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NOTICE OF HEARING

Brian T. Kelly, Esq.
Nixon Peabody LLP
(VIA EMAIL- bkelly@nixonpeabody.com)

Frank A. DiGiacomo, Esq.
Duane Morris LLP
(VIA EMAIL- fdigiaco@duanemorris.com)

Dear Attorney Kelly and Attorney DiGiacomo,

Please be advised that the Massachusetts Gaming Commission will convene an adjudicatory hearing to consider Stephen A. Wynn's status under Massachusetts law as a qualifier relative to Wynn Resorts, Ltd. and Wynn MA, LLC. The hearing is scheduled for **10 a.m. on Friday, April 27, 2018**, at the offices of the Massachusetts Gaming Commission, 101 Federal Street, 12th floor, Boston, MA. The hearing will be conducted in accordance with G.L. c. 30A and 205 CMR 101.01 and focus on Mr. Wynn's status relative to G.L. c.23K, §§4(11) and 14 as well as the corresponding provisions of 205 CMR116.02. Specifically, the Commission's inquiry will focus on, but not be limited to, the following:

- Whether Mr. Wynn is a person who has a business association of any kind with Wynn Resorts, Ltd., Wynn MA, LLC, or any affiliated entity (G.L. c.23K, §4(11), 205 CMR116.02(2));
- Whether Mr. Wynn has a financial interest in the gaming establishment being constructed in Everett, MA (G.L. c.23K, §14(a));
- Whether Mr. Wynn has a financial interest in the business of Wynn Resorts, Ltd., Wynn MA, LLC, or any affiliated entity (G.L. c.23K, §14(a));
- Whether Mr. Wynn is a close associate (as defined by G.L. c.23K, §2) of Wynn Resorts, Ltd., Wynn MA, LLC, or any affiliated entity (G.L. c.23K, §14(a));
- Whether Mr. Wynn is involved in the financing of the gaming establishment being constructed in Everett, MA (G.L. c.23K, §14(e)); and
- Whether Mr. Wynn can exercise control or provide direction to Wynn Resorts, Ltd., Wynn MA, LLC, or any affiliated entity in any fashion including as a member of the board of directors, officer, or consultant (G.L. c.23K, §14(h), 205 CMR 116.02(1)(e)).

All petitioners should be prepared to present evidence addressing the aforementioned areas. Evidence may be presented in the form of documentary proof or witness testimony. To that end, the Commission hereby directs Wynn Resorts Ltd. and Wynn MA, LLC, by a person or persons designated by the entities, who consent(s) to testify on behalf of Wynn Resorts Ltd., Wynn MA,



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LLC and/or its affiliates, to appear at the hearing and testify relative to the general areas outlined above, and as to the specific areas outlined in the attached Addendum A pursuant to G.L.c.23K, §13(b).

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Where possible, parties should submit any documents, including affidavits, they intend to submit to the Commission by the close of business on Tuesday, April 24, 2018.

MASSACHUSETTS GAMING COMMISSION

By: *Catherine Blue*
Catherine Blue
General Counsel

DATED: April 19, 2018



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ADDENDUM A

For purposes of Addendum A, Stephen A. Wynn shall be referred to as "SW," and Wynn Resorts, Ltd., Wynn MA, LLC, and all affiliates shall be referred to collectively as "WRL." The subject matters for which the person or persons designated to testify by WRL shall have knowledge, are the following:

- (1) The last time, if ever, each member of the WRL board of directors had any communication directly with SW whether in person, via telephone, text message, email, or any other means of communication since SW's resignation from WRL.
- (2) The last time, if ever, each member of the WRL board of directors had any communication indirectly (e.g. - through an intermediary including attorneys, family members, friends, and business associates) with SW whether in person, via telephone, text message, email, or any other means of communication since SW's resignation from WRL.
- (3) The last time, if ever, each officer of WRL had any communication directly with SW whether in person, via telephone, text message, email, or any other means of communication since SW's resignation from WRL.
- (4) The last time, if ever, each officer of WRL had any communication indirectly (e.g. - through an intermediary including attorneys, family members, friends, and business associates) with SW whether in person, or via telephone, text message, email, or any other means of communication since SW's resignation from WRL.
- (5) If any communication referenced in paragraphs 1 through 4 are of a repetitive nature (i.e.- more than once), describe the nature of the communications (professional, personal, other investments, etc.) and general content discussed.
- (6) The last time, if ever, each member of the WRL board of directors saw SW in person since SW's resignation from WRL.
- (7) The last time, if ever, each officer of WRL saw SW in person since SW's resignation from WRL.
- (8) Describe any property rights (e.g.- rights of access, use, licensing, intellectual) possessed by SW for property owned by WRL.
- (9) Describe any personal property owned by SW located on the premises of any WRL owned property.
- (10) Identify any agreements (e.g.- consulting agreement, non-disclosure agreement, cooperation agreement, mutual defense agreement, royalties, etc.) now in effect between SW and WRL.
- (11) Identify any debt obligation owed to SW from WRL.
- (12) Identify any debt obligation owed to WRL from SW.

The parties are further directed to bring all documents and tangible items to be relied upon in support of the responses to the forgoing subject matters.



Massachusetts Gaming Commission