Q No. In 2013, 2014.

4 A Well, I don't know the answer to that question,  
5 because I don't know how the discovery review worked from a  
6 technical process. I don't know how redactions came about.  
7 If they're manually put in or some computer did it I don't  
8 know.

9 Q So you weren't involved in how WRL was handling your  
10 documents?

11 A No. I wasn't involved in the technical aspects of  
12 how documents ended up in the form that your side received  
13 them.

14 Q They'd have to give WRL control over that process;  
15 correct?

16 A No. It was controlled in Macau by I think FTI and  
17 PB.

18 Q And FTI was hired by WRL?

19 A You've asked me this before. I don't know who hired  
20 them, but I think --

21 Q You know it wasn't -- you know it wasn't you.

22 A Yes.

23 Q So let me ask you some other names here about  
24 employees. Lau Si Lo, government official?

25 A I know him.

1 Q Did you ask for consent?

2 A Nope.

3 Q Wei Zhao?

4 A Wei Zhao. Familiar. I think University of Macau  
5 affiliated, I think.

6 Q Did you ask for his consent? He's not a government  
7 official.

8 A Nope.

9 Q Did you ask for his consent?

10 A Nope.

11 Q Why not?

12 A We didn't feel it practical, and we didn't think  
13 that we needed to.

14 Q Why didn't you think you needed to?

15 A Well, probably because the documents were already in  
16 the United States, so they went over.

17 Q Oh. So all of the UMDF documents -- or all the  
18 documents related to the UMDF are in the U.S.?

19 A Well, I don't know. But if you're telling me his  
20 name, I would imagine that's so.

21 Q Well, I certainly know his name. But that's not  
22 what I asked.

23 A What'd you ask?

24 Q I'm asking you if you asked for his consent.

25 A No.



1 Q Okay. And why not? That's really what I'm trying  
2 to understand. You said it wasn't practical. Why wasn't it  
3 practical to ask for his name?

4 THE COURT: You mean his consent?

5 MR. PEEK: Pardon?

6 THE COURT: His consent?

7 MR. PEEK: His consent. Thank you.

8 BY MR. PEEK:

9 Q Why wasn't it practical to ask for his consent to  
10 allow his data to be transferred?

11 A We weren't going to ask government officials for  
12 their consent. It was just the tack that we took. I'm not  
13 trying to be trite, but occasionally the best answer to why is  
14 because. That is simply the answer in this case.

15 Q Okay. I'm sorry. I didn't think that the UMDf --  
16 is he a UMDf person, or a University of Macau person?

17 A I said I believe he's somehow affiliated with the  
18 university, but I don't know who he works for.

19 Q But you would agree with me that UMDf is not a  
20 government entity; correct? Or do you believe it to be?

21 A I don't know. That one I don't know. I've heard  
22 that it's not, I've heard that it is. To tell you the truth,  
23 I never really looked at it for myself. I view it as at least  
24 a quasi governmental institution.

25 Q Oh. Okay. So the donation to the UMDf is a

1 donation to the Macau Government.

2 MR. BICE: Objection, Your Honor.

3 THE COURT: Overruled. You can answer.

4 THE WITNESS: The donation to the UMDF, as I recall,  
5 was a donation to the UMDF for use by the University of Macau  
6 at their new campus in Hengqin Islands.

7 BY MR. PEEK:

8 Q But it's a donation to a government entity; correct?

9 MR. BICE: Same objection, Your Honor.

10 THE COURT: Overruled. You can answer.

11 BY MR. PEEK:

12 Q The foundation which you said is a government  
13 entity.

14 THE COURT: Mr. Peek, do you want him to answer?

15 MR. PEEK: Yeah.

16 THE WITNESS: The university is a government entity.

17 BY MR. PEEK:

18 Q University of Macau Development Foundation, the  
19 UMDF.

20 MR. BICE: Your Honor, can the witness be allowed to  
21 finish his answer?

22 THE COURT: Sure. Sir, can you finish, please.

23 THE WITNESS: So we made our donation to the UMDF.  
24 As I stated, I'm not sure if that's a government institution,  
25 a private institution, but I consider it a quasi government

1 institution because its job is to raise money for the  
2 University of Macau, which is a government institution. So  
3 therefore the answer to your question is did we give the money  
4 to a government institution, yes, we did.

5 BY MR. PEEK:

6 Q Okay. That's fine. And that's why you didn't ask  
7 for consents from those individuals who were on the -- were  
8 part of the UMDF or the foundation because they were a quasi  
9 government or government institution?

10 A Well, in what context am I now asking for consents?  
11 You were on the donation piece and who I gave the money to.

12 Q I'm just trying to understand why you didn't ask for  
13 consents. And you said because you treated them as a  
14 government entity --

15 A Oh. I --

16 Q -- and you didn't think it was a practical thing to  
17 do to ask for consents from --

18 A I'm sorry.

19 Q I'm just trying to establish that that's the reason  
20 and the only reason, as opposed to the trite response of  
21 because.

22 A So we --

23 MR. BICE: Objection. Objection to form.

24 THE COURT: Overruled. You can answer.

25 THE WITNESS: We took the view with respect to all

1 government or quasi government officials, if we're going to  
2 call the UMDf people that, that we would not ask them for  
3 consents because they're our regulators, indirectly or  
4 directly. It would put them in a bad position. It was  
5 inconvenient, and we simply did not ask any of them.

6 BY MR. PEEK:

7 Q I'm sorry, inconvenient?

8 A We would inconvenience them by asking them for their  
9 consent. That was the view we took.

10 Q Okay. John Crawford, did you ask for his consent?

11 A Who?

12 Q John Crawford. Do you know John Crawford?

13 A I know John Crawford.

14 Q Did you ask for his and -- ask and receive his  
15 consent?

16 A No. As far as I'm aware, we did not.

17 Q John is an outside auditor of WRMSA or WML?

18 A That's a difficult question. He is a financial  
19 supervisor under Macau law, so he's not an outside auditor,  
20 but he's not our employee. So I'm not trying to split hairs,  
21 but he falls somewhere between those two things. He's not in  
22 Ernst & Young, and he is not in my finance department, but he  
23 oversees our annual financial statements. He did. He's  
24 retired now or something, but --

25 Q He did.

1           A     Yeah.

2           Q     And he's also -- was also involved in the technical  
3 institute next door to the Wynn Palace; correct?

4           A     I believe it's the international school, yes. Next  
5 to -- near Wynn Palace, yes.

6           Q     Not right next door?

7           A     It's not quite right next door, but very close.

8           Q     And donations were provided to that international  
9 institution with which he's affiliated?

10          A     We absolutely support the International School of  
11 Macau.

12          Q     Is he a government official?

13          A     I don't believe so.

14          Q     He did some audit work, correct, for -- of WRMSA or  
15 WML or both?

16          A     So he's down at the Macau level, WRMSA. Was.

17          Q     Okay.

18          A     But I can't call it an audit. It's sort of an  
19 annual review of the financial statements that get published  
20 in the newspaper. So he holds this special position that's in  
21 the gaming law that you need to have this person doing this.  
22 Each concession has one, and he was ours for some time.

23          Q     Why didn't you ask him for a consent?

24          A     That's a good question. I would have asked him for  
25 his consent if I would have known he wasn't being asked.

1 Q So you'll ask him -- will you ask him now, then?  
2 A Is there any point to?  
3 Q Yeah. Yes, there is.  
4 A Maybe he was asked and he didn't reply. I don't  
5 know.  
6 Q He's also an auditor of Palo Real Estate, isn't he?  
7 A Well, I don't know. Only the gaming concessions  
8 need this special financial supervisor board chairman  
9 position. Whether he was for Palo or not I don't know, Mr.  
10 Peek. It's possible.  
11 Q What's your relationship with Palo Real Estate, your  
12 individual -- you individually?  
13 MR. BICE: Objection, Your Honor.  
14 THE COURT: Sustained. What does this have to do  
15 with my sanctions hearing?  
16 MR. BICE: Nothing.  
17 MR. PEEK: Because it has the land concession, Your  
18 Honor, and a lot of these go to the land concession.  
19 MR. BICE: And you --  
20 MR. PEEK: These issues go to the land concession.  
21 MR. BICE: And you already sustained our objection  
22 to the land concession. And the Court will recall it informed  
23 Mr. Peek that the land concession nor the University of Macau  
24 were nowhere in any of their discovery responses to us. And  
25 the Court has already sustained that objection.

1 THE COURT: Mr. Peek, I don't think Palo Real Estate  
2 has anything to do with my sanctions hearing.

3 MR. PEEK: Okay. I would disagree. And if you want  
4 me to articulate the --

5 THE COURT: Sure.

6 MR. PEEK: -- the relationship --

7 THE COURT: He's already told me it's a subsidiary.

8 MR. PEEK: Right. And John Crawford is doing  
9 audits, John Crawford's doing audits -- he has a regular  
10 relationship with a subsidiary of WRMSA. His consent should  
11 have been sought.

12 THE COURT: I understand what you said. But the  
13 Palo Real Estate is not relevant to my proceeding. I  
14 understand your issue related to whether the consent should or  
15 should not have been sought from him, which is a different  
16 issue.

17 MR. PEEK: It is related -- because Palo Real Estate  
18 is related to our overall case, Your Honor, the inability to  
19 get information about Palo Real Estate during the course of  
20 our discovery requests where there have been claims related  
21 under Macau law privilege, which we now know don't exist with  
22 respect to the land concession or with respect to actual  
23 gazetting of the land concession.

24 THE COURT: Palo Real Estate is not part of my  
25 sanctions hearing. I'm not saying that you may not have

1 issues with discovery responses related to Palo Real Estate,  
2 but Palo Real Estate is nowhere in this brief. This is the  
3 brief from our original hearing on the motion for sanctions  
4 that Mr. Cassity signed on March 31st.

5 MR. PEEK: The one that has the attachments that  
6 identifies all of the documents in the prior proceedings that  
7 -- where we'd asked for documents. For example, Exhibit O,  
8 which identifies a lot of the documents where we claim should  
9 be produced. But, yes, that is --

10 THE COURT: I don't have the exhibits with me. They  
11 may be huge, but I didn't bring them with me.

12 MR. PEEK: You know, this whole proceeding started  
13 early. But I'll move on, Your Honor.

14 THE COURT: Thank you.

15 MR. PEEK: The Court's ruled.

16 THE COURT: And by the way, they're an appendix, not  
17 exhibits. So they're in a separate document.

18 MR. PEEK: Well, there are a series of motions, Your  
19 Honor, not just the one of March 31. There are a series of  
20 motions --

21 THE COURT: Believe me, I'm aware of that.

22 MR. PEEK: -- that started this process way back in  
23 2015 and '16.

24 THE COURT: And O --

25 MR. PEEK: But we'll deal with that in our briefing.



1 THE COURT: O is an email from someone named A.  
2 Schaefer dated March 15th, 2017.

3 MR. PEEK: Your Honor, I'm talking about the prior  
4 2016 motion regarding production of documents.

5 THE COURT: Okay.

6 MR. PEEK: Motion to compel.

7 BY MR. PEEK:

8 Q Ho Ho. Do you know who Ho Ho is?

9 A Yes.

10 Q Did you seek consent from him?

11 A Nope.

12 Q Why not?

13 A I don't know where he is.

14 Q Ho Hoi?

15 A I know him, too.

16 Q And did you seek consents from him?

17 A Same answer. Don't know where he is.

18 Q These are individuals that were affiliated with Tien  
19 Chao?

20 A Yes.

21 Q And Wynn gave them \$50 million and you don't know  
22 where they are?

23 MR. BICE: Objection, Your Honor.

24 THE COURT: Overruled. You can answer.

25 THE WITNESS: We paid them \$50 million to relinquish

1 their rights to the Cotai land, correct. Public record.  
2 BY MR. PEEK:  
3 Q And you don't know where they are today?  
4 A Am I supposed to keep track of them?  
5 Q I didn't ask you that. I just -- my question is you  
6 don't know where they are today.  
7 THE COURT: The objection of argumentative is  
8 sustained.  
9 MR. BICE: Thank you.  
10 THE COURT: Can we move on.  
11 MR. PEEK: I will.  
12 BY MR. PEEK:  
13 Q Cliff Cheung?  
14 A I know who that is, but I do not know him.  
15 Q Did you seek his consent?  
16 A No.  
17 Q Stanley Ho, did you seek his consent?  
18 A No.  
19 Q Justin Ho Man-King? Did you seek his consent?  
20 A No.  
21 Q Peter Lam Kam Seng?  
22 A No. And all of these noes are to the best of my  
23 knowledge we didn't seek their consent, by the way. But no,  
24 we didn't seek --  
25 Q Why not?

1           A     Inconvenient, impractical, put them in a bad  
2 position, and just decided not to seek consents.  
3           Q     So inconvenient to WRMSA?  
4           A     To the person receiving the request for the consent.  
5           Q     Wong Chong Fat. Did you seek consent from him?  
6           A     Wong Chong -- what's -- can you spell the last name?  
7           Q     F-A-T is what was written for me.  
8           A     Chong Fat Wong, I don't know who that is, so I can't  
9 answer.  
10          Q     Okay. And Tsi Chi Wai? That's T-S-I. I may not be  
11 pronouncing it correctly.  
12          A     Tsi Chi Wai. I don't know who that is, either.  
13          Q     Okay. Vitor Ng?  
14          A     Victor [sic]. I don't know who that is. Sorry.  
15          Q     I don't, either, but --  
16          A     Okay.  
17          Q     Cheong Kuoc Va?  
18          A     I know who that is.  
19          Q     Did you seek consent from Cheong Kuoc Va?  
20          A     No.  
21          Q     Because it was inconvenient?  
22          A     I'm surprised that we would have needed to seek his  
23 consent, because I didn't think we'd ever interact with him in  
24 any meaningful way. But it's certainly possible. But, no, we  
25 didn't seek it of --

1 Q Well, you don't know because you never looked or had  
2 anybody compile a list of individuals whose names were on the  
3 WRMSA ESI or hard copy documents; correct?

4 A That's accurate.

5 Q Yeah. You wouldn't know from whom to seek consents  
6 without looking at the ESI or the hard copy; correct?

7 A Well, in preparing for this and looking at some  
8 documents that have been redacted I could have had a good idea  
9 of some people, but certainly not all. I agree with you, Mr.  
10 Peek.

11 Q Thank you. Fatima Cho?

12 A Spell the last name.

13 Q C-H-O.

14 A I don't know her.

15 Q Okay. Vasco Fong Man Chong, Fong Man Chong?

16 A I don't know who that is.

17 Q Okay. Fong Kong Leong?

18 A Say it one more time.

19 Q Fong Kong Leong.

20 A Is it K-O-N-G, or K-E-O-N-G -- K-E-U-N-G?

21 Q K-O-N-G.

22 A I don't know him.

23 THE COURT: I'm watching Mr. Bice's face.

24 THE WITNESS: Long Kong Leong.

25 MR. PEEK: The list goes on, Your Honor. I'm not

1 going to read them all.

2 THE WITNESS: You sure?

3 THE COURT: Can we have Bryce read them, though? At  
4 least he won't --

5 MR. PEEK: If Bryce wants to read them, he's welcome  
6 to read them, Your Honor. But I --

7 Do you want me to read the rest of the names?  
8 Somebody's asking me.

9 I'm told to keep going, Your Honor.

10 BY MR. PEEK:

11 Q Liong Ni?

12 THE COURT: Can Bryce read them? Because he can  
13 actually pronounce them.

14 MR. PEEK: Just because he's Japanese you think he  
15 can read Chinese, Your Honor?

16 THE COURT: No. But he has -

17 MR. PEEK: Oh. Okay. I just wanted to make sure --

18 THE COURT: He can pronounce.

19 MR. PEEK: -- that we weren't --

20 THE COURT: You haven't seen how his face is  
21 screwing up with your lack of pronunciation.

22 MR. PEEK: Oh, Your Honor. You're right. I can't  
23 see. Go ahead.

24 THE COURT: You don't have eyes in the back of your  
25 head, Mr. Peek, so --

1           Okay, Mr. Kunimoto. You're up. See if we can read  
2 these better.

3           MR. PEEK: You'd better read them right. I finished  
4 the first page, Bryce?

5           MR. KUNIMOTO: Finished?

6           MR. PEEK: Yes. You better read them right, though.

7 BY MR. KUNIMOTO:

8           Q     Lionel Ni.

9           A     Spell Ni for me.

10          Q     N-I.

11          A     Don't know him.

12          Q     Rui Martins, R-U-I.

13          A     Rui Martins. I think I know who that is, and we  
14 didn't ask for consent.

15          Q     And who is Mr. Martins?

16          A     If I recall correctly, he was -- I know the name,  
17 but I can't recall why I know it. But I know Rui Martins, and  
18 I think he actually has a third name when I hear it. But I  
19 don't recall what he was associated with.

20          Q     Okay. Dr. Kou Mei, K-O-U M-E-I.

21          A     I don't know.

22          Q     So Yuk Chow, S-O Y-U-K, Chow, C-H-O-W.

23          A     Don't know.

24          Q     Chen Chun Lung, C-H-E-N C-H-U-N L-U-N-G.

25          A     Don't know.

1 Q Lei Pui Lam, L-E-I P-U-I L-A-M.  
2 A Don't know.  
3 Q Okay. For the court reporter and for the record,  
4 these are three separate names, so I didn't want to make it  
5 sound like it's just one name.  
6 A I understand. It's hard, though, because that last  
7 name the first and third names are both surnames, so I don't  
8 know which order it's in. But in either direction I don't  
9 know who it is.  
10 Q And sometimes I get confused if the first name is  
11 the last name or the last name is the first name or if there's  
12 three names where the first name starts.  
13 A You and me both.  
14 Q Okay. Lau Veng Lin?  
15 A Lau Veng Lin. Don't now.  
16 Q Anabella Fatima Xavier Sales Ritchie.  
17 A That one -- I'd remember that name. I don't know.  
18 Q Okay. Tong Chi Kin, T-O-N-G C-H-I K-I-N.  
19 A Don't know.  
20 Q Ma Chi Ngai Frederico, M-A C-H-I N-G-A-I,  
21 Frederico, F-R-E-D-E-R-I-C-O.  
22 A I don't believe so.  
23 Q Cou Kam Fai, C-O-U K-A-M F-A-I.  
24 A C-O-U? I know --  
25 Q I'm sorry. I'm sorry. K-O-U.

1           A     K-O-U. I know a Chow Kam Fai, but I don't know a  
2 Kou Kam Fai.

3           Q     Okay. Au Chong Kit, A-U C-H-O-N-G K-I-T.

4           A     Don't know.

5           Q     Leona Heng Teng. Leona, L-E-O-N-A, Heng, H-E-N-G  
6 T-E-N-G.

7           A     Don't know.

8           Q     Ho Iat Seng, H-O I-A-T S-E-N-G.

9           A     I know who that is.

10          Q     And who is that?

11          A     I believe he's the president of the legislative  
12 assembly. Ho Iat Seng.

13          Q     Any other -- do you have any other knowledge as to  
14 other organizations he may be involved in?

15          A     No. Just that one.

16          Q     Vong Hin Fai, V-O-N-G H-I-N, Fai, F-A-I.

17          A     No.

18          Q     Eric Yeung Tsun Man. Eric, E-R-I-C, Yeung,  
19 Y-E-U-N-G, Tsun, T-S-U-N, M-A-N.

20          A     I don't know.

21          Q     Cho Koon Shun -- no. Cho Koon Shum,  
22 C-H-O K-O-O-N S-H-U-M.

23          A     S-H-U-M.

24          Q     Yes.

25          A     Don't know them.



1 Q Patrick Huen Wing Ming, Patrick Huen, H-U-E-N, Wing,  
2 W-I-N-G M-I-N-G.  
3 A No.  
4 Q Leong Lai, L-E-O-N-G L-A-I.  
5 A Don't know.  
6 Q Sou Chio Fai, S-O-U C-H-I-O F-A-I.  
7 A I don't think I know who that is.  
8 Q Leung Kai -- sorry, Your Honor, I can't read my own  
9 handwriting. So it's either one of two letters. So it's  
10 either Leung Kai Chun or Leung Kai Chua, C-H-U-A.  
11 A Either way I don't know.  
12 Q Okay. If I threw Chris at the beginning, would that  
13 change anything?  
14 A No.  
15 Q All right. Kot Man Kam, K-O-T M-A-N K-A-M.  
16 A Nope.  
17 Q Iu Vai Pan, I-U V-A-I P-A-N.  
18 A No.  
19 Q Lam Iok Fong, L-A-M I-O-K F-O-N-G.  
20 A No.  
21 Q Kot Man Kam, K-O-T M-A-N K-A-M.  
22 A No.  
23 MR. BICE: Your Honor --  
24 MR. KUNIMOTO: I have only two more -- or three  
25 more.

1           MR. BICE: Did we really bring Mr. Schall from Macau  
2 how many times now just --  
3           MR. PEEK: Your Honor, this is a speaking objection.  
4           MR. BICE: Is this what we brought him here for?  
5           THE COURT: No, Mr. Bice, it's not.  
6           So two more names, Mr. Kunimoto.  
7 BY MR. KUNIMOTO:  
8           Q     What about Zeng Lu Chan?  
9           A     Yeah, I know who that is.  
10          Q     And who is Zeng Lu Chan?  
11          A     He was affiliated with the Tien Chao Cotai land  
12 transaction.  
13          Q     Any other affiliations, to your knowledge?  
14          A     Not that I recall, but the would be the primary one  
15 that we would be concerned with, we being Wynn.  
16                THE COURT: And the same with the other guys from  
17 that organization, you didn't ask for a consent because you  
18 didn't think you needed it?  
19                THE WITNESS: Well, I couldn't find them. And even  
20 if I could, I probably wouldn't have asked, because I wouldn't  
21 have thought I needed it.  
22                THE COURT: Okay.  
23 BY MR. KUNIMOTO:  
24          Q     And earlier Steve mentioned Justin Ho Man-King. If  
25 I rearranged the names and said Justin Man-King Ho, who I

1 believe is the son of Edmund Ho, would that --  
2 A I know who that is.  
3 Q And who --  
4 A Ho Man-King Justin, I know him.  
5 Q Okay. And --  
6 A He's Edmund Ho's son.  
7 Q And did you seek a consent from him?  
8 A No.  
9 Q Any other affiliations with Mr. Justin Ho that  
10 you're aware of?  
11 A No.  
12 MR. KUNIMOTO: Thank you, Your Honor.  
13 THE COURT: Thank you, Mr. Kunimoto for not  
14 torturing the names as badly as Mr. Peek did.  
15 Mr. Peek, you're back up.  
16 MR. PEEK: Thank you, Your Honor. I would like to  
17 respond. Yes, we brought Mr. Schall all the way over here to  
18 answer about consents because it would be WRMSA to be giving  
19 the -- getting the consents. So, yes, we did bring him over  
20 here for that reason, to ask him about these names of  
21 individuals whose names would appear, because he's the only  
22 one that can see them.  
23 THE COURT: Okay. Can we keep going?  
24 MR. PEEK: Yes.  
25 //

1 BY MR. PEEK:

2 Q Did you ask any people from PAGCOR for consents?

3 A No.

4 MR. PEEK: Your Honor, that wraps it up for  
5 consents, so the other topic has to do with the WYNPRIV.  
6 We've already addressed that. The other topic has to do with  
7 the documents that exist outside of Macau and whether or not  
8 the match-no match is an accurate representation to this  
9 Court. I'm going to address that with my colleagues about how  
10 that can be presented in a written form. The Court may or may  
11 not allow that to happen. So I would like to be able to come  
12 back Wednesday morning and tell the Court my -- because I want  
13 to be able to have Friday as a -- I will finish Mr. Schall in  
14 the morning.

15 THE COURT: On Wednesday.

16 MR. PEEK: On Wednesday.

17 THE COURT: Okay. So are you suspending your  
18 questioning at this point pending that --

19 MR. PEEK: I'm suspending my questioning, but I'm  
20 not completing my questioning.

21 THE COURT: And you will answer the additional  
22 questions Wednesday morning when you come?

23 MR. PEEK: I will, Your Honor.

24 THE COURT: Okay.

25 MR. PEEK: Because I want to talk to Mr. Krakoff,

1 Mr. Kunimoto, Mr. Cassity, and Mr. --

2 THE COURT: I don't need you to explain. I don't  
3 need you to explain.

4 Mr. Bice, do you want to start asking questions?  
5 You said you had several hours of direct when I last heard.

6 MR. BICE: Yes, I do. But I do object, Your Honor,  
7 to -- if they have an offer of proof, they should --

8 THE COURT: And, Mr. Bice, what I'm going to do,  
9 then, is I'm going to recess right now to allow him to have  
10 that consultation. And that means you may lose the time that  
11 we have here that you could otherwise use in doing your direct  
12 examination.

13 MR. BICE: Well, Your Honor, my point is the answers  
14 to interrogatories were due I don't remember how long ago, and  
15 it sounds like what's really going to be offered is we're  
16 going to now offer a written answer however long ago that they  
17 were actually due. So if that's what the Court's going to  
18 allow them to do, then I'll just have to address that at the  
19 time that they do it. If he says he has an offer of proof,  
20 here are the exhibits that he intended to cover with Mr.  
21 Schall, and give us the numbers. I don't know why that takes  
22 tonight to try and figure out what those would have been,  
23 since he says that the examination was going to occur on those  
24 today.

25 THE COURT: Tonight and tomorrow, because we're not

1 coming back till Wednesday.

2           So the question is do you want me to end the  
3 examination for today, or do you want to utilize the time that  
4 is otherwise available to you?

5           MR. BICE: I want to utilize as much time as I can.

6           THE COURT: Right. That would be lovely.

7           MR. BICE: But I do note my objection to the attempt  
8 to supplement after the fact.

9           THE COURT: Okay.

10          MR. PEEK: But I'm only, Your Honor, suspending. I  
11 am not completing my examination.

12          THE COURT: I'm aware of that --

13          MR. PEEK: As long as we understand that.

14          THE COURT: -- Mr. Peek.

15          MR. PEEK: Okay.

16          MR. BICE: I'm sorry, what does that mean, I'm not  
17 completing my examination?

18          THE COURT: He doesn't want to complete his --

19          MR. PEEK: I think --

20          THE COURT: I can tell you what it means.

21          MR. PEEK: Thank you.

22          THE COURT: He doesn't want to complete his  
23 examination till he has the opportunity to give me the offer  
24 of proof and decide if I'm going to take it. Because I may  
25 not take it.

1 MR. BICE: So his -- so his examination will be  
2 limited to just that topic?

3 MR. PEEK: Your Honor, I'm not going to limit my  
4 examination.

5 MR. BICE: Well, then, in other words -- so, in  
6 other words, he really isn't done, he just wants to stop for  
7 the day.

8 THE COURT: Okay. We're going to take a break. If  
9 you guys want to get in a fist fight while I'm gone, have fun.

10 MR. PEEK: I don't, Your Honor. I'm done.

11 MR. BICE: I know. I would just like --

12 THE COURT: You can have a quick break if you want.

13 (Court recessed at 4:37 p.m., until 4:39 p.m.)

14 THE COURT: How late do you want to go today?

15 MR. BICE: I don't know. We can go for a half an  
16 hour or so.

17 THE COURT: Okay. Great. Because some of us feel  
18 like our brains need to be drilled out.

19 MR. BICE: I understand. I'll stop whenever the  
20 Court tells me to, but I'd like to --

21 THE COURT: Jill's trying to get back on the JAVS  
22 system because she's have a memory issue.

23 MR. BICE: But let's at least start so we can --  
24 Jay, Mr. Schall.

25 MR. PEEK: We can't start until Jill has a --

1 THE COURT: Jill's ready. I lost the witness. I  
2 let the witness go to the restroom, and he's gone, he's not  
3 coming back.

4 Mr. Bice, you're up --

5 MR. BICE: Thank you.

6 THE COURT: -- understanding that Mr. Peek may on  
7 Wednesday morning tell us something different. I appreciate  
8 your willingness to start your examination so we don't waste  
9 Mr. Schall's very valuable time.

10 MR. BICE: Thank you, Your Honor.

11 THE COURT: Valuable, valuable time.

12 CROSS-EXAMINATION

13 BY MR. BICE:

14 Q Mr. Schall, you knew that the MPDPA existed in 2012,  
15 did you not? Or at the end -- let's deal with the end of  
16 2011, all right. Did you know that the law existed at the end  
17 of 2011?

18 A I did.

19 Q All right. But had it been a focal point of the  
20 government at that point in time?

21 MR. PEEK: Objection. Leading, Your Honor.

22 THE COURT: Overruled.

23 THE WITNESS: No, it had not.

24 BY MR. BICE:

25 Q All right. Well, did you know that there was a data



1 of office protection in 2011 or before?

2 A I knew there was an Office of Data Protection.

3 Q What was your impression of the staffing of the  
4 Office of Data Protection in 2011?

5 A That it was --

6 MR. BICE: Objection. Relevance and foundation,  
7 Your Honor.

8 THE COURT: Overruled.

9 THE WITNESS: It was very lightly staffed and not  
10 active.

11 BY MR. BICE:

12 Q Right. Well, had you prior to -- again, up to the  
13 end of 2011 had you had any interaction with the Office of  
14 Data Protection up to that point in time?

15 A None.

16 Q Had there been from your impression any enforcement  
17 efforts by the Office of Data Protection by the end of 2011?

18 A To my recollection, no.

19 Q Had you even heard of any enforcement actions by  
20 OPDP as of the end of 2011?

21 A No.

22 Q Let's jump forward now to today. What is your  
23 impression of the staffing level of the Office of Data  
24 Protection today?

25 MR. BICE: Objection. Impression, Your Honor. Lack

1 of foundation.

2 THE COURT: Overruled. You can answer.

3 THE WITNESS: A fully staffed government office.

4 BY MR. BICE:

5 Q Well, when you say fully staffed governmental office  
6 can you be more specific? What is your understanding of the  
7 number of personnel that it has today?

8 A I would estimate it to be in the neighborhood of  
9 100 persons.

10 Q All right. What is the -- has the Office of Data  
11 Protection's position changed in the hierarchy of governmental  
12 agencies?

13 A If you looked at an org chart, they would still be  
14 sitting in the same place that they were in 2005. But in  
15 terms of their importance and relevance within the government  
16 and in the business community it's elevated substantially.

17 Q All right. Was there in fact an effort to make the  
18 Office of Data Protection a ministry-level position?

19 MR. PEEK: Objection. Foundation.

20 THE COURT: Overruled.

21 THE WITNESS: There was an effort for the office to  
22 go from a cabinet up to a directorate, I believe they call it,  
23 yes.

24 BY MR. BICE:

25 Q Okay. When did you first become aware that the

1 government of Macau was changing its position concerning the  
2 MPDPA?

3 A When the Office of Data Protection contacted us  
4 after the Freeh report had been made public.

5 Q Okay. Prior to that, prior to that contact by OPDP  
6 about the Freeh report had there been any suggestion by the  
7 Macau Government that transfers between your Macau casinos and  
8 American affiliates was in any way restricted?

9 A No.

10 Q Okay. Did this catch you by surprise when they  
11 contacted you about the Freeh report?

12 A It did. I wasn't aware that the Office even did  
13 anything, so I was very surprised.

14 Q Okay. Well, had there been any changes in --  
15 technical changes in the law, the MPDPA itself?

16 A No.

17 Q Well, were there -- but were there any practical  
18 changes in the law?

19 A Yeah. Sometime after -- right before and after we  
20 were contacted the government decided to give the Data  
21 Protection Office a higher profile and sort of set them loose  
22 on the community, I would say.

23 Q Okay. Now, your role is also in compliance,  
24 generally speaking; correct?

25 A Correct.

1           Q     Compliance being compliance with laws, regulations;  
2 is that right?

3           A     Correct.

4           Q     Okay. Have you encountered other instances even  
5 outside of Macau, other governmental agencies that have  
6 escalated their enforcement of certain laws even if the law  
7 technically wasn't changed?

8           MR. PEEK: Objection. Leading.

9           THE COURT: Overruled.

10          THE WITNESS: Within Macau, similar to the United  
11 States, there was a renewed or a new focus on anti-money  
12 laundering and know your client type of compliance procedures  
13 which were -- have been ramped up over the years by DICJ and  
14 law enforcement, similar to the United States' focus on this.  
15 So that's the notable one that comes to mind. In Macau there  
16 have been other examples.

17 BY MR. BICE:

18          Q     Well, in Macau do governmental agencies like DICJ  
19 and the Office of Data Protection, do they have to issue  
20 regulations in order to give new interpretations to laws?

21          A     In Macau agencies such as DICJ and ODP, they can  
22 issue written instructions which are relatively simple process  
23 for them to do versus changing the law. But they often simply  
24 issue verbal instructions which have the force of those  
25 written instructions when they want something to happen.

1           Q     Okay.  And do -- have you been the recipient or has  
2 Wynn Macau been the recipient of those types of oral  
3 instructions from the Macau Government?  
4           A     Yes.  
5           Q     Okay.  Have you been given any of those oral  
6 instructions by the Macau Government that have the effect of  
7 law concerning the MPDPA?  
8           A     Well, notably the one from the director of DICJ from  
9 the minister of finance which said, don't mess up under the  
10 Data Protection Act again.  
11          Q     And did you take that seriously, that instruction?  
12          A     Very seriously.  
13          Q     And when did you receive that instruction?  
14          A     Late 2012.  
15          Q     Okay.  This was sometime after you had been -- or  
16 the company had been fined?  
17          A     Correct.  
18          Q     And the fine was issued approximately in October of  
19 2012?  
20          A     That sounds accurate.  
21          Q     Did you ever find out what was the cause of the  
22 stepped-up enforcement by the Office of Data Protection in --  
23 sometime after 2012?  
24               MR. PEEK:  Objection.  Foundation.  Hearsay.  
25               MR. BICE:  I'll rephrase, Your Honor.

1 THE COURT: Thank you.

2 BY MR. BICE:

3 Q When did you recognize stepped-up enforcement by the  
4 Office of Data Protection about the MPDPA?

5 A When they contacted us about the Freeh report.

6 Q And do you recall approximately when that was,  
7 sometime in the summer of 2012?

8 A I think earlier. I think late spring, maybe April,  
9 March. Very quickly.

10 Q Okay. And then that investigation ensued and you  
11 were ultimately fined in October?

12 A Yes.

13 Q Okay. Do you know what was the cause of stepped-up  
14 enforcement by OPDP?

15 A I don't know.

16 Q Did Wynn Resorts ever have any affiliation with an  
17 individual by the name of Leonel Alves?

18 A Did Wynn Resorts -- not that I'm aware.

19 THE COURT: I know that name.

20 MR. BICE: You do know that name.

21 THE COURT: But not from this case.

22 MR. BICE: That's right.

23 BY MR. BICE:

24 Q Do you know what role in stepped-up MPDPA  
25 enforcement Mr. Alves played?

1 MR. PEEK: Objection. Foundation.

2 THE COURT: Overruled.

3 MR. PEEK: He said he doesn't know Mr. Alves, Your  
4 Honor, is what I heard.

5 THE WITNESS: I know Mr. Alves, but he did not have  
6 a relationship with Wynn Macau. Do I know what role he had in  
7 stepped-up MDPA enforcement? Given I know Mr. Alves and what  
8 he's done in Macau, I could speculate, but that may not be  
9 what you want.

10 THE COURT: We don't want you to guess or speculate.

11 THE WITNESS: Okay.

12 BY MR. BICE:

13 Q Well, did Wynn Macau in any way seek to encourage  
14 the Office of Data Protection to step up increased enforcement  
15 of the MPDPA?

16 A No.

17 Q Okay. Have you complained or has Wynn Macau  
18 complained to the Macau Government about the burdens of the  
19 MPDPA?

20 A We haven't per se filed a formal complaint about the  
21 Office of Data Protection, because that wouldn't be received  
22 well. But there have been instances where especially in an  
23 industry we have had to go to our regulators for help when we  
24 felt the Data Protection Office was being -- basically making  
25 a decision that would adversely impact the government and the

1 industry.

2 Q Okay. Are there any specific examples where people  
3 had to complain or mount some sort of a challenge to what OPDP  
4 was doing?

5 MR. PEEK: Objection. Foundation and hearsay.

6 THE COURT: Overruled.

7 THE WITNESS: Yes. I have direct knowledge of a  
8 situation where the six casinos in Macau wanted to share video  
9 surveillance and files on criminal gangs that were entering  
10 the casinos for both cheating and theft and other criminal  
11 activities. When we asked permission as an industry to share  
12 this information the ODP not only said no, but they said,  
13 delete all of your files and all of your surveillance on these  
14 criminals unless you get their consent.

15 BY MR. BICE:

16 Q Okay.

17 A I doubt it. And we as an industry had to go to the  
18 police and the gaming regulator to appeal for help, because  
19 this obviously affects them, and they carried on the fight for  
20 us against ODP and we were able to keep this information and  
21 to share it.

22 Q Okay. But OPDP has -- do they have the power to  
23 discipline any companies like Wynn Macau?

24 A They can issue fines. And I believe in theory you  
25 could challenge the fine in court.



1 Q Okay.

2 A But that isn't often done. Usually people just pay  
3 the fines, as we did.

4 Q And they can refer -- they can refer you for  
5 criminal -- or they can refer violators for criminal  
6 prosecution?

7 A They have that ability, yes.

8 Q Okay. So prior to this litigation and document  
9 production in this litigation you had never contacted OPDP  
10 about sharing documents with any corporate affiliates; is that  
11 fair?

12 A Prior to this litigation. Well, after the Freeh  
13 report we did begin at Wynn Macau to probably make  
14 notifications to OPD, just generic notifications saying,  
15 here's the kind of data processing we have going on. But in  
16 terms of sharing documents related to this litigation no.

17 Q All right. So when you were asked -- or when Wynn  
18 Macau was asked by Wynn Resorts to access documents in Macau  
19 why did you go to OPDP first?

20 A Because we knew it was very, very likely that the  
21 documents being reviewed for discovery would contain personal  
22 data and therefore the Personal Data Protection Office needed  
23 to be involved.

24 Q Well, by this point in time had you -- you had  
25 already been fined; correct?

1 A Correct.

2 Q And had you already received the warning from the  
3 DICJ indirectly from the minister?

4 A Yes.

5 Q Okay. So with the limited amount of time we have  
6 today I want to jump ahead to something else here out of the  
7 chronology, because this is something that Her Honor had asked  
8 you not today, but in a prior hearing we were at.

9 Did the company come to learn of a request for a  
10 criminal prosecution of the company and Mr. Wynn and Ms. Chen  
11 in 2015?

12 MR. PEEK: Objection. Asked and answered, Your  
13 Honor.

14 THE COURT: Overruled.

15 THE WITNESS: In 2015 we were summoned -- Wynn Macau  
16 was summed to the judiciary police and we learned that there  
17 was some type of criminal investigation open into at least the  
18 company, but we didn't know everyone at that point.

19 BY MR. BICE:

20 Q All right. Well, did you -- who had to go down and  
21 talk to the police about that subject?

22 A Linda Chen went with counsel.

23 Q And Linda Chen is who?

24 A She is the executive director of Wynn Resorts Macau  
25 SA. I think she has some other titles, too, but that's the

1 main one in Macau.

2 Q All right. And so one of the directors was summoned  
3 down -- is it accurate to say that one of the company's  
4 directors was summoned down to the police --

5 A Correct.

6 Q -- about the MPDPA?

7 A As it turns out, yes.

8 Q And this was sometime in March of 2015; is that  
9 correct?

10 A It was early 2015 when we went, yes.

11 Q And did the police tell you who it was that was  
12 seeking to have them criminally -- seeking to have the company  
13 criminally prosecuted under the MPDPA?

14 A The police don't do that. So no.

15 Q All right. Did you ever find out who it was that  
16 was seeking to have the company criminally prosecuted in 2015  
17 under the MPDPA?

18 MR. PEEK: Objection. Hearsay.

19 THE COURT: Overruled. That's a yes or no.

20 THE WITNESS: Yes.

21 BY MR. BICE:

22 Q Well, let's take a look at, if we could, Exhibit 69,  
23 please.

24 THE COURT: It's a proposed exhibit?

25 MR. BICE: Proposed Exhibit 69, our proposed

1 exhibit. Your Honor, may I approach?

2 THE COURT: You may.

3 MR. BICE: Thank you.

4 BY MR. BICE:

5 Q Have you seen Exhibit 69 before, Mr. Schall? And  
6 make sure it's the right exhibit.

7 A Yeah, I have seen it. This looks like a translation  
8 maybe that I haven't seen, but I have seen this.

9 Q All right. So you have -- and can you tell us what  
10 Exhibit 69 is.

11 A This is a letter that the Macau Public Prosecutor  
12 issued on their own to Wynn Resorts Macau SA noting the  
13 closing of a criminal investigation.

14 Q All right. Before you received this letter -- or  
15 did the company receive this letter in Portuguese from the  
16 Prosecutor's Office?

17 A I think it was Chinese.

18 Q In Chinese. All right.

19 A I think it was Chinese.

20 Q And before you received this letter was there  
21 another interview with the Prosecutor's Office about this  
22 criminal charge?

23 A Yes. Shortly before we got this letter, so within  
24 let's say two weeks, the Prosecutor asked to see us at the  
25 Prosecutor's Office, and we went to see him.

1 Q And who went down to see the Prosecutor, then, in  
2 2015?

3 A Linda Chen and counsel.

4 Q Now, this letter is -- I should rephrase. This  
5 letter is dated May 19 of 2017. So it was just issued. So  
6 the trip to the Prosecutor's Office by Ms. Chen and counsel  
7 was shortly before this letter in 2017?

8 A Correct.

9 Q Okay. The other trip that you're talking about with  
10 Ms. Chen and counsel was actually to the police; correct?

11 A Correct.

12 Q All right. And is this letter the first time you  
13 learned who was attempting to get the company criminally  
14 prosecuted in 2015?

15 A I would say it was the first time we had definitive  
16 proof.

17 Q You always suspected that it was Mr. Okada and his  
18 companies; correct?

19 A Correct.

20 MR. BICE: Your Honor, I'd move into admission  
21 Exhibit 69.

22 THE COURT: Any objection, Mr. Peek?

23 MR. PEEK: Relevance, Your Honor.

24 THE COURT: All right. Mr. Bice, the purpose?

25 MR. BICE: The relevance is to show Your Honor that

1 Mr. Okada and his companies while they were simultaneously  
2 telling this Court that the MPDPA shouldn't be deemed a  
3 restriction on the access to data in Macau were secretly  
4 trying to get Mr. Wynn, Mr. Schorr, Ms. Chen, and the company  
5 criminally prosecuted for violating the MPDPA.

6 THE COURT: Thank you.

7 Mr. Peek, anything else?

8 MR. PEEK: I just saw it, Your Honor. So it took me  
9 a moment to look at it. I have nothing further, Your Honor,  
10 than what I said.

11 THE COURT: Be admitted. Next question?

12 (Plaintiff's Exhibit 69 admitted)

13 BY MR. BICE:

14 Q Mr. Schall, if you'd look at the letter --

15 A Yes.

16 Q -- from the Prosecutor, it says, "On March 23, 2015  
17 --" do you see that date?

18 A Yes.

19 Q Do you know what was going on in this litigation  
20 around March 15 of 2015?

21 A I'm sorry, I don't.

22 Q Do you know when the Okada parties started filing  
23 motions to compel claiming that the MPDPA should be  
24 disregarded by the Court?

25 MR. PEEK: Objection, Your Honor. He said he

1 doesn't know.

2 THE COURT: Overruled.

3 THE WITNESS: Given we had discovery in the summers  
4 prior to this, I suspect it was sometime in 2015.

5 BY MR. BICE:

6 Q Well, do you recall when they filed their civil  
7 lawsuit --

8 MR. PEEK: Objection, Your Honor. Move to strike.  
9 He doesn't -- it's speculation on his part. He said, "I  
10 suspect."

11 THE COURT: Overruled.

12 MR. PEEK: That's not the same thing as, I know.

13 THE COURT: Okay. Next?

14 BY MR. BICE:

15 Q Do you recall, Mr. Schall, when they filed -- when  
16 they, being Mr. Okada and his companies, filed a civil lawsuit  
17 that included the MPDPA and other claims?

18 THE COURT: In Macau?

19 MR. BICE: In Macau.

20 THE COURT: Okay.

21 THE WITNESS: I believe that was also in 2015, but I  
22 don't recall exactly when.

23 BY MR. BICE:

24 Q Okay. February of 2015 sound about right?

25 A It sounds right.

1 Q Okay. So you'll see here that the Prosecutor's  
2 Office disclosed to the company that Aruze USA, Universal, and  
3 Kazuo Okada filed a petition. Do you see that?

4 A Yes.

5 Q Have you seen that petition?

6 A No.

7 Q So the Prosecutors didn't provide it to you?

8 A They won't do that.

9 Q Well, have you seen that petition produced from the  
10 parties to my right over here in discovery in this action?

11 A I was told it was not produced.

12 Q Have you seen it on any privilege logs, this  
13 petition that they filed with the Prosecutor's Office?

14 A I can't say I've looked at their privilege logs.

15 MR. PEEK: Hasn't even looked at his own privilege  
16 log, Your Honor. How's he going to look at mine?

17 THE COURT: Mr. Peek.

18 MR. PEEK: Really?

19 BY MR. BICE:

20 Q Mr. Schall, in the gaming industry it's fairly  
21 highly regulated. Do you agree?

22 A I agree.

23 Q A criminal prosecution of a company and its senior  
24 executives would have very serious consequences for a gaming  
25 licensee. Would you agree?



1           A     It'd have very serious consequences.

2           Q     All right.

3           THE COURT: Is this a good place to break for the

4 evening?

5           MR. PEEK: Yeah.

6           THE COURT: All right.

7 BY MR. BICE:

8           Q     Did you --

9           MR. BICE: One question, Your Honor?

10          THE COURT: Yes.

11 BY MR. BICE:

12          Q     Mr. Schall, did the company take that threat of

13 criminal prosecution seriously?

14          A     We took it very seriously when we were called to the

15 police in early 2015 and then subsequently sued civilly we

16 realized that if we lost with the Prosecutor, they opened a

17 case on us and prosecuted it, it would make our civil case in

18 Macau incredibly difficult. We would have Stock Exchange

19 filings, and we'd be reporting to GCB because our main company

20 in Macau, our only company in Macau that matters would have

21 been under criminal investigation and trial by the

22 Prosecutor's Office.

23          MR. BICE: Thank you.

24          THE COURT: All right. So I will see you all --

25 what time can we start on Wednesday morning? What time?

1 MS. SPINELLI: Whenever you're ready, Your Honor.  
2 MR. PEEK: Whenever you're ready.  
3 THE COURT: 8:30?  
4 MR. PEEK: I thought you told us 9:00 o'clock, Your  
5 Honor, so we were prepared to do it at 9:00 o'clock.  
6 THE COURT: 8:30 on Wednesday?  
7 MR. PEEK: We can make it at 8:30.  
8 THE COURT: It's not as bad as Mondays.  
9 THE CLERK: We'll be in this room.  
10 THE COURT: Yes, we'll be in this room.  
11 MR. PEEK: Okay.  
12 THE COURT: But, unfortunately, we have a criminal  
13 calendar tomorrow, so you've got to move all your stuff out so  
14 the criminals don't use them as weapons.  
15 MR. PEEK: Okay.  
16 (Court recessed at 5:02 p.m., until the following  
17 Wednesday, August 23, 2017, at 8:30 a.m.)  
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EXHIBITS

<u>DESCRIPTION</u>	<u>ADMITTED</u>
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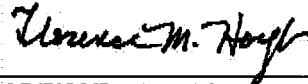
**CERTIFICATION**

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

**AFFIRMATION**

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

**FLORENCE HOYT  
Las Vegas, Nevada 89146**



FLORENCE M. HOYT, TRANSCRIBER

8/22/17

DATE

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