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VIA ELECTRONIC MAIL

March 25, 2014

Daniel O. Gaquin
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
One Financial Center
Boston, MA 02111

Re: *City of Boston's Request for Production of Documents to Wynn MA, LLC*

Dear Mr. Gaquin:

I have enclosed the City of Boston's Request for Production of Documents to Wynn MA, LLC ("Wynn"), dated March 25, 2014. We request that Wynn produce copies of the requested documents by April 2, 2014.

Please call me if you have any questions.

Very truly yours,



Thomas C. Frongillo

Enclosure.

cc: Steve Tocco, ML Strategies, LLC
Eugene O'Flaherty, City of Boston Corporation Counsel
Elizabeth Dello Russo, Office of Gaming Accountability
Mary Marshall, Nutter, McClennen & Fish LLP
William F. Kennedy, Nutter, McClennen & Fish LLP
Ariel I. Raphael, Fish & Richardson P.C.



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SOUTHERN CALIFORNIA

TWIN CITIES

WASHINGTON, DC

**CITY OF BOSTON'S REQUEST FOR PRODUCTION OF DOCUMENTS
TO WYNN MA, LLC, DATED MARCH 25, 2014**

DEFINITIONS

The following definitions apply to these Requests for Production of Documents and Information:

1. "Wynn" means Wynn MA, LLC, and includes, without limitation, Wynn's employees, agents, representatives, owners, directors, management, principals, partnerships, corporations, associates, legal entities, divisions, departments, subsidiaries, parent companies (including, but not limited to, Wynn Resorts Ltd.), and affiliates, as well as the Wynn's "Close associates," as defined under G.L. c. 23K § 2.
2. "FBT Everett" means FBT Everett Realty LLC and its current and former owners/investors.
3. "Document" means all things from which information can be derived through visual inspection or other means, including, but not limited to, hard copy or electronically stored information, such as writings, drawings, graphs, charts, photographs, recordings, images, and other data or data compilations stored in any medium.
4. "Record" means "Record" as defined under 205 CMR 102.02 and G.L. c. 4, § 7(26).

REQUESTS FOR PRODUCTION

1. All documents and records regarding Wynn's proposed site including, but not limited to, drawings, photographs, maps, renderings, sketches, handouts, promotional materials, and blueprints that Wynn disclosed to the public prior to June 23, 2013. This request includes, but is not limited to, documents and records that Wynn presented to the public at Everett community presentations and/or meetings on March 27, April 19, May 21, and June 13, 2013.
2. All documents and records regarding Wynn's proposed site including, but not limited to, drawings, photographs, maps, renderings, sketches, handouts, promotional materials, and blueprints that Wynn disclosed to the public after June 23, 2013.
3. All documents and records regarding the City of Everett's approval of the proposed casino development by Wynn at the referendum held on June 23, 2013 including, but not limited to, the written request for an election, the ballot question, the Host Community Agreement between Wynn and Everett (the "Host Community Agreement"), all information provided to voters, all concise summaries of the Host Community Agreement provided to voters, and the results of the vote.
4. All documents and records regarding the formation and operation of the urban redevelopment corporation in Everett and related agreements, as described in the Host

Community Agreement, including, but not limited to, all plans for the urban redevelopment corporation to take any land by eminent domain in connection with the proposed casino development.

5. All documents and records regarding and including any memoranda of understanding, agreements, or contracts between Wynn and any community including, but not limited to, nearby and surrounding communities such as Chelsea, Lynn, Malden, Medford, Melrose, and/or Somerville.
6. All documents and records regarding Wynn's plans to make the waterfront and the City of Boston's and/or City of Everett's water sheet part of its development including, but not limited to, plans to develop the waterfront for public access, use and enjoyment, as described in the Host Community Agreement and otherwise its Municipal Harbor Plan.
7. All documents and records regarding access to the project site including, but not limited to existing access on Horizon Way, future plans to use any part of Horizon Way, the construction of driveways, sidewalks and bicycle accommodations, as described in the Host Community Agreement.
8. All documents and records regarding any and all existing easements relating to Horizon Way.
9. All documents and records regarding Wynn's plans for public transportation enhancements as part of the project, as developed to date, including as previously described in the Host Community Agreement and in the Draft Environmental Impact Report ("DEIR") as filed with the Massachusetts Environmental Policy Act Unit ("MEPA"), including, but not limited to, fixed-route shuttle bus service to and from the project and the MBTA Orange Line stations at Wellington Station and at Sullivan Square, and service to Logan International Airport, North Station, South Station and other hubs.
10. All documents and records regarding the proposed water shuttle service to the project, as developed to date, including as previously initially described in the Host Community Agreement.
11. All documents, records, and communications regarding proposed access to the site, including, but not limited to, all agreements between Wynn and Everett, the MBTA, or any other entity, including drafts.
12. All documents and records concerning and including "detailed plans of construction," including drafts and revisions, as well as site plans and construction management plans submitted by Wynn. This request specifically excludes the publicly available DEIR.
13. All documents and records concerning Wynn's communications with FBT Everett including, but not limited to, documents and records related to memoranda of understanding, agreements, options, rights of way.

14. The “sign[ed] notarized statement[s] under oath affirming that no parties other than [FBT Everett owners Lohnes, DeCicco, and Gattineri] will receive any of the proceeds of the sale” of property purchased from FBT Everett by Wynn, as required by the Commission in its Phase I Suitability Decision, dated December 27, 2013.
15. All documents and records, including affidavits of owners, related to land and improvements located within the geographic boundaries of the City of Boston, including, but not limited to, land owned or controlled by instrumentalities of the Commonwealth or the federal government (*e.g.*, MassDOT, MBTA, the Federal Highway Administration, etc.) that would be accessed, used, taken, leased, optioned, purchased, or otherwise affected by the site preparation, remediation, construction and/or operation of a proposed casino development, or related amenity, by Wynn, according to any and all plans or proposals submitted (whether or not they were later withdrawn) by Wynn.
16. All documents and records concerning the entity or entities that are party to the option agreement on Parcel C, as referenced by Wynn at the September 4, 2013 hearing before the Gaming Commission.
17. All documents and records concerning Wynn’s plans and proposals for environmental remediation in relation to its proposed casino including, but not limited to, assessment and analysis of contamination conducted to date; plans and proposals for further assessment and remediation of contamination by qualified experts; viability of any such plans or proposals; financial analysis of and budgets for full assessment and remediation of contamination; comparable information (such as previous assessments and costs of remediation of environmental contamination in the City of Boston and City of Everett); and reasons for requesting the extension of time to file Phase IV in compliance with G.L. c. 21E.
18. All documents and records concerning and including detailed plans for remediation and construction of Parcel C, including drafts and revisions, as well as site plans and construction management plans for Parcel C submitted by Wynn.
19. All documents and records concerning any amendments to the City of Boston’s zoning and other land use rules, ordinances or regulations, or permits or approvals that Wynn anticipates would be required for the site preparation, remediation, construction and/or operation of a proposed casino development, or related amenity, by Wynn.
20. All documents and records concerning any amendments to zoning and other land use rules, ordinances or regulations, or permits or approvals that Wynn anticipates would be required for the site preparation, remediation, construction and/or operation of a proposed casino development, or related amenity, by Wynn.
21. All documents and records regarding communications, including those sufficient to show all verbal communications and emails, with the Massachusetts Bay Transportation Authority (“MBTA”), Massachusetts Department of Transportation (“MassDOT”),

abutters, and other nearby property owners about Wynn's possible acquisition of land, easements, or other property rights in connection with its proposed casino development.

22. All documents and records, including affidavits of owners, related to land and improvements located within the geographic boundaries of the City of Everett, including, but not limited to, land owned or controlled by instrumentalities of the Commonwealth or the federal government (*e.g.*, MassDOT, MBTA, the Federal Highway Administration, etc.) that would be accessed, used, taken, leased, optioned, purchased, or otherwise affected by the site preparation, remediation, construction and/or operation of a proposed casino development, or related amenity, by Wynn, according to any and all plans or proposals submitted (whether or not they were later withdrawn) by Wynn.
23. All documents and records concerning the staging and management of the remediation of any parcel required for the construction and/or operation of a proposed casino development or related amenity by Wynn.
24. All documents and records concerning and including marketing plans, public relations materials, advertising, or materials related to the planned or proposed promotion of "local businesses" in the City of Boston, "including developing cross-marketing strategies with local restaurants, small businesses, hotels, retail outlets and impacted live entertainment venues." G.L. c. 23K, § 18(2).
25. All documents and records concerning and including executed and proposed contracts between Wynn and any businesses located in Boston, including, but not limited to hotels, restaurants, and other amenities, the Boston Symphony Orchestra, and the TD Garden.¹
26. All documents and records concerning and including contracts for work to be done at any location in Boston in connection with the proposed casino development including, but not limited to, contracts for construction, environmental assessment and remediation, utilities, infrastructure, and landscaping.

¹ See Wynn's RFA-2 Application, section 3-33, which states, "... Wynn's strategy is not to compete with existing sports and entertainment values in the region. The goal is to feed into them. That is why Wynn has partnered with TD Garden, the Boston Symphony Orchestra and other iconic locations to serve as its de facto sporting and entertainment locations."