



1 NGC 19-03

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4 STATE OF NEVADA

5 BEFORE THE NEVADA GAMING COMMISSION

6 NEVADA GAMING CONTROL BOARD,

7 Complainant,

8 vs.

STIPULATED DISCOVERY PLAN AND
SCHEDULING ORDER

9 STEPHEN ALAN WYNN,

10 In his capacity as having been found suitable
11 as Chief Executive Officer, Chairman of the
12 Board, and shareholder and controlling
shareholder of Wynn Resorts, Ltd.;

13 Respondent.

14 In accordance with Regulation 7.070(4), the Chair of the Nevada Gaming
15 Commission (Commission), having considered all matters of record, finds that a scheduling
16 order will promote administrative efficiency and facilitate an orderly and expeditious
17 hearing and decision in the above-referenced matter.

18 THEREFORE, GOOD CAUSE APPEARING, THE PARTIES STIPULATE AND IT
19 IS HEREBY ORDERED that:

20 1. Unless otherwise provided herein or by Order of the Commission Chair, any
21 pleading, motion, request, paper, or document of any kind or nature which is filed with the
22 Commission shall be filed by sending such pleading, motion, request, paper, or document
23 by electronic mail to the Executive Secretary at nrupert@gcb.nv.gov and shall be
24 contemporaneously served upon the counsel for the opposing party and counsel for the
25 Commission. Counsel for the BOARD may be served at sshevorski@ag.nv.gov and
26 msomps@ag.nv.gov. Counsel for RESPONDENT may be served at jcw@cwlawlv.com and
27 djc@cwlawlv.com. Counsel for the Commission may be served at dcarus@ag.nv.gov.

28 2. The parties met and conferred on August 3, 2022 in accordance with the

1 requirements of Commission Regulation 7.080. Subsequently, the BOARD and
2 RESPONDENT provided their mandatory exchanges pursuant to Commission Regulation
3 7.080(2) on or about September 22, 2022. All items produced by the BOARD shall be
4 deemed confidential pursuant to Nevada Gaming Commission Regulation 7.090 and
5 marked as "confidential." Any requests made by RESPONDENT pursuant to NGC
6 Regulation 7.080(3) and (4) shall be made on or before 4:00 p.m., November 21, 2022. The
7 BOARD shall comply with the requirements of NGC Regulation 7.080(3) and (4) on or
8 before 4:00 p.m., December 5, 2022, if timely requests have been made by RESPONDENT.

9 3. Except as may be agreed upon by the parties or ordered by the Commission
10 Chair, all depositions may be taken only upon fifteen (15) days written notice to be
11 computed as provided in Nevada Rule of Civil Procedure 6(a).

12 4. The parties may agree or otherwise seek leave from the Chair to serve written
13 discovery, including interrogatories, requests for production of documents, and/or requests
14 for admissions.

15 5. All motions, oppositions and replies allowed by NGC Regulation 7.200 shall
16 be filed and served within the time frames provided therein, unless made during the
17 Commission's hearing in this matter as permitted by NGC 7.200(1).

18 6. Disclosure of initial expert witness names (and brief description of expected
19 testimony) by the party with the burden of proof shall be made on or before December 5,
20 2022. Initial expert reports by the party with the burden of proof shall be made on or before
21 January 9, 2023.

22 7. Disclosure of rebuttal expert reports shall be made no later than February 6,
23 2023.

24 8. Unless otherwise ordered by the Commission Chair, all discovery shall be
25 completed by, and no discovery may be had after, March 22, 2023.

26 9. Dispositive motions, including a motion to dismiss or motion for summary
27 judgment, shall be filed and served on or before 4:00 p.m., April 26, 2023.

28 10. Prehearing motions, including any motions in limine, shall be filed and served

1 thirty (30) days after a final ruling on any dispositive motions filed pursuant to Paragraph
2 9 above. If no dispositive motions are filed, prehearing motions shall be filed by May 24,
3 2023.

4 11. The parties shall file and serve, including on the Commission and Commission
5 counsel, original prehearing briefs no later than seven (7) days prior to the date scheduled
6 for the hearing. The briefs shall include:

- 7 a. A statement of admitted facts;
- 8 b. A statement of facts in support of that party's position;
- 9 c. A list of witnesses that the party intends to call in support of its
10 position; and
- 11 d. A memorandum of legal points and authorities in support of that
12 party's position. Respondent's memorandum of points and authorities shall specifically and
13 separately address any affirmative defense presented in the Respondent's Answer to the
14 Board's Complaint for disciplinary action. In its points and authorities, the Board may
15 include authority and argument in opposition to the Respondent's stated affirmative
16 defenses.

17 12. The parties shall meet, confer, and develop a list of exhibits that will be offered
18 into evidence by each party at the hearing of this matter before the Commission. All such
19 proposed exhibits shall be pre-marked. No later than seven (7) days prior to the date
20 scheduled for the hearing, the parties shall file the original list of proposed exhibits with
21 the Commission, together with nine (9) copies of the list and exhibits, and shall:

- 22 a. Sufficiently describe each exhibit for identification purposes;
- 23 b. Indicate which exhibits have been agreed upon by both parties to be
24 admissible at the hearing without objection by the opposing party; and
- 25 c. Identify the exhibits to which objections have been made and clearly
26 state the grounds upon which objection to the exhibit is made.

27 Counsel shall stipulate to the authenticity and admissibility of exhibits wherever
28 possible.

1 IT BEING FURTHER ORDERED that the hearing on the merits of the above-
2 referenced matter shall be scheduled by the Chair of the Commission after the expiration
3 date to file or final resolution of the motions contemplated in Paragraphs 9 and 10 of this
4 order, whichever the case may be.

5 Dated this 28th day of September, 2022.

Dated this 28th day of September, 2022.

6 AARON D. FORD
7 Attorney General

CAMPBELL & WILLIAMS

8 By: /s/ Steve Shevorsky
9 STEVE SHEVORSKY, Esq.
Chief Litigation Counsel
Attorneys for Complainant

By: /s/ J. Colby Williams
J. COLBY WILLIAMS, Esq.
Attorneys for Respondent

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14 DATED this 29th day of September, 2022.

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16 NEVADA GAMING COMMISSION

17 Jennifer P. Togliatti
18 JENNIFER TOGLIATTI, Chairwoman
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