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15 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

16 WYNN RESORTS, LIMITED,

17 Petitioner,

18 vs.

19 THE EIGHTH JUDICIAL  
20 DISTRICT COURT OF THE STATE  
OF NEVADA, IN AND FOR THE  
21 COUNTY OF CLARK; AND THE  
HONORABLE ELIZABETH  
22 GONZALEZ, DISTRICT JUDGE,  
DEPT. XI,

23 Respondent,

24 KAZUO OKADA, UNIVERSAL  
25 ENTERTAINMENT CORP.,  
26 AND ARUZE USA, INC.,

27 Real Parties in Interest.  
28

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Elizabeth A. Brown  
Clerk of Supreme Court

Case No. 74591

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

**WYNN RESORTS, LIMITED'S  
MOTION TO REDACT ITS  
OPPOSITION TO ARUZE PARTIES'  
NRCPC 27(e) EMERGENCY MOTION  
TO DEFER CONSIDERATION AND  
FILE EXHIBITS 1-4 UNDER SEAL**

1 **I. INTRODUCTION**

2 Petitioner Wynn Resorts, Limited ("Wynn Resorts") hereby moves to redact  
3 portions of its Opposition to Aruze Parties' NRCP 27(e) Emergency Motion to  
4 Defer Consideration of the Pending Writ Petition on Which Oral Argument is  
5 Scheduled for February 6, 2018, Pending Further Proceedings in District Court  
6 (hereinafter "Opposition") and file Exhibits 1-4 thereto under seal. Wynn Resorts  
7 brings this motion pursuant to Part VII of the Supreme Court Rules Governing  
8 Sealing and Redacting Court Records. SRCR 3(4) permits sealing or redacting  
9 records when it furthers a protective order entered under NRCP 26(c).

10 The District Court entered the Wynn Parties' Protective Order with Respect  
11 to Confidentiality ("Protective Order") on February 14, 2013, and it governs the  
12 process by which parties to this action may designate information as Confidential or  
13 Highly Confidential as defined therein. Wynn Resorts' Appendix contains  
14 information the parties designated Confidential or Highly Confidential pursuant to  
15 the Protective Order, and the District Court ruled should be redacted and/or sealed.  
16 As such, Wynn Resorts respectfully requests this Court grant its request to seal  
17 Volumes II and III of its Appendix.

18 **II. RELEVANT FACTS**

19 The Protective Order entered on February 14, 2013 governs the use and  
20 disclosure of Confidential and Highly Confidential information in this case,  
21 including the filing of such information with the Court. It requires the filing of any  
22 documents that summarize or quote from Highly Confidential or Confidential  
23 information be submitted with a Motion to Seal and Redact. (Ex. 1 ¶ 13.) The  
24 Protective Order permits the parties to designate materials that contain "information  
25 that constitutes, reflects, or discloses nonpublic information, trade secrets,  
26 know-how, or other financial, proprietary, commercially sensitive, confidential  
27 business, marketing, regulatory, or strategic information (regarding business  
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1 plans or strategies, technical data, and nonpublic designs)" as Confidential.  
2 (*Id.* ¶ 4.) Additionally, it allows for the designation of materials as  
3 Highly Confidential if "the disclosure of which would create a substantial risk of  
4 competitive, business, or personal injury to the Producing Party." (*Id.* ¶ 5.) Any  
5 information designated as Confidential or Highly Confidential and filed with the  
6 Court may be kept under seal and/or redacted upon motion of a party. (*Id.* ¶ 9.)  
7 If a Party wants to challenge a particular designation, the Protective Order sets forth  
8 the procedure to do so. (*Id.* ¶ 18.) The materials retain their Confidential or  
9 Highly Confidential designation unless and until the parties agree otherwise or the  
10 District Court issues an order removing the designation. (*Id.*)

### 11 **III. ANALYSIS**

#### 12 **A. Standards for Sealing or Redacting Court Records or Exhibits.**

13 Part VII of the Supreme Court Rules provides that records submitted to this  
14 Court may be submitted in redacted or sealed form, subject to further order. The  
15 Court will keep the documents redacted or under seal if there is an appropriate basis  
16 under SRCR 3(4). SRCR 3(4) permits the sealing or redaction of the record  
17 when justified by compelling privacy or safety interests that outweigh the public  
18 interest in access to the court record. Furthermore, the public interest in  
19 privacy outweighs the public interest in open court records when the sealing or  
20 redaction furthers a protective order entered under NRCP 26(c). SRCR 3(4)(b).  
21 The Opposition and Exhibits 1-4 contain information designated Confidential and  
22 Highly Confidential under the Protective Order, including documents produced  
23 during the litigation and deposition testimony.

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**IV. CONCLUSION**

Wynn Resorts respectfully requests an order allowing it to redact its Opposition and file Exhibits 1-4 under seal.

DATED this 26th day of January, 2018.

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1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and  
3 that on this 26th day of January, 2018, I electronically filed and served by electronic  
4 mail a true and correct copy of the above and foregoing **WYNN RESORTS,**  
5 **LIMITED'S MOTION TO REDACT ITS OPPOSITION TO**  
6 **ARUZE PARTIES' NRCP 27(E) EMERGENCY MOTION TO DEFER AND**  
7 **FILE EXHIBITS 1-4 UNDER SEAL** properly addressed to the following:

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