



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.

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
13 shareholder of Wynn Resorts, Ltd.;

Respondent.

**SECOND AMENDED
STIPULATED DISCOVERY PLAN AND
SCHEDULING ORDER**

14 On September 29, 2022, a Stipulated Discovery Plan and Scheduling Order was
15 entered in the above-referenced matter. On March 23, 2023, a First Amended Stipulated
16 Discovery Plan and Scheduling Order was entered in the above-referenced matter. While
17 the parties have been engaged in discussions regarding possible resolution, preparations
18 for a hearing are also ongoing. In an effort to allow the parties to engage in any additional
19 necessary discovery, the parties agree that the remaining dates and deadlines in the
20 September 29, 2022 Stipulated Discovery Plan and Scheduling Order and March 23, 2023
21 First Amended Stipulated Discovery Plan and Scheduling Order should be revised.

22 THEREFORE, GOOD CAUSE APPEARING, THE PARTIES STIPULATE AND IT
23 IS HEREBY ORDERED that the September 29, 2022 Stipulated Discovery Plan and
24 Scheduling Order and March 23, 2023 First Amended Stipulated Discovery Plan and
25 Scheduling Order is hereby amended. The Stipulated Discovery Plan and Scheduling Order
26 is now as follows:

27 1. Unless otherwise provided herein or by Order of the Commission Chair, any
28 pleading, motion, request, paper, or document of any kind or nature which is filed with the

1 Commission shall be filed by sending such pleading, motion, request, paper, or document
2 by electronic mail to the Executive Secretary at nrupert@gcb.nv.gov and shall be
3 contemporaneously served upon the counsel for the opposing party and counsel for the
4 Commission. Counsel for the BOARD may be served at msomps@ag.nv.gov and
5 tbreinig@ag.nv.gov. Counsel for RESPONDENT may be served at jcw@cwlawlv.com and
6 djc@cwlawlv.com. Counsel for the Commission may be served at dcaruso@ag.nv.gov.

7 2. The parties met and conferred on August 3, 2022 in accordance with the
8 requirements of Commission Regulation 7.080. Subsequently, the BOARD and
9 RESPONDENT provided their mandatory exchanges pursuant to Commission Regulation
10 7.080(2) on or about September 22, 2022. All items produced by the BOARD shall be
11 deemed confidential pursuant to Nevada Gaming Commission Regulation 7.090 and
12 marked as "confidential." Any requests made by RESPONDENT pursuant to NGC
13 Regulation 7.080(3) and (4) shall be made on or before 4:00 p.m., November 21, 2022. The
14 BOARD shall comply with the requirements of NGC Regulation 7.080(3) and (4) on or
15 before 4:00 p.m., December 5, 2022, if timely requests have been made by RESPONDENT.

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

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

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

25 6. Disclosure of initial expert witness names (and brief description of expected
26 testimony) by the party with the burden of proof shall be made on or before December 5,
27 2022. Initial expert reports by the party with the burden of proof shall be made on or before
28 January 9, 2023.

1 7. Disclosure of rebuttal expert reports shall be made no later than February 6,
2 2023.

3 8. Unless otherwise ordered by the Commission Chair, all discovery shall be
4 completed by, and no discovery may be had after, October 13, 2023.

5 9. Dispositive motions, including a motion to dismiss or motion for summary
6 judgment, shall be filed and served on or before 4:00 p.m., November 13, 2023.

7 10. Prehearing motions, including any motions in limine, shall be filed and served
8 thirty (30) days after a final ruling on any dispositive motions filed pursuant to Paragraph
9 9 above. If no dispositive motions are filed, prehearing motions shall be filed by December
10 13, 2023.

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

14 a. A statement of admitted facts;
15 b. A statement of facts in support of that party's position;
16 c. A list of witnesses that the party intends to call in support of its
17 position; and

18 d. A memorandum of legal points and authorities in support of that
19 party's position. Respondent's memorandum of points and authorities shall specifically and
20 separately address any affirmative defense presented in the Respondent's Answer to the
21 Board's Complaint for disciplinary action. In its points and authorities, the Board may
22 include authority and argument in opposition to the Respondent's stated affirmative
23 defenses.

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

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

6 Counsel shall stipulate to the authenticity and admissibility of exhibits wherever
7 possible.

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

12 Dated this 9th day of May, 2023.

Dated this 9th of May, 2023.

13 AARON D. FORD
14 Attorney General

CAMPBELL & WILLIAMS

15 By: /s/ Michael P. Soms
16 Michael P. Soms, Esq.
17 Senior Deputy Attorney General
18 Attorneys for Complainant

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

21 DATED this 12 day of May, 2023.

23 NEVADA GAMING COMMISSION



25 Vice-Chair