

# EXHIBIT A

BROWNSTEIN HYATT FARBER SCHRECK  
100 City Parkway, Suite 1600  
Las Vegas, Nevada 89106  
(702) 382-2101

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**DECLARATION OF KEVIN TOUREK IN SUPPORT OF WYNN'S  
MOTION TO DISMISS OR, ALTERNATIVELY, MOTION TO STRIKE**

STATE OF NEVADA        )  
                                  ) ss:  
COUNTY OF CLARK        )

I, Kevin Tourek, being first duly sworn, depose and state as follows:

1. I am currently the Senior Vice President and General Counsel for Wynn Las Vegas, LLC dba Wynn Las Vegas ("Wynn" or "Wynn Las Vegas"). I make the following declaration in support of Wynn's Motion to Dismiss or, Alternatively, Motion to Strike ("Motion") in Case No. 2:09-cv-02034-LDG-LRL currently pending before this Court.

2. I have personal knowledge of the facts stated in this Declaration or have learned of them from a review of Wynn's business records and/or resources and, if called as a witness, would testify competently as stated herein.

3. Wynn Las Vegas currently has a total of 12,264 employees. This number includes both full-time and part-time employees and employees working both inside and outside the gaming area of Wynn's casino.

4. Out of 12,264 total employees, 12,210 identify their home address as located in Nevada. Only 54 of Wynn's current employees list an out-of-state address as their home address. Accordingly, 99.56% of Wynn's total current employees are Nevada residents.

5. Due to Wynn's inability to accurately track its employees' smoking habits, it is impossible for Wynn to determine how many of its current employees are actually smokers or non-smokers.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED this 11<sup>th</sup> day of December, 2009.

  
\_\_\_\_\_  
KEVIN TOUREK