

IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 85804

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Elizabeth A. Brown
Clerk of Supreme Court

STEVE WYNN,

Appellant,

v.

THE ASSOCIATED PRESS; REGINA GARCIA CANO

Respondent.

**JOINT APPENDIX IN SUPPORT OF
STEVE WYNN'S OPENING BRIEF**

VOLUME 2 OF 4

On appeal from the Eighth Judicial District Court, Clark County
The Honorable Ronald J. Israel, Department XXVIII
District Court Case No. A-18-772715-C

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2.	Answer to Plaintiffs Complaint	4/14/2018	1	JA00032-35
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4.	The Associated Press Defendants' Special Motion to Dismiss Pursuant to N.R.S. § 41.660 (Anti-SLAPP Statute)	5/31/2018	1	JA00038-64
5.	Affidavit of Regina Garcia Cano	5/31/2018	1	JA00065-102
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7.	Opposition to the Associated Press Defendants' Special Motion to Dismiss Pursuant to N.R.S. § 41.660	7/17/2018	1	JA00108-177
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9.	Notice of Entry of Order Granting Defendants' The Associated Press and Regina Garcia Cano's Special Motion to Dismiss	8/23/2018	1	JA00195-204
10.	Notice of Entry of Findings of Fact, Conclusions of Law, and Judgment	3/27/2020	1	JA00205-214
11.	Appendix in Support of the Associated Press Defendants' Renewed Special Motion to Dismiss Pursuant to N.R.S. § 41.660 (Anti-SLAPP Statute)	7/1/2022	2	JA00215-365

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12.	The Associated Press Defendants' Renewed Special Motion to Dismiss Pursuant to N.R.S. § 41.660 (Anti-SLAPP Statute)	7/1/2022	2	JA00366-395
13.	Errata to the Associated Press Defendants' Renewed Special Motion to Dismiss Pursuant to N.R.S. § 41.660 (Anti-SLAPP Statute)	7/15/2022	2	JA00396-400
14.	Plaintiff Steve Wynn's Opposition to the Associated Press Defendants' Renewed Special Motion to Dismiss Pursuant to N.R.S. § 41.660 (Anti-SLAPP Statute)	8/9/2022	3	JA00401-492
15.	Reply in Support of the Associated Press Defendants' Renewed Special Motion to Dismiss Pursuant to N.R.S. § 41.660 (Anti-SLAPP Statute)	8/23/2022	3	JA00493-537
16.	Order Granting Defendants the Associated Press and Regina Garcia Cano's Renewed Special Motion to Dismiss	10/26/2022	3	JA00538-544
17.	Notice of Entry of Order Granting Defendants the Associated Press and Regina Garcia Cano's Renewed Special Motion to Dismiss	11/2/2022	3	JA00545-555
18.	Steve Wynn's Notice of Appeal	11/30/2022	3	JA00556-569
19.	Plaintiff Steve Wynn's Opposition to the Associated Press Defendants' Renewed Special Motion to Dismiss Pursuant to N.R.S. § 41.660 (Anti-SLAPP Statute) FILED UNDER SEAL	8/9/2022	4	JA00570-668

DATED this 1st day of May 2023.

PISANELLI BICE PLLC

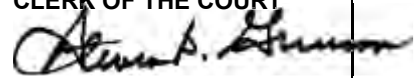
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC and that, on this 1st day of May 2023, I electronically filed and served by electronic mail a true and correct copy of the above and foregoing **JOINT APPENDIX IN SUPPORT OF STEVE WYNN'S OPENING BRIEF** properly addressed to the following:

/s/ Shannon Dinkel
An employee of PISANELLI BICE PLLC



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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

STEVE WYNN,)	Case No. A-18-772715-C
)	
Plaintiff,)	Dept. No. XXVIII
)	
v.)	
)	
THE ASSOCIATED PRESS, and REGINA)	
GARCIA CANO,)	
)	
Defendants.)	
)	
)	

APPENDIX IN SUPPORT OF THE ASSOCIATED PRESS DEFENDANTS'
RENEWED SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.660
(ANTI-SLAPP STATUTE)

JA00215

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1 Exhibit 22 to the Garcia Cano Decl. AP141

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3 Dated: July 1, 2022.

4

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CERTIFICATE OF SERVICE

I certify that on the July 1, 2022 I served a true and correct copy of the foregoing **APPENDIX IN SUPPORT OF THE ASSOCIATED PRESS DEFENDANTS' RENEWED SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.660** on the following parties by filing the same with the Court's e-filing system:

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Exhibit A

DISTRICT COURT

CLARK COUNTY, NEVADA

STEVE WYNN, an individual,)
)
Plaintiffs,) Case No.: A-18-772715-C
) Dept. No.: XXVIII
vs.)
)
ASSOCIATED PRESS, a)
foreign corporation; REGINA)
GARCIA CANO, an individual;)
and HALINA KUTA, an)
individual; DOES I-X,)
)
Defendants.)
_____)

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
REGINA GARCIA CANO
FRIDAY, MARCH 11, 2022

Reported by: Monice K. Campbell
NV CCR No. 312, CA CCR No. 14171, RPR, CRR
Job No.: 7198

1 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF REGINA
2 GARCIA CANO, held on Friday, March 11, 2022, at 9:06
3 a.m., before Monice K. Campbell, Certified Court
4 Reporter, in and for the State of Nevada.

5
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Also Present:

STEVE WYNN
SHONN SLIVKOFF, THE VIDEOGRAPHER

1 Q. Okay. Well, have you ever seen
2 documents like the one that's on the screen
3 right now?

4 A. No.

5 Q. And did you ever send email requests
6 to the PIO's, the Public Information Office, for
7 information?

8 A. I have requested information by email
9 before, yes.

10 Q. All right. Well, did you -- in other
11 words, prior to receiving -- or prior to seeing
12 the Review-Journal's article on February the
13 12th that you've identified in your declaration,
14 had you not sent a request for information about
15 Mr. Wynn to the police department?

16 A. I have not.

17 Q. You had not?

18 And why not?

19 A. I don't know.

20 Q. Do you know whether anyone at
21 Associated Press had done so?

22 A. I don't know.

23 Q. So as far as you know, no one from the
24 Associated Press had submitted a request like
25 this that other media sources were sending,

1 correct?

2 A. Correct.

3 Q. And had you ever -- set aside

4 Mr. Wynn.

5 Had you ever submitted a request to the
6 Public Information Office at Metro for information?

7 A. I requested information from them before.

8 Q. Before this issue with Mr. Wynn; is
9 that right?

10 A. Yes.

11 Q. And how did you do that?

12 A. By phone, by email.

13 Q. Okay. And you would call the Public
14 Information Office?

15 A. Do I what? I'm sorry.

16 Q. You said you would call the public
17 information office would be one means?

18 A. Yeah. I mean, either I'd call or they
19 would -- or I'd send them an email, yeah.

20 Q. Okay. Any other means by which you
21 would ask them for information other than call
22 and send an email?

23 A. In person.

24 Q. Okay. Any others?

25 A. Not that I can think of.

1 Q. So in your declaration, you say -- on
2 paragraph 7, you say that "After reading the
3 February 12, 2018, article, I contacted the
4 Public Information Office of the Las Vegas
5 Metropolitan Police Department to inquire about
6 the complaints," correct?

7 A. Correct.

8 Q. Okay.

9 And you say, "I was told that the public
10 information officer only" -- or "had publicly
11 released an email statement regarding the
12 complaints, a copy of which was then sent to me."

13 So let's go to Exhibit 3 of your
14 declaration.

15 MR. BOWMAN: Can you give the witness
16 just a minute to refresh her recollection and read
17 this document?

18 MR. BICE: Of course.

19 THE WITNESS: Go ahead.

20 MR. BICE: Okay.

21 THE WITNESS: Go ahead.

22 MR. BICE: That was -- that was it.

23 BY MR. BICE:

24 Q. All right. So they sent this
25 statement to you via email at 3:32 p.m. on the

1 13th.

2 Do you see that?

3 A. I see the date and the time stamp. Yes,
4 I see that.

5 Q. Okay. And if you'd note in your
6 declaration, you indicate that they had already
7 sent this statement out to other people, and
8 they then forwarded it to you based on your
9 inquiry.

10 Do you see that?

11 MR. BICE: Go back to her declaration,
12 paragraph number 7.

13 THE WITNESS: Yes.

14 BY MR. BICE:

15 Q. All right. So do you know how much --
16 you knew that the Review-Journal already was --
17 had published on this story, correct?

18 A. I read their story, yes.

19 Q. You read their story, so you knew they
20 had already published, correct?

21 A. Right.

22 Q. Okay. And you knew that Metro had
23 already sent out a press release to other people
24 about this, correct?

25 A. Yes.

1 of working for the RNC. I mean, I knew that he had
2 casinos in Las Vegas and Macau and was building one
3 in -- outside Boston. I knew that the Bellagio had
4 been his idea, I mean, other details along those
5 lines, yeah.

6 Q. And you knew -- and you knew those
7 things before you published the story in
8 February 2018, correct --

9 A. Yes.

10 Q. -- the things that you've identified?
11 All right.

12 Do you recall I showed you earlier in
13 your declaration where you said "I have followed
14 the story of public allegations about Steve Wynn"?

15 A. Yes.

16 Q. So when The Wall Street Journal
17 published that story that you indicated you
18 read -- and you would have read it sometime
19 close to around the date of the publication.

20 Can we agree on that?

21 A. Yes.

22 Q. -- did you go and search the
23 Associated Press archives about any other
24 allegations against Mr. Wynn?

25 A. I don't remember.

1 also that you showed them to Mr. Tait before
2 publication, correct?

3 A. I don't remember at what point I showed
4 them to Tom. It was that day.

5 Q. It was that day. All right.

6 So when you reviewed the report from
7 Ms. Kuta, you thought it was crazy, correct?

8 A. I didn't know that it was Ms. Kuta's
9 report.

10 Q. All right. Well, when you reviewed
11 the report that contained the allegations that
12 you now know were made by Ms. Kuta, you
13 considered it to be crazy, correct?

14 A. I considered it to be explosive
15 allegations.

16 Q. Well, did you use the word "explosive
17 allegations" in any writing with anyone?

18 A. I don't remember. I don't remember if I
19 wrote "explosive."

20 Q. But you did write the word "crazy,"
21 right?

22 A. Yeah.

23 Q. Okay. And what was crazy about it,
24 according to you?

25 A. I thought of them as, again, explosive,

1 serious allegations.

2 Q. Well, did you think that the other
3 report contained explosive, serious allegations?

4 A. I thought both were serious allegations.

5 Q. Right. But only one of them was crazy
6 is what you told other people, correct?

7 A. I thought it was an explosive allegation.

8 Q. Well, you thought both of them were
9 explosive, right?

10 A. I thought both were serious allegations.

11 Q. Right.

12 You thought both of them were explosive,
13 and you thought both of them were serious. I
14 understand that. But you only thought that one of
15 them was crazy, correct?

16 A. I thought one of them was really serious.

17 Q. So what your testimony now is, is that
18 what you meant by "crazy" is that you meant
19 serious; is that right?

20 A. Explosive, impactful, serious
21 allegations.

22 Q. Well, didn't you also just tell me
23 that you considered the other one to also be
24 explosive, impactful, serious allegations?

25 A. Yes. I thought it was a serious

1 allegation. That's what I told you.

2 Q. Okay. So it wasn't explosive -- the
3 first -- the other report, correct?

4 A. Correct.

5 Q. And so what you meant when you used
6 the word "crazy" -- your testimony is that you
7 really meant explosive and impactful; is that
8 correct?

9 A. Yes.

10 Q. So you had these -- this allegation --
11 bear with me one second while I find the
12 document.

13 Let me back up first.

14 MR. BICE: Emily, we're going to march
15 through some exhibits here real quick before we
16 resume this subject.

17 Would you go to stamped LVMPD60.

18 MR. BOWMAN: Todd, before we start the
19 line of questioning, I think the last one was
20 LVMPD53. Did you mark that as Exhibit 4, or did
21 you not mark that one?

22 MR. BICE: I didn't, because I didn't --
23 I just wanted to use the form, not the substance of
24 it.

25 MR. BOWMAN: Thanks. I was trying to

1 BY MR. BICE:

2 Q. So the only communication you ever had
3 with Mr. Ritter about Ms. Kuta was with legal
4 counsel?

5 A. I believe so.

6 Q. You never spoke to him about the story
7 he was writing about her?

8 A. I did not.

9 Q. You never spoke to him about the prior
10 lawsuit that she had brought against Mr. Wynn?

11 A. No.

12 Q. Okay. So you got the reports then.
13 And how long did it take you to do the
14 first draft of the article?

15 A. I don't know.

16 Q. Well, were you surprised -- were you
17 surprised that the other media sources that you
18 knew, particularly the Review-Journal, which had
19 already written one article on this and you
20 assumed that they had the same documents you
21 had -- were you surprised that they didn't
22 publish something?

23 A. I was not keeping track of them that day.

24 Q. What do you mean "you weren't keeping
25 track of them"?

1 industry-wide story?

2 A. I don't recall that story.

3 Q. So how many, just to be clear, of what
4 you say was in that envelope -- if you go to
5 Exhibit --

6 MR. BICE: Emily, you want to pull up the
7 exhibit -- let me make sure I've got the right one.
8 I think it is 5 or 6. Exhibit 6 to her
9 declaration.

10 (To the witness) Exhibit 6 to your
11 declaration consists of five pages.

12 So go ahead and show her all five pages.

13 BY MR. BICE:

14 Q. And two of them, I believe, are the
15 photocopy of the envelope; do you agree?

16 A. Yeah. Can you keep scrolling down.

17 Q. So there were only three pages in the
18 envelope that you were given?

19 A. Yes.

20 Q. Okay. So after you received these
21 police reports, did you contact the detective
22 who's listed on the report?

23 A. Not the detective.

24 Q. Who did you -- did you contact anybody
25 in Metro about these reports once you reviewed

1 them?

2 A. I called Metro.

3 Q. Who did you call in Metro?

4 A. I called their general number.

5 Q. And what did you ask them?

6 A. To speak with a PIO.

7 Q. Okay. So how long after you got these
8 reports was it that you called Metro to ask to
9 speak to somebody in public information?

10 A. I don't know.

11 Q. Was it -- was it before you published?

12 A. I can't remember when I left the voice
13 mail. I remember I heard back from them later.
14 There wasn't somebody available immediately to take
15 my call, so I just left them a message with whoever
16 answers them.

17 Q. Well, what was the message that you
18 left with them?

19 A. That I wanted to speak with a PIO.

20 Q. About what?

21 A. The reports that I had just picked up.

22 Q. And why did you want to speak with
23 them?

24 A. To see if I could get the more
25 information.

1 Q. And what more information were you
2 looking for?

3 A. Anything else they could give me.

4 Q. Such as?

5 A. It's standard to call and ask, "Is there
6 anything else you can tell me?" Whatever it is
7 that they can tell me.

8 Q. Well, did you -- did you try and reach
9 out to the officers that were listed on the
10 forms?

11 A. No, because with Metro, they want you to
12 go through the PIO office. So I followed their
13 procedure.

14 Q. Well, were you seeking to get the PIO
15 office to put you in touch with the officers
16 that were listed?

17 A. I was trying to speak with a PIO because,
18 in my experience, they don't put you in contact
19 with anybody, really.

20 Q. And, again, it was just to get -- to
21 see if they would give you any additional
22 information?

23 A. Yes. Anything they can give me.

24 Q. Anything they can give you. Okay.

25 So you believe you did that before

1 rape and the consensual sex and then the woman
2 getting fired, not about the birth. The substance
3 of the story was the sexual assault allegations,
4 not the birth.

5 BY MR. BICE:

6 Q. So why do you say that the woman and
7 the child now live in Las Vegas?

8 A. That was added in the last version, as an
9 editor asked for that information.

10 Q. Well, did you -- so you didn't think
11 that that should have been published about the
12 child -- the supposed child, living --

13 A. I don't see a problem with that being
14 published.

15 Q. So, Ms. Garcia Cano, it's your
16 testimony that you thought that story about the
17 purple doll and her tearing open the -- a birth
18 sac with her teeth was true, right?

19 That's your testimony?

20 MR. BOWMAN: Objection. Misstates.

21 THE WITNESS: Yeah. That is not my
22 testimony.

23 BY MR. BICE:

24 Q. So you didn't -- so you didn't think
25 it was true?

1 A. I didn't have a reason to doubt it in the
2 context of everything that was happening and police
3 calling it a sexual assault allegation. It wasn't
4 as if it came out of the blue, right? There had
5 been other allegations against Mr. Wynn. So I had
6 no reason to think that they were incredible.

7 Q. Yet this is the only story that you --
8 this is the only claim that you ever called
9 "crazy," right?

10 A. What claim?

11 MR. BOWMAN: Objection.

12 BY MR. BICE:

13 Q. The assertion by Ms. Kuta. That's
14 what you called "crazy," isn't it?

15 MR. BOWMAN: Objection. The witness can
16 answer.

17 THE WITNESS: I -- in a quick
18 conversation with a colleague, I used the word
19 "crazy," but as I have already explained, by
20 "crazy," I meant explosive, serious, impactful
21 allegations.

22 BY MR. BICE:

23 Q. So you didn't consider any of the
24 other allegations, including those that you had
25 read about -- which you're saying you read about

1 in The Wall Street Journal -- none of them
2 qualified as crazy, using your definition?

3 A. They do. So did this. They are serious
4 allegations.

5 Q. So you're a reporter for the
6 Associated Press, and it's your testimony under
7 oath that you had no reason to doubt any of the
8 assertions that she had made, correct?

9 A. Correct.

10 Q. And you had no reason to doubt her
11 statement that the baby was laying on her feet,
12 inside the water bag, correct?

13 A. Babies are born inside the sack from time
14 to time.

15 Q. Okay.

16 A. Babies are born in gas stations and other
17 weird places as well.

18 Q. Okay. So, again, just my simple
19 question.

20 You didn't have any reason to doubt that
21 statement in the context of this police report,
22 right? That's your testimony?

23 A. Correct.

24 Q. So why didn't you include -- since you
25 didn't have any reason to doubt these

1 A. I'm going to read it.

2 Q. Scroll down so she can read it. Thank
3 you.

4 A. Can you scroll down, please?

5 Got it.

6 Q. Okay. So can you tell me what this
7 is, this exhibit?

8 A. It is a story -- the first of a story
9 about regulators -- gambling regulators in Nevada
10 looking into sexual misconduct -- sexual misconduct
11 allegations against Mr. Wynn.

12 Q. And you had categorized -- so this was
13 from the Gaming Control Board's investigation,
14 and you had categorized this as nonurgent news?

15 A. No. That is a coding system. That's a
16 coding from the system.

17 Q. Okay. Well, was this published as
18 breaking news?

19 A. Yes.

20 Q. It was?

21 A. Yes.

22 Q. And who would you have worked with on
23 that, then? Ms. Ho?

24 A. What do you mean when you asked who did I
25 work with on this? Like who would have edited

1 please? Scroll down, please.

2 Got it.

3 BY MR. BICE:

4 Q. So if you go back up to the top, is
5 this an article you drafted that is referenced
6 in this email?

7 A. The one I just read? Yes, I wrote it.

8 Q. I'm sorry. I didn't hear you.

9 A. Yeah. With contributing work from
10 someone in Hong Kong.

11 Q. All right. And this is about
12 Mr. Wynn's resignation from Wynn Resorts,
13 correct?

14 A. Correct.

15 Q. All right. And Mr. Tait responds
16 saying "Very well done, Regina. I would add
17 that Elaine's reps have denied that she is
18 behind the allegations."

19 Do you see that?

20 A. I do.

21 Q. Did you include that in your article?

22 A. I don't know. I don't recall actually if
23 there was another version of that story. Yeah, I
24 don't recall.

25 Q. And why would -- and why would --

1 I don't remember.

2 Q. Was this a system that you used when
3 you were in the Las Vegas offices of the AP?

4 A. Yes.

5 Q. So this system is used -- these words
6 are typed, right? They're not spoken?

7 A. Right.

8 Q. So the first entry is from you at
9 12:50 p.m.

10 Do you see that?

11 A. I do.

12 Q. It says, "Hi. Are you in the Bureau
13 and available for a phone call? I just got
14 police records from Wynn assaults in the '70s,"
15 correct?

16 A. Yes.

17 Q. Do you have any reason to doubt that
18 you received those reports sometime around
19 12:50 p.m., on the 27th?

20 A. Yeah. Prior that.

21 Q. Well, how much prior, because you say
22 "I just got police records"?

23 A. I mean, I sat in my car and read them,
24 and then I drove to the Bureau.

25 Q. Right.

1 BY MR. BICE:

2 Q. The reason that you published the
3 bathroom reference, Ms. Garcia Cano, is because
4 it was sensational, right?

5 MR. BOWMAN: Objection. The witness can
6 answer.

7 THE WITNESS: Those are your words, not
8 mine.

9 BY MR. BICE:

10 Q. Okay. Did you publish it because it
11 was sensational?

12 A. No.

13 Q. You just published it because it was
14 one of the things she said to the police, right?

15 A. Indeed, she told that to the police.

16 MR. BICE: Let's go to AP3171.

17 (Exhibit Number 22 was marked.)

18 MR. BICE: Before we go to this, let me
19 ask you a question, Ms. Garcia Cano.

20 Do you still believe that your story is
21 accurate?

22 A. It is accurate based on what was in these
23 reports.

24 Q. You would still publish it today,
25 correct?

1 A. If it was exclusively based on those
2 reports and putting aside what came out during
3 litigation.

4 Q. You would still --

5 A. What was in those reports, to this day, I
6 maintain that that report was accurate based on the
7 two reports that I had in front of me.

8 Q. Well, do you recall even May 30th,
9 when you signed your declarations, that you said
10 you still didn't have -- you still didn't doubt
11 those reports?

12 A. Can you show me the declaration?

13 Q. Sure.

14 MR. BICE: Let's go back to that real
15 quick. Exhibit 1, paragraph number 13, last
16 sentence of it.

17 BY MR. BICE:

18 Q. So this is the document that you swore
19 under oath on May 30th of 2018.

20 And you say there, "Indeed, to this day,
21 I do not know that any of the allegations in the
22 two police reports are false," right?

23 A. Yes. That was accurate at the time,
24 yeah.

25 Q. So you -- between the time of

1 A. I'm not Miss Kuta.

2 Q. I'm sorry, Miss Cano, Garcia Cano.

3 Prior to May 30th, you were informed by
4 Mr. Ritter that your reporting was wrong; weren't
5 you?

6 MR. BOWMAN: Objection. Direct the
7 witness not to answer.

8 BY MR. BICE:

9 Q. Ms. Kuta -- I'm sorry.

10 Ms. Garcia Cano, prior to May 30th, had
11 people brought to your attention the AP's own
12 reporting about Ms. Kuta's federal lawsuit that had
13 been thrown out as frivolous by the federal courts?

14 MR. BOWMAN: Objection to the extent that
15 the witness is being asked what she learned from
16 counsel. If the witness can answer otherwise, the
17 witness can answer.

18 THE WITNESS: No.

19 BY MR. BICE:

20 Q. So prior to May 30th, you had not
21 looked at any of the AP's reporting about
22 Miss Kuta once you heard her name?

23 A. Correct.

24 Q. You did not look?

25 A. No. The moment that I was tied in some

1 way to the possible litigation, I dropped it. It
2 wouldn't be ethical on my end to report on a party
3 to which I am in a lawsuit to which I'm a party or
4 could be a party.

5 Q. So did you get reprimanded for not
6 sharing the police reports with others in the
7 Associated Press?

8 A. No.

9 Q. At any point in time?

10 A. No.

11 Q. So even after Mr. Wynn's lawsuit --
12 you received the lawsuit, correct?

13 A. Which lawsuit?

14 Q. The lawsuit that Mr. Wynn had filed
15 against you and the Associated Press.

16 A. Yes, I received it.

17 Q. And since you were a party, I assume
18 you read it, correct?

19 A. I did.

20 Q. And I assume you read the exhibits
21 that were attached to the lawsuit?

22 A. Probably. I don't recall reading -- I
23 don't recall reading the exhibits. I broadly
24 remember reading the lawsuit. It's been
25 four years.

1 CERTIFICATE OF REPORTER

2 STATE OF NEVADA)

3) SS:

4 COUNTY OF CLARK)

5
6 I, Monice K. Campbell, a duly
7 commissioned and licensed court reporter, Clark
8 County, State of Nevada, do hereby certify: That I
9 reported the taking of the deposition of the
10 witness, REGINA GARCIA CANO, commencing on Friday,
11 March 11, 2022, at 9:06 a.m.;

12 That prior to being examined, the witness
13 was, by me, duly sworn to testify to the truth.
14 That I thereafter transcribed my said shorthand
15 notes into typewriting and that the typewritten
16 transcript of said deposition is a complete, true,
17 and accurate transcription of said shorthand notes.

18 I further certify that I am in no way
19 related to any of the parties, nor am I in any way
20 interested in the outcome thereof.

21 (X) Review and signature was requested.

22 () Review and signature was waived.

23 () Review and signature was not requested.

1 IN WITNESS THEREOF, I have hereunto set my
2 hand in my office in the County of Clark, State of
3 Nevada, this 27th day of March, 2022.

4 

5 _____
6 Monice K. Campbell, CCR No. 312

Exhibit B

1 DISTRICT COURT
2 CLARK COUNTY, NEVADA

3 STEVE WYNN,

4 Plaintiff,

5 -against-

Case No.
A-18-772715-C

6 THE ASSOCIATED PRESS,

7 Defendant.

8 -----x

9
10 March 17, 2022
11 10:04 a.m.

12
13 Videotaped 30(b)(6) Deposition of The
14 Associated Press by JOHN DANISZEWSKI, taken
15 by Plaintiff, pursuant to Notice, held at
16 the offices of Zumpano Patricios & Popok,
17 134 East 38th Street, New York, New York,
18 before Joseph R. Danyo, a Shorthand Reporter
19 and Notary Public within and for the State
20 of New York.

21
22
23 Job No. 208153

24 Reported by : Joseph R. Danyo
25

1 A P P E A R A N C E S :

2
3 Pisanelli Bice
4 Attorneys for Plaintiff Steve Wynn
5 400 South 7th Street
6 Las Vegas, NV 89101

7 By: Todd Bice, Esq.
8 Emily Buchwald, Esq.

9 (Via Zoom)

10 Ballard Spahr
11 Attorneys for Defendant The Associated Press
12 1909 K Street, NW
13 Washington, DC 20006

14 By: Chad Bowman, Esq.
15 Maria Gall, Esq.

16 (Via Zoom)

17
18
19
20
21 Also Present:

22 BRIAN BARRETT, ESQ., Wynn Las Vegas
23 (Via Zoom)

24 CHRIS JOHNSON, Videographer

25 ~oOo~

1 and she wanted to open, but the water bag was
2 thick," correct?

3 A. Yes.

4 Q. That's what it says, and "she used
5 her teeth to make a small opening then with her
6 finger, opened the water bag and saw the doll was
7 purple." Right?

8 A. Um-hum. Yes.

9 Q. Okay. "She started to blow on her,
10 and in a short time her cheeks were turning pink,
11 and she opened her eyes."

12 A. Um-hum.

13 Q. "She looked so much like her."

14 A. Um-hum.

15 Q. Correct?

16 A. Um-hum.

17 Q. And that's supposedly Mr. Wynn, the
18 product of a rape in 1970 by Mr. Wynn, correct?

19 A. That's what this says.

20 Q. And you, on behalf of standards at
21 The Associated Press, you see nothing problematic
22 about that narrative?

23 A. Well, two points. I am talking about
24 the accuracy of the AP reporting about a
25 complaint that was given to the Nevada police.

1 So I'm not passing judgment on the plausibility
2 of this.

3 My second point is the AP does
4 hundreds of stories. We have often reported
5 about women giving birth not realizing they were
6 pregnant in unusual circumstances in the backs of
7 taxis, in restrooms, and so it is not on the face
8 of it implausible. I would say unusual, but in
9 the universe of human experience, I would not
10 consider this implausible and that.

11 Q. Would you consider it to be a red
12 flag?

13 A. No.

14 Q. Okay. So this is not something that
15 would warrant any particular -- as far as you're
16 concerned -- any particular heightened level of
17 scrutiny by The Associated Press before you could
18 publish this?

19 A. Well, the AP had already published a
20 story about a complaint to the Las Vegas Police
21 Department. This is providing additional
22 details. Some of them lurid, perhaps a little
23 too graphic for our news report, but that a woman
24 made a complaint of rape is not unusual, and a
25 woman giving birth in unusual circumstances is

1 not unusual.

2 So it did not raise a red flag for
3 me. In fact, I don't believe the AP was passing
4 judgment on the plausibility of this complaint
5 other than to report that a complaint had been
6 made to the Police Department, and the Police
7 Department had made it public.

8 Q. Alright. So is it your position that
9 these details about the water bag and the
10 allegedly using of the teeth, were those omitted
11 from the story because they were too lurid?

12 A. Graphic. We generally don't get into
13 blood and gore in our news report.

14 Q. Okay. So is that why they were
15 omitted?

16 A. And I think for reasons of length.
17 For reasons of compactness of news writing.

18 Q. Okay, and is that your just
19 assessment, or do you actually know that that's
20 why those facts were omitted?

21 A. That's my assessment based on my own
22 experience as a reporter and as an editor at the
23 AP.

24 Q. So again, because we started off, I
25 think you have over 40 years of experience as a

1 A. Correct.

2 Q. Okay, and there were no actions
3 taken, well, since there was no review, there
4 were no actions taken, correct?

5 A. Yes. If I could supplement that, as
6 a result of Mr. Frammolino's complaints, I had
7 discussed the article with the people involved in
8 producing it, and we agreed that the article was
9 an accurate description of the contents of the
10 police report.

11 Q. I'm sorry?

12 A. The article accurately reported on
13 the two police reports.

14 Q. Okay, and who were those individuals?

15 A. I had a conversation with Tom Tait,
16 Anna Jo Bratton. I believe, but don't recall
17 specifically if Regina was on the call as well.

18 Q. Okay, and that was just one phone
19 call?

20 A. Yes.

21 Q. Okay. So do you recall earlier, and
22 maybe I'm just testing whether this refreshes
23 your recollection, so when you determined that
24 the article accurately summarized the police
25 report, had you actually seen the police report?

1 ever saying the article is wrong. His complaints
2 were that he was not a spokesman. He should not
3 have been identified as a spokesman and then some
4 argumentation around the fact that the first
5 version or the first two versions of the story
6 had gone out before he had commented.

7 Q. Okay.

8 A. But he was not a spokesman in his
9 view, but he was also angry that the story had
10 gone out before he received a request for
11 comment.

12 Q. Well, before anybody had received
13 one, correct?

14 A. I don't recall him saying anybody
15 else.

16 Q. So, but coming back to this first
17 point you made, you said there was some
18 discussion about a conclusion that the report
19 accurately summarized or the article accurately
20 summarized the police report, right?

21 A. When I spoke in my early discussions
22 with them about the article.

23 Q. Got it.

24 A. And they represented to me, and I had
25 no reason to disbelieve them, formally saying

1 that we were reporting on this police document
2 and we had reported it accurately.

3 Q. Alright, because you actually hadn't
4 seen the police report, correct?

5 A. Correct.

6 Q. Okay. So you didn't make any
7 independent determination?

8 A. No. Right.

9 Q. Right. So the people that were
10 telling you that they had seen it and accurately
11 reported it, who were those people that told you
12 that?

13 A. I believe Regina, Tom and Anna Jo
14 were the people who were involved in these
15 discussions.

16 Q. Okay, and it was your -- you drew the
17 conclusion at least that Tom and Anna Jo had
18 actually seen these police reports when they were
19 representing to you that it was an accurate
20 summary?

21 MR. BOWMAN: Objection. The witness
22 can answer.

23 A. I'm not saying that I knew that they
24 had seen them, but that they believed that it was
25 an accurate summation of the police report.

1 Q. Well, I mean they are the editors
2 involved, right?

3 A. Right.

4 Q. So, if the editor involved was
5 representing to you and you were being asked to
6 accept their representation that they had
7 accurately, that the article accurately reported
8 the police report, it was your assumption that
9 they had actually reviewed it, correct?

10 MR. BOWMAN: Objection. Asked and
11 answered. The witness can answer.

12 A. My assumption is that they're
13 professional journalists. They would not have
14 put out a report that did not accurately
15 summarize the police report, and if they had made
16 an error in summarizing the police report, as
17 professionals, they would have told me, and they
18 would have corrected the story.

19 Q. Very good. So how many people in The
20 Associated Press had actually seen the police
21 report before The Associated Press was threatened
22 with litigation by Mr. Wynn, do you know?

23 A. I don't know a precise figure.

24 Q. Is it possible that it was only one,
25 being the reporter?

C E R T I F I C A T I O N

I, JOSEPH R. DANYO, a Shorthand Reporter
and Notary Public, within and for the State of New
York, do hereby certify:

That I reported the proceedings in the
within entitled matter, and that the within transcript
is a true record of such proceedings.

I further certify that I am not related, by
blood or marriage, to any of the parties in this
matter and that I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 29th day of March, 2022.



JOSEPH R. DANYO

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The Associated Press and Regina Garcia Cano

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

STEVE WYNN,)	Case No. A-18-772715-C
)	Dept. No. XXVIII
Plaintiff,)	
)	
v.)	
)	
THE ASSOCIATED PRESS, and REGINA)	
GARCIA CANO,)	
)	
Defendants.)	

DECLARATION OF REGINA GARCIA CANO

I, Regina Garcia Cano, declare under penalty of perjury and pursuant to NRS § 53.045(2), as follows:

1. I am a journalist employed by The Associated Press (“AP”), a not-for-profit international new organization, continuously for the last eight-plus years. I am a defendant in this defamation case, as is AP. The plaintiff, Steve Wynn

1 (“Wynn”), challenges a portion of a story that I wrote on February 27, 2018 bearing
2 the headline “APNewsBreak: Woman tells police Steve Wynn raped her in ’70s” (the
3 “Challenged Article”), concerning two police reports that had been announced by
4 law enforcement two weeks earlier, and which I then obtained in redacted form,
5 through a public records request. I understand that Wynn alleges that I published
6 the Challenged Article with knowledge that one of the two police complaints
7 summarized therein was false or likely false. Nothing could be further from the
8 truth. I do not publish information that I know is incorrect, which would be
9 contrary to what I do as a professional journalist. I make this statement in support
10 of Defendants’ renewed Special Motion to Dismiss pursuant to NRS § 41.660. The
11 following facts are within my personal knowledge except where stated. If I am
12 called as a witness, I am competent to testify to them.

13 **Background**

14 2. At the time of the relevant reporting, I was stationed in AP’s Las
15 Vegas bureau, having joined that bureau about a year before, in January 2017. I
16 first worked for AP while in a Master’s program in journalism at the University of
17 Illinois Springfield. For 10 months, I was an AP legislative relief reporter – a
18 fellowship for young journalists to report on a state legislative session under the
19 guidance of veteran AP reporters – covering the Illinois and Ohio legislatures.
20 Following my graduation in 2013 with a Master of Arts in Public Affairs Reporting,
21 and a short stint as a suburban crime reporter for the digital reporting arm of the
22 *Plain Dealer*, I returned to the AP in February 2014 when a full-time position
23 became available in Sioux Falls, South Dakota. After initially working as breaking
24 news staff, I transitioned to general assignment reporter. I covered local and
25 regional issues involving agriculture, local business, environment, health and
26 welfare, and crime, including matters involving gender-based or sexual violence.
27 Much of the reporting focused on concerns facing Native Americans residing on or
28 near South Dakota’s tribal lands.

3. My beat in Las Vegas was the gambling industry, which included coverage of related topics, such as company earnings reports, tourism issues, workplace issues, labor-industry negotiations (including contract terms borne out of the “Me Too” movement), and any other news relating to the state’s casinos. I also reported on other news stories for the bureau as assigned and covered breaking news as needed. The nation’s deadliest mass shooting occurred in Las Vegas during my first year in the bureau, when a gunman locked himself in a 32nd floor suite of the Mandalay Bay casino hotel overlooking an outdoor country music festival and opened fire on the crowd, killing what was ultimately determined to be 60 innocent concert-goers and injuring more than 800 more people. Reporting on that tragedy, and its aftermath, played a significant part of my two and a half years working as a reporter in Las Vegas. (The AP feature that week, “I’m going to die”: fear grips Vegas strip; gunman kills 59,” which I reported and wrote with a colleague, is still available online at <https://apnews.com/article/north-america-country-music-us-news-ap-top-news-music-4eeae2efced49698855d13830de3327>.)

4. Since my tenure in Las Vegas, I have continued to work for AP in different parts of the country and of the world. In April 2019, I moved to Washington, D.C. to report on regional and national issues in the Baltimore-Washington, D.C. area. Since January 2021, I have been AP’s the Andes correspondent, based first in Mexico City and now in Caracas, Venezuela, an epicenter of international and regional news. All told, I have been with/worked for AP for more than eight years. This case is the only time I have been sued for defamation.

The Wynn Sexual Misconduct Allegations

5. As a reporter covering casinos, I was familiar with Wynn as one of the most prominent figures in Las Vegas and an innovator in the industry, often credited with revitalizing the city. On January 26, 2018, *The Wall Street Journal* (“WSJ”) published a bombshell report in which dozens of sources, including

1 employees at Wynn-owned properties, claimed Wynn had engaged in a “decades-
2 long pattern of sexual misconduct.” Some women claimed that as employees, they
3 were sexually harassed by him or forced into sexual contact with him. Among the
4 allegations revealed by *WSJ* was that in 2005, Wynn paid a \$7.5 million settlement
5 to a hotel manicurist who said she had been forced to lie down on a massage table
6 and submit to sex. Wynn did not deny that he had paid the settlement but denied
7 that he had ever committed sexual assault. Attached hereto as **Exhibit 1** is a true
8 and correct copy of the *WSJ* article, “Dozens of People Recount Pattern of Sexual
9 Misconduct by Las Vegas Mogul Steve Wynn.”

10 6. This exposé rocked the Las Vegas community and beyond. Over the
11 following days and weeks, many journalists, including myself, reported on the
12 fallout from the allegations revealed in the *WSJ* article. For example, Bloomberg
13 News reported that according to its sources, the \$7.5 settlement agreement
14 previously revealed by *WSJ* involved a paternity claim against Wynn, although
15 Bloomberg noted there was no evidence Wynn fathered a child in the alleged
16 assault. Attached hereto as **Exhibit 2** is a true and correct copy of the February 2,
17 2018 Bloomberg article, under the headline, “Wynn's \$7.5 Million Settlement Said
18 to Involve Paternity Claim.”

19 7. On February 5, 2018, the *Las Vegas Review-Journal* disclosed in a
20 column that it had stopped publication in 1998 of a story alleging that Wynn was
21 sexually harassing employees. The killed story was supported by court filings and
22 by interviews with accusers—including one who claimed she was coerced to have
23 intercourse with Wynn—who passed polygraph tests the *Review-Journal* required
24 them to take. The *Review-Journal's* admission added to the growing public
25 perception that Wynn had not only mistreated women and enabled a culture of
26 sexual abuse at his company, but that his behavior had been an open secret for
27 many years in the city. Attached hereto as **Exhibit 3** is a true and correct copy of
28 the column published by the *Review-Journal* on February 5, 2018, under the

1 headline, “Las Vegas Review-Journal killed story in 1998 about Steve Wynn sex
2 misconduct claims.” That same day, the *Review-Journal* published a second article
3 focused on the additional, previously unreported allegations of sexual misconduct by
4 Wynn. Attached hereto as **Exhibit 4** is a true and correct copy of the article
5 published by the *Review-Journal* on February 5, 2018, under the headline, “Las
6 Vegas court filing: Wynn wanted sex with waitress ‘to see how it feels’ to be with a
7 grandmother.”

8 8. After the Nevada Gaming Board announced on January 30, 2018 that
9 it would investigate the allegations, I prepared a news story for the AP wire on
10 January 30, 2018, “Nevada gambling board investigates Wynn sex allegations.”
11 The article, attached as hereto as **Exhibit 5**, included a statement from Wynn
12 denying any misconduct: “Wynn has vehemently denied the allegations, which he
13 attributed to a campaign led by his ex-wife.” When Wynn resigned as CEO and
14 chairman of Wynn Resorts a few days later, issuing a statement denying all the
15 allegations but attributing his departure to “an avalanche of negative publicity,”
16 I wrote another news story. In that story, I included Wynn’s denial and quoted his
17 written statement. Attached hereto as **Exhibit 6** is a true and correct copy of a
18 version of that story on February 6, 2018, which was marked as Exhibit 11 at my
19 deposition. Around this time, several shareholder lawsuits against Wynn Resorts
20 and its board of directors were filed, and attorneys announced their intent to bring
21 a class action suit. I understand that in one or more of those lawsuits, the plaintiffs
22 have alleged that the company’s board knew about sexual misconduct allegations
23 against Wynn as early as 2009 and did nothing.

24 **My Initial Story About The Police Reports**

25 9. On February 12, 2018, the *Las Vegas Review-Journal* published a
26 news story reporting that the Las Vegas Metropolitan Police Department
27 (“LVMPD”) had taken reports from two women who said that they were sexually
28 assaulted by Wynn in the 1970s. An LVMPD spokesman was quoted encouraging

1 “all victims to come forward” no matter the passage of time. He also reportedly
2 stated that the one of the two reports, in which the complainant alleged the sexual
3 assault had been committed in Chicago, would be forwarded to Chicago law
4 enforcement. These details were particularly striking to me given that prosecutions
5 arising out of these allegations would be barred by the statute of limitations.
6 Attached hereto as **Exhibit 7** is a true and correct copy of that article. After reading
7 this article, I contacted the LVMPD’s Public Information Office (“PIO”) the following
8 day. I requested the statement, which the PIO sent to me. The statement
9 confirmed that the LVMPD had “received two complaints against Steve Wynn
10 alleging sexual assault.” Attached hereto as **Exhibit 8** is a true and correct copy of
11 that email.

12 10. I began writing a news story about the police complaints. As part of
13 my reporting, I contacted Michael Weaver, a spokesman for Wynn Resorts. He
14 declined to comment, but said that “Mr. Wynn’s communications representative
15 may have a comment” and provided me with the email address of the
16 representative, Ralph Frammolino of PivotHound Communications. I was
17 unfamiliar with the man or the firm. Attached hereto as **Exhibit 9** is a true and
18 correct copy of that email exchange, dated February 13, 2018, which was marked as
19 Exhibit 16 at my deposition. I followed up with Frammolino by email. Attached
20 hereto as **Exhibit 10** is a true and correct copy of that email, dated February 13,
21 2018. He called me and asked if we could speak “off the record,” or without the
22 information he shared being included in a news article. I agreed. This was the first
23 time we spoke, and I hoped to develop a working relationship. I explained the story,
24 including that I did not yet have the police reports, and he indicated he would be
25 back in touch.

26 11. At his request, I emailed the LVMPD press statement to him.
27 Attached hereto as **Exhibit 11** is a true and correct copy of that email, which was
28 marked as Exhibit 14 at my deposition. He called back and questioned how I could

1 write a story without copies of the actual police reports and without interviewing
2 the accusers. Of course, news reports about statements issued by police are routine,
3 and I again requested comment. At this point, to my surprise, he told me that he
4 was not a “spokesperson” for Wynn and that Wynn speaks for himself. He also
5 stated that I could not include a statement that he or Wynn declined to comment
6 because our conversation had been off the record. I found Frammolino’s disavowal
7 of being a spokesman to be disingenuous at best, and belied by the fact that he was
8 clearly acting *as a spokesman*.¹ Nevertheless, I honored the agreement and did not
9 include him in this particular story.

10 12. Attached hereto as **Exhibit 12** is a true and correct copy of my final
11 story published on February 13, 2018, with the headline “Sexual Assault Reports
12 Against Wynn Filed With Vegas Police.” It is also available online at
13 <https://apnews.com/article/8057bb99df1241adb2c403d3ab721289>. Because
14 Frammolino refused to speak on the record—even to deny comment—I included the
15 denial previously provided by Wynn to sexual misconduct allegations: “The
16 billionaire has vehemently denied the allegations, which he attributes to a
17 campaign led by his ex-wife.”

18 **The Reporting of The Challenged Article**

19 13. On February 14, 2018 I submitted a public records request to the
20 LVMPD seeking the two police reports referenced in the PIO’s email statement.
21 Attached hereto as **Exhibit 13** is are true and correct copy of the request. In the
22 weeks after the LVMPD announcement about the Wynn complaints, I continued to
23 follow the many news developments relating to Wynn and summarized in part

24 ¹ I was reminded that the spokesman for Wynn Resorts, whom I had known and
25 worked with for months, identified Frammolino as such to me. Indeed, on February
26 19, 2018, I was scheduled to interview the new CEO of Wynn Resorts, Matt
27 Maddox. While awaiting the arrival of Maddox and the photographer, I spoke with
28 Weaver, who reiterated to me that Frammolino was Wynn’s new spokesperson—
and in fact had sought advice from Weaver on how to respond to my February 13
request for comment.

1 above in Paragraphs 5-9 and 12, and conducted an interview with the new CEO of
2 Wynn Resorts. I also tried to obtain additional information regarding the police
3 complaints. For example, I called and emailed the PIO for the Chicago Police
4 Department to request documents relating to Wynn, given that LVMPD in its
5 statement said that it was forwarding a copy of one of the police reports to police in
6 that city. I never received a substantive response.

7 14. On February 27, 2018, LVMPD contacted me to inform me that the
8 records I requested pursuant to Nevada's public records law were available for
9 pickup, and I went to the station to get them. A true and correct copy of each of the
10 two official police reports, and the envelope in which they were enclosed at the
11 station when I picked them up, is attached hereto as **Exhibit 14**. Both records were
12 "Case Report" documents for alleged "sex assault," and both identified Steve Wynn
13 as the "offender." In one police report, the complainant asserts that she had been
14 an employee at Wynn's Golden Nugget property in the 1970's, felt coerced to
15 perform certain sex acts for Wynn and that, once she eventually began refusing, she
16 was accused of stealing \$40 and forced to resign. In the second police report, the
17 complainant alleges in the narrative section that Wynn raped her three times in
18 1973-74, resulting in a pregnancy. The woman also told the police that she gave
19 birth to a baby in a gas station restroom. The "Victims" section of each report was
20 redacted to remove identifying information about the alleged victim—including the
21 name, date of birth, address, and phone number. Additionally, in the second police
22 report, there was a redaction in the field for "Offender Relationships." I did not
23 know the identity of either complainant at that time. Both accused Wynn of
24 extreme misconduct—sexual coercion, harassment, and rape. The allegations in the
25 reports were serious, and those in the second complaint were particularly
26 explosive.²

27 _____
28 ² In my deposition in this case, I was asked about a text-type message through
AP's internal messaging system, and preserved as part of an email string, that I

1 15. I called the LVMPD to ask if they could tell me anything about the
2 redacted police reports. They would not provide additional information.

3 16. I had no reason to believe that either of the women were lying in their
4 complaints to police, especially given the multiple credible allegations in the press
5 in the prior weeks of a decades-long pattern of sexual assaults by Wynn. The words
6 “rape” and “assault” were both terms that had been widely applied to describe at
7 least one of the acts of sexual misconduct Wynn had already been accused of
8 committing—and for which he indisputably paid a \$7.5 million settlement to
9 resolve. Against that backdrop, I certainly did not view the allegations as
10 inherently improbable. Nor did the description of the pregnancy and birth in the
11 second complaint lead me to discount or distrust the rape allegation out of hand.
12 Based on my knowledge and experience as a journalist—and as a woman who has
13 lived and worked in places as diverse as Ohio, Mexico, Baltimore, tribal lands in
14 South Dakota, Caracas, and Las Vegas—I know that women give birth to babies in
15 all manner of dire circumstances, including in bathrooms. I am also aware that
16 babies are sometimes born with the amniotic sac intact. Moreover, even if the
17 complainant—whose identity was then unknown to me—had not recounted all the
18 physical facts of a traumatic labor and birth accurately, this did not mean her
19 allegation of rape to law enforcement was false. Ultimately, I viewed these as
20 impactful allegations in public records that provided additional details to a story
21 about police complaints that, following the LVMPD announcement two weeks
22 earlier, had already been reported in the press.

23 _____
24 sent to Brady McCombs, a supervisory correspondent based in Salt Lake City who
25 was serving as news editor that morning. Attached hereto as **Exhibit 15** is a true
26 and correct copy of that document, which was marked as Exhibit 18 at my
27 deposition. In the message, I explained that I had received the two police reports
28 alleging sexual assault and that “[o]ne of them is crazy.” As I testified, I meant that
the second police report—one that in the context of this case I later learned was
submitted by Halina Kuta—was particularly explosive and impactful. I certainly
did not mean that I thought the allegations were untrue.

1 17. Brady McCombs suggested that I work on this report with AP editor
2 Anna Jo Bratton, then the West Desk deputy director for newsgathering, and I
3 worked with her to prepare and publish a brief first version of the Challenged
4 Article based on the two police reports. That first version published to the AP wire,
5 at 12:51 p.m. Pacific Time, prefaced with an Editor's Note typical for APNewsNow:
6 "Will be expanded." The Challenged Article reported, among other things, the age
7 of the claims, observing that the police complaints were "recently filed by the two
8 women about allegations dating to the 1970s." A true and correct copy of the initial
9 version of the Article is attached hereto as **Exhibit 16**, and was marked as Exhibit
10 19 at my deposition.³

11 18. Following the initial APNewsNow, I completed the first full version of
12 the article, which was published to AP wires at 1:31 p.m. and 1:34 p.m. Attached
13 hereto as **Exhibit 17** is a true and correct copy of that version, which was marked as
14 Exhibit 21 at my deposition. Among other things, this update incorporated Wynn's
15 denial near the top of the Article: "Wynn has vehemently denied the misconduct
16 accusations and attributed them to a campaign led by his ex-wife...." Like the first
17 version, this copy also noted that it "[w]ill be updated."

18 19. Although Wynn's denial of all misconduct appeared prominently in the
19 Challenged Article, I once more reached out to Frammolino to give Wynn another
20 opportunity to respond to the specific allegations in the police reports. At 2:24 p.m.
21 Pacific Time, I sent Frammolino an email in which I wrote in relevant part: "AP
22 has a story today about sexual misconduct allegations against Mr. Wynn. A woman
23

24 ³ Because AP is a wire service providing breaking news in real time to
25 newspapers, broadcasters, and other media entities in various time zones and with
26 different deadlines, we often publish stories when they are ready and then update
27 and expand them. As a result, there may be multiple versions of a particular news
28 report published in rapid succession, as we add details or more information becomes
available and we add updates. In all, AP published four versions of the Challenged
Article between 12:51 p.m. and 3:38 p.m. Pacific time, and then a fifth version in
which an editor added a sentence the next morning, at 6:48 a.m.

1 recently told police she had a child with Mr. Wynn after he raped her, while another
2 reported she was forced to resign from a Las Vegas job after she refused to have sex
3 with him. Would Mr. Wynn care to comment?" I told him I was "working on a
4 rolling deadline today," meaning I could add content he might wish to provide as it
5 became available. Attached hereto as **Exhibit 18** is a true and correct copy of that
6 email, which was marked as Exhibit 20 at my deposition.

7 20. The next update to the article, published at 2:47 p.m. Pacific Time,
8 included additional information about the allegations contained in the first police
9 report (by the Golden Nugget employee). Throughout, the Article emphasized that
10 both complaints were only allegations. I also added information about legal
11 challenges raised by shareholders and investors in the wake of the WSJ
12 investigation. This version also noted that "Ralph Frammolino, spokesman for
13 Wynn, did not immediately respond to an emailed request for comment." Attached
14 hereto as **Exhibit 19** is a true and correct copy of that version of the Article, which
15 was marked as Exhibit 22 at my deposition.

16 21. At some point thereafter, Frammolino called again. He wanted "to go
17 off the record again." Given how he had used our prior off the record agreement to
18 refuse attribution even of a "no comment," I told him that I would not speak off the
19 record about these police reports. He immediately responded "then you won't get a
20 comment." I said, "Ok. That's your decision." I then updated the Challenged
21 Article, noting that "Ralph Frammolino, spokesman for Wynn, on Tuesday declined
22 comment on the latest allegations." Attached hereto as **Exhibit 20** is a true and
23 correct copy of my last version of the Article, published at 3:38 p.m. Pacific Time.
24 The final version of the Challenged Article is available online at
25 <https://apnews.com/article/d74af8c7df2c4f70ae156b82207109ef>, and a true and
26 correct copy as it appears online is attached hereto as **Exhibit 21**.⁴

27
28 ⁴ For the final version, an editor added a sentence to the story on the morning of
February 28, 2018. Attached hereto as **Exhibit 22** is a true and correct copy of an

Post-Publication Developments

22. The next day, on February 28, I received an email with the subject line: “Statement from Steve Wynn Spokesman (not for direct attribution).” The email was sent from “account executive” Miranda Jilka of a G.F. Bunting + Co. I had no familiarity with either Jilka or G.F. Bunting. The statement asserted that Wynn did not know the identities of his accusers because the LVMPD would not reveal their names to him. The statement did not address the accusers’ key allegations; instead, it attacked the media. I conferred with Anna Jo Bratton about my concerns with running a statement from an unidentified generic “spokesman” and a firm I did not know given AP’s ordinary attribution practices. She agreed and saw no reason to run the statement without attribution.

23. I responded to G.F. Bunting + Co. and asked if it was Wynn’s new representative and whether I should contact this company instead of Frammolino going forward. I also asked for the name of the spokesperson referenced in the statement because AP would not publish this without attribution. I did not receive a response from G.F. Bunting.

24. I believed at the time I wrote the Challenged Article, as I do today, that it accurately recounted the two police reports I obtained from the LVMPD, as well as reporting on the official statement the LVMPD issued about the complaints and, with regard to the police complaint at issue, forwarded to authorities in Chicago. Based on what I knew at the time—which did not include the names or identifying information about the complainants—I would not change my reporting.

25. In my sworn affidavit submitted in this case on May 30, 2018, I stated that I did not have personal knowledge that any of the allegations in the police reports were false. That remains true to this day. I do understand that since the Challenged Article was published, litigation has revealed that the second accuser

email that I received from an editor that day explaining the addition.

1 was Halina Kuta and that this Court examined her claims at trial and deemed them
2 not credible. I have no factual basis to dispute the Court's determination, but I still
3 have no personal knowledge about Kuta. I certainly did not know any of that in
4 2018 when I prepared the Challenged Article based on the police records, in the
5 context of numerous other sexual misconduct allegations against Wynn. A true and
6 correct copy of my 2018 affidavit is attached hereto as **Exhibit 23**.

7
8 I declare under penalty of perjury under the law of the State of Nevada that the
9 foregoing is true and correct, and that I am physically located outside the geographic
10 boundaries of the United States, Puerto Rico, the United States Virgin Islands and
11 any territory or insular possession subject to the jurisdiction of the United States.

12
13 Executed on the 30th day of June, 2022, at
14 Caracas, Venezuela

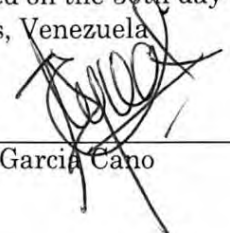
15
16 
17 _____
18 Regina Garcia Cano
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Exhibit 1
to the Declaration of
Regina Garcia Cano

DOW JONES, A NEWS CORP COMPANY

DJIA **25022.29** 1.24% ▲

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<https://www.wsj.com/articles/dozens-of-people-recount-pattern-of-sexual-misconduct-by-las-vegas-mogul-steve-wynn-1516985953>

BUSINESS

Dozens of People Recount Pattern of Sexual Misconduct by Las Vegas Mogul Steve Wynn

Wynn Resorts employees and others described a CEO who sexualized his workplace and pressured workers to perform sex acts. Mr. Wynn responded: 'The idea that I ever assaulted any woman is preposterous.'



Steve Wynn, CEO of Wynn Resorts, during a press conference in Macau, China, in August 2016. PHOTO: VINCENT YU/ASSOCIATED PRESS

By Alexandra Berzon, Chris Kirkham, Elizabeth Bernstein and Kate O'Keeffe

Updated Jan. 27, 2018 1:02 a.m. ET

LAS VEGAS—Not long after the billionaire casino mogul Steve Wynn opened his flagship Wynn Las Vegas in 2005, a manicurist who worked there arrived at the on-site salon visibly distressed following an appointment in Mr. Wynn's office.

Sobbing, she told a colleague Mr. Wynn had forced her to have sex, and she repeated that to others later.

JA00272

After she gave Mr. Wynn a manicure, she said, he pressured her to take her clothes off and told her to lie on the massage table he kept in his office suite, according to people she gave the account to. The manicurist said she told Mr. Wynn she didn't want to have sex and was married, but he persisted in his demands that she do so, and ultimately she did disrobe and they had sex, the people remember her saying.

After being told of the allegations, the woman's supervisor said she filed a detailed report to the casino's human-resources department recounting the episode.

Mr. Wynn later paid the manicurist a \$7.5 million settlement, according to people familiar with the matter.

The incident was referenced, in broad terms, in a lawsuit in which Mr. Wynn's ex-wife, Elaine Wynn, seeks to lift restrictions on the sale of her stock in Wynn Resorts Ltd.

WYNN +2.29% ▲ Attorneys for Mr. Wynn in a court filing admitted he made the personal payment; in a later hearing, his corporate attorney said there had been "allegations of assault." Court records in the suit are heavily redacted. Specifics of the allegation and the size of the settlement haven't been previously reported.

Beyond this incident, dozens of people The Wall Street Journal interviewed who have worked at Mr. Wynn's casinos told of behavior that cumulatively would amount to a decades-long pattern of sexual misconduct by Mr. Wynn. Some described him pressuring employees to perform sex acts.



Steve Wynn discussing a planned casino during a press conference in Medford, Mass., March 2016. PHOTO: JESSICA RINALDI/THE BOSTON GLOBE/GETTY IMAGES

In response to written questions about the manicurist's and others' allegations, Mr. Wynn said, "The idea that I ever assaulted any woman is preposterous."

He continued, in a written statement, "We find ourselves in a world where people can make allegations, regardless of the truth, and a person is left with the choice of weathering insulting publicity or engaging in multi-year lawsuits. It is deplorable for anyone to find themselves in this situation."

JA00273

Mr. Wynn said that “the instigation of these accusations is the continued work of my ex-wife Elaine Wynn, with whom I am involved in a terrible and nasty lawsuit in which she is seeking a revised divorce settlement.” He said he remained focused on the company, its employees and its shareholders.

Ms. Wynn declined to speak to the Journal. An attorney for Ms. Wynn said the notion she instigated the Journal’s article “is just not true.”

Mr. Wynn didn’t provide further response to other allegations of sexual misconduct the Journal inquired about.

MORE

- Wynn Resorts Board to Probe Allegations Against CEO
- Misconduct Report Shaves Nearly \$2 Billion From Wynn Market Value
- Massachusetts Gambling Regulator Opens Review of Wynn Resorts

Wynn Resorts said it is committed to maintaining a safe and respectful culture, requires annual anti-harassment training for all, and offers an anonymous hotline. “Since the inception of the company, not one complaint was made to that hotline regarding Mr. Wynn,” the company said.

The Wynn Resorts board late Friday said its independent directors would form a special committee to investigate the allegations against Mr. Wynn.

Mr. Wynn, turning 76 on Saturday, is a towering figure in Las Vegas and the wider gambling industry. As builder of the Mirage, Treasure Island, Bellagio, Wynn and Encore casinos in Las Vegas—lavish, multiuse resorts with features such as artificial volcanoes, dancing fountains and French chefs—he brought a new level of sophistication and scale to the Strip.

Mr. Wynn no longer owns the Mirage, Treasure Island or Bellagio, but his empire now includes two casinos bearing his name in the Chinese gambling enclave of Macau, and he is building a \$2.4 billion Wynn casino in the Boston area. He is the chairman and chief executive of Wynn Resorts.

Dozens of powerful men have faced consequences in recent months after publicly aired accusations of sexual improprieties. Those against Mr. Wynn are the first in this wave to center on the CEO and founder of a major publicly held company, in this case one operating in a tightly regulated industry.

Mr. Wynn owns nearly 12% of Wynn Resorts, a stake worth \$2.4 billion, and is considered integral to its success. His signature is the company logo. In a recent securities filing citing possible risks to the business, the company said, “If we lose the services of Mr. Wynn, or if he is unable to devote sufficient attention to our operations for any other reason, our business may be significantly impaired.”

Mr. Wynn’s political profile also has grown. He is a former casino-business rival of



Steve Wynn, third from right, breaks ground in 2002 for Le Reve, a 2,700-room luxury hotel casino that would eventually become the Wynn Las Vegas resort. PHOTO: CHRIS FARINA/CORBIS/GETTY IMAGES

President Donald Trump, who said in 2016 that Mr. Wynn was a “great friend” whose advice he valued. After Mr. Trump’s election, Mr. Wynn became the Republican National Committee’s finance chairman.

Mr. Wynn is a regular on his casino floors, known for a keen attention to details and what employees say is a temper that can flare when they fall short. He has frequently had services such as manicures, massages and makeup application performed in his on-site office at the Wynn Las Vegas.

The contrast between Mr. Wynn’s position and that of the salon and spa employees is stark. Former employees said their awareness of Mr. Wynn’s power in Las Vegas, combined with the knowledge that the jobs they held were among the best-paying available there, added up to a feeling of dependence and intimidation when Mr. Wynn made requests of them.

Some said that feeling was heightened at times by the presence in a confined office space of one or more of his German shepherds, trained to respond to commands in German.

The Journal contacted more than 150 people who work or had worked for Mr. Wynn; none reached out to the Journal on their own. Most of those who spoke to the Journal about Mr. Wynn said they worried that doing so could hurt their ability to work elsewhere because of his influence in the casino industry and the state.

Former employees said they sometimes entered fake appointments in the books to help other female workers get around a request for services in Mr. Wynn’s office or arranged for others to pose as assistants so they wouldn’t be alone with him. They told of female employees hiding in the bathroom or back rooms when they learned he was on the way to the salon.

“Everybody was petrified,” said Jorgen Nielsen, a former artistic director at the salon. Mr. Nielsen said he and others repeatedly told high-level company executives Mr.

JA00275

Wynn's sexual advances were causing a problem, but "nobody was there to help us."

One former massage therapist at the Wynn Las Vegas spa said that several years ago, when Mr. Wynn was booking multiple appointments a week with her in the private massage room in his office suite, he would continually adjust a towel to expose himself. Then at one session, she said, he threw it off and said, "Just get this thing off of me."

She said he wouldn't let her use a towel to cover his genitals after that, contrary to state licensing regulations, and he also began rubbing her leg while she massaged him.

After a few weeks, the former employee said, Mr. Wynn instructed her to massage his penis to climax. The woman said that because he was her boss, she felt she had no choice but to agree to some of Mr. Wynn's requests, including that one. She said masturbating him became a frequent part of the massage sessions for several months.

At the end of each hour-long massage session, she said, he handed her \$1,000 in cash, which was the same amount as before the sexual activity began.

In subsequent sessions, the woman said, Mr. Wynn asked her to perform oral sex on him and described in detail how he wanted it done. This request she refused, she said.

The woman said she told Mr. Wynn at a later session she was uncomfortable with his requests, and he then stopped asking for massages from her.

She said she didn't tell anyone what happened at the time because she was embarrassed, adding she is still trying to deal with the incident emotionally. She did tell a colleague in a general way that Mr. Wynn had been inappropriate with her, that colleague recalled in an interview.

The colleague said she offered advice to the massage therapist—but didn't mention that Mr. Wynn had also made advances toward her while she massaged him in his office's private massage room. The colleague said in an interview Mr. Wynn would remove his towel and, while she massaged the front of his thighs, would tell her to "go higher," which she understood to mean touch his genitals. She said she told him this made her uncomfortable, and then his requests for massages became less frequent.

Dennis Gomes, who was an executive at the Golden Nugget in Las Vegas when Mr. Wynn was running that casino decades ago, said in a deposition in an early-1990s lawsuit that Mr. Gomes "routinely received complaints from various department heads regarding Wynn's chronic sexual harassment of female employees," according to a court filing that summarized his testimony.

In the suit over Mr. Gomes's departure to work for a Trump casino, Mr. Gomes described what he called a "disgraceful pattern of personal and professional conduct" that he said included Mr. Wynn's directing him to get the home phone numbers of casino cocktail waitresses.

JA00276

Mr. Wynn denied the allegations in the suit in Nevada state court. The parties agreed to drop the suit in 1994.

Mr. Gomes died in 2012. His widow, Barbara Gomes, in an interview for this article, said, “I remember him saying, ‘I’m not his pimp,’ ” referring to Mr. Wynn.



The lobby of the Wynn Las Vegas, shown here in 2011. PHOTO: MARK RIGHTMIRE/THE ORANGE COUNTY REGISTER/ZUMA PRESS

Shawn Cardinal, who was a personal assistant to Elaine Wynn while she was married to Mr. Wynn, said that around 1987, Mr. Wynn repeatedly asked her to spend time with him outside of work. She said he continued asking, often approaching her at her desk outside his wife’s office, despite her telling him she had plans with her husband and child.

On the phone, he would ask, “What are you wearing? Why don’t you hang out with me after work?” said Ms. Cardinal. “I was not brave enough to say, ‘How dare you?’ I just joked my way out of it and I made sure I was never alone with him.”

Several former employees said Mr. Wynn often walked around some areas of the complex in extremely short shorts without underwear, and he would sit in the salon to get pedicures in such a way that his genitals were exposed.

One former employee said after she had performed services in Mr. Wynn’s office for years, one day he asked if he could kiss her. She said she laughed off the request, hoping to leave without upsetting him.

Another time, this employee said, she was performing services in her own workplace at the casino when Mr. Wynn said, “So when are you going to come into my office and f— me?”

She said that she again laughed off the proposition. “I would say, ‘Oh Mr. Wynn.’ ” she recalled. “I was just trying to get on with my job.”

One time as she did her work in Mr. Wynn’s office, this woman said, he repeatedly

JA00277

rubbed his genitals, which were falling out of his shorts, and made comments about things he would like to do with her sexually. On one occasion as she was leaving his office, the former employee said, Mr. Wynn grabbed her waist as she stood against a wall and told her to kiss him. She said she slipped out of his hold and left.

After around two weeks of pursuit, this woman said, Mr. Wynn stopped.

The former employee's supervisor and another colleague confirmed being told of these advances in detail at the time. The employee and the supervisor said they sought to manage the situation rather than report it because they believed there would be repercussions if they did.

The 2005 allegations of the manicurist that led to the settlement were the most striking described by former employees. In this instance, a woman who was a salon manager at the time said she filed a written report to human resources. She said she got a call from an executive, Doreen Whennen, castigating her for filing to HR and saying she should have taken the matter directly to Ms. Whennen.

The former manager said no one followed up with her about the matter. The manicurist soon left.

Ms. Whennen, who is no longer at the company, declined to comment.

In the lawsuit between the Wynns, Ms. Wynn cited a "multimillion dollar payment" made by Mr. Wynn following allegations he had engaged in "serious misconduct" on company property against an employee not named in the suit. A filing said Ms. Wynn had learned of the settlement in 2009.

In the suit, Ms. Wynn, who is a co-founder and former board member of Wynn Resorts, is seeking to free herself from restrictions on the control of her estimated \$1.9 billion of stock that were imposed by a 2010 agreement with Mr. Wynn.

Her attorneys have argued that in making a settlement with a former employee without telling the board, Mr. Wynn recklessly exposed the company and other directors to liability.

Wynn Resorts, in its statement to the Journal, alleged that Ms. Wynn was trying to "tarnish the reputation of Mr. Wynn in an attempt to pressure a revised divorce settlement." The company called it noteworthy that despite knowing of the allegations since 2009, Ms. Wynn didn't make them known to the board, of which she was a member, or raise them until after she lost her board seat.

An attorney for Ms. Wynn said she raised the issue internally when she learned of it.

Mr. Wynn's attorneys have argued the settlement wasn't relevant to the Wynns' dispute, which is headed for a trial this spring.

—Jim Oberman, Lisa Schwartz and Zusha Elinson contributed to this article.

Corrections & Amplifications

Shawn Cardinal, who was a personal assistant to Elaine Wynn while she was married to Mr. Wynn, said that around 1987, Mr. Wynn repeatedly asked her to spend time with him outside of work. An earlier version of this article incorrectly stated the date was around 1997. Also, a chart of Wynn Resorts' revenue is in billions of dollars. A chart with an earlier version of this article incorrectly labeled it in trillions. (Jan. 26, 2018)

Write to Alexandra Berzon at alexandra.berzon@wsj.com, Chris Kirkham at chris.kirkham@wsj.com, Elizabeth Bernstein at Bonds@wsj.com and Kate O'Keeffe at kathryn.okeeffe@wsj.com

Appeared in the January 27, 2018, print edition as 'Wynn Accused of Sexual Misconduct.'

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Exhibit 2
to the Declaration of
Regina Garcia Cano

Business

Wynn's \$7.5 Million Settlement Involves Paternity Claim

- No evidence that he fathered a child in the encounter
- Regulators in Massachusetts are examining the payment

0:22

Steve Wynn's \$7.5 million settlement to a former employee is said to involve a paternity claim. *(Source: Bloomberg)*

Christopher Palmeri and Valerie Miller

February 2, 2018, 11:52 AM EST *Updated on February 2, 2018, 12:11 PM EST*

Steve Wynn's secret \$7.5 million payment to a former employee involved a paternity claim against
JA00281

the casino mogul, according to people familiar with the situation.

Wynn made the payment in 2005 because he didn't want the allegations to be a distraction for his company, said the people, who asked not be identified discussing private information. Wynn Resorts Ltd. had just opened the Wynn hotel in Las Vegas and was building one in Macau at the time. There's no evidence Wynn fathered a child in the encounter.

The settlement has become a key element of the controversy surrounding Steve Wynn, who was the subject of a Wall Street Journal expose on Jan. 26 that detailed various allegations of sexual harassment and coercion against the casino magnate. He has denied any wrongdoing.

The paternity claim may help explain why Wynn, now 76, paid the former employee such a large sum, a question his ex-wife's lawyers and gaming regulators have had trouble answering because the terms of the settlement are private.

A Wynn Resorts spokesman said neither the company nor Wynn himself would comment. Wynn shares climbed less than 1 percent to \$170.90, erasing earlier declines in New York trading.

Wynn paid the settlement out of his own pocket. The arrangement first came to light two years ago in a court filing by Wynn's ex-wife Elaine. She is suing to regain control of her 9.4 percent stake in Wynn Resorts, which she previously granted to Steve Wynn.

The Wall Street Journal said that the woman who received the settlement, a manicurist who worked at the Wynn Las Vegas resort, had told people she was pressured into having intercourse with him.

The article included allegations from other women of sexual harassment by Steve Wynn stretching over decades. "The idea that I ever assaulted any woman is preposterous," he said in a statement.

The founder and chief executive officer of Wynn Resorts accused his ex-wife of orchestrating a media campaign against him, something Elaine Wynn has denied. The manicurist didn't respond to multiple attempts to reach her by phone, mail and third parties.

Since the allegations were published, Wynn Resorts shares have lost more than 17 percent of their value. The company's board launched an independent investigation and regulators in Nevada, Macau and Massachusetts have said they're also looking into the matter. The University of Pennsylvania and the University of Iowa have taken Steve Wynn's name off a common area and an eye institute respectively.

The settlement and the reason it wasn't previously disclosed will be part of the Massachusetts Gaming Commission's investigation, officials there said at a hearing Wednesday. Regulators could suspend or revoke Wynn Resorts' license to operate in the state, jeopardizing the company's \$2.4

JA00282

billion casino under construction in the Boston area. Massachusetts officials said they were told by the company that its legal counsel did not believe the settlement required disclosure during the license vetting process.

“The people of Massachusetts have a right to know what the hell happened here,” Commission Chairman Stephen Crosby said at the hearing.

The settlement has become a focus of Elaine Wynn in her suit because her lawyers said it was connected to a report of sexual harassment and raises questions of “reckless” behavior at Wynn Resorts.

“We’re getting bits and pieces of how this matter was addressed,” Elaine Wynn’s attorney, Mark Ferrario, said at an October hearing in Las Vegas, adding later: “Why was it handled different than every other type of claim like this within the company?”

– *With assistance by Erik Schatzker*

(Updates with trading in fifth paragraph.)

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Exhibit 3
to the Declaration of
Regina Garcia Cano

Las Vegas Review-Journal killed story in 1998 about Steve Wynn sex misconduct claims



Cocktail waitresses at The Mirage sued over sexual discrimination in the 1990's, Jim Laurie Las Vegas Review-Journal

By **Arthur Kane** Las Vegas Review-Journal



February 5, 2018 - 2:49 am

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Updated February 5, 2018 - 3:00 am

Claims that casino developer Steve Wynn sexually harassed employees could have surfaced years ago but the Las Vegas Review-Journal in 1998 stopped publication of a story that would have brought the issue to light. After killing the article, the newspaper ordered the reporter who wrote it to delete it from the newspaper's computer system.

The Review-Journal's decision came after Wynn's attorneys met with the reporter and the newspaper paid for lie-detector tests for two women who

JA00285

alleged a culture of harassment at the Wynn-owned Mirage.

Allegations about Wynn's conduct appeared in a Wall Street Journal story last month. Similar claims were made in a court filing in 1998.

In a lawsuit, a Mirage cocktail server alleged supervisors did not protect women from gamblers who harassed them. She said waitresses were sent to sexually "accommodate" high rollers at the resort's luxury villas throughout the 1990s.

Another server, upon bragging about her first grandchild in the early 1990s, reportedly was pressured into having sex with Wynn, who said he wanted to experience sex with a grandmother, according to a court filing.

Two of the cocktail servers spoke to Review-Journal courts reporter Carri Geer in 1998. Geer said she remembers then-Publisher Sherman Frederick saying the women should undergo lie-detector tests.

Carri Geer Thevenot, metro editor of the Las Vegas Review-Journal. (Elizabeth Brumley/Las Vegas Review-Journal)

After the polygraph results came back, Geer, who is now the Review-Journal's metro editor, said she was ordered to delete the story she had written. But she saved a printout of the story, the court records from the case, the polygraph results and the \$600 bill for the polygraph examinations.

JA00287

She could not recall who blocked publication of the story or who ordered her to delete it.

“I always wanted to tell these women’s stories. That’s why I saved this file for 20 years,” Geer said.

No memories

Indiana University law professor Jennifer A. Drobac said public disclosure of the women’s accounts — even in 1998 — might have created pressure to remove Wynn or force changes in his behavior, well before the birth of the “#MeToo” movement.

“Maybe he’s Mr. Teflon, but at least people would have known,” said Drobac, who has represented sexual harassment victims. “It might have made a difference in later business deals. The public would have understood that this guy has a questionable past.”

Review-Journal attorney Mark Hinueber reviewed Geer’s 1998 story for liability reasons. His edits, which were saved in Geer’s file, deleted key allegations from the story, including the account of the cocktail waitress who said she was pressured to have sex with Wynn and her supervisor’s warning that she would lose her job if she did not comply.

Hinueber wrote on a fax cover page, “My edits attached. Would not run until cleared with Sherm (Frederick).”

Hinueber, who continues to provide legal counsel for the Review-Journal, declined to comment, citing attorney-client privilege with the newspaper’s previous owners.

Frederick said Tuesday that he does not remember the story.

“You’ve lost me,” he said. “I don’t remember any of that. I certainly don’t

JA00288

remember paying for any polygraph tests.”

Polygraph examiner Ronald Slay, of Western Security Consultants, said a top official — he wasn’t sure who — from the Review-Journal showed up with the two women for the exam.

“When he showed up I knew this was a bigger deal than normal,” Slay said.

JA00289

A 1998 Fax

Thomas Mitchell, editor-in-chief at the time, remembered the newspaper used polygraph exams for some sources but said he did not remember the circumstances.

“We looked into those sort of things but couldn’t nail them down,” he said. Mitchell said he didn’t kill stories because of pressure from others.

JA00290

Kevin Doty, an attorney who worked for the newspaper at the time, said Mitchell asked him to set up the polygraph tests, and that Mitchell went with the women to the exam.

Geer said she was called into a meeting with Wynn's attorneys in Frederick's conference room as she was preparing the story in 1998. Frederick did not recall the meeting.

Discrimination lawsuit

The allegations against Wynn and The *Mirage* were laid out in a 1997 federal lawsuit. Eleven waitresses sued The *Mirage*, where Wynn was chairman at the time, after he allegedly told the servers they did not look good in their uniforms.

Claims against Steve Wynn could have been made public years ago



A policy change required them to maintain their weight at the time they were hired. His attorneys sent questions, known as interrogatories, to plaintiff Earlene Wiggins, and her answers, which were sworn and filed in
JA00291

court, described a culture of harassment, coerced sexual conduct and misconduct by Wynn.

Wiggins said in the court filing that baccarat players groped her and asked for kisses.

Wiggins also said in the filing that fellow plaintiff Cynthia Simmons had to “accommodate customers sexually.” Simmons told the newspaper in 1998 that she received between \$1,000 and \$5,000 from each customer in exchange for sex.

Another waitress was sent to the high-roller villas to have sex with a German gambler who was Wynn’s friend, Wiggins said in the court filing.

The Review-Journal published stories about the “fat meeting” and a subsequent lawsuit and Equal Employment Opportunity Commission complaint.

By 2003, The *Mirage* had settled all of the claims.

Polygraph exams for sources

The polygraph results suggested Simmons was being deceptive, but Wiggins, who was quoted in the court document, was being truthful. Wiggins died in 2006.

Simmons, now 60, said she was nervous during the lie-detector test.

“I was under emotional distress — I couldn’t even sleep the night before,” she said Tuesday.

She said she is upset that, despite support for her story in Wiggins’ sworn statement, the Review-Journal never published Geer’s article in 1998.

“It was hard enough to come forward in the first place and reveal this

JA00292

stuff to my family, and then to have the newspaper curb the whole story, I feel I got silenced,” she said.

Frederick said he would not have buckled under pressure from Wynn’s lawyers.

“Wynn, he’s a difficult guy, and it wasn’t unusual that he would call and yell,” he said.

Kathleen Culver, director for the Center for Journalism Ethics at the University of Wisconsin–Madison, said she has never heard of a news organization requiring sources to take lie–detector tests.

“I feel it is a hefty demand of a source,” she said.

Slay, who administered the polygraph exams for the Review–Journal, said he often tested sources for publications like the National Enquirer but had not done so for mainstream news publications.

Culver said that accurately quoting a court document protects journalists against defamation claims.

The \$600 bill for the polygraph examinations.

“Lawsuits can be really taxing on a news organization, and you can see why you would be afraid, but I don’t see why you would bow to that fear and spike the story,” she said. “Journalism has to be about courage.”

Wynn did not respond to requests for comment on the allegations against him and The Mirage. He has denied the allegations raised in The Wall

JA00294

Street Journal story.

“We find ourselves in a world where people can make allegations, regardless of the truth, and a person is left with the choice of weathering insulting publicity or engaging in multi-year lawsuits,” Wynn said last month in a written statement to the Journal. “It is deplorable for anyone to find themselves in this situation.”

Simmons said The Mirage culture outlined in court records was well-known to employees.

“I’m shocked anyone thought it was a secret,” she said. “We all knew this was going on, but nobody spoke up because they were afraid.”

Review-Journal staff writer Brian Joseph contributed to this story. Contact Arthur Kane at akane@reviewjournal.com. Follow @ArthurMKane on Twitter. Contact Ramona Giwargis at rgiwargis@reviewjournal.com. Follow @RamonaGiwargis on Twitter.

See all the Review-Journal’s coverage of the Steve Wynn story.

JA00295

Wynn Vegas History



JA00296

Exhibit 4
to the Declaration of
Regina Garcia Cano

Las Vegas court filing: Wynn wanted sex with waitress 'to see how it feels' to be with a grandmother




Steve Wynn in 1993. (Wayne C. Kodey/Las Vegas Review-Journal)

By **Arthur Kane** Las Vegas Review-Journal

February 5, 2018 - 2:49 am



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Updated February 5, 2018 - 11:50 pm

Billionaire casino developer Steve Wynn faced allegations of pressuring a waitress into sex about 30 years ago, allegedly telling his employee he had “never had a grandmother before” and wanted “to see how it feels,” according to a court document and interviews with multiple sources.

Wynn, the CEO of Wynn Resorts, was accused of sexual misconduct by several employees in a Wall Street Journal story published last month.

Wynn has denied the allegations in the Journal report, which claims Wynn

JA00298

pressured a manicurist into sex and later paid her a \$7.5 million settlement.

A previously undisclosed court filing details additional allegations against Wynn at the time he ran The Mirage. These claims are being reported here for the first time. The allegations were the subject of a Review-Journal article that was written in 1998, but the newspaper ordered the report not be published.

The allegations at the Mirage were the subject of an article written in 1998, but the newspaper ordered the report not be published.

The story was based on documents that were part of a federal lawsuit brought by 11 *Mirage* waitresses who claimed Wynn told servers they did not look good in their uniforms. A *Mirage* policy required the women to lose weight if they had gained more than 6 pounds since they were hired.

One of the other plaintiffs in that case, Earlene Wiggins, disclosed the sex

JA00300

allegations in response to questions, called interrogatories, from Mirage lawyers. The responses are sworn and part of the court record. Wiggins died in 2006.

The grandmother, who is now 75, spoke with the Review-Journal last week on the condition that her name not be used. At the time she worked at The Mirage, she was a single mother supporting eight children. Her supervisor told her she had to meet Wynn's demands to keep her job, according to her account and a sworn statement by Wiggins.

In the interview, the woman confirmed the details of her interactions with Wynn and said she had sex with him on multiple occasions and endured sexual harassment for about a year beginning in the late 1980s.

"I did it willingly, because I felt like I had to," she told the Review-Journal. "I didn't really want to. I was afraid for my job."

'Acquiescence is not consent'

Indiana University law professor Jennifer A. Drobac, who specializes in sexual harassment, said the woman was coerced into sex if she believed she could lose her job.

"Acquiescence is not consent," Drobac said, adding that courts have made

JA00302

that distinction. “Even if someone goes along, it doesn’t mean they’re willing and enthusiastic.”

Wynn, 76, has not responded to multiple requests from the Review-Journal for an interview. He provided a statement to the Wall Street Journal in response to other allegations: “We find ourselves in a world where people can make allegations, regardless of the truth, and a person is left with the choice of weathering the insulting publicity or engaging in multiyear lawsuits. It is deplorable for anyone to find themselves in this situation.”

The woman, who was then in her late 40s, said Wynn made a sexual advance upon learning that she had just become a grandmother. The court record mirrors this allegation. Wiggins said in the sworn statement that the waitress tried to rebuff Wynn.

“You have so many new and young girls to choose from, and you know having sex with you makes me feel terrible,” the unidentified grandmother told Wynn, according to the sworn statement from Wiggins. “Why don’t you just leave me alone?”

Wynn reportedly responded that he had never had sex with a grandmother, court records allege.

JA00303

Three other waitresses who were part of the lawsuit told the Review-Journal last week that the unidentified grandmother had recounted her story to them shortly after Wynn allegedly made the comments.

“I remember telling him I don’t like it,” the grandmother said last week.

Despite her protests, she said the harassment by Wynn continued.

Twice, the woman said, Wynn walked by her and slapped her butt in passing in front of customers and other staff as she was working on the casino floor.

“That was embarrassing for me,” she said.

Wynn often singled her out to bring him drinks even if he was in another server’s section, she said.

“‘I have eight children to support. I need this money. And it’s not right for the other cocktail waitresses,’” she said she told him. “He only laughed. That’s what he does — laugh.”

‘I felt so uncomfortable’

Eventually, after one of her shifts, Wynn told her he wanted to talk to her and invited her into a hotel room, she said.

In the room, they talked, she recounted. According to the woman, Wynn then asked her for oral sex, which she says she performed on him. After that, the two had sex on multiple occasions, she said.

“He didn’t force me or anything, but I did go,” she said. “But I felt so uncomfortable.”

During each encounter, the woman said she tried to find an excuse to

JA00304

avoid Wynn like saying she was embarrassed.

“But nobody would know,” Wynn said, according to the woman.

““Yes, they would,” she remembers saying. “You’re doing this in front of everyone.”

The *Mirage*, built by Wynn but now owned by MGM Resorts International, was a luxurious new resort at the time and promised high wages for servers. Each time in the room, she said she told Wynn she was afraid to lose her job.

“And he said, ‘Nothing will happen to you,’” the grandmother said.

Drobac, from Indiana University, said Wynn’s assurances may have carried less weight because the unidentified grandmother was coerced by her immediate supervisor.

“People in power often say things that are not reliable,” she said. “They do something different when they don’t get what they want.”

By 2003, The *Mirage* had settled all of the claims brought by the 11 waitresses. Most of the settlement terms were undisclosed.

The grandmother said she never filed a complaint about her sexual encounters with Wynn and would not have known how to do it.

“I didn’t even think about it,” she said. “To me, that’s how it was. To me, it was normal.”

Review-Journal staff writer Meghin Delaney contributed to this story.

Contact Arthur Kane at akane@reviewjournal.com. Follow

@ArthurMKane on Twitter. Contact Rachel Crosby at

JA00305

rcrosby@reviewjournal.com. Follow @rachelacrosby on Twitter.

See all the Review-Journal's coverage of the Steve Wynn story.

Exhibit 5
to the Declaration of
Regina Garcia Cano

Nevada gambling board investigates Wynn sex allegations

The Associated Press

January 31, 2018 Wednesday 3:19 AM GMT

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Section: DOMESTIC NEWS

Length: 601 words

Byline: By REGINA GARCIA CANO, Associated Press

Dateline: LAS VEGAS

Body

LAS VEGAS (AP) - Casino mogul Steve Wynn is under investigation after sexual misconduct allegations were leveled against him, Nevada gambling regulators announced Tuesday.

The Wall Street Journal reported Friday that a number of women said they were harassed or assaulted by Wynn, and that one case led to a \$7.5 million settlement with a manicurist.

Wynn has vehemently denied the allegations, which he attributed to a campaign led by his ex-wife.

The state Gaming Control Board said in a statement that it opened the investigation after completing a review, but it did not provide any further details. Its chairwoman, Becky Harris, declined to answer questions from The Associated Press seeking additional information.

"The Nevada Gaming Control Board will conduct its investigation in a thorough and judicious manner," according to the statement from the three-member panel.

State gambling regulations provide grounds for disciplinary action if any activity from the licensed operator, its agents or employees is deemed "inimical to the public health, safety, morals, good order and general welfare" of Nevada residents or discrediting of the state and its gambling industry.

JA00308

Nevada gambling board investigates Wynn sex allegations

Regulators could potentially levy fines against the company, place conditions on its license or even revoke it.

At the same time, the board of directors of Wynn Resorts has said a committee of independent directors would investigate the allegations. It will be headed by Patricia Mulroy, a Wynn Resorts board member and a former member of the Nevada Gaming Commission.

Nevada Gov. Brian Sandoval, who appoints the members of the board, on Tuesday told The Associated Press he was "disturbed, saddened and deeply troubled" by the allegations.

"There is no place and there should be zero tolerance for sexual harassment in the workplace," he said. "As governor, I will continue to work to ensure that all Nevadans work in a safe and respectful environment. Anything less is unacceptable."

Since 2013, Wynn has contributed nearly \$2.4 million to GOP candidates and party organizations around the country, including Sandoval and 2017 special election winners. Some Republicans in Congress, including Nevada's Dean Heller, have already announced they are donating contributions they received from Wynn to charity.

Wynn resigned Saturday as finance chairman of the Republican National Committee.

The union representing more than 50,000 casino workers in Las Vegas, including 5,500 housekeepers, cooks, bartenders and food and cocktail servers at Wynn's two casino-hotels, plans to strengthen the language against sexual harassment in contracts when it begins negotiations next month with the majority of operators, but not Wynn Resorts. The contracts of the company's unionized workers are not up for negotiations yet.

"We are deeply disturbed by these accusations against Steve Wynn and support a full and fair investigation regarding these allegations," Geoconda Argüello-Kline, the Culinary Union secretary-treasurer, said in a statement. The organization will also ask "panic buttons" for every housekeeper.

Gambling regulators in Massachusetts, where Wynn's company is building a roughly \$2 billion casino just outside Boston, are also looking into the allegations.

In addition, the China arm of Wynn's casino empire has said it will comply with Macau regulators as they seek more information. Macau, a former Portuguese colony near Hong Kong, is the

Nevada gambling board investigates Wynn sex allegations

world's most lucrative casino market and the main source of profits for Wynn and other foreign gambling companies.

Follow Regina Garcia Cano on Twitter at <https://twitter.com/reginagarciakNO>

Load-Date: January 31, 2018

End of Document

Exhibit 6
to the Declaration of
Regina Garcia Cano

Message

From: Tait, Tom [ttait@ap.org]
Sent: 2/7/2018 4:52:40 AM
To: Garcia Cano, Regina [RGarciaCano@ap.org]
Subject: Re: BC-US--Sexual Misconduct-Steve Wynn,3rd Ld-Writethru

Very well done Regina. I would add that Elaine's reps have denied that she is behind the allegations. Otherwise I think you nailed it.

Sent from my iPhone

On Feb 6, 2018, at 8:28 PM, Garcia Cano, Regina <RGarciaCano@ap.org> wrote:

Tom,

Michelle moved an urgent series. This is the latest version of the story that's on the wire.

Kelvin Chang in Hong Kong has offered to help with analysts if needed. It's only noon where he is. I'm inclined to say yes to his help. That would get us started for tomorrow. (The overwhelming majority of Wynn's money comes from Macau anyway).

Regina

Doc URL: <http://elvisa.ap.org/News/Stories/CTC-2018-Feb-07-000122/CTC-2018-Feb-07-000122.docx>

Slug: BC-US--Sexual Misconduct-Steve Wynn,3rd Ld-Writethru
Headline: Casino mogul Steve Wynn resigns amid sex misconduct claims
Summary: Casino mogul Steve Wynn has resigned as chairman and CEO at Wynn Resorts amid sexual misconduct allegations. Wynn Resorts says the resignation is effective immediately. It came less than two weeks after the Wall Street Journal reported that a number of women said Wynn harassed or assaulted them and that one case led to a \$7.5 million settlement.
Extended Headline: Casino mogul Steve Wynn has resigned as chairman and CEO at Wynn Resorts amid sexual misconduct allegations.
Editors Note: Eds: Expands with details, background and quotes. Adds byline. With AP Photos.
Urgency: Non Urgent
Junkline: This is the new audience version.
Byline: By REGINA GARCIA CANO
Bytitle: Associated Press
Dateline: LAS VEGAS

LAS VEGAS (AP) — Casino mogul Steve Wynn resigned Tuesday as chairman and CEO of Wynn Resorts amid sexual misconduct allegations.

The Las Vegas-based company in a statement said Wynn's resignation was effective immediately. It came less than two weeks after the Wall Street Journal reported that a number of women said Wynn harassed or assaulted them and that one case led to a \$7.5 million settlement.

"In the last couple of weeks, I have found myself the focus of an avalanche of negative publicity," Wynn said in a written statement. "As I have reflected upon the environment this has created — one in which a rush to judgment takes precedence over everything else, including the facts — I have reached the conclusion I cannot continue to be effective in my current roles."

The billionaire has vehemently denied the report's allegations, which he attributes to a campaign led by his ex-wife.

Wynn now faces investigations by gambling regulators in Nevada and Massachusetts, where the company is building a roughly \$2.4 billion casino just outside Boston. The company earlier said a committee of independent directors would investigate the allegations that surfaced Jan. 26.

Ahead of the announcement, shares of Wynn Resorts' China arm, Wynn Macau Ltd., were suspended from trading on the Hong Kong stock exchange on Wednesday morning in Asia. Gambling regulators in Macau, the world's biggest casino market, said last week they were concerned about the reports and had met with executives of Wynn Macau to get more information and the company said it would cooperate with any requests. Wynn Macau operates two casino-resorts in Macau, which is the company's biggest source of profits.

A wave of sexual misconduct claims against prominent figures in entertainment, media and politics gained momentum last fall in the aftermath of articles detailing movie producer Harvey Weinstein's decades of alleged rape and harassment. But Wynn is the first CEO and founder of a major publicly held company to come under scrutiny since the Weinstein allegations surfaced.

Wynn is a titan in Sin City and played a major role in the revitalization of the Las Vegas Strip in the 1990s. He built the Bellagio, Treasure Island and Mirage before he sold his Mirage Resorts company in 2000. Two years later, he founded Wynn Resorts, which now operates two luxurious casino-resorts in the city and is in the process of building a lake and hotel development called Paradise Park on the site of a former golf course.

Wynn's two Macau casinos include the older Wynn Macau near the former Portuguese colony's historic old town, and the Wynn Palace, which in 2016 became the latest opulent resort to open in the new district of Cotai, joining lavish developments by rivals including Las Vegas Sands.

In announcing Wynn's resignation, the company's board of directors made clear it had done so "reluctantly."

"It is with a collective heavy heart, that the board of directors of Wynn Resorts today accepted the resignation of our founder, CEO and friend Steve Wynn," said Boone Wayson, who was named non-executive chairman of the board. Matt Maddox, the company's president since 2013, was named CEO effective immediately.

Details of Wynn's separation agreement were not immediately disclosed.

Wynn resigned as finance chairman of the Republican National Committee a day after the allegations were published.

JA00313

Since 2013, Wynn has contributed nearly \$2.4 million to GOP candidates and party organizations around the country, including Nevada Gov. Brian Sandoval and 2017 special election winners. Some Republicans in Congress, including Nevada's Dean Heller, have already announced they are donating contributions they received from Wynn to charity.

Associated Press business writer Kelvin Chan in Hong Kong contributed to this report.

Follow Regina Garcia Cano on Twitter at <https://twitter.com/reginagarciaakNO>

Exhibit 7
to the Declaration of
Regina Garcia Cano

2 women tell Las Vegas police Steve Wynn assaulted them in the '70s



Steve Wynn speaks at a meeting in 2014. (Erik Verduzco/Las Vegas Review-Journal)

By Rio Lacanlale Las Vegas Review-Journal

February 12, 2018 - 5:38 pm



Don't miss the big stories. Like us on Facebook.

Updated February 12, 2018 - 9:44 pm

Two women have reported to Las Vegas police that they were sexually assaulted by casino developer Steve Wynn in the 1970s, a spokesman said Monday.

Metropolitan Police Department spokesman Larry Hadfield said the statute of limitations for sexual assault in Nevada is 20 years, but that should not discourage victims from speaking up.

JA00316

“We would encourage all victims to come forward,” he said.

Wynn stepped down last week as chief executive officer and chairman of Wynn Resorts Ltd. following several reports that he repeatedly harassed female employees.

“Because the incidents are alleged to have taken place before the establishment of Wynn Resorts, Wynn Resorts does not have a comment,” spokesman Michael Weaver said Monday.

Got a tip on Wynn?

To submit a news tip regarding the Steve Wynn investigation to the Review-Journal, go to www.reviewjournal.com/news-tips

Hadfield said the first complaint was called in to the department from St. Louis on Jan. 29, three days after the Wall Street Journal published detailed allegations of sexual misconduct involving Wynn. The woman alleged that Wynn had assaulted her in Las Vegas, the spokesman said.

“The incident will be investigated, however it is past the statute of limitations,” Hadfield said.

On Feb. 5, another woman told Metro about a sexual assault that occurred in Chicago. No other details surrounding the incident were immediately available.

Hadfield said Metro will forward the Feb. 5 courtesy report regarding the incident to the Chicago Police Department.

When contacted Monday afternoon, a Chicago police spokesman said he

JA00317

had not heard about the report.

Under Illinois law, the government typically has three years to charge individuals with felony offenses. But Chicago criminal defense attorney Steve Roach said if the crime is reported to police within three years of the alleged incident, “it could allow an individual to be prosecuted within 10 years of the alleged act based upon certain factors.”

“Based on my experience as a former Chicago prosecutor and experienced criminal defense attorney for many years,” Roach told the Las Vegas Review-Journal Monday evening, “it’s my opinion, based upon what we know at this point, that it’s highly unlikely (Wynn) would ever face charges in Illinois.”

Steve Wynn's Las Vegas History



Exhibit 8
to the Declaration of
Regina Garcia Cano

From: PIO <PIO@LVMPD.COM>
Sent: Tuesday, February 13, 2018 3:32 PM
To: Garcia Cano, Regina
Subject: LVMPD re: Steve Wynn

The LVMPD has received two complaints against Steve Wynn alleging sexual assault. On January 29, 2018, a woman made a report from St. Louis stating the incident occurred in Las Vegas in the 1970's. A second woman filed a report February 5, 2018 at an LVMPD Substation in the Northwest part of the city. She stated the crime occurred in the 1970's in Chicago, IL. A courtesy report was taken and will be forwarded to Chicago authorities.

Below is the Nevada Revised Statute (NRS) pertaining to the statute of limitations for Sexual Assault. Due to the fact the report was not filed within the time frame allowed by NRS, an investigation cannot go forward.

NRS 171.083 No limitation for sexual assault or sex trafficking if written report filed with law enforcement officer during period of limitation; effect of disability on period of limitation.

1. If, at any time during the period of limitation prescribed in NRS 171.085 and 171.095, a victim of a sexual assault, a person authorized to act on behalf of a victim of a sexual assault, or a victim of sex trafficking or a person authorized to act on behalf of a victim of sex trafficking, files with a law enforcement officer a written report concerning the sexual assault or sex trafficking, the period of limitation prescribed in NRS 171.085 and 171.095 is removed and there is no limitation of the time within which a prosecution for the sexual assault or sex trafficking must be commenced.

2. If a written report is filed with a law enforcement officer pursuant to subsection 1, the law enforcement officer shall provide a copy of the written report to the victim or the person authorized to act on behalf of the victim.

3. If a victim of a sexual assault or sex trafficking is under a disability during any part of the period of limitation prescribed in NRS 171.085 and 171.095 and a written report concerning the sexual assault or sex trafficking is not otherwise filed pursuant to subsection 1, the period during which the victim is under the disability must be excluded from any calculation of the period of limitation prescribed in NRS 171.085 and 171.095.

4. For the purposes of this section, a victim of a sexual assault or sex trafficking is under a disability if the victim is insane, intellectually disabled, mentally incompetent or in a medically comatose or vegetative state.

5. As used in this section, "law enforcement officer" means:

- (a) A prosecuting attorney;
- (b) A sheriff of a county or the sheriff's deputy;
- (c) An officer of a metropolitan police department or a police department of an incorporated city; or
- (d) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

NRS 171.085 Limitations for felonies. Except as otherwise provided in NRS 171.080, 171.083, 171.084 and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, sex trafficking, a violation of NRS 90.570, a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 or a violation of NRS 205.377 must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. Sexual assault must be found, or an information or complaint filed, within 20 years after the commission of the offense.

3. Any felony other than the felonies listed in subsections 1 and 2 must be found, or an information or complaint filed, within 3 years after the commission of the offense.

[1911 Cr. Prac. § 72; RL § 6922; NCL § 10720] — (NRS A 1963, 371; 1977, 1630; 1985, 2167; 1997, 890; 2001, 3031; 2003, 20th Special Session, 273; 2005, 1426; 2009, 146; 2013, 2418; 2015, 583)

Exhibit 9
to the Declaration of
Regina Garcia Cano

Message

From: Garcia Cano, Regina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=34E6E2B1DF7E4C348F36416870A8EE3C-GARCIA CANO]
Sent: 2/13/2018 11:01:45 PM
To: Weaver, Michael [Michael.Weaver@wynnlasvegas.com]
CC: Baranova, Aleksandra [Aleksandra.Baranova@wynnlasvegas.com]; Pettit-Irestone, Deanna [Deanna.Pettit-Irestone@wynnlasvegas.com]
Subject: RE: Request for comment from AP

Michael,

Thank you for getting back to me.

I will reach out to Mr. Frammolino.

Best,

Regina

From: Weaver, Michael [mailto:Michael.Weaver@wynnlasvegas.com]
Sent: Tuesday, February 13, 2018 2:57 PM
To: Garcia Cano, Regina <RGarciaCano@ap.org>
Cc: Baranova, Aleksandra <Aleksandra.Baranova@wynnlasvegas.com>; Pettit-Irestone, Deanna <Deanna.Pettit-Irestone@wynnlasvegas.com>
Subject: Re: Request for comment from AP

Regina, because this involved a company before the establishment of Wynn Resorts, the Company doesn't have a comment.

However, Mr Wynn's communications representative may have a comment. Ralph Frammolino's email address is ralph@pivohound.com.

Thanks

Michael

----- Original message -----

From: "Garcia Cano, Regina" <RGarciaCano@ap.org>
Date: 2/13/18 4:49 PM (GMT-06:00)
To: "Weaver, Michael" <Michael.Weaver@wynnlasvegas.com>
Subject: Request for comment from AP

--Note that (RGarciaCano@ap.org) is an external email. Forward unfamiliar emails to WE Protect.--

Michael,

Good afternoon. I hope you are well.

I'm reaching out to you today because I'm writing a story involving Mr. Wynn and Wynn Resorts.

The story is about the reports that two women have filed with the Las Vegas Metropolitan Police Department saying that Mr. Wynn sexually assaulted them in the 1970s. Does Mr. Wynn have any comment regarding the two reports? Does the company have any comment?

EXHIBIT

16A00322

CANO 03-11-2022

AP0000247

Let me know if I can provide additional information. I'm working on deadline, which is 5 p.m. Pacific today.

Many thanks,

Regina

Regina Garcia Cano
The Associated Press
Las Vegas
Office: 702-382-7440

The Associated Press is the essential global news network, delivering fast, unbiased news from every corner of the world to all media platforms and formats. Founded in 1846, AP today is the largest and most trusted source of independent news and information. On any given day, more than half the world's population sees news from AP.

The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at 212-621-1500 and delete this email. Thank you.

JA00323

AP0000248

Exhibit 10
to the Declaration of
Regina Garcia Cano

Message

From: Garcia Cano, Regina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=34E6E2B1DF7E4C348F36416870A8EE3C-GARCIA CANO]
Sent: 2/13/2018 11:09:39 PM
To: ralph@pivohound.com
Subject: AP request for comment from Mr. Wynn

Mr. Frammolino,

Good afternoon. I hope you are well.

I'm reaching out to you today because I'm writing a story involving Mr. Wynn.

The story is about the reports that two women have filed with the Las Vegas Metropolitan Police Department saying that Mr. Wynn sexually assaulted them in the 1970s. Does Mr. Wynn have any comment regarding the two reports?

Let me know if I can provide additional information. I'm working on deadline, which is 5 p.m. Pacific today.

Many thanks,

Regina

Regina Garcia Cano
The Associated Press
Las Vegas
Office: 702-382-7440

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JA00325

AP0000246

Exhibit 11
to the Declaration of
Regina Garcia Cano

Message

From: Garcia Cano, Regina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=34E6E2B1DF7E4C348F36416870A8EE3C-GARCIA CANO]
Sent: 2/14/2018 12:40:31 AM
To: ralph@pivohound.com
Subject: FW: LVMPD re: Steve Wynn

Hi Ralph,

This is the statement I received from the Las Vegas Metropolitan Police Department.

Regina

Regina Garcia Cano
The Associated Press
Las Vegas
Office: 702-382-7440

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From: PIO [mailto:PIO@LVMPD.COM]
Sent: Tuesday, February 13, 2018 3:32 PM
To: Garcia Cano, Regina <RGarciaCano@ap.org>
Subject: LVMPD re: Steve Wynn

The LVMPD has received two complaints against Steve Wynn alleging sexual assault. On January 29, 2018, a woman made a report from St. Louis stating the incident occurred in Las Vegas in the 1970's. A second woman filed a report February 5, 2018 at an LVMPD Substation in the Northwest part of the city. She stated the crime occurred in the 1970's in Chicago, IL. A courtesy report was taken and will be forwarded to Chicago authorities.

Below is the Nevada Revised Statute (NRS) pertaining to the statute of limitations for Sexual Assault. Due to the fact the report was not filed within the time frame allowed by NRS, an investigation cannot go forward.

Exhibit 12
to the Declaration of
Regina Garcia Cano

apnews.com

Sexual assault reports against Wynn filed with Vegas police

3-4 minutes

LAS VEGAS (AP) — Two more sexual misconduct allegations were leveled against embattled casino mogul Steve Wynn on Tuesday, when police in Las Vegas revealed they recently received two reports from women saying the billionaire sexually assaulted them in the 1970s.

This was the first admission from police in Las Vegas about reports filed against Wynn since sexual misconduct allegations against him were revealed last month.

One woman reported Wynn assaulted her in Las Vegas and the other said she was assaulted in Chicago, the Las Vegas Metropolitan Police Department said in a statement. The Las Vegas case will not be investigated because the statute of limitations in Nevada is 20 years.

The victim of that alleged assault contacted the department from St. Louis on Jan. 29, three days after the Wall Street Journal reported that a number of women said Wynn harassed or assaulted them and that one case led to a \$7.5 million settlement.

The other, filed in Las Vegas on Feb. 5, is being forwarded to the Chicago Police Department.

JA00329

Details of exactly what transpired during the alleged assaults was not disclosed.

The billionaire has vehemently denied the allegations, which he attributes to a campaign led by his ex-wife.

“In the last couple of weeks, I have found myself the focus of an avalanche of negative publicity,” Wynn said in the written statement that announced his resignation last week as chairman and CEO at Wynn Resorts. “As I have reflected upon the environment this has created — one in which a rush to judgment takes precedence over everything else, including the facts — I have reached the conclusion I cannot continue to be effective in my current roles.”

Wynn Resorts spokesman Michael Weaver on Tuesday said the company does not have a comment on the reports filed by the women “because this involved a company before the establishment of Wynn Resorts.”

Wynn is facing scrutiny by gambling regulators in Nevada and Massachusetts, where the company is building a roughly \$2.4 billion casino just outside Boston. Regulators in Macau, the Chinese enclave where the company operates two casinos, are also inquiring about the allegations.

The Nevada Gaming Control Board on Monday set up an online form that allows people to report information on any of its active investigations. The reporting system was set up after the agency received numerous calls regarding the investigation against Wynn.

Wynn Resorts has also created a committee to investigate the allegations. On Monday, the group announced it was expanded its scope to review the company’s internal policies and procedures to

JA00330

ensure a “safe and respectful workplace for all employees.”

JA00331

Exhibit 13
to the Declaration of
Regina Garcia Cano

**ASSOCIATED PRESS**

300 S. Fourth St., Suite 810
Las Vegas, NV 89101
T 702.384.7440

ap.org

Feb. 14, 2018

Office of Public Information
Las Vegas Metropolitan Police Department
400 S. Martin Luther King Blvd.
Las Vegas, NV 89106

SENT VIA EMAIL (PIO@lvmpd.gov)

Dear Records Officer:

On Tuesday, Feb. 13, 2018, the Las Vegas Metropolitan Police Department revealed that it had received two complaints against Steve Wynn alleging sexual assault.

According to the email sent by the department's office of public information: "On January 29, 2018, a woman made a report from St. Louis stating the incident occurred in Las Vegas in the 1970's. A second woman filed a report February 5, 2018 at an LVMPD Substation in the Northwest part of the city. She stated the crime occurred in the 1970's in Chicago, IL. A courtesy report was taken and will be forwarded to Chicago authorities."

Under the Nevada Open Records Act § 239 et seq., I, Regina Garcia Cano, a reporter with The Associated Press, request an opportunity to inspect or obtain copies of the following records:

1. Report filed on Jan. 29, 2018, by a woman from St. Louis alleging Steve Wynn sexually assaulted her in the 1970s in Las Vegas.
2. Report filed Feb. 5, 2018, at a department substation in the northwest part of the city by a woman alleging Steve Wynn sexually assaulted her in the 1970s in Chicago.

As you know, the Nevada Open Records Act provides for the release of copies of agency records, and I would prefer to receive the documents electronically as a PDF file. If electronic copies are not available, please contact me first before processing this request. I can be reached at (702) 382-7440 or by electronic mail at RGarciaCano@ap.org.

As this information concerns a matter of intense public interest, I request expedited processing. If you believe my request is too broad or does not reasonable describe the records, please contact me via email so that I may clarify my request, and when appropriate, inform me of the manner in which records are filed, retrieved or generated.

Because I am a journalist primarily engaged in disseminating information, and this is a request by the news media for records in the public interest and is not being sought for commercial purposes, I ask that you waive any fees associated with the disclosure of the

JA00333

requested information. If there are any fees for searching or copying these records, please provide a written estimate from production of the records indicated above if the estimated cost is expected to be more than \$25.

As you're aware, agencies must redact only what is necessary to protect exempt information and must explain the basis for any redactions. I ask that responsive records be released on a rolling basis _ that is, as they are available, rather than waiting for my entire request to be processed before releasing documents.

If for any reason any portion of this request is denied, please provide a written explanation for the denial, citing each specific statutory exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. Also, please provide all segregable portions of otherwise exempt material.

I am directing this request to you as the agency's communications office. Please direct it to the agency's public records officer, if there is one.

If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

As the Open Records Act requires that an agency respond to a request within five business days of receipt of a request, I would appreciate a response as soon as possible. If access to the records I am requesting will take longer than a reasonable amount of time, please contact me with information about when I might expect them.

Thank you for your assistance. I look forward to your prompt reply.

Sincerely,

Regina Garcia Cano
The Associated Press, Las Vegas
Office: 702-382-7440

JA00334

Exhibit 14
to the Declaration of
Regina Garcia Cano



Administrative

Location **129 FREMONT ST Lv, NV 89101**
Occurred On (Date / Time) **Monday 1/29/2018 3:11:59 PM**
Reporting Officer **07426 - Brewer, Michael J**
Entered By **15176 - Ellison, Julie**
Related Cases

Or Between (Date / Time)
Reported On **1/29/2018**
Entered On **1/30/2018 7:30:19 AM**
Jurisdiction

Sector /Beat **A1**

Las Vegas, City of

Traffic Report

Place Type

Accident Involved

Offenses:

Sex Assault(F)-NRS 200.366.2B

Completed **Yes** Domestic Violence
Entry Premises Entered
Weapons **None**
Criminal Activities

Hate/Bias **None (No Bias)**
Type Security
Location Type **Gambling Facility/Casino/Race Track**
Tools

Victims:

Name: [REDACTED]

Victim Type **Individual** Written Statement
Victim of **50095 - Sex Assault(F)-NRS 200.366.2B**

Can ID Suspect

DOB [REDACTED] Age **67** Sex **Female** Race **White** Ethnicity **Unknown**
Height [REDACTED] Weight [REDACTED] Hair Color [REDACTED] Eye Color [REDACTED]
Employer/School
Occupation/Grade
Injury **None Observed** Work Schedule
Injury Weapons **None**

Addresses

Residence [REDACTED]

Phones

Home/Residence [REDACTED]

Offender Relationships

S - Wynn, Steve

Victim Was Employee

Notes:

The Use and Dissemination of this
Record is Regulated by Law. Secondary
Dissemination of any kind is Prohibited
and could subject the offender to Criminal
and Civil Liability.

This Information Released To:

Associated Press / Las Vegas Sun

By: **MANZ** Date: **2/27/18**

Las Vegas Metro Police Dept.

Suspects:

Name: **Wynn, Steve**

Alias:

Scope ID
Sex **Male** Height [REDACTED] DOB [REDACTED] Age **76** Race **White** Ethnicity **Unknown**
Employer/School Weight [REDACTED] Hair Color [REDACTED] Eye Color [REDACTED]
Occupation/Grade

Narrative

[REDACTED] stated she was employed as a dealer for the golden Nugget in 1974. Her maiden name when employed was [REDACTED]. Several times during her employment, Steve Wynn and she had sex. [REDACTED] stated the sex was consensual but she felt coerced to perform the acts. The following times are what she remembers?

1st- April or May of 1975. She was approached by Wynn at her table and he escorted her back to his office and they had sex.

2nd-Summer of 1975. Steve Wynn asked her to go to his house on Rancho Dr. between Charleston and Sahara. She told him she had no way to get there and he sent a cab/driver. They had sex in his bedroom.

3rd- Spring of 1976. Wynn flew her to a concert in Oklahoma in his private jet. On the way back she performed oral on him.

In the Summer of 1976, Wynn approached her in the back hall and wanted her to go with him. she told him, "no", she was done and had someone she was seeing. She was soon after accused of stealing \$40.00 and forced to resign.



Administrative

Location UNKNOWN ADDRESS CHICAGO Chicago, IL

Sector /Beat OJ - Other
Jurisdiction n

Occurred On (Date / Time) Friday 6/1/1973 12:00:00 AM
Reporting Officer 07027 - Chavez, Irma M
Entered By 07027 - Chavez, Irma M
Related Cases

Or Between (Date / Time) Saturday 8/31/1974 12:00:00 AM
Reported On 2/7/2018
Entered On 2/7/2018 11:26:37 AM
Jurisdiction Other Jurisdiction

Traffic Report No Place Type Accident Involved

Offenses:

Sex Assault(F)-NRS 200.366.2B

Completed Yes Domestic Violence No
Entry Premises Entered Hate/Bias Unknown (Offenders Motivation Not Known)
Weapons None Type Security Tools
Criminal Activities None/Unknown Location Type Residence/Home

Victims:

Name: [REDACTED]

Victim Type Individual Written Statement Yes Can ID Suspect Yes
Victim of 50095 - Sex Assault(F)-NRS 200.366.2B

DOB [REDACTED] Age 27 Sex Female Race White Ethnicity Unknown
Height 5' 0" Weight 115 Hair Color Blond Eye Color Green
Employer/School
Occupation/Grade
Injury Not Provided Work Schedule Injury Weapons None

Addresses

Residence [REDACTED]

Phones

Cellular [REDACTED]

Offender Relationships

S - Wynn, Stephan

Notes:

The Use and Dissemination of this
Record is Regulated by Law. Secondary
Dissemination of any kind is Prohibited
and could subject the offender to Criminal
and Civil Liability.

This Information Released To:

Assigned Person / LARICA CANTO

By: [REDACTED] Date: 2/27/18
Las Vegas Metro Police Dept.

Suspects:

Name: Wynn, Stephan

Alias:

Scope ID DOB Age 76 Race White Ethnicity Not Hispanic or
Sex Male Height 5' 6" Weight 145 Hair Color Brown Eye Color Brown
Employer/School Occupation/Grade

Addresses

Phones

Business/Work [REDACTED]

Notes:

Narrative

[REDACTED] came to NWAC to report that in 1973-1974, in Chicago, IL, she was exercising in her old apartment and when she stood up, Stephan Wynn was standing in front of her and said a word that she didn't understand, and then he pinned her up against the refrigerator and raped her as she was standing holding onto the refrigerator. Stephan then called someone for a few minutes then came and kiss her on her cheek and said he had to go and then added I call you later.

When he left she was still standing holding onto the refrigerator and looked at the window and saw her reflection, crying, and asking herself what just happened, what did he say?

A few days later, after her shower, she wrapped herself in the towel and was going to the bedroom and there was Stephan, sitting at the kitchen table. He got up and says some words, pinned her to the wall forcing himself on her then just like before, he called someone, kissed her on the cheek and said he would call her later and left. She was standing holding onto the wall and the towel was on the floor, and she was crying, saying to herself, why her, what did she do to be treated so badly, and why is he coming to her apartment. She didn't give him a key to her apartment. She remembers that Stephan said "you make me horny" then raped her twice.

She ended up pregnant. It was a hot steamy afternoon and she needed to go to the restroom. She saw a gas station and went in to the restroom. She was in pain standing by the wall and gave birth. The baby was laying on her feet inside the water bag. She slid down and said a doll is inside the water bag, the blood falling down, and she wanted to open, but the water bag was thick. She used her teeth to make a small opening then with her finger, opened the water bag and saw that the doll was purple. She started to blow on her and in a short time her cheeks were turning pink and she opened her eyes. She looked so much like her.

The gas station attendant opened the door to the restroom and when he saw her with a baby, he ran to the office and called an ambulance.

Her name is [REDACTED] and she lives in Las Vegas - Stephan and my child. [REDACTED] knows me as her mother and has her own family now.

Report taken per Det K. McCaffery, P#8731.

1/25/2018
11:55 AM

180129-2695
180207-1836

**LAS VEGAS METROPOLITAN
POLICE DEPARTMENT**

JOSEPH LOMBARDO, Sheriff

400 S. Martin L. King Blvd.
Las Vegas, NV 89106-4372



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Exhibit 15
to the Declaration of
Regina Garcia Cano

Message

From: Garcia Cano, Regina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=34E6E2B1DF7E4C348F36416870A8EE3C-GARCIA CANO]
Sent: 2/27/2018 8:07:02 PM
To: Garcia Cano, Regina [RGarciaCano@ap.org]; McCombs, Brady [BMcCombs@ap.org]
Subject: Conversation with Garcia Cano, Regina

Garcia Cano, Regina [12:50 PM]:

Hi, are you in the bureau and available for a phone call? I just got police records from Wynn assaults in the 70s.

McCombs, Brady [12:51 PM]:

no, i'm not.

Garcia Cano, Regina [12:51 PM]:

One of them is crazy

McCombs, Brady [12:51 PM]:

at the capitol waiting for romney
can you please reach out directly to anna jo?

Garcia Cano, Regina [12:51 PM]:

Oh true. Sorry

yes

McCombs, Brady [12:51 PM]:

how did you get those?

FOIA?

Garcia Cano, Regina [12:51 PM]:

FOIA

McCombs, Brady [12:51 PM]:

great. yeah, please reach out to Anna Jo.

i'll give a head's up.

McCombs, Brady [12:53 PM]:

fyi - I'm trying to put a NN out now while waiting for Romney on the immigration lawsuit. YOu can use that on the 1:30 digest.

anna jo says she's available to chat about Wynn. I briefed here.

her

Garcia Cano, Regina [12:54 PM]:

Lindsay is going to work on the Utah digest, I need to work on this.

I called the desk, Mona said Anna Jo will call me.

McCombs, Brady [12:55 PM]:

cool. sounds good.

Exhibit 16
to the Declaration of
Regina Garcia Cano

ITEMID: d74af8c7df2c4f70ae156b82207109ef

SLUG: US--Sexual Misconduct--Steve Wynn

BYLINE:

BYTITLE:

DATELINE: LAS VEGAS

EDSNOTE: Eds: APNewsNow. Will be expanded.

HEADLINE: APNewsBreak: Woman tells police Steve Wynn raped her in '70s

SUMMARY: A woman has told police she had a child with casino mogul Steve Wynn after he raped her, while another has reported she was forced to resign from a Las Vegas job after she refused to have sex with him. The Associated Press on Tuesday obtained copies of the police reports recently filed by the two women over allegations dating to the 1970s. Wynn has resigned from Wynn Resorts amid sexual misconduct allegations.

BODY:

LAS VEGAS (AP) — A woman has told police she had a child with casino mogul Steve Wynn after he raped her, while another has reported she was forced to resign from a Las Vegas job after she refused to have sex with him.

The Associated Press on Tuesday obtained copies of the police reports recently filed by the two women over allegations dating to the 1970s.

One report shows a woman told police she gave birth to a girl after Wynn raped her at her Chicago apartment around 1973 and 1974.

The other says she had consensual sex with Wynn while she worked as a casino dealer at the Golden Nugget but was fired when she told him no in summer 1976.

Wynn has resigned as chairman and CEO of Wynn Resorts amid sexual misconduct allegations.

PUBLISH SETTINGS:

URGENCY: Urgent

PLATFORM: Online,Print,Broadcast

AUDIENCE: North America,Nevada,United States

CATEGORY: Business,Arts and entertainment,General news

CONTENT TYPE: Spot Development

NAMED ITEM:

SOURCE: AP

LANGUAGE: en-us



AP0003166

Exhibit 17
to the Declaration of
Regina Garcia Cano

ITEMID: d74af8c7df2c4f70ae156b82207109ef

SLUG: US--Sexual Misconduct--Steve Wynn

BYLINE: BY REGINA GARCIA CANO

BYTITLE: Associated Press

DATELINE: LAS VEGAS

EDSNOTE: Eds: Updates with details, background and quotes. Adds byline; links photo. Will be updated. With AP Photos.

HEADLINE: APNewsBreak: Woman tells police Steve Wynn raped her in '70s

SUMMARY: A woman has told police she had a child with casino mogul Steve Wynn after he raped her, while another has reported she was forced to resign from a Las Vegas job after she refused to have sex with him. The Associated Press on Tuesday obtained copies of the police reports recently filed by the two women over allegations dating to the 1970s. Wynn has resigned from Wynn Resorts amid sexual misconduct allegations.

BODY:

LAS VEGAS (AP) — A woman told police she had a child with casino mogul Steve Wynn after he raped her, while another reported she was forced to resign from a Las Vegas job after she refused to have sex with him.

The Associated Press on Tuesday obtained copies of police reports recently filed by the two women about allegations dating to the 1970s. Police in Las Vegas revealed earlier this month that they had taken the statements after a news report in January revealed sexual misconduct allegations against the billionaire.

Wynn has vehemently denied the misconduct accusations and attributed them to a campaign led by his ex-wife, whose attorney has denied that she instigated the report by the Wall Street Journal.

One police report shows a woman told officers that Wynn raped her at least three times around 1973 and 1974 at her Chicago apartment. She reported she got pregnant and gave birth to a girl in a gas station bathroom.

In one instance, the woman claimed that Wynn pinned her against the refrigerator and raped her. She said he then made a phone call, kissed her on the cheek and left. The report does not explain how Wynn is alleged to have entered the apartment or if they knew each other. The woman claimed she did not give him a key.

The second police report shows a woman told police she had consensual sex with Wynn "several times" while she worked as a casino dealer at the Golden Nugget but was forced to resign when she told turned him down in summer 1976.

The women's names are redacted on the reports, and police said they do not identify people who say they are victims of sex crimes.

Wynn resigned as chairman and CEO of Wynn Resorts on Feb. 6, less than two weeks after the newspaper reported that a number of women said he harassed or assaulted them and that one case led to a \$7.5 million settlement.

PUBLISH SETTINGS:

URGENCY: Urgent

PLATFORM: Online,Print

AUDIENCE: North America,Nevada,United States

CATEGORY: Business,Arts and entertainment,General news

CONTENT TYPE: Spot Development

NAMED ITEM:



AP0003167

SOURCE: AP

LANGUAGE: en-us

JA00347

AP0003168

Exhibit 18
to the Declaration of
Regina Garcia Cano

Message

From: Garcia Cano, Regina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=34E6E2B1DF7E4C348F36416870A8EE3C-GARCIA CANO]
Sent: 2/27/2018 10:24:27 PM
To: ralph@pivohound.com
Subject: AP request for comment

Mr. Frammolino,

Good afternoon. I hope you are well.

AP has a story today about sexual misconduct allegations against Mr. Wynn. A woman recently told police she had a child with Mr. Wynn after he raped her, while another reported she was forced to resign from a Las Vegas job after she refused to have sex with him.

Would Mr. Wynn care to comment?

I'm working on a rolling deadline today.

Regina

Regina Garcia Cano
The Associated Press
Las Vegas
Office: 702-382-7440

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AP0000253

Exhibit 19
to the Declaration of
Regina Garcia Cano

ITEMID: d74af8c7df2c4f70ae156b82207109ef

SLUG: US--Sexual Misconduct--Steve Wynn

BYLINE: BY REGINA GARCIA CANO

BYTITLE: Associated Press

DATELINE: LAS VEGAS

EDSNOTE: Eds: Updates with details, background and quotes. With AP Photos.

HEADLINE: APNewsBreak: Woman tells police Steve Wynn raped her in '70s

SUMMARY: A woman has told police she had a child with casino mogul Steve Wynn after he raped her, while another has reported she was forced to resign from a Las Vegas job after she refused to have sex with him. The Associated Press on Tuesday obtained copies of the police reports recently filed by the two women over allegations dating to the 1970s. Wynn has resigned from Wynn Resorts amid sexual misconduct allegations.

BODY:

LAS VEGAS (AP) — A woman told police she had a child with casino mogul Steve Wynn after he raped her, while another reported she was forced to resign from a Las Vegas job after she refused to have sex with him.

The Associated Press on Tuesday obtained copies of police reports recently filed by the two women about allegations dating to the 1970s. Police in Las Vegas revealed earlier this month that they had taken the statements after a news report in January revealed sexual misconduct allegations against the billionaire.

Wynn has vehemently denied the misconduct accusations and attributed them to a campaign led by his ex-wife, whose attorney has denied that she instigated the report by the Wall Street Journal.

One police report shows a woman told officers that Wynn raped her at least three times around 1973 and 1974 at her Chicago apartment. She reported she got pregnant and gave birth to a girl in a gas station restroom.

In one instance, the woman claimed that Wynn pinned her against the refrigerator and raped her. She said he then made a phone call, kissed her on the cheek and left. The report does not explain how Wynn is alleged to have entered the apartment or if they knew each other. The woman claimed she did not give him a key.

The second police report shows a woman told police she had consensual sex with Wynn "several times" while she worked as a dealer at the downtown Las Vegas casino-hotel Golden Nugget, but "felt coerced to perform the acts." She reported she was forced to resign when she turned him down.

"In the Summer of 1976, Wynn approached her in the back hall and wanted her to go with him," according to the report filed Jan. 29. "(S)he told him, 'no', she was done and had someone she was seeing. She was soon after accused of stealing \$40.00 and forced to resign."

The women's names are redacted on the reports, and police said they do not identify people who say they are victims of sex crimes.

The Las Vegas case will not be investigated because the statute of limitations in Nevada is 20 years.

Wynn resigned as chairman and CEO of Wynn Resorts on Feb. 6, less than two weeks after the newspaper reported that a number of women said he harassed or assaulted them and that one case led to a \$7.5 million settlement.

Ralph Frammolino, spokesman for Wynn, did not immediately respond to an emailed request for comment.

Wynn Resorts is facing scrutiny by gambling regulators in Nevada and Massachusetts, where the company is building a roughly \$2.4 billion casino just outside Boston. Regulators in Macau, the Chinese enclave where the company operates two casinos, are also inquiring about the allegations.

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AP0003171

In addition, groups of shareholders have filed lawsuits in state court in Las Vegas accusing Wynn and the board of directors of Wynn Resorts of breaching their fiduciary duties by ignoring what the lawsuits described as a longstanding pattern of sexual abuse and harassment by the company's founder.

Follow Regina Garcia Cano on Twitter at <https://twitter.com/reginagarciakNO>

PUBLISH SETTINGS:

URGENCY: Urgent

PLATFORM: Online, Print

AUDIENCE: North America, Nevada, United States

CATEGORY: Business, Arts and entertainment, General news

CONTENT TYPE: Spot Development

NAMED ITEM:

SOURCE: AP

LANGUAGE: en-us

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AP0003172

Exhibit 20
to the Declaration of
Regina Garcia Cano

ITEMID: d74af8c7df2c4f70ae156b82207109ef

SLUG: APFN-US--Sexual Misconduct-Steve Wynn

BYLINE: BY REGINA GARCIA CANO

BYTITLE: Associated Press

DATELINE: LAS VEGAS

EDSNOTE: Eds: Resending to add that child now lives in Vegas, according to the report. With AP Photos.

HEADLINE: APNewsBreak: Woman tells police Steve Wynn raped her in '70s

SUMMARY: A woman has told police she had a child with casino mogul Steve Wynn after he raped her, while another has reported she was forced to resign from a Las Vegas job after she refused to have sex with him. The Associated Press on Tuesday obtained copies of the police reports recently filed by the two women over allegations dating to the 1970s. Wynn has resigned from Wynn Resorts amid sexual misconduct allegations.

BODY:

LAS VEGAS (AP) — A woman told police she had a child with casino mogul Steve Wynn after he raped her, while another reported she was forced to resign from a Las Vegas job after she refused to have sex with him.

The Associated Press on Tuesday obtained copies of police reports recently filed by the two women about allegations dating to the 1970s. Police in Las Vegas revealed earlier this month that they had taken the statements after a news report in January revealed sexual misconduct allegations against the billionaire.

The allegations are the latest leveled against Wynn by women. He resigned as chairman and CEO of Wynn Resorts on Feb. 6, less than two weeks after the Wall Street Journal reported that a number of women said he harassed or assaulted them and that one case led to a \$7.5 million settlement.

Wynn has vehemently denied the misconduct accusations the newspaper reported and he attributed them to a campaign led by his ex-wife, whose attorney has denied that she instigated the Jan. 26 news story.

One police report obtained by the AP shows a woman told officers that Wynn raped her at least three times around 1973 and 1974 at her Chicago apartment. She reported she got pregnant and gave birth to a girl in a gas station restroom. The woman, the child of the accuser and Wynn, now lives in Las Vegas, according to the report.

In one instance, the woman claimed that Wynn pinned her against the refrigerator and raped her. She said he then made a phone call, kissed her on the cheek and left. The report does not explain how Wynn is alleged to have entered the apartment or if they knew each other. The woman claimed she did not give him a key.

The second police report shows a woman told police she had consensual sex with Wynn "several times" while she worked as a dealer at the downtown Las Vegas casino-hotel Golden Nugget, but "felt coerced to perform the acts." She reported she was forced to resign when she turned him down.

"In the Summer of 1976, Wynn approached her in the back hall and wanted her to go with him," according to the report filed Jan. 29. "(S)he told him, 'no', she was done and had someone she was seeing. She was soon after accused of stealing \$40.00 and forced to resign."

The women's names are redacted on the reports, and police said they do not identify people who say they are victims of sex crimes.

The Las Vegas case will not be investigated because the statute of limitations in Nevada is 20 years.

Ralph Frammolino, spokesman for Wynn, on Tuesday declined comment on the latest allegations.

Wynn Resorts is facing scrutiny by gambling regulators in Nevada and Massachusetts,

JA00354

AP0003175

where the company is building a roughly \$2.4 billion casino just outside Boston. Regulators in Macau, the Chinese enclave where the company operates two casinos, are also inquiring about the allegations.

In addition, groups of shareholders have filed lawsuits in state court in Las Vegas accusing Wynn and the board of directors of Wynn Resorts of breaching their fiduciary duties by ignoring what the lawsuits described as a longstanding pattern of sexual abuse and harassment by the company's founder.

Follow Regina Garcia Cano on Twitter at <https://twitter.com/reginagarciakNO>

PUBLISH SETTINGS:

URGENCY: Urgent

PLATFORM: Online,Print

AUDIENCE: North America,Nevada,United States

CATEGORY: Business,Arts and entertainment,General news

CONTENT TYPE: Spot Development

NAMED ITEM:

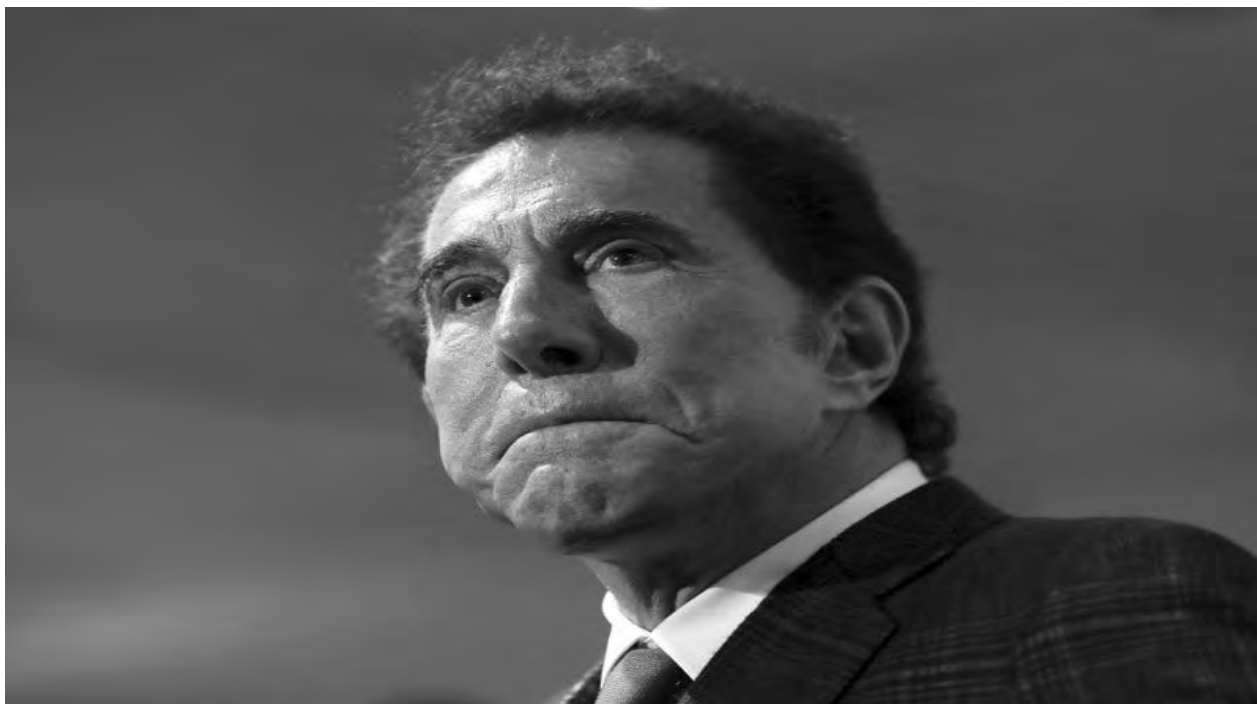
SOURCE: AP

LANGUAGE: en-us

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AP0003176

Exhibit 21
to the Declaration of
Regina Garcia Cano



Steve Wynn Sexual misconduct Police Entertainment North America Business Las Vegas U.S. News AP Top News

APNewsBreak: Woman tells police Steve Wynn raped her in '70s

BY REGINA GARCIA CANO

Feb. 28, 2018



[https://apn](https://apnews.com/d74af8c7df2c4f70ae156b82207109ef/APNewsBreak:-Woman-tells-police-Steve-Wynn-raped-her-in-'70s)

LAS VEGAS (AP) — A woman told police she had a child with casino mogul Steve Wynn after he raped her, while another reported she was forced to resign from a Las Vegas job after she refused to have sex with him.

The Associated Press on Tuesday obtained copies of police reports recently filed by the two women about allegations dating to the 1970s. Police in Las Vegas revealed earlier this month that they had taken the statements after a news report in January revealed sexual misconduct allegations against the billionaire.

The allegations are the latest leveled against Wynn by women. He resigned as chairman and CEO of Wynn Resorts on Feb. 6, less than two weeks after the Wall Street Journal reported that a number of women said he harassed or assaulted them and that one case led to a \$7.5 million settlement.

Wynn has vehemently denied the misconduct accusations the newspaper reported and he attributed them to a campaign led by his ex-wife, whose attorney has denied that she instigated the Jan. 26 news story.

One police report obtained by the AP shows a woman told officers that Wynn raped her at least three times around 1973 and 1974 at her Chicago apartment. She reported she got pregnant and gave birth to a girl in a gas station restroom. The woman, the child of the accuser and Wynn, now lives in Las Vegas, according to the report.

In one instance, the woman claimed that Wynn pinned her against the refrigerator and raped her. She said he then made a phone call, kissed her on the cheek and left. The report does not explain how Wynn is alleged to have entered the apartment or if they knew each other. The woman claimed she did not give him a key.

The second police report shows a woman told police she had consensual sex with Wynn “several times” while she worked as a dealer at the downtown Las Vegas casino-hotel Golden Nugget, but “felt coerced to perform the acts.” She reported she was forced to resign when she turned him down.

“In the Summer of 1976, Wynn approached her in the back hall and wanted her to go with him,” according to the report filed Jan. 29. “(S)he told him, “no”, she was done and had someone she was seeing. She was soon after accused of stealing \$40.00 and forced to

JA00357

resign.”

The women’s names are redacted on the reports, and police said they do not identify people who say they are victims of sex crimes.

The Las Vegas case will not be investigated because the statute of limitations in Nevada is 20 years.

Ralph Frammolino, spokesman for Wynn, on Tuesday declined comment on the latest allegations.

Wynn Resorts is facing scrutiny by gambling regulators in Nevada and Massachusetts, where the company is building a roughly \$2.4 billion casino just outside Boston. Regulators in Macau, the Chinese enclave where the company operates two casinos, are also inquiring about the allegations.

In addition, groups of shareholders have filed lawsuits in state court in Las Vegas accusing Wynn and the board of directors of Wynn Resorts of breaching their fiduciary duties by ignoring what the lawsuits described as a longstanding pattern of sexual abuse and harassment by the company’s founder.

Follow Regina Garcia Cano on Twitter at <https://twitter.com/reginagarcia>NO

JA00358

Exhibit 22
to the Declaration of
Regina Garcia Cano

Message

From: Bratton, Anna Jo [ABratton@ap.org]
Sent: 2/28/2018 2:50:36 PM
To: Garcia Cano, Regina [RGarciaCano@ap.org]
Subject: FW: AP News: APNewsBreak: Woman tells police Steve Wynn raped her in '70s

Hey Regina –

I added to the story that the report says the woman now lives in Vegas and resent the story this morning. Just FYI (and I agree, great job 😊)
AJ

From: Johnson, Anna
Sent: Wednesday, February 28, 2018 9:37 AM
To: Testa, Karen <ktesta@ap.org>
Cc: Hoffner, Josh <JHoffner@ap.org>; Bratton, Anna Jo <ABratton@ap.org>
Subject: Re: AP News: APNewsBreak: Woman tells police Steve Wynn raped her in '70s

Hi Karen

We will pass your kind words on to Regina. She indeed did a great job on this.

I am CC'ing Anna Jo because she worked with closely with Regina on this yesterday and may know and can add it in before Regina and Tim Tait are at work today (I am guessing we don't know since we don't know the ID of the woman).

Thanks,
Anna

Sent from my iPhone

On Feb 28, 2018, at 06:25, Testa, Karen <ktesta@ap.org> wrote:

Good morning.

Great break by Regina. This guy gets worse and worse.

Do we have any idea what happened to the baby? That girl, now in her 40s, would be a DNA connection to him if he's really the father. If we don't know, maybe we could just make that clear?

Thanks! Nice job getting this.

KT

APNewsBreak: Woman tells police Steve Wynn raped her in '70s

LAS VEGAS (AP) — A woman told police she had a child with casino mogul Steve Wynn after he raped her, while another report...

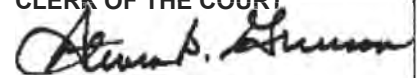
[Read the full story](#)

Sent from AP News. Download now on the [App Store](#) or [Google Play](#)

Sent from my iPhone

JA00360

Exhibit 23
to the Declaration of
Regina Garcia Cano



1 Joel E. Tasca
Nevada Bar No. 14124
2 Justin A. Shiroff
Nevada Bar No. 12869
3 BALLARD SPAHR LLP
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Email: tasca@ballardspahr.com
6 Email: shiroffj@ballardspahr.com

7 *Attorneys for Defendants*
8 *The Associated Press and Regina Garcia Cano*

DISTRICT COURT

CLARK COUNTY, NEVADA

10 STEVE WYNN, an individual) Case No. A-18-772715-C
11 Plaintiffs,) Dept. No. XIV
12 v.)
13 THE ASSOCIATED PRESS, a foreign)
corporation; REGINA GARCIA CANO, an)
14 individual; and HALINA KUTA, an)
individual; DOES I-X,)
15 Defendants.)
16)
17)

18 AFFIDAVIT OF REGINA GARCIA CANO

19 STATE OF NEVADA)
20) ss:
21 COUNTY OF CLARK)

- 22 1. I, Regina Garcia Cano, declare as follows:
23 2. I am a reporter with The Associated Press ("AP"), based in Las Vegas.
24 3. I make this affidavit in support of the AP Defendants' Special Motion to
25 Dismiss. The following facts are within my personal knowledge except where stated.
26 If I am called as a witness, I am competent to testify as to these facts and matters.
27 4. I have followed the story of public allegations that Steve Wynn has
28 engaged in a long-running pattern of sexual misconduct.

JA00362

1 5. Attached hereto as **Exhibit 1** is a true and correct copy of an article
2 published by *The Wall Street Journal* online on January 26, 2018 and revised
3 January 27, 2018, under the headline, "Dozens of People Recount Pattern of Sexual
4 Misconduct by Las Vegas Mogul Steve Wynn."

5 6. Attached hereto as **Exhibit 2** is a true and correct copy of an article
6 published by *The Las Vegas Review-Journal* on February 12, 2018, under the
7 headline "2 women tell Las Vegas police Steve Wynn assaulted them in the '70s."

8 7. After reading the February 12, 2018 article in *The Las Vegas Review-*
9 *Journal*, I contacted the Public Information Office of the Las Vegas Metropolitan
10 Police Office ("LVMPD") to inquire about the complaints. I was told that the Public
11 Information Office had publicly released an email statement regarding the
12 complaints, a copy of which was then sent to me. Attached hereto as **Exhibit 3** is a
13 true and correct copy of that email from LVMPD.

14 8. On February 14, 2018, I submitted a public records request to the
15 LVMPD seeking the two police reports referenced by the Public Information Office's
16 email statement. Attached hereto as **Exhibit 4** is a true and correct copy of my
17 Nevada Open Records Act request to LVMPD. The request specifically sought
18 expedited processing because "this information concerns a matter of intense public
19 interest."

20 9. The LVMPD Public Information Office acknowledged the Request two
21 days later. Attached hereto as **Exhibit 5** is a true and correct copy the LVMPD
22 acknowledgement.

23 10. On February 27, 2018, LVMPD provided two documents to me pursuant
24 to my public records request. A true and correct copy of the envelope and the two
25 police reports that were enclosed in the envelope are attached hereto as **Exhibit 6**.

26 11. Both official police reports were for alleged "sex assault," and both
27 identified Steve Wynn as the "offender." However, the Public Information Office
28 redacted the "Victims" section of each report to remove personally identifiable

1 information about of the alleged victim—including the name, date of birth, address,
2 and phone number. Victim information was similarly redacted from the narrative
3 sections of the police reports. For Case Report No. LLV180207001836, the “Offender
4 Relationships” entry was also redacted.

5 12. I have no personal knowledge about these allegations. Because
6 personally identifying information about the alleged victims was redacted from the
7 public records released to me, I did not at the time know the identity of either alleged
8 victim. (The allegations in the complaint notwithstanding, I still do not know the
9 identity of either alleged victim.)

10 13. In the context of the LVMPD’s statement, *The Wall Street Journal’s*
11 reporting about Mr. Wynn’s alleged sexual misconduct over a period of decades, and
12 the ongoing public attention to those allegations by multiple women, I had no reason
13 to disbelieve the allegations contained in the police reports. At the time I prepared
14 my report for The Associated Press, I did not know that any of the allegations in the
15 two police reports were false. Indeed, to this day I do not know that any of the
16 allegations in the two police reports are false.


17 14. I prepared a news report about the allegations in the police complaints
18 that appeared under my byline initially on February 27, 2018, bearing the headline
19 “APNewsBreak: Woman tells police Steve Wynn raped her in ’70s”. A true and
20 correct copy of that news story is attached hereto as **Exhibit 7** (the “AP Article”).
21
22
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24
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28

BALLARD SPAHR LLP
1980 FESTIVAL PLAZA DRIVE, SUITE 900
LAS VEGAS, NEVADA 89135
(702) 471-7000 FAX (702) 471-7070

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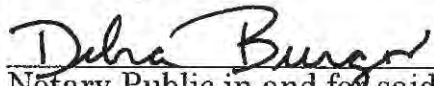
I state under penalty of perjury that the foregoing is true and correct.

DATED: May 30, 2018



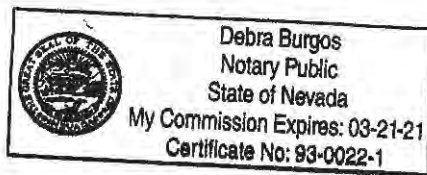
Regina Garcia Cano

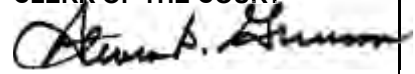
Subscribed and sworn before me this 30
day of May 2018.



Notary Public in and for said County
of Clark and State of Nevada

My Commission Expires: _____





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22 *Attorneys for Defendants*
23 *The Associated Press and Regina Garcia Cano*

24 **EIGHTH JUDICIAL DISTRICT COURT**
25 **CLARK COUNTY, NEVADA**

26 STEVE WYNN,)	Case No. A-18-772715-C
27 Plaintiff,)	
28 v.)	Dept. No. XXVIII
29 THE ASSOCIATED PRESS, and REGINA)	
30 GARCIA CANO,)	
31 Defendants.)	
32)	
33)	

34
35 **THE ASSOCIATED PRESS DEFENDANTS' RENEWED**
36 **SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.660**
37 **(ANTI-SLAPP STATUTE)**
38

JA00366

1 Defendants The Associated Press and Regina Garcia Cano, by and through
2 undersigned counsel, move to dismiss Plaintiff Steve Wynn's Complaint pursuant to
3 NRS 41.660. This Motion is made and based on the following Memorandum of
4 Points and Authorities, the pleadings and papers on file herein, and any oral
5 argument the Court may consider on this Motion.

6
7 Dated: July 1, 2022.

8 BALLARD SPAHR LLP

9 By: /s/ Maria A Gall
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12 David Chavez
13 Nevada Bar. No. 15192
14 BALLARD SPAHR LLP
15 1980 Festival Plaza Drive, Suite 900
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17 *Attorneys for Defendants*
18 *The Associated Press and*
19 *Regina Garcia Cano*
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiff Steve Wynn, a billionaire and “well-known public figure in Nevada,” *Wynn v. Smith*, 117 Nev. 6, 9, 16 P.3d 424, 426 (2001) (en banc), found himself at the center of controversy four-and-a-half years ago following an exposé by *The Wall Street Journal* describing his alleged “decades-long pattern of sexual misconduct” at Wynn Resorts, including “pressuring employees to perform sex acts.” Numerous additional public allegations of sexual misconduct followed. Wynn brought this defamation action against The Associated Press (“AP”) and its reporter, Regina Garcia Cano (together, the “AP Defendants”), over a news story describing the allegations in complaints made to the Las Vegas Metropolitan Police Department (“LVMPD”) that were publicly announced by LVMPD (the “Challenged Article”).

Because this news was clearly a matter of “public interest” under this state’s “anti-SLAPP” statute, NRS 41.635 *et seq.*, the AP Defendants filed a special motion to dismiss in early 2018. They argued that Wynn could not meet his burden of showing a likelihood of prevailing for two reasons: (1) the fair report privilege attached to accurate reports about police complaints; and (2) he could not establish “actual malice” fault. This Court bifurcated those issues and dismissed the case on the basis of the first ground—a ruling that the Nevada Supreme Court reversed after finding as a matter of law that the privilege does not encompass accounts of initial complaints to police. *Wynn v. AP*, 136 Nev. Adv. Rep. 70, 475 P.3d 44, 53 (2020). The Court remanded for determination of the second, undecided basis for Defendants’ anti-SLAPP Motion. *Id.* Following the completion of limited discovery on this issue, the AP Defendants renew their motion.

Nevada enacted and has repeatedly strengthened its anti-SLAPP law expressly to curtail actions like this one—“strategic lawsuits against public participation,” defined by the Nevada Supreme Court as “meritless suit[s] filed primarily to chill the defendant’s exercise of First Amendment rights,” the

1 “hallmark” of which is “to obtain a financial advantage over one’s adversary by
2 increasing litigation costs.” *John v. Douglas Cty. Sch. Dist.*, 125 Nev. 746, 749, 752,
3 219 P.3d 1276, 1278, 1280 (2009) (internal marks and citations omitted). By
4 establishing an immunity and a mechanism for asserting it, “Nevada’s anti-SLAPP
5 statute filters unmeritorious claims in an effort to protect citizens from costly
6 retaliatory lawsuits arising from their right to free speech under both the Nevada
7 and Federal Constitutions.” *Id.* at 755, 219 P.3d at 1282. Specifically, the Nevada
8 statute provides an “immun[ity] from any civil action” for “good faith
9 communication[s]” relating to speech that address issues of public interest, NRS
10 41.650, as defined under the statute. The statute requires courts to dismiss suits
11 directed at such expression prior to the commencement of expensive and burdensome
12 discovery unless a plaintiff can demonstrate a likelihood of success. *John*, 125 Nev.
13 at 758, 219 P.3d at 1284.

14 Wynn regularly employs defamation lawsuits against his critics. *See, e.g.,*
15 *Wynn v. Smith*, 117 Nev. at 10, 16 P.3d at 426 (defamation action over book profiling
16 him). One federal court entered a judgment under California’s anti-SLAPP statute
17 against Wynn for more than \$420,000 in attorneys’ fees and costs for bringing a
18 meritless defamation case based on non-actionable opinions expressed at an
19 academic symposium, a decision upheld on appeal. *Wynn v. Chanos*, 2015 WL
20 3832561, at *1, 6 (N.D. Cal. June 19, 2015), *aff’d*, 685 F. App’x 578 (9th Cir. 2017).
21 Following publication of the *WSJ* investigation and ensuing news coverage, Wynn
22 pursued at least four separate defamation claims related to sexual abuse allegations
23 made against him—although this case appears to be the only one against the press.¹

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25
26 ¹ *See, e.g.,* Ken Ritter, *Wynn sues ex-salon chief quoted in sexual conduct stories*,
27 AP (Apr. 30, 2018), <https://apnews.com/article/0f24152a66da42828d5cf4c3351cf714>.
28 The Nevada Supreme Court in 2020 reversed the denial of an anti-SLAPP motion by
a former hair stylist quoted in the *WSJ* article, dismissing Wynn’s claim. *Nielsen v.*
Wynn, 470 P.3d 217 (Nev. 2020) (unpublished).

Extensive discovery has confirmed what the AP Defendants argued in 2018: In this action by a powerful and litigious public figure against a news media publication that accurately reported on allegations in official police records, in the context of a slew of sexual misconduct allegations against Wynn, there is no evidence that AP Defendants knowingly published something false. The AP and its reporter did not doubt, and had no reason to doubt, the allegations of the two police reports (only one of which Wynn now challenges). In short, Wynn cannot demonstrate “actual malice” fault in his claim against the AP Defendants. The action should be dismissed under Nevada’s anti-SLAPP statute and Wynn ordered to pay the attorneys’ fees incurred by the AP Defendants.

II. RELEVANT FACTUAL BACKGROUND

A. The Plaintiff

According to the Complaint, Wynn is a “visionary, a successful businessman, and a philanthropist,” who during a 45-year career came to be “well-known and recognized for his role in the revitalization of the Las Vegas Strip in the 1990s” and viewed nationally as a leader in casino and resort development. Compl. ¶¶ 47-53. *Forbes* magazine estimates his current net worth at over \$3 billion.² Wynn’s public profile extends beyond business; he was a prolific political donor and, until the *WSJ* investigation was published, raised hundreds of millions of dollars for the GOP as the finance chairman for the Republican National Committee (“RNC”).³

B. The AP Defendants

The AP is a not-for-profit international new organization founded 170 years ago, in 1846, and that now has more than 200 bureaus in nearly 100 countries, producing an average of 2,000 news stories a day and publishing more than a million

² See *Forbes Profile: Steve Wynn*, *Forbes*, <https://www.forbes.com/profile/steve-wynn/> (last visited June 30, 2022).

³ See Ken Thomas and Steve Peoples, *Casino mogul Steve Wynn resigns as top GOP finance chairman*, AP (Jan. 28, 2018) <https://www.apnews.com/29aa609a49dd4cfca333ef052a10d397/Casino-mogul-Steve-Wynn-resigns-as-top-GOP-finance-chairman>.

1 photographs each year. *See generally* <https://www.ap.org/about/>. Its member news
2 entities, including newspapers and broadcasters, republish AP articles; and more
3 than half the world’s population see AP journalism every day. *Id.* The AP has been
4 awarded 56 Pulitzer Prizes since the honor was established in 1917.

5 Garcia Cano has been a full-time journalist with the AP for more than eight
6 years. She first worked for the AP in 2013, reporting on the Illinois and Ohio
7 legislatures while earning her master’s degree in journalism in public affairs
8 reporting at the University of Illinois Springfield. *See* Decl. of R. Garcia Cano.
9 (“Garcia Cano Decl.”) ¶ 2 (App. AP041).⁴ Following graduation and a position
10 covering crime for a Cleveland newspaper, she joined the AP full-time in 2014. *Id.*
11 During her time as a reporter, Garcia Cano has lived and worked in places as diverse
12 as Ohio, Mexico, Baltimore, tribal lands in South Dakota, Las Vegas, and Venezuela.
13 *Id.* ¶¶ 2, 4 (App. AP041-42). This is the only time she has ever been sued for
14 defamation. *Id.* ¶ 4. At the time the Challenged Article was published, she worked
15 in the Las Vegas bureau as the gambling and tourism reporter, where she reported
16 on casino-related stories, including labor, employment, and contract issues, and
17 reported on breaking news. *Id.* ¶ 3. She now holds the position of Andes
18 Correspondent and is based in Caracas, Venezuela. *Id.* ¶ 4.

19 **C. The Public Controversy Over Wynn’s Alleged Conduct**

20 *The Wall Street Journal* on January 26, 2018 reported that, according to
21 dozens of former employees, Wynn had engaged in a “decades-long pattern of sexual
22 misconduct,” including “pressuring employees to perform sex acts.” Garcia Cano
23 Decl. Ex. 1 at 2 (App. AP055). One of those alleged incidents involved a manicurist,
24 who claimed Wynn forced her to have sexual intercourse with him. *Id.* As the
25 *Journal* reported, and court records revealed, he paid the manicurist a \$7.5 million
26

27 ⁴ The materials submitted in support of this Motion appear in Defendants’
28 contemporaneously filed Appendix (“App.”), and can be found at the parallel citations
to the Appendix in parentheses herein.

1 settlement. *Id.*⁵ Terrified female employees allegedly hid in bathrooms or back
2 rooms when he visited the salons and massage parlors on his properties. *Id.* at 5
3 (App. AP057). Wynn has denied these allegations. *Id.* at 2; *see also* Compl. ¶¶ 13-14.
4 The *Las Vegas Review-Journal* soon afterward reported that Wynn had allegedly
5 pressured a waitress at one of his casinos to have sex “to keep her job.” Garcia Cano
6 Decl. Ex. 4 (App. AP083). The *Review-Journal* also reported that in 1998, it had
7 killed a news report about sexual misconduct allegations made by women who had
8 passed a polygraph exam, and which was supported with documents that included
9 court filings. *Id.* Ex. 3 (App. AP067-71); *see also id.* ¶ 7 (App. AP043).

10 The impact of the *Journal*’s explosive report was immediate and severe. Wynn
11 resigned as finance chairman of the RNC. *Id.* Exs. 5 & 6 (App. AP091, 95). Nevada
12 regulators launched an investigation. *Id.* ¶ 8 (App. AP044). Wynn Resorts also
13 launched an investigation and, within days, Wynn resigned as CEO and board
14 chairman, citing “an avalanche of negative publicity.” *Id.* Several women filed civil
15 lawsuits, alleging sexual harassment or assault, and the failure of Wynn-owned
16 companies to act on reports of misconduct.⁶ During this time, AP reporters, including
17 Garcia Cano, covered developments in the ongoing story. *Id.* ¶ 6 (App. AP043). After
18 the Nevada Gaming Board announced that it would investigate the allegations,
19 Garcia Cano prepared a news story on January 31, 2018. *Id.* ¶ 8. When Wynn
20 resigned as CEO and chairman of Wynn Resorts a few days later, she wrote another
21 news story. *Id.*

22
23
24 ⁵ Later reporting revealed that Wynn entered into another settlement with a
25 different woman in 2006. *See, e.g.,* Regina Garcia Cano, *Steve Wynn settled with
second woman over sex allegations*, AP (Mar. 19, 2018), [https://www.apnews.com/
ba96b0e47ccb4dbdb6f42528a878b37f](https://www.apnews.com/ba96b0e47ccb4dbdb6f42528a878b37f).

26 ⁶ *See also, e.g.,* Regina Garcia Cano, *Manicurist accuses Steve Wynn of sexual
27 misconduct*, AP (Mar. 7, 2018),
28 <https://apnews.com/aa41aea1813a48e5b2296880dcd1f533/>; Brady McCombs, *2
massage therapists accuse Steve Wynn of Sexual misconduct*, AP (Mar. 1, 2018),
[https://apnews.com/3b1857e21b914609a759081e0b1e8b64/2-massage-therapists-
accuse-Steve-Wynn-of-sexual-misconduct](https://apnews.com/3b1857e21b914609a759081e0b1e8b64/2-massage-therapists-accuse-Steve-Wynn-of-sexual-misconduct).

1 **D. The Police Department Statement, Release Of Official Police Reports**
2 **And Challenged Article**

3 On February 12, 2018, less than three weeks after the first national news
4 reports regarding the allegations of a long-time pattern of sexual misconduct by
5 Wynn, *The Las Vegas Review-Journal* published a report noting that two women had
6 filed police reports regarding Wynn. Garcia Cano Decl. ¶ 9 (App. AP044); *id.* Ex. 7
7 (App. AP098-100). The first three paragraphs of that story included a LVMPD
8 spokesman's plea to victims to speak up:

9 Two women have reported to Las Vegas police that they were sexually
10 assaulted by casino developer Steve Wynn in the 1970s, a spokesman
said Monday.

11 Metropolitan Police Department spokesman Larry Hadfield said the
12 statute of limitations for sexual assault in Nevada is 20 years, but that
should not discourage victims from speaking up.

13 "We would encourage all victims to come forward," he said.

14 *Id.*

15 The following day, Garcia Cano spoke to the LVMPD and asked about these
16 recent allegations. She learned that the Public Information Office had released a
17 statement by email, and obtained the statement. *Id.* ¶ 9 (App. AP044-45). It read as
18 follows:

19 The LVMPD has received two complaints against Steve Wynn alleging
20 sexual assault. On January 29, 2018, a woman made a report from St.
Louis stating the incident occurred in Las Vegas in the 1970's. A
21 second woman filed a report February 5, 2018 at an LVMPD
Substation in the Northwest part of the city. She stated the crime
22 occurred in the 1970's in Chicago, IL. A courtesy report was taken and
will be forwarded to Chicago authorities.

23 Below is the Nevada Revised Statute (NRS) pertaining to the statute of
24 limitations for Sexual Assault. Due to the fact that the report was not
filed within the time frame allowed by NRS, an investigation cannot go
25 forward.

26 *Id.* Ex. 8 (App. AP102).

27 Garcia Cano began her reporting about the allegations by contacting Michael
28 Weaver, a known spokesman for Wynn Resorts. Weaver declined comment, but told

her to call “Mr. Wynn’s communications representative,” Ralph Frammolino of PivotHound Communications. *Id.* ¶ 10 (App. AP045). Garcia Cano had never spoken to Frammolino, so she sent an email introducing herself and asking for a comment regarding the police reports. Frammolino called her and asked if they could speak “off the record,” or without the conversation being used in a news article. Garcia Cano agreed and explained the story—that the LVMPD had released a statement noting that officers had been contacted by two women who alleged Wynn sexually assaulted them in the 1970s. Frammolino asked for the LVMPD statement, which she sent to him, and he told her he would be back in touch. *Id.* ¶ 11 (App. AP045-46). When he called back, he suddenly claimed that he was not Wynn’s spokesperson, saying that Wynn spoke for himself. *Id.* Garcia Cano found Frammolino’s disclaimer to be disingenuous at best given both that Frammolino acted *as a spokesman* and the Wynn Resort spokesman Weaver had identified him as such. *Id.*; *see also id.* at n.1. Frammolino insisted that Garcia Cano could not include a statement in her article that he or Wynn had declined to comment because their conversation had been off the record. *Id.* Because Frammolino refused comment, but she wanted Wynn’s perspective represented, she included Wynn’s previous denial of sexual misconduct: “The billionaire has vehemently denied the allegations, which he attributes to a campaign led by his ex-wife.” *Id.* Ex. 12 (App. AP112).

On February 14, 2018, Garcia Cano submitted a request under the Nevada Open Records Act to the LVMPD Public Information Office for the two police reports. *Id.* ¶ 13 (App. AP047). The public records request sought expedited processing because “this information concerns a matter of intense public interest.” *Id.* Ex. 13 (App. AP115).⁷

On February 27, 2018, the LVMPD provided the two police reports to Garcia Cano, Case Report Nos. LLV180129002695 and LLV180207001836. *Id.* ¶ 14; *see also*

⁷ While waiting for the public records, Garcia Cano and her AP colleagues continued to follow the news developments relating to Wynn. *Id.* ¶ 13.

1 *id.* Ex. 14 (App. AP118-120) (documents provided pursuant to Nevada Open Records
2 Act). Both alleged “sex assault” and identified Steve Wynn as the “suspect.” *Id.* Ex.
3 14 at 1, 2 (App. AP118, 119). The Public Information Office redacted the “Victims”
4 section of each report to remove identifiable information about the alleged victims—
5 including the name, date of birth, address, and phone number. *See id.* For Case
6 Report No. LLV180129002695, an “Offender Relationships” entry reads: “S – Wynn,
7 Steve . . . Victim Was Employee.” *Id.* at 1. For Case Report No. LLV180207001836,
8 however, the same entry was partially redacted, reading simply “S – Wynn, Stephan .
9 . . . [REDACTED].” *Id.* at 2. All victim identifiers in the narratives in both reports
10 also were redacted. *Id.* at 2-3.

11 Case Report No. LLV180129002695 explained that, while employed as a dealer
12 for the Golden Nugget in 1974, the victim claimed that “Steve Wynn and she had
13 sex.” *Id.* at 1. Although “consensual,” the victim “felt coerced to perform the acts”
14 and, after she ultimately refused following a third encounter “[s]he was soon after
15 accused of stealing \$40.00 and forced to resign.” *Id.* The narrative section of the
16 second report, Case Report No. LLV180207001836, includes the alleged victim’s
17 account of three rapes by Wynn in 1973-74 in her Chicago apartment. She claimed
18 she was impregnated during one of these assaults and included graphic detail
19 regarding birthing a baby in a gas station bathroom. *Id.* at 2-3.

20 After reviewing the two police reports, Garcia Cano called the LVMPD to
21 determine whether it had any additional information to provide about the reports. It
22 did not. *See Exhibit A* (deposition transcript of R. Garcia Cano) (“Garcia Cano Tr.”)
23 at 164:20 – 166:23 (App. AP014-16); Garcia Cano Decl. ¶ 15 (App. AP047). Around
24 the same time, she also contacted a supervisory correspondent about proceeding with
25 a news story. She informed him that she had the police reports and commented that
26 “[o]ne of them was crazy.” *Id.* ¶ 14 n.2 (App. AP047-48); *id.* Ex. 15 (App. AP123). At
27 her deposition in this action, she testified that she thought the allegations she later
28 learned were made by Halina Kuta were particularly explosive and impactful, and

1 that this is what she meant by “crazy.” *See* Garcia Cano Tr. at 153:10–155:9 (App.
2 AP010-12); Garcia Cano Decl. ¶¶ 14 n.2 & 15 (AP047-48).

3 The supervisory correspondent recommended that Garcia Cano work with AP
4 editor Anna Jo Bratton, now the U.S. Enterprise Editor of AP’s Global Enterprise
5 Team, to prepare a news report based on the police reports. *Id.* ¶ 17 (App. AP049).
6 Working with Bratton, Garcia Cano wrote and published the initial iteration of the
7 Challenged Article about the police reports, published to the AP wire at 12:51 p.m.
8 PT with an editor’s notation that it “[w]ill be expanded.” *Id.* ¶ 17. The next update
9 incorporated Wynn’s denial near the top of the Article. *Id.* ¶ 18.

10 Although Wynn’s denial of all misconduct appeared prominently in the
11 Challenged Article, Garcia Cano emailed Frammolino at 2:24 p.m. PT to give Wynn
12 another opportunity to respond more fully to the allegations. *Id.* Ex. 18 (App.
13 AP130). She informed Frammolino she was “working on a rolling deadline,” which
14 meant the story could be updated whenever he might respond. *Id.* ¶ 19 (App.
15 AP049).

16 The next update to the Article, published at 2:47 p.m. Pacific Time, included,
17 among other things, more details about the first police report (by the Golden Nugget
18 employee). Throughout, the Article emphasized that both complaints were only
19 allegations. It also noted that “Ralph Frammolino, spokesman for Wynn, did not
20 immediately respond to an emailed request for comment.” *Id.* ¶ 20 (App. AP050).
21 Frammolino called later and told Garcia Cano that “we need to go off the record
22 again.” This time she declined to agree to that request. *Id.* ¶ 21. Frammolino
23 responded that she “won’t get a comment” and the call ended. *Id.* Afterwards,
24 Garcia Cano updated the Challenged Article, noting that “Ralph Frammolino,
25 spokesman for Wynn, on Tuesday declined comment on the latest allegations.” The
26 final update to the Article the following morning, adding an explanatory sentence
27 based on the second police report: “The woman, the child of the accuser and Wynn,
28 now lives in Las Vegas, according to the report.” *Id.* ¶ 21 & n.4.

1 The final version of the Challenge Article, bearing the headline
2 “APNewsBreak: Woman tells police Steve Wynn raped her in ’70s,” reads as follows:

3 LAS VEGAS (AP) — A woman told police she had a child with casino
4 mogul Steve Wynn after he raped her, while another reported she was
5 forced to resign from a Las Vegas job after she refused to have sex with
6 him.

7 The Associated Press on Tuesday obtained copies of police reports
8 recently filed by the two women about allegations dating to the 1970s.
9 Police in Las Vegas revealed earlier this month that they had taken
10 the statements after a news report in January revealed sexual
11 misconduct allegations against the billionaire.

12 The allegations are the latest leveled against Wynn by women. He
13 resigned as chairman and CEO of Wynn Resorts on Feb. 6, less than
14 two weeks after the Wall Street Journal reported that a number of
15 women said he harassed or assaulted them and that one case led to a
16 \$7.5 million settlement.

17 Wynn has vehemently denied the misconduct accusations the
18 newspaper reported and he attributed them to a campaign led by his
19 ex-wife, whose attorney has denied that she instigated the Jan. 26
20 news story.

21 One police report obtained by the AP shows a woman told officers that
22 Wynn raped her at least three times around 1973 and 1974 at her
23 Chicago apartment. She reported she got pregnant and gave birth to a
24 girl in a gas station restroom. The woman, the child of the accuser and
25 Wynn, now lives in Las Vegas, according to the report.

26 In one instance, the woman claimed that Wynn pinned her against the
27 refrigerator and raped her. She said he then made a phone call, kissed
28 her on the cheek and left. The report does not explain how Wynn is
alleged to have entered the apartment or if they knew each other. The
woman claimed she did not give him a key.

The second police report shows a woman told police she had consensual
sex with Wynn “several times” while she worked as a dealer at the
downtown Las Vegas casino-hotel Golden Nugget, but “felt coerced to
perform the acts.” She reported she was forced to resign when she
turned him down.

“In the Summer of 1976, Wynn approached her in the back hall and
wanted her to go with him,” according to the report filed Jan. 29. “(S)he
told him, ‘no’, she was done and had someone she was seeing. She was
soon after accused of stealing \$40.00 and forced to resign.”

The women’s names are redacted on the reports, and police said they
do not identify people who say they are victims of sex crimes.

The Las Vegas case will not be investigated because the statute of
limitations in Nevada is 20 years.

1 Ralph Frammolino, spokesman for Wynn, on Tuesday declined
2 comment on the latest allegations.

3 Wynn Resorts is facing scrutiny by gambling regulators in Nevada and
4 Massachusetts, where the company is building a roughly \$2.4 billion
5 casino just outside Boston. Regulators in Macau, the Chinese enclave
6 where the company operates two casinos, are also inquiring about the
7 allegations.

8 In addition, groups of shareholders have filed lawsuits in state court in
9 Las Vegas accusing Wynn and the board of directors of Wynn Resorts
10 of breaching their fiduciary duties by ignoring what the lawsuits
11 described as a longstanding pattern of sexual abuse and harassment
12 by the company's founder.

13 *Id.* Ex. 21 (App. AP139-40); *see also* Compl. Ex. 3 (same).

14 **E. The Complaint In This Action**

15 Wynn filed the Complaint on April 11, 2018 against the AP Defendants, Kuta,
16 and "Doe" defendants. In it, he does not take issue with the reporting about the first
17 police report, involving the allegations of coerced sex by a former Golden Nugget
18 dealer. The Complaint specifically alleges only that the police report including
19 Kuta's allegations of rape and pregnancy is false. Compl. ¶¶ 16-17.

20 As it relates to this special motion, Wynn alleges that the AP Defendants
21 published the Challenged Article with "actual malice"—*i.e.*, with a "knowledge of
22 falsity," Compl. ¶ 80—for three reasons. *First*, he alleges that Kuta was an obviously
23 unreliable source in light of a prior *pro se* lawsuit. *Id.* ¶ 85 (alleging that "the AP
24 Defendants knew or should have known about the existence of the Kuta lawsuit");
25 *see also id.* ¶¶ 4-12, 17-24. *Second*, he alleges that "[t]he AP Article falsely stated
26 that it was unclear how Mr. Wynn and the claimant knew each other, intentionally
27 omitting the undisputed fact that Defendant Kuta stated in the police report that she
28 was Mr. Wynn's spouse." Compl. ¶ 32. *Finally*, Wynn alleges that the allegations
contained within Case Report No. LLV180207001836 were "inherently improbable,"
such that the AP Defendants should have known they were false. Compl. ¶¶ 30-31,
84-85. Specifically, Wynn argues the victim's description of giving birth in a gas
station was "clearly fanciful or delusional," and therefore that, in light of the "bizarre

1 narrative” of a traumatic birth experience included in the narrative section of the
2 police complaint, the separate rape allegation was “unreliable and incredible on its
3 face.” *Id.* ¶¶ 84, 88, 90-91. Significantly, Wynn does not allege that the victim’s
4 *charge of multiple rapes* is inherently improbable—and it clearly is not, given the
5 prior published allegations in *The Wall Street Journal* and elsewhere regarding the
6 alleged decades-long pattern of sexual misconduct by Wynn.

7 None of these allegations finds support in the discovery record.

8 **F. Prior Proceedings In This Action**

9 The AP Defendants in 2018 timely filed a Special Motion to Dismiss Pursuant
10 to the Nevada Anti-SLAPP Statute, NRS 41.600. In that Motion, the AP Defendants
11 argued that the Complaint should be dismissed on either of two bases: that the
12 Article was a fair and accurate report of official police reports and thus privileged,
13 and/or that the Article was not published with “actual malice” fault. The Court
14 entered a stipulated order bifurcating determination of these two separate grounds
15 for the Anti-SLAPP Motion. *See* June 29, 2018 Order at 5. The Court found that the
16 Challenged Article was a “[g]ood faith communication in furtherance of . . . the right
17 to free speech in direct connection with an issue of public interest,” and granted the
18 AP Defendants’ Anti-SLAPP Motion on the basis of the fair report privilege and,
19 pursuant to its Order, did not reach the second ground of constitutional actual
20 malice. *See* Aug. 23, 2018 Order Granting Defendants’ Special Mot. to Dismiss at 3.

21 Wynn appealed, and the Nevada Supreme Court reversed as to the scope of the
22 fair report privilege. *Wynn*, 475 P.3d at 53 (2020). The Court remanded for
23 determination of application of the anti-SLAPP statute to the Complaint, and of the
24 second ground of the AP Defendant’s anti-SLAPP motion—“whether Wynn, as a
25 public figure, can demonstrate a probability of prevailing on his defamation claim.”
26 *Id.* On remand, pursuant to stipulated order, Wynn was permitted to take written,
27 document, and deposition discovery on the limited issue of actual malice. Discovery
28 on the issue has now concluded and the AP Defendants renew their Motion.

III. LEGAL STANDARD

“Nevada’s anti-SLAPP statutes deter lawsuits targeting good-faith speech on important public matters.” *Kosor v. Olympia Cos., LLC*, 136 Nev. Adv. Op. 83, 478 P.3d 390, 393 (Nev. 2020). Pursuant to the law, a “person who engages in a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern is immune from any civil action for claims based upon the communication” and may file a special motion to strike a claim arising out of that speech. NRS 41.650. To prevail on a special motion to strike, a defendant must make a two-part preliminary showing: (1) that the challenged speech was made “in furtherance of the right to petition or the right to free speech,” which the statute defines to include several broad categories of speech, and (2) that it constituted a “good faith communication,” which means that the statement at issue is either “truthful or is made without knowledge of its falsehood.” NRS 41.637, 41.660; *see also John*, 125 Nev. at 754, 219 P.3d. at 1282.

Once a moving party meets this initial burden, the court must “determine whether the plaintiff has demonstrated with prima facie evidence a probability of prevailing on the claim.” NRS 41.660(3)(b); *see also Delucchi v. Songer*, 133 Nev. 290, 300, 396 P.3d 826, 831 (2017). Put differently, once a defendant makes this “initial showing” of the statute’s applicability, it becomes the *plaintiff’s burden* to establish that the claim is likely to succeed. *Id.* at 296, 396 P.3d at 831. If the court grants the special motion to strike and dismisses the action, it is an “adjudication upon the merits,” NRS 41.660(5), and the court “shall award reasonable costs and attorney’s fees to the person against whom the action was brought,” *id.* § 41.670(1)(a).

IV. LEGAL ARGUMENT

A. The Challenged Article Is A “Good Faith Communication”

A defendant invoking the anti-SLAPP statute has the initial burden of establishing that the speech at issue falls within the ambit of the law, by showing that the speech is “a good faith communication in furtherance of the right to petition

1 or the right of free speech in direct connection with an issue of public concern.”

2 NRS 41.660(3)(a). This is a term of art, defined to include two elements: First, that
3 the speech is of the sort protected by the statute; and, second, that the speech “is
4 truthful or is made without knowledge of its falsehood.” NRS 41.637.

5 **1. The Challenged Article Is Protected Speech**

6 The anti-SLAPP statute protects the AP’s reporting here. The statute applies
7 to particular categories of speech, including, as relevant here, “any ...
8 [c]ommunication made in direct connection with an issue of public interest in a place
9 open to the public or in a public forum.” NRS 41.637(4). The Challenged Article was
10 published in direct connection with an issue of public interest, and its worldwide
11 publication was open and constituted a public forum.

12 *First*, a news report about police complaints of alleged assault involving a
13 powerful businessman and political figure already embroiled in a public controversy
14 over sexual misconduct clearly qualifies as related to a matter of public interest and
15 concern. *See, e.g.*, Garcia Cano Decl. ¶¶ 5-7 (App. AP042-44). The Nevada Supreme
16 Court applies five “guiding principles” for determining “an issue of public interest”
17 under the statute. *Kosor*, 478 P.3d at 393-94. Those five factors reflect that:

18 (1) “public interest” does not equate with mere curiosity;

19 (2) a matter of public interest should be something of concern to a
20 substantial number of people; a matter of concern to a speaker and a
relatively small specific audience is not a matter of public interest;

21 (3) there should be some degree of closeness between the challenged
22 statements and the asserted public interest—the assertion of a broad
and amorphous public interest is not sufficient;

23 (4) the focus of the speaker’s conduct should be the public interest
24 rather than a mere effort to gather ammunition for another round of
private controversy; and

25 (5) a person cannot turn otherwise private information into a matter of
26 public interest simply by communicating it to a large number of people.

1 *Shapiro v. Welt*, 133 Nev. 35, 39, 389 P.3d 262, 268 (quoting *Piping Rock Partners,*
2 *Inc. v. David Lerner Assocs., Inc.*, 946 F. Supp. 2d 957, 968 (N.D. Cal. 2013), *aff'd*,
3 609 F. App'x 497 (9th Cir. 2015)).⁸

4 Here, allegations of a “decades-long pattern of sexual misconduct” by Wynn
5 had—prior to the Challenged Article—been documented by media reports published
6 around the country; had prompted Wynn to resign from his prominent roles at Wynn
7 Resorts and at the Republican National Committee; and had spurred private
8 litigation and investigations by state regulators. *See supra* at 4-5. Moreover, Wynn’s
9 behavior alleged in the two police reports was sufficiently serious that the LVMPD
10 issued public statements about the complaints and notably “encouraged all victims to
11 come forward” regardless of any statute of limitations. *See supra* at 6. This claimed
12 misconduct was “a matter of concern to a substantial number of people.” *Smith v.*
13 *Zilverberg*, 137 Nev. Adv. Rep. 7, 481 P.3d 1222, 1227 (2021) (accusations of
14 businessman’s bullying behavior were matter of public interest “especially ... given
15 [businessman’s] status in the community”); *Abrams v. Sanson*, 136 Nev. Adv. Rep. 9,
16 458 P.3d 1062, 1066-67 (2020) (claims about attorney’s behavior were matter of
17 public interest, as a warning to any potential clients).

18 The Challenged Article is about these serious alleged incidents and raised
19 questions about a powerful man’s alleged serial abuse of that power by preying on
20 women. *See Garcia Cano Decl. Ex. 21* (App. AP138-140) (referencing the misconduct
21 allegations made in published reports, agency investigations and court filings). All
22 this came in 2018 amidst the so-called “Me Too” movement, a national reckoning over
23 abuse of power, particularly of sexual abuse of women. This story was therefore no
24 “mere curiosity” over a “private controversy.” *See, e.g., Sipple v. Found. for Nat’l*

25
26 ⁸ Nevada courts look to California, on whose statute the Nevada anti-SLAPP law
27 is modeled, for interpretative guidance. *See Shapiro*, 133 Nev. at 39, 389 P.3d at 268
28 (adopting “public interest” test from California courts); *see also* NRS 41.665(2)
(adopting California standard for burden of proof); *Delucchi*, 396 P.3d at 832
(adopting California reasoning because statute is “similar in purpose and language’
to our anti-SLAPP statute”) (citation omitted).

1 *Progress*, 71 Cal. App. 4th 226, 236-39 (1999) (public figure’s alleged prior domestic
2 abuse an issue of public concern).

3 *Second*, the Challenged Article constituted speech made “in a place open to the
4 public or in a public forum.” NRS 41.637(4). Public forums are “not limited to a
5 physical setting” and include “other forms of public communication,” such as printed
6 and distributed materials. *Kosor*, 478 P.3d at 395 (pamphlet circulated to 8,000
7 homes was a public forum) (citing *Damon v. Ocean Hills Journalism Club*, 102 Cal.
8 Rptr. 2d 205, 211 (Cal. Ct. App. 2000) (homeowners newsletter was a public forum));
9 *see also Abrams*, 458 P.3d at 1067–68 (email listserv may be a public forum). The
10 Nevada Supreme Court recently instructed that where a source of information is “a
11 vehicle for communicating a message about public matters to a large and interested
12 community,” it qualifies under the anti-SLAPP statute as a public forum. *Kosor*, 478
13 P.3d at 395. Here, the Challenged Article was published to AP’s news organization
14 members for distribution to interested readers and, as the Complaint itself alleges,
15 was “republished in other media outlets on a widespread basis.” *See* Compl. ¶ 33.
16 The AP wire is a public forum for purposes of the statute.

17 **2. The Evidence Shows The Challenged Article Is Truthful, Or Made**
18 **Without Knowledge of Falsity**

19 The movant’s second preliminary burden is showing that a challenged
20 publication was either “truthful” or “made without knowledge of its falsehood”—*i.e.*,
21 without constitutional “actual malice.” NRS 41.637. The AP’s 2018 reporting on the
22 content of the police reports, in which it reported on them *as allegations*, was
23 accurate. Although the Court has since determined that Kuta’s allegations lacked
24 credibility, the AP Defendants satisfy the second prong with respect to their own
25 publication, because there is no evidence they published the Article with knowledge
26 of falsity. In fact, this record created in discovery *negates* any such inference.

27 A defendant may provide declarations or evidence of underlying sources of
28 information on which it relied to satisfy the Court that it has met its initial burden

1 under this prong of the analysis. *Stark v. Lackey*, 136 Nev. Adv. Rep. 4, 458 P.3d
2 342, 347 (Nev. 2020) (an “affidavit stating that the defendant believed the
3 communications to be truthful or made them without knowledge of their falsehood is
4 sufficient to meet the defendant's burden absent contradictory evidence in the
5 record”).

6 The AP Defendants did both. Garcia Cano asserted in her 2018 affidavit and
7 in her declaration submitted in support of this renewed motion that she believed her
8 reporting to be true and set forth the basis for her belief. Garcia Cano Decl. ¶ 24
9 (App. AP051); *id.* Ex. 23 (App. AP143-147). Both she and AP’s corporate
10 representative, Vice President and Editor at Large for Standards John Daniszewski,
11 at his deposition, testified that AP was confident in the accuracy of its article at the
12 time of publication. *See* Garcia Cano Tr. at 256:20 – 257:7 (App. AP023-24); *id.* at
13 184:24–186:23 (App. AP017-19); Exhibit B (deposition transcript of AP corporate
14 witness (“AP Tr.”)) (App. AP030-39) at 38:23-40:7, 58:5-13, 108:16-110:18; *see also id.*
15 at 28:19-24. This sworn testimony is undisputed. Additionally, the record is replete
16 with documents on which the AP Defendants relied, including police reports and
17 police statements to the press, to report on the news. *Bulen v. Lauer*, 508 P.3d 417
18 (Nev. 2022) (truth prong satisfied where defendants “cited . . . their sources” in
19 challenged publication) (citing *Stark*, 458 P.3d at 347, and *Abrams*, 458 P.3d at
20 1068). The Nevada Supreme Court has observed in the context of granting an anti-
21 SLAPP motion that “the plaintiff’s *high burden of proof for actual malice* indicates a
22 *low burden of proof for the defendant to show he or she did not have knowledge of*
23 *falsity* of his or her statements and made them in good faith.” *Rosen v. Tarkanian*,
24 135 Nev. Adv. Rep. 59, 453 P.3d 1220, 1224 (2019) (emphasis added).

25 Wynn cannot point to any evidence to argue that the Challenged Article was
26 published with an awareness of the falsity of the allegations in the second police
27 report. The question of whether Wynn can adequately show on this record the
28 requisite clear and convincing evidence that the AP Defendants published with

1 knowledge of falsity or probable falsity in order to establish a probability of success
2 on his claims—he cannot—is addressed below, *infra*, at 18-22. For purposes of
3 meeting their *preliminary burden* of demonstrating that they did not publish with
4 “knowledge of its falsehood,” the AP Defendants have done so. NRS 41.637;
5 *Zilverberg*, 481 P.3d at 1228 (declaration and screenshots of materials relied upon for
6 allegedly defamatory statements were sufficient to “show[] that the gist of
7 [defendant’s] statements was either true or made without knowledge of falsity” and
8 this satisfied the “good faith communication” question).

9 For these reasons, the AP Defendants have made the “initial showing”
10 necessary to shift the burden to Wynn to demonstrate that he is likely to prevail on
11 his claims. *Delucchi*, 133 Nev. at 300, 396 P.3d at 833.

12 **B. Plaintiff Lacks Clear and Convincing Evidence Of “Actual Malice” And**
13 **Thus Cannot Establish A Probability Of Prevailing On His Claim**

14 To meet his burden of establishing a “probability of prevailing on the claim,”
15 NRS 41.660(3)(b), Wynn must marshal clear and convincing evidence of
16 constitutional “actual malice” fault, *Smith*, 117 Nev. at 9, 16 P.3d at 426. Having
17 now had discovery on the issue of actual malice, it is clear Wynn cannot. *Tarkanian*,
18 453 P.3d at 1224 (recognizing the high burden imposed by the actual malice
19 standard).

20 **1. The Actual Malice Standard**

21 Wynn cannot defeat this motion unless he comes forward now with clear and
22 convincing evidence that the AP Defendants published the Challenged Article with
23 “actual malice,” *i.e.*, with actual knowledge of its falsity, or with “reckless disregard”
24 as to its likely falsity. *Smith*, 117 Nev. at 16, 16 P.3d at 430. Reckless disregard for
25 the truth requires “a high degree of awareness of the probable falsity of a statement.
26 It may be found where the defendant entertained *serious* doubts as to the truth of the
27 statement, but published it anyway.” *Id.* (reversing jury verdict finding actual malice
28 because instructions omitted “serious” before “doubts,” leading the jury to apply a

1 lower standard) (citing *Posadas v. City of Reno*, 109 Nev. 448, 454, 851 P.2d 438, 443
2 (1993)).

3 The “test is a subjective one, relying as it does on ‘what the defendant believed
4 and intended to convey, and not what a reasonable person would have understood the
5 message to be.” *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 722, 57 P.3d 82,
6 92-93 (2002). Accordingly, “the actual-malice determination rests entirely on an
7 evaluation of [the author’s] *state of mind when he wrote his initial report . . .*” *Bose*
8 *Corp. v. Consumers Union*, 466 U.S. 485, 494 (1984) (emphasis added). Thus, Wynn
9 must prove actual malice “at the time of publication.” *Id.* at 497; *accord Pegasus*, 118
10 Nev. at 722, 57 P.3d at 93 (assessing publisher’s knowledge “*at the time it published*
11 *the [challenged] review*”) (emphasis added).

12 In other words, for Wynn to establish a probability of prevailing on his claim
13 and defeat this motion to strike, there must be “*sufficient evidence* to conclude that
14 ‘the defendant *in fact* entertained serious doubts as to the truth of the publication.’”
15 *Nevada Indep. Broad. Corp. v. Allen*, 99 Nev. 404, 414, 664 P.2d 337, 344 (1983)
16 (emphasis added) (quoting *St. Amant v. Thompson*, 390 U.S. 727, 731 (1968)).

17 Whether the record is sufficient to support a finding of actual malice is a question of
18 law. *Pegasus*, 118 Nev. at 721-722, 57 P.3d at 92 (“question of actual malice goes to
19 the jury only if there is sufficient evidence for the jury, by clear and convincing
20 evidence, to reasonably infer that the publication was made with actual malice”).

21 2. The AP Defendants Did Not Subjectively Doubt The Truth Of The 22 Challenged Article

23 In his Complaint, Wynn alleges that the AP Defendants published the
24 Challenged Article with actual malice for three principal reasons, none of which have
25 been buttressed by any evidence. *First*, he alleges that Kuta was an obviously
26 unreliable source in light of a prior *pro se* lawsuit that was dismissed. Compl. ¶ 85;
27 *see also id.* ¶¶ 4-12, 17-24. Yet the Complaint offers no rationale for *how* the AP
28 Defendants would have known of the prior lawsuit, or linked that lawsuit to the

1 alleged victim *whose identity was redacted by the LVMPD before it released the*
2 *police report at issue.* Discovery has confirmed that Garcia Cano did not know Kuta's
3 identity when preparing the Challenged Article based on the redacted police report.
4 Nor was she aware of the prior lawsuit. Garcia Cano Decl. ¶ 24 (AP051); Garcia
5 Cano Tr. at 159:9-11, 261:2 – 262:4 (App. AP0113, 024-25); *see also id.* Ex. 21 (App.
6 AP139-40) (Challenged Article noting that "[t]he women's names are redacted on the
7 reports"). As such, this allegation of knowing falsity has been thoroughly debunked
8 by discovery.⁹

9 *Second*, Wynn alleges that "[t]he AP Article falsely stated that it was unclear
10 how Mr. Wynn and the claimant knew each other, intentionally omitting the
11 undisputed fact that Defendant Kuta stated in the police report that she was
12 Mr. Wynn's spouse." Compl. ¶ 32; *see also id.* ¶ 89 ("the AP Defendants failed to
13 include Defendant Kuta's accusation that she was Mr. Wynn's spouse"). But, as with
14 the previous contention, the fact that the complainant had identified herself as
15 Wynn's spouse *was redacted* in the version released by police to the AP Defendants in
16 February, 2018: "S – Wynn, Stephan . . . [REDACTED]." *See* Garcia Cano Decl.
17 Ex. 14 (App. AP118-22); *see also Tarkanian*, 453 P.3d at 1225 (granting anti-SLAPP
18 motion because information purportedly establishing falsity cannot constitute actual
19 malice where evidence does not show defendant in fact had that information).¹⁰

21 _____
22 ⁹ Indeed, even if Garcia Cano *had* somehow known Kuta's identity, an alleged
23 failure to discover an earlier lawsuit does not establish actual malice. *Pegasus*, 118
Nev. at 723, 57 P.3d at 93 (alleged "failure ... to read other previously printed
materials is not grounds for finding of actual malice").

24 ¹⁰ This misguided factual allegation in the Complaint appears to be premised not
25 on the public record actually produced by the Public Information Office to the AP
26 Defendants and used to prepare the Challenged Article, but, rather, on a version
27 subsequently released by police to *other requesters*. In the version of the second
28 report attached to the Complaint, the "Offender Relationships" entry reads: "S –
Wynn, Stephan . . . Victim Was Spouse." Compl. Ex. 2 (copy of police report released
March 14, 2018). The undisputed testimony and record has established that the
"spouse" descriptor was redacted in the version provided by LVMPD to the AP
Defendants. Garcia Cano Decl. ¶ 14 (App. AP.119).

1 *Finally*, Wynn alleges that the allegations contained within the second police
2 report were so “inherently improbable,” that the AP Defendants should have known
3 they were false. Compl. ¶¶ 30-31, 84-85. Wynn has alleged a *non sequitur*, that the
4 victim’s description in the narrative section of the police complaint of a traumatic
5 birth of her child in a gas station was “clearly fanciful or delusional,” and therefore
6 the separate rape allegation was “unreliable and incredible on its face.” *Id.* ¶¶ 84, 88,
7 90-91. However, Garcia Cano did *not* find them unreliable or unbelievable on their
8 face and did not distrust them. Garcia Cano Tr. at 184:24–186:23 (App. AP017-19)
9 (testifying that the allegations against Wynn “were not out of the blue” and that
10 details of the alleged birth alone did not make her disbelieve the report, given that
11 babies are sometimes born in bathrooms and with the amniotic sac intact); Garcia
12 Cano Decl. ¶¶ 14-15 (App. AP047-48); *see also Makaeff v. Trump Univ., LLC*, 715
13 F.3d 254, 271 (9th Cir. 2013) (no evidence of actual malice where defendant’s
14 statements were based on her own knowledge and experience).

15 Here, at the time of publication, it is undisputed that the AP Defendants were
16 aware of several key facts that supported their belief in the accuracy of their
17 reporting, and also that they took numerous steps to produce the most accurate
18 account of the law enforcement reports possible. Among the facts that are
19 uncontroverted in the record are the following:

- 20 • LVMPD determined that the complaints against Wynn, and resulting
21 police reports, warranted announcement to the public and distributed a
22 statement about the records. While acknowledging the passage of time,
23 the LVMPD encouraged any other victims to come forward and asserted
24 that the police report now at issue in this case would be transmitted to
25 Chicago law enforcement. Garcia Cano read about the statement in the
26 *Las Vegas Review Journal* and then obtained the statement herself
27 before writing a news article on February 13, 2018.
- 28 • Garcia Cano requested and received the official public records on which
the police statement was based. The police reports identified Wynn as
the alleged sex offender and contained the allegations about assault and
rape that were eventually reported accurately in the Challenged Article.
In preparing that Article, Garcia Cano conferred and worked with
editors who agreed about the content of the reporting. She also
contacted the LVMPD seeking any additional information, as well as
Wynn Resorts and the man known to her as Wynn’s personal

1 spokesman. She contacted Wynn's spokesman both times she wrote
2 about the police complaints, on February 13 and 27, to give him the
opportunity to include Wynn's response to the claims.

- 3 • *The Wall Street Journal* investigation revealed claims by dozens of
4 women of sexual misconduct by Wynn, including an alleged assault that
5 resulted in a settlement requiring Wynn to pay \$7.5 million. Based on
6 the details alleged, reputable news agencies described the alleged
7 incident as a rape. Additional reporting revealed more accusations of
8 harassment and sexual misconduct, some levied in court filings.
- 9 • Nevada and Massachusetts gaming agencies launched investigations
10 into Wynn's conduct, and issued statement acknowledging the gravity of
the allegations, including the police reports. Wynn Resorts also
commissioned an internal investigation.
- 11 • Wynn resigned as CEO and chairman of the board of Wynn Resorts, and
SEC filings revealed he was denied severance pay.

12 Garcia Cano Tr. at 122:12–125:25, 149:16–21, 204:6–19, 208:11–14, 226:12–24 (App.
13 AP002-028); Garcia Cano Decl. ¶¶ 5-9, 14, 16 (App. AP043-45, 47-48).

14 Against this backdrop, the AP Defendants had no doubts regarding the
15 accuracy of the Challenged Article. Garcia Cano Tr. at 184:24–186:23 (App. AP017-
16 19); Garcia Cano Decl. ¶¶ 15, 24 (App. AP048, 51). Indeed, it cannot be disputed that
17 AP accurately reported on the contents of the police reports. The legally relevant and
18 dispositive question presented by the pending motion is whether clear and convincing
19 proof exists that the AP Defendants seriously doubted the accuracy of their report on
the allegations in the second police report. The answer to this question is plainly no.

20 For this reason, the special motion should be granted and this case dismissed
21 with prejudice.

22 [continued on following page]
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28

1 V. CONCLUSION

2 For the foregoing reasons, the AP Defendants respectfully request that the
3 Court dismiss Wynn's Complaint with prejudice and award them attorneys' fees and
4 costs pursuant to NRS 41.660 and 41.670, as well as an additional award of \$10,000
5 given Plaintiff's status as a serial SLAPP litigant, *see, e.g., Chanos*, 2015 WL
6 3832561, at *6.

7 DATED this 1st day of July 2022

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28

CERTIFICATE OF SERVICE

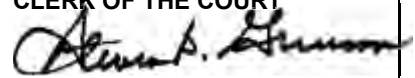
I HEREBY CERTIFY that on July 1, 2022, and pursuant to N.R.C.P. 5(b), I served a true and correct copy of the foregoing AP DEFENDANTS' RENEWED SPECIAL MOTION TO DISMISS was filed and served on the following parties via the Court's electronic service system:

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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

STEVE WYNN,)	Case No. A-18-772715-C
)	
Plaintiff,)	Dept. No. XXVIII
)	
v.)	
)	
THE ASSOCIATED PRESS, and REGINA)	
GARCIA CANO,)	
)	
Defendants.)	
)	
)	

ERRATA TO THE ASSOCIATED PRESS DEFENDANTS' RENEWED
SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.660
(ANTI-SLAPP STATUTE)

[continued on following page]

JA00396

Defendants The Associated Press and Regina Garcia Cano, by and through undersigned counsel, file this Errata to their Renewed Special Motion to Dismiss Pursuant to NRS 41.660 (Anti-SLAPP Statute). This Errata attaches as Exhibit 1 a corrected caption of the Renewed Motion, which includes the designation “Hearing Requested,” consistent with EDCR 2.20(b). This designation was inadvertently excluded from the original Renewed Motion.

Dated: July 15, 2022.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 15, 2022, and pursuant to N.R.C.P. 5(b), I served a true and correct copy of the foregoing ERRATA TO AP DEFENDANTS' RENEWED SPECIAL MOTION TO DISMISS was filed and served on the following parties via the Court's electronic service system:

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Exhibit 1

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EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

STEVE WYNN,)	Case No. A-18-772715-C
)	
Plaintiff,)	Dept. No. XXVIII
)	
v.)	<u>Hearing Requested</u>
)	
THE ASSOCIATED PRESS, and REGINA)	
GARCIA CANO,)	
)	
Defendants.)	
)	
)	

THE ASSOCIATED PRESS DEFENDANTS' RENEWED
SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.660
(ANTI-SLAPP STATUTE)

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