

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELAINE P. WYNN, AN INDIVIDUAL,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELIZABETH GOFF GONZALEZ,
Respondents,

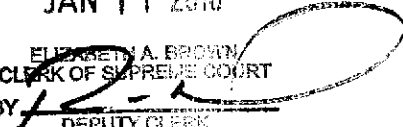
and

STEPHEN A. WYNN; WYNN RESORTS,
LIMITED, A NEVADA CORPORATION;
LINDA CHEN; RUSSELL GOLDSMITH;
RAY R. IRANI; ROBERT J. MILLER;
JOHN A. MORAN; MARC D. SCHORR;
ALVIN V. SHOEMAKER; KIM-MARIE
SINATRA; D. BOONE WAYSON; AND
ALLAN ZEMAN,
Real Parties in Interest.

No. 74184

FILED

JAN 11 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK


ORDER DENYING PETITION FOR WRIT OF PROHIBITION

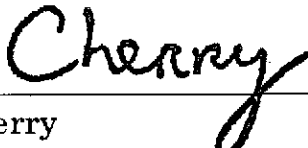
This original petition for a writ of prohibition challenges a district court order compelling disclosure of notes created by Petitioner Elaine P. Wynn during her previous 2009 divorce litigation. Ms. Wynn claims that the notes are protected under the work-product doctrine, and contends that the district court erred when it ordered her to disclose the notes.


Having reviewed the petition, response, and appendices, and without reaching the issue of whether the notes are covered by the work-product doctrine, we conclude that to the extent there was any work-product protection, that protection was waived. *See* NRS 50.125; *Las Vegas Dev.*

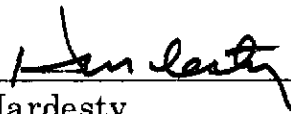
Assocs. v. Eighth Judicial Dist. Court, 130 Nev. 334, 343, 325 P.3d 1259, 1265 (2014) (“[W]hen a witness uses a privileged document to refresh his or her recollection prior to giving testimony at a deposition, an adverse party is entitled to have the writing produced at the deposition pursuant to NRS 50.125.”). Having considered the record, briefing, and oral arguments, we conclude that Ms. Wynn’s use of the notes to refresh her recollection on matters relevant to the underlying litigation, prior to her deposition testimony, brings them under the exception expressed in *Las Vegas Development Associates*. Ms. Wynn has failed to demonstrate that mandamus relief is warranted, and the petition is thus denied.


It is so ORDERED.


_____, C.J.
Douglas


_____, J.
Cherry


_____, J.
Gibbons


_____, J.
Hardesty


_____, J.
Stiglich

cc: Hon. Elizabeth Goff Gonzalez, Chief Judge
Lewis Roca Rothgerber Christie LLP/Las Vegas
Sidley Austin LLP/Washington, DC
Greenberg Traurig, LLP/Las Vegas
Sidley Austin LLP/Chicago
Wachtell, Lipton, Rosen & Katz
Pisanelli Bice, PLLC
Campbell & Williams
Glaser Weil Fink Jacobs Howard Avchen & Shapiro, LLC/Los Angeles
Eighth District Court Clerk