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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  
21 OF NEVADA, IN AND FOR THE  
22 COUNTY OF CLARK; AND THE  
23 HONORABLE ELIZABETH  
24 GONZALEZ, DISTRICT JUDGE,  
25 DEPT. XI,

26 Respondent,

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

Real Parties in Interest.

Electronically Filed  
Feb 06 2018 09:45 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No. 74591

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

**WYNN RESORTS, LIMITED'S  
MOTION TO FILE EXHIBIT 1  
TO ITS RESPONSE TO  
OKADA PARTIES' STATUS  
REPORT UNDER SEAL**

1 **I. INTRODUCTION**

2 Petitioner Wynn Resorts, Limited ("Wynn Resorts") hereby moves to file  
3 Exhibit 1 of its Response to Okada Parties' Status Report (hereinafter "Response").  
4 Wynn Resorts brings this motion pursuant to Part VII of the Supreme Court Rules  
5 Governing Sealing and Redacting Court Records. SRCR 3(4) permits sealing or  
6 redacting records when it furthers a protective order entered under NRCP 26(c).

7 The District Court entered the Wynn Parties' Protective Order with Respect  
8 to Confidentiality ("Protective Order") on February 14, 2013, and it governs the  
9 process by which parties to this action may designate information as Confidential or  
10 Highly Confidential as defined therein. Wynn Resorts' Appendix contains  
11 information the parties designated Confidential or Highly Confidential pursuant to  
12 the Protective Order, and the District Court ruled should be redacted and/or sealed.  
13 As such, Wynn Resorts respectfully requests this Court grant its request to seal  
14 Exhibit 1 to its Response.

15 **II. RELEVANT FACTS**

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

8 **III. ANALYSIS**

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

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**IV. CONCLUSION**

Wynn Resorts respectfully requests an order allowing it to file Exhibit 1 under seal.

DATED this 6th day of February, 2018.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 6th day of February, 2018, I electronically filed and served by electronic mail a true and correct copy of the above and foregoing **WYNN RESORTS, LIMITED'S MOTION TO FILE EXHIBIT 1 TO ITS RESPONSE TO OKADA PARTIES' STATUS REPORT UNDER SEAL** properly addressed to the following:

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