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Clara [Signature]
 CLERK OF THE COURT

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 12 STEPHEN A. WYNN

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DISTRICT COURT
CLARK COUNTY, NEVADA

15 WYNN LAS VEGAS, LLC dba WYNN LAS
 16 VEGAS, a Nevada limited liability company;
 and STEPHEN A. WYNN, an individual,

CASE NO.

A569405

DEPT. NO.

XVIII

Plaintiffs,

-vs-

18 JOSEPH RAYMOND FRANCIS, an individual;
 19 and DOES 1 through 20 inclusive;

COMPLAINT FOR DEFAMATION

Defendants.

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1 and intended to, and did, cause the Plaintiffs damage and injury in the State of Nevada.
2 Accordingly, this Court has personal jurisdiction over Francis.

3 **CAUSE OF ACTION FOR DEFAMATION**

4 7. Plaintiffs reallege and reincorporate by reference each and every allegation
5 contained in Paragraphs 1 through 6 above.

6 8. On or about July 1, 2008, Francis published and/or caused to be published certain
7 statements about the Hotel and Wynn with knowledge of their falsity or with a reckless disregard
8 for truth or falsity (collectively referred to herein as the "Defamatory Statements"):

9 (a) In speaking about the Hotel's efforts to collect a debt from Francis, Francis
10 stated that "The Wynn Hotel has chosen not to honor its agreement to apply certain discounts to
11 balances they have already been paid for;" and

12 (b) Francis stated that he planned on "exposing how exactly Mr. Wynn deceives
13 his high end customers."

14 9. The Defamatory Statements are false and defamatory per se. In addition, the
15 statements falsely imply that the Hotel did not keep contractual agreements with Francis and the
16 Hotel did not do business with Francis in a fair and ethical manner. The statements falsely imply
17 that Francis possesses some undisclosed facts that show that Wynn deceives customers.

18 10. Francis published the Defamatory Statements knowing that they would be widely
19 disseminated, particularly in the State of Nevada, and knowing that Nevada is where the Hotel has
20 its principal place of business and where Wynn resides. In fact, the Defamatory Statements were
21 widely disseminated in the State of Nevada and across the country.

22 11. Plaintiffs allege, on information and belief, that Francis made and caused to be
23 disseminated the Defamatory Statements with knowledge of their falsity or with reckless disregard
24 for their truth. Francis knew at the time of publishing the statements that he had no reasonable
25 basis in fact to make the statements.

26 12. At the time Francis published the Defamatory Statements he knew or had reason to
27 know that the publication of those statements would tend to lower Plaintiffs in the estimation of the
28 community, tend to excite derogatory opinions against Plaintiffs, tend to hold Plaintiffs up to

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1 ridicule, harm the reputation of Plaintiffs, and deter third persons from associating or dealing with
2 Plaintiffs.

3 13. The Defamatory Statements were published in the County of Clark, State of Nevada,
4 and throughout the country. The foregoing defamatory statements were seen and read by persons
5 who reside in the County of Clark, State of Nevada. Francis knew and/or had good reason to know
6 that the Defamatory Statements would be seen and read by persons who reside in the County of
7 Clark, State of Nevada, and throughout the country

8 14. As a direct and proximate result of the Defamatory Statements, the Hotel has
9 suffered injury to its reputation, all to its general damage in a sum well in excess of \$10,000.00 and
10 sufficient to exempt this matter from arbitration.

11 15. As a direct and proximate result of the Defamatory Statements, Wynn has suffered
12 injury to his reputation, shame, mortification, hurt feelings, and emotional distress, all to his
13 general damage in a sum well in excess of \$10,000.00 and sufficient to exempt this matter from
14 arbitration.

15 16. Plaintiffs are informed and believe, and on that basis allege, that the conduct of
16 Francis was intentional, and done willfully and maliciously toward Plaintiffs, and with conscious
17 disregard for their rights. Plaintiffs' injuries were intensified by the malicious conduct of Francis.
18 Francis's conduct justifies an award of exemplary and punitive damages.

19 **PRAYER**

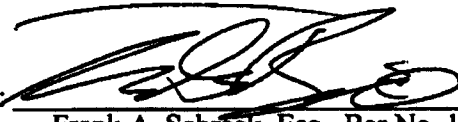
20 WHEREFORE, Plaintiffs pray an award against Francis as follows:

- 21 1. For general damages to be proven at trial in an amount in excess of \$10,000.00;
- 22 2. For punitive damages;
- 23 3. For costs of suit incurred herein; and
- 24 4. For such other and further relief as to the Court seems just and proper.

DATED this 11th day of August, 2008.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By:



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