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

WYNN RESORTS, LIMITED,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF  
NEVADA, IN AND FOR THE  
COUNTY OF CLARK; AND THE  
HONORABLE ELIZABETH  
GONZALEZ, DISTRICT JUDGE,  
DEPT. XI,  
Respondent,  
KAZUO OKADA, UNIVERSAL  
ENTERTAINMENT CORP.,  
AND ARUSE USA, INC.,  
Real Parties in Interest.

Case No. 73641  
Electronically Filed  
Aug 07 2017 04:09 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**WYNN RESORTS, LIMITED'S  
MOTION TO FILE PAGES 119-422  
OF ITS APPENDIX UNDER SEAL  
AND TO REDACT PORTIONS OF  
ITS PETITION FOR WRIT OF  
PROHIBITION OR  
ALTERNATIVELY MANDAMUS**

**I. INTRODUCTION**

Pursuant to Part VII of the Supreme Court Rules Governing Sealing and Redacting Court Records, Petitioner Wynn Resorts, Limited ("Wynn Resorts") hereby moves this Court to seal pages 119-422 of its Appendix and redact portions of its Petition for Writ of Prohibition or Mandamus. The Appendix contains briefing with either sealed or redacted filings, deposition transcripts and exhibits that were protected in the District Court pursuant to the Protective Order with Respect to Confidentiality entered by the District Court on February 14, 2013 pursuant to Nevada Rule of Civil Procedure 26(c). In addition, the writ quotes and summarizes either sealed or redacted filings, deposition transcripts and exhibits protected pursuant to the same Protective Order.

1 **II. ANALYSIS**

2 Part VII of the Supreme Court Rules provides that records submitted to this  
3 Court may be submitted in redacted or sealed form, subject to further order. The  
4 Court will keep the documents redacted or under seal if there is an appropriate basis  
5 under SRCR 3(4). SRCR 3(4) permits the sealing or redaction of the record when  
6 justified by compelling privacy or safety interests that outweigh the public interest  
7 in access to the court record. Furthermore, the public interest in privacy  
8 outweighs the public interest in open court records when the sealing or redaction  
9 furthers a protective order entered under NRCP 26(c). SRCR 3(4)(b).

10 Here, after briefing from the parties, the District Court entered a  
11 Protective Order with Respect to Confidentiality under NRCP 26(c) (the  
12 "Protective Order"). (Ex. 1.) Pursuant to the Protective Order, the parties are  
13 permitted to designate materials that contain "information that constitutes, reflects,  
14 or discloses nonpublic information, trade secrets, know-how, or other financial,  
15 proprietary, commercially sensitive, confidential business, marketing, regulatory,  
16 or strategic information (regarding business plans or strategies, technical data, and  
17 nonpublic designs)" as Confidential. (*Id.* ¶¶ 2-3.) Additionally, the Protective Order  
18 includes designation of materials as Highly Confidential if "the disclosure of which  
19 would create a substantial risk of competitive, business, or personal injury to the  
20 Producing Party." (*Id.* ¶ 5.) And, information that is designated as Confidential or  
21 Highly Confidential may be filed with the Court and kept under seal and/or  
22 redacted upon motion of the filing party. (*Id.* ¶ 9.)

23 Wynn Resorts and Real Parties in Interest, Kazuo Okada, Aruze USA, Inc.,  
24 and Universal Entertainment Corp. have designated certain materials as  
25 Confidential or Highly Confidential in accordance with the Protective Order.  
26 Moreover, the parties have filed certain pleadings under seal and/or in redacted  
27 form in accordance with the Protective Order. However, in order to present this  
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1 issue to the Court, it is necessary to present the unredacted and unsealed versions of  
2 this material to the Court, and to redact or seal certain portions of the writ or appendix  
3 that quote or summarize material designated as Confidential or  
4 Highly Confidential in accordance with the Protective Order. Thus, to avoid  
5 running afoul of the Protective Order, Wynn Resorts seeks an order allowing it to  
6 file the writ in redacted form and to submit the unredacted writ for this Court's  
7 consideration under seal. Wynn Resorts also seeks an order allowing it to file pages  
8 119-422 of its Appendix, which contain the unredacted versions of the briefings and  
9 exhibits thereto, under seal.

10 Specifically, Wynn Resorts seeks to file the following documents contained in  
11 its appendix under seal:

- 12 (a) Defendants' Motion to Compel Wynn Resorts, Limited to Produce  
13 Documents Subpoenaed from Ernst & Young LLP and  
14 Pricewaterhousecoopers LLP; *Ex Parte* Application for Order  
15 Shortening Time and Order Thereon (App. Vol I, APP\_0119-0141);
- 16 (b) Appendix of Exhibits to Defendants' Motion to Compel Wynn Resorts,  
17 Limited to Produce Documents Subpoenaed From Ernst & Young LLP  
18 and Pricewaterhousecoopers LLP (App. Vol I, APP\_0142-0247;  
19 App. Vol. II, APP\_0248-0317);
- 20 (c) Opposition to Defendants' Motion to Compel Wynn Resorts, Limited to  
21 Produce Documents Subpoenaed From Ernst & Young and  
22 Pricewaterhousecoopers LLP; Countermotion for Protective Order or,  
23 Alternatively, for Stay Pending Resolution of Pending Writ Petitions  
24 (App. Vol II, APP\_0318-0410); and
- 25 (d) Reply in Support of Defendants' Motion to Compel Wynn Resorts,  
26 Limited to Produce Documents Subpoenaed From Ernst & Young LLP  
27 and Pricewaterhousecoopers LLP (App. Vol II, APP\_0411-0422).

1 In the district court, each of the above-identified documents were filed in  
2 redacted form,<sup>1</sup> and accompanied by motions to seal and/or redact, as they contain,  
3 quote, or summarize material designated as Confidential or Highly Confidential in  
4 accordance with the Protective Order. Each of these motions to seal and/or redact  
5 were granted. *See* Notice of Entry of Order Granting Aruze Parties' Mot. to Redact  
6 Defendants' Mot. to Compel Wynn Resorts, Ltd. to Produc. Docs. Subpoenaed from  
7 Ernst & Young & Pricewaterhousecoopers LLP & to Seal Certain Exs. Thereto, filed  
8 July 20, 2017, on file; *see also* Notice of Entry of Order Granting Mot. to (1) Redact  
9 the Opp'n to Defs.' Mot. to Compel Wynn Resorts, Ltd. to Produc. Docs. Subpoenaed  
10 from Ernst & Young & Pricewaterhousecoopers LLP; Countermot. for Protective  
11 Order or, Alternatively, for Stay Pending Writ Petitions; & (2) Seal Exs 2, 5, and 6  
12 Thereto; and *Ex Parte* Application for an OST, filed July 3, 2017, on file; *see also*  
13 Notice of Entry of Order Granting Aruze Parties' Mot. to Redact Defs.' Reply in Supp.  
14 of Mot. to Compel Wynn Resorts, Ltd. to Produc. Docs Subpoenaed from Ernst &  
15 Young & Pricewaterhousecoopers LLP, filed July 20, 2017, on file.

16 Wynn Resorts has provided unredacted versions of these documents for ease  
17 of reference and asks this Court to seal them because they contain Confidential and  
18 Highly Confidential information.

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<sup>1</sup> The publicly filed (redacted) versions of these documents are available on  
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**III. CONCLUSION**

Based upon the foregoing, Wynn Resorts respectfully requests that this Court permit it to file the writ in redacted form and to submit the unredacted writ under seal. Wynn Resorts also respectfully requests an order allowing it to file pages 119-422 of its Appendix under seal.

DATED this 7th day of August, 2017.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 7th day of August, 2017, I electronically filed and served by electronic mail and United States Mail a true and correct copy of the above and foregoing **WYNN RESORTS, LIMITED'S MOTION TO FILE PAGES 119-422 OF ITS APPENDIX UNDER SEAL AND TO REDACT PORTIONS OF ITS PETITION FOR WRIT OF PROHIBITION OR ALTERNATIVELY MANDAMUS** properly addressed to the following:

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*Respondent*

/s/ Kimberly Peets

An employee of PISANELLI BICE PLLC