

United States Court of Appeals For the First Circuit

No. 22-1117

ANTHONY GATTINERI,

Plaintiff, Appellant,

v.

WYNN MA, LLC; WYNN RESORTS LIMITED,

Defendants, Appellees.

Before

Barron, Chief Judge,
Lynch and Gelpí, Circuit Judges.

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FIRST CIRCUIT COURT OF APPEALS
BOSTON, MA

By: SM Date: 3/21/2023

ORDER OF COURT AND CERTIFICATION OF QUESTIONS TO THE MASSACHUSETTS SUPREME JUDICIAL COURT

Entered: March 22, 2023

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts and was argued by counsel. For the reasons stated in our opinion in this case, submitted with this order, we certify the following questions to the Massachusetts Supreme Judicial Court:

- 1) Is the San Diego Agreement unenforceable because it violates Section 21 of the Gaming Act?
- 2) If not, is the San Diego Agreement unenforceable for reasons of public policy of ensuring public confidence in the integrity of the gaming licensing process and in the strict oversight of all gaming establishments through a rigorous regulatory scheme?

We also welcome any additional observations about relevant Massachusetts law that the Massachusetts Supreme Judicial Court may wish to provide.

The clerk of this court is directed to forward to the Massachusetts Supreme Judicial Court, under the official seal of this court, a copy of the certified questions and our decision in this case, along with a copy of the briefs and appendices filed by the parties in this case. We retain jurisdiction over this appeal and will frame our ultimate decision and judgment after receiving such guidance on the certified questions as the Massachusetts Supreme Judicial Court may be prepared to give.

By the Court:

Maria R. Hamilton, Clerk

cc: Hon. F. Dennis Saylor, Robert Farrell, Clerk, United States District Court for the District of Massachusetts, Francis V. Kenneally, Clerk, Massachusetts Supreme Judicial Court, Stephen F. Gordon, Todd B. Gordon, Kevin A. Robinson, Robert A. DiSorbo, Samuel M. Starr, Caitlin Hill, Daniel J. Goodrich, Michael E. Pastore