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2017 SEP 22 PM 3:37

1 **IN THE COURT OF APPEALS OF THE STATE OF NEVADA**

2
3 WYNN RESORTS, LIMITED,

Case No. 73641

4 Petitioner,

5 vs.

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

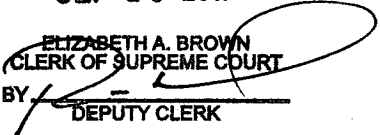
**WYNN RESORTS, LIMITED'S
MOTION TO REDACT
PORTIONS OF ITS REPLY IN
SUPPORT OF PETITION FOR
WRIT OF PROHIBITION OR
ALTERNATIVELY, MANDAMUS**

13 Respondent,

14 KAZUO OKADA, UNIVERSAL
15 ENTERTAINMENT CORP.,
16 AND ARUSE USA, INC.,

FILED

SEP 28 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

17 Real Parties in Interest.

18 **I. INTRODUCTION**

19 Pursuant to Part VII of the Supreme Court Rules Governing Sealing and
20 Redacting Court Records ("SRCR"), Petitioner Wynn Resorts, Limited
21 ("Wynn Resorts") hereby moves this Court to permit it to redact portions of its Reply
22 in Support of Petition for Writ of Prohibition or Alternatively, Mandamus ("Reply")
23 and to file the unredacted Reply under seal. The Reply quotes and summarizes
24 portions of the Appendix ("Appendix") to Wynn Resorts' Petition for Writ of
25 Prohibition or Alternatively, Mandamus ("Petition") that have been designated as
26 "Confidential" or "Highly Confidential" in the underlying action pursuant to the
Protective Order with Respect to Confidentiality entered by the District Court on
February 14, 2013 ("Protective Order").

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17-902007

1 **II. ANALYSIS**

2 Part VII of the Supreme Court Rules provides that the Court may order records
3 submitted to it to be sealed or redacted at the request of any person or on the Court's
4 own motion. SRCR Rule 3(1)-(4); *see also id.* at Rule 1(4) ("These rules apply to all
5 court records in civil actions") Grounds to seal or redact court files and records,
6 or any part thereof, exist when there are "compelling privacy or safety interests that
7 outweigh the public interest in access to the court record." *Id.* at Rule 3(4). Such
8 privacy or safety interests include the Court's findings that "[t]he sealing or redaction
9 furthers . . . a protective order entered under [Nevada Rules of Civil Procedure]
10 26(c)." *Id.* at Rule 3(4)(b).

11 After briefing from the parties, the District Court entered the Protective Order
12 pursuant to Nevada Rule of Civil Procedure 26(c). (*See* Ex. 1 (the Protective Order)
13 to Wynn Resorts, Limited's Motion to File Pages 119-422 of its Appendix Under Seal
14 and to Redact Portions of its Petition for Writ of Prohibition or Alternatively
15 Mandamus ("Wynn Resorts' Motion to File Under Seal"), Aug. 7, 2017). Since then,
16 Wynn Resorts and Real Parties in Interest Kazuo Okada, Aruze USA, Inc., and
17 Universal Entertainment Corp. have designated certain materials as "Confidential"
18 and "Highly Confidential" and have filed certain pleadings under seal and/or in
19 redacted form in accordance with the Protective Order.

20 Specifically, each of the documents on pages 119-422 of the Appendix were
21 filed in the District Court in redacted form and accompanied by motions to seal and/or
22 redact. (Wynn Resorts' Motion to File Under Seal at 4). The District Court granted
23 all of these motions. (*Id.*). In order to maintain the protected nature of these
24 documents, when Wynn Resorts filed its Petition on August 7, 2017, it
25 simultaneously sought an order allowing it to file pages 119-422 of its Appendix
26 under seal. (*See id.* at 2-3). The Court has not yet ruled on Wynn Resorts' motion.

1 With this current motion, Wynn Resorts again respectfully asks this Court to
2 protect the "Confidential" and "Highly Confidential" designations of the documents
3 in pages 119-422 of the Appendix by permitting Wynn Resorts to redact portions of
4 its Reply that reference them. Permitting Wynn Resorts to do so will further the
5 purpose of the District Court's Protective Order and its other orders granting the
6 parties' motions to seal and/or redact. (See SRCR Rule 3(4)(b)).

7 **III. CONCLUSION**

8 Based on the foregoing, Wynn Resorts respectfully requests that the Court
9 permit it to redact portions of its Reply reflecting "Confidential" and
10 "Highly Confidential" information. Wynn Resorts further respectfully requests that
11 the Court permit it to file an unredacted copy of the Reply under seal.

12 DATED this 22nd day of September, 2017.

13 PISANELLI BICE PLLC

14
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 22nd day of September, 2017, I electronically filed and served by electronic mail a true and correct copy of the above and foregoing **WYNN RESORTS, LIMITED'S MOTION TO REDACT PORTIONS OF ITS REPLY IN SUPPORT OF PETITION FOR WRIT OF PROHIBITION OR ALTERNATIVELY, MANDAMUS** properly addressed to the following:

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1 **SERVED VIA HAND-DELIVERY**

2 The Honorable Elizabeth Gonzalez
3 Eighth Judicial District court, Dept. XI
4 Regional Justice Center
5 200 Lewis Avenue
6 Las Vegas, Nevada 89155

7 *Respondent*

8 /s/ Kimberly Peets
9 An employee of PISANELLI BICE PLLC
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