

IN THE SUPREME COURT OF THE STATE OF NEVADA

1 ELAINE P. WYNN,

2 Petitioner,

3 vs.

4 THE EIGHTH JUDICIAL DISTRICT  
5 COURT OF THE STATE OF  
6 NEVADA, IN AND FOR THE  
7 COUNTY OF CLARK; AND THE  
8 HONORABLE ELIZABETH  
9 GONZALEZ, DISTRICT JUDGE,  
10 DEPT. XI,

11 Respondent,

12 and

13 STEPHEN A. WYNN; WYNN  
14 RESORTS, LIMITED; and  
15 KIMMARIE SINATRA,

16 Real Parties in Interest.

Case No. 75852

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

Electronically Filed  
Jun 18 2018 10:29 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**SUPPLEMENTAL APPENDIX IN  
SUPPORT OF REAL PARTIES'  
ANSWER TO EMERGENCY  
PETITION FOR WRIT OF  
PROHIBITION**

**VOLUME I OF I**

17 DATED this 15th day of June, 2018.

18 PISANELLI BICE PLLC

19 By: /s/ Todd L. Bice

20 James J. Pisanelli, Esq., Bar No. 4027  
21 Todd L. Bice, Esq., Bar No. 4534  
22 Debra L. Spinelli, Esq., Bar No. 9695  
23 400 South 7th Street, Suite 300  
24 Las Vegas, Nevada 89101

25 *Attorneys for Real Parties in Interest*  
26 *Wynn Resorts, Limited and Kimmarie Sinatra*

PISANELLI BICE  
400 SOUTH 7TH STREET, SUITE 300  
LAS VEGAS, NEVADA 89101

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Transcript of Hearing on Defendants' Opposition to Elaine P. Wynn's Motion to Modify Protective Order FILED UNDER SEAL	05/16/2018	I	014-064

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**CERTIFICATE OF SERVICE**

1 I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that  
2 on this 15th day of June, 2018, I electronically filed and served by electronic mail  
3 and U.S. Mail true and correct copies of the above and foregoing **SUPPLEMENTAL**  
4 **APPENDIX IN SUPPORT OF REAL PARTIES' ANSWER TO EMERGENCY**  
5 **PETITION FOR WRIT OF PROHIBITION** to the following:

6 Donald J. Campbell, Esq.  
7 J. Colby Williams, Esq.  
8 CAMPBELL & WILLIAMS  
9 700 South 7th Street  
10 Las Vegas, NV 89101  
11 *Attorneys for Real Party in Interest*  
12 *Stephen Wynn*

13 William R. Urga, Esq.  
14 JOLLEY URGA WOODBURY  
15 HOLTHUS & ROSE  
16 330 S. Rampart Blvd., Suite 380  
17 Las Vegas, NV 89145  
18 *Attorneys for Elaine P. Wynn*

19 Mark E. Ferrario, Esq.  
20 Tami D. Cowden, Esq.  
21 GREENBERG TRAUERIG, LLP  
22 3773 Howard Hughes Parkway, #400  
23 Las Vegas, NV 89169  
24 *Attorneys for Elaine P. Wynn*

James M. Cole, Esq.  
SIDLEY AUSTIN LLP  
1501 K. Street N.W.  
Washington, D.C. 20005  
*Attorneys for Elaine P. Wynn*

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

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

**SERVED VIA HAND-DELIVERY**

25 The Honorable Elizabeth Gonzalez  
26 Eighth Judicial District court, Dept. XI  
27 Regional Justice Center  
200 Lewis Avenue  
Las Vegas, Nevada 89155

*Respondent*

/s/ Kimberly Peets  
An employee of PISANELLI BICE PLLC

DISTRICT COURT  
CLARK COUNTY, NEVADA

WYNN RESORTS, LIMITED, a )  
Nevada corporation, )

Plaintiff, )

vs. )

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

Defendants. )

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AND ALL RELATED CLAIMS. )

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

DEPOSITION OF ELAINE WYNN

VIDEOTAPED

LAS VEGAS, NEVADA

TUESDAY, FEBRUARY 28, 2017

REPORTED BY:

CARRE LEWIS, CCR NO. 497, CSR NO. 13337

JOB NO. 1157

1 DEPOSITION OF ELAINE WYNN,  
2 taken at 3993 Howard Hughes Parkway, Suite 60,  
3 Las Vegas, Nevada, on Tuesday, February 28, 2017, at  
4 10:40 A.M., before Carre Lewis, Certified Court  
5 Reporter, in and for the State of Nevada.

6  
7 APPEARANCES:

8 For Wynn Resorts, Limited; Linda Chen; Russell  
9 Goldsmith; Ray R. Irani; Robert J. Miller; John A.  
10 Moran; Marc D. Schorr; Alvin V. Shoemaker; Kimmarie  
11 Sinatra; D. Boone Wayson; and Allan Zeman:

12 PISANELLI BICE, PLLC  
13 BY: JAMES J. PISANELLI, ESQ.  
14 BY: EMILY A. BUCHWALD, ESQ.  
15 400 South 7th Street, Suite 300  
16 Las Vegas, Nevada 89101  
17 (702) 214-2100  
18 jjp@pisanellibice.com  
19 mmc@pisanellibice.com  
20 kap@pisanellibice.com  
21 dls@pisanellibice.com

22 For Elaine Wynn:

23 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP  
24 BY: MICHAEL T. ZELLER, ESQ.  
25 865 South Figueroa Street, 10th Floor  
Los Angeles, California 90017  
(213) 443-3000  
michaelzeller@quinnemanuel.com  
ianshelton@quinnemanuel.com

LEWIS ROCA ROTHGERBER CHRISTIE  
BY: DANIEL F. POLSENBERG, ESQ.  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169  
(702) 474-2616  
dpolsenberg@lrrc.com  
asmith@lrrc.com

1 APPEARANCES (continued):

2 For Steve Wynn:

3 CAMPBELL & WILLIAMS  
4 BY: DONALD CAMPBELL, ESQ.  
5 700 South 7th Street  
6 Las Vegas, Nevada 89101  
7 (702) 382-5222  
8 djc@campbellandwilliams.com  
9 jcw@campbellandwilliams.com

7 Also Present:

8 Kimmarie Sinatra, Esq.

9 The Videographer:

10 Envision Legal Solutions  
11 By: Becky Ulrey  
12 3800 Howard Hughes Parkway, 11th Floor  
13 Las Vegas, Nevada 89169  
14 (702) 805-4800

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15 I N D E X

16 WITNESS: ELAINE WYNN

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1 about here? Is it a piece of paper? Is it a  
2 journal? What are we talking about?

3 A. It's several sheets of paper.

4 Q. Handwritten notes from you?

5 A. They are not handwritten.

6 Q. Typed?

7 A. Yes.

8 Q. Okay. Is the electronic version of those  
9 notes saved anywhere?

10 A. No.

11 Q. Were they saved somewhere at some point?

12 A. Never saved.

13 Q. So -- were they prepared at one time, one  
14 sitting?

15 A. I -- I don't recall.

16 Q. Again, exposing my lack of computer  
17 expertise, but whenever it was that you prepared  
18 them, you typed them up, printed them, and didn't  
19 save the work product, is your point?

20 A. That's correct, I did not.

21 Q. So as far as you know, the only version of  
22 this document or set of documents is in your safe?  
23 Maybe I'm assuming it's in your safe.

24 A. I have several copies and they are in my  
25 possession.

1 Q. Why do you have several copies?

2 A. Because I would not want to lose one.

3 Q. So you save them in different places, in  
4 other words?

5 A. Yes.

6 Q. And what was the purpose of creating them?

7 A. To have an accurate memory of responses and  
8 conversations that I engaged in during the course of  
9 the certain period of time.

10 Q. To have some source to refresh your  
11 recollection on events that you perceive to be  
12 important?

13 A. Yes.

14 Q. And how many times have you accessed them  
15 to refresh your recollection?

16 MR. ZELLER: Assumes facts in evidence.

17 BY MR. PISANELLI:

18 Q. Go ahead.

19 A. Several.

20 Q. When was the last time?

21 A. Within the last three months.

22 Q. What was the purpose of refreshing your  
23 recollection in the last three months?

24 A. I don't remember.

25 Q. Was it for refreshing your recollection for



1 A. That's correct.

2 Q. How many duplicate copies were made?

3 A. I'm not sure I care to answer that  
4 question.

5 Q. Well, I'm going to be most respectful in  
6 saying this to you, but -- and I understand that  
7 this process can be invasive and to those that  
8 aren't involved in it, and sick individuals, as  
9 litigators are, don't completely understand why we  
10 need to know certain things, but I have to suggest  
11 to you that you need to answer that question.

12 A. I made multiple copies.

13 Q. When you say "multiple," would that be  
14 three or more?

15 A. Correct.

16 Q. Okay. Would it be -- would it be more than  
17 five?

18 A. Maybe.

19 Q. Okay. What is the reason why you made  
20 multiple copies of this?

21 MR. ZELLER: This has been asked and  
22 answered.

23 MR. POLSENBERG: It certainly has.

24 MR. CAMPBELL: This is my examination,  
25 gentlemen.

1 THE WITNESS: I did not risk wanting to  
2 lose my original copy.

3 BY MR. CAMPBELL:

4 Q. Okay.

5 A. And so I made multiples that I have put in  
6 safekeeping in several places.

7 Q. In different locations?

8 A. Yes.

9 Q. Okay. And where is the original?

10 A. I don't know which one is original anymore.

11 Q. All right. And have you stored these  
12 multiple iterations of the original document that  
13 you say are in multiple locations in different  
14 states?

15 THE WITNESS: Can we take a break?

16 MR. POLSENBERG: Yeah. Wait.

17 MR. CAMPBELL: I'm going to object to a  
18 break on that subject matter.

19 MR. POLSENBERG: Wait. Wait. Wait.

20 MR. ZELLER: If the concern that you have  
21 relates to the disclosure of privileged information,  
22 then we can take a privilege break. If not, then we  
23 can't. We can't -- so --

24 THE WITNESS: Do you believe that this is?

25 MR. ZELLER: Well . . .

1 Ms. Wynn, will you join me for a moment.

2 MR. CAMPBELL: I'm not going to debate all  
3 this with you. The record is what it is.

4 THE VIDEOGRAPHER: Off the record at  
5 7:25 p.m.

6 (Off the record.)

7 THE VIDEOGRAPHER: Back on the record at  
8 7:30 p.m.

9 BY MR. CAMPBELL:

10 Q. Are these iterations, these five or more  
11 copies that have been copied by you or memorialized  
12 in some fashion, existing currently in different  
13 states?

14 A. Yes, they have.

15 MR. POLSENBERG: Hang on. Let me see  
16 whether five or more was right.

17 THE WITNESS: I think I said five or more.

18 MR. POLSENBERG: All right. Thank you.

19 BY MR. CAMPBELL:

20 Q. Is one of the -- and that's presently  
21 today?

22 A. Yes.

23 Q. Has that always been the case since the  
24 creation of these five or more copies?

25 A. I'm not sure.

1 Q. Okay. Fair enough. But at least today  
2 there is -- there are copies in multiple states?

3 A. Yes.

4 Q. So here's the next line of questioning.

5 Is one of those states the state of Nevada?

6 A. It may be.

7 Q. When you say "it may be," is that because  
8 you are completely unsure and you are guessing, or  
9 do you know and you are declining to answer if it  
10 is?

11 A. I'm not declining to answer. I will -- I'm  
12 just curious about the line of questioning and I'm  
13 most uneasy about it, as you can tell.

14 Q. And again --

15 MR. POLSENBERG: I'm also curious.

16 MR. CAMPBELL: I'm going to apologize in  
17 advance to you because this is not some prurient  
18 interest I have. But it relates to my  
19 representation of my client with regards to --

20 THE WITNESS: I understand.

21 BY MR. CAMPBELL:

22 Q. So here's the question: Does one of those  
23 copies of those documents that you created of the  
24 five exist in the state of Nevada today?

25 A. And again the reason for my reluctance to

1 answer you is because I don't understand why that  
2 would be of importance.

3 Q. Most respectfully, Ms. Wynn, these go to  
4 the subject matter that you have to concern yourself  
5 in these proceedings, so the question stands.

6 Could you kindly answer it, most  
7 respectfully?

8 A. Yes. Yes.

9 Q. It does? The answer is yes?

10 A. The answer is yes.

11 Q. Does a copy also currently exist in the  
12 state of California?

13 A. At this point I -- without your explaining  
14 to me or someone explaining to me the relevance of  
15 the location of these things, I am feeling unduly  
16 pressured and uncomfortable. I have explained to  
17 you how many copies were made. I explained to you  
18 why they were made. I explained why they have been  
19 located separately.

20 The fact that they need to be identified in  
21 their location is starting to feel a bit invasive.  
22 And I understand that you don't have any personal  
23 interest in it, but I don't understand what legal  
24 interest there is.

25 Q. And most respectfully, that's not a matter

1 that's really subject to debate in these  
2 proceedings.

3 So again I ask you, does a copy exist in  
4 California -- in the state of California, these  
5 documents?

6 A. Yes, it does.

7 Q. What other states do copies exist in other  
8 than the state of California and the state of  
9 Nevada, at least as of today?

10 MR. POLSENBERG: What is the relevance?

11 MR. CAMPBELL: I don't have to tell you the  
12 relevance. I don't have to tell you where I'm  
13 going, why I'm going there, or what I expect or not  
14 expect to get. I'm not wasting my client's money  
15 and time by being here asking questions that I have  
16 better to do than to get her answer.

17 BY MR. CAMPBELL:

18 Q. Most respectfully, ma'am, are there other  
19 states in which these documents are located?

20 A. Currently, no.

21 Q. Were they located in other states at one  
22 time?

23 A. Yes.

24 Q. Did that include the state of Idaho?

25 A. Yes.

1 Q. Did it include the state of New York?

2 A. Yes.

3 Q. What other states?

4 A. I carried one with me, so wherever I  
5 travel, it may be located.

6 Q. Mr. Pisanelli asked a question with respect  
7 to the dissemination of whether or not there was a  
8 dissemination of the actual documents to someone.  
9 And your response in that regard, to the best of my  
10 recollection and as I wrote down, was something to  
11 the effect that you had refreshed your recollection,  
12 and when you were refreshing your recollection, you  
13 didn't share it with anyone else at the time you  
14 were refreshing your recollection.

15 Do you recall that?

16 A. Yes.

17 Q. And the best of my recollection is you did  
18 that about three months or so ago. We are not going  
19 to hold you to any --

20 A. What?

21 Q. That you refreshed your recollection about  
22 three months or so ago.

23 A. The last time I looked at them?

24 Q. Yes, ma'am.

25 MR. POLSENBERG: Let her finish.

CERTIFICATE OF REPORTER

STATE OF NEVADA )
COUNTY OF CLARK ) ss:

I, Carre Lewis, a Certified Court Reporter
licensed by the State of Nevada, do hereby certify:
That I reported the deposition of Elaine Wynn on
Tuesday, February 28, 2017, at 10:40 a.m.

That prior to being deposed, the witness was
duly sworn by me to testify to the truth. That I
thereafter transcribed my said stenographic notes via
computer-aided transcription into written form, and
that the typewritten transcript is a complete, true,
and accurate transcription of said shorthand notes;
that review of the transcript was requested.

I further certify that I am not a relative,
employee, or independent contractor of counsel or of
any of the parties involved in the proceeding; nor a
person financially interested in the proceeding; nor
do I have any other relationship that may reasonably
cause my impartiality to be questioned.

IN WITNESS HEREOF, I have set my hand in my
office in the County of Clark, State of Nevada, this
4th day of March 2017.

Carre Lewis (handwritten signature)

CARRE LEWIS, CCR NO. 497