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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KATHERINE SEARS and VIRGINIA
SEGANOS, individually, and on behalf of all
others similarly situated,

Plaintiffs,

vs.

MID VALLEY ENTERPRISES, LLC and
PAHRUMP ICS LLC, doing business as
“SHERI’S RANCH”

Defendants.

Case No.: 2:19-cv-00532-APG-DJA

**STIPULATION TO EXTEND TIME
FOR PARTIES TO SUBMIT
DISCOVERY PLAN AND
SCHEDULING ORDER**

(FIRST REQUEST)

WHEREAS, on March 29, 2019, Plaintiffs KATHERINE SEARS and VIRGINIA SEGANOS (“Plaintiffs”) filed a putative class and collective action complaint in the United States District Court, District of Nevada, asserting claims under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §201, et seq. and Nev. Rev. Stat. Ann. §§ 608.016 and 608.018, and Article 15, Section 16 of the Nevada Constitution (collectively the “Nevada Claims”). [ECF No. 1].

WHEREAS, on May 24, 2019, Plaintiffs filed their First Amended Collective and Class Action Complaint with Jury Demand [ECF No. 25].

WHEREAS, on June 7, 2019, Defendants filed their Motion to Dismiss First Amended Collective Action and Class Complaint with Jury Demand [ECF No. 30].

WHEREAS, on April 16, 2020, Defendants’ Motion to Dismiss was granted insofar as it

1 sought dismissal of Plaintiffs’ Nevada Claims (which the Court dismissed without prejudice for
2 lack of subject matter jurisdiction), but was denied as to Plaintiffs’ FLSA claims. [ECF No. 40].

3 WHEREAS, on April 27, 2020, Plaintiffs filed their Pre-Discovery Motion for
4 Conditional Certification and Court-Authorized Notice to Potential Opt-In Plaintiffs Pursuant to
5 Pursuant to 29 U.S.C. § 216 (b) (“Motion for Conditional Certification”) [ECF No. 41].

6 WHEREAS, on April 29, 2020, Defendants filed their Motion for Interlocutory Appeal of
7 Order Denying Dismissal of Plaintiffs’ Fair Labor Standards Act Collective Action [28 U.S.C.
8 Section 1292(b)] (“Motion for Interlocutory Appeal”) [ECF No. 42].

9 WHEREAS, on April 30, 2020, Defendants filed their Motion to Stay All Proceedings
10 Pending a Final Ruling on the Issues Raised by Defendants’ Motion to Certify the Court’s April
11 16, 2020, Order for Interlocutory Review Pursuant to 28 U.S.C. Section 1292(b) (“Motion to
12 Stay”) [ECF No. 43].

13 WHEREAS, on April 30, 2020, Defendants filed their Answer to Plaintiffs’ First
14 Amended Collective and Class Action Complaint with Jury Demand [ECF No. 44].

15 WHEREAS, LR 26-1(a) requires the conference pursuant to Fed. R. Civ. P. 26(f) to be
16 held “within 30 days after the first defendant answers or otherwise appears” and for the
17 “stipulated discovery plan and scheduling order” to be submitted within 14 days thereafter.

18 WHEREAS, the parties have conferred pursuant to Fed. R. Civ. P. 26(f) and agree that it
19 is reasonable to refrain from formulating a discovery plan or conducting discovery pending the
20 outcome of: (1) Plaintiffs’ Motion for Conditional Certification; (2) Defendants’ Motion for
21 Interlocutory Appeal; and, (3) Defendants’ Motion to Stay; all of which are fully briefed. The
22 parties further agree that the appropriate time to submit a proposed discovery plan would be after
23 the Court rules on the pending motions, and specifically Defendants’ Motion for Interlocutory
24 Appeal and Defendants’ Motion to Stay. If the Court grants either of Defendants’ pending
25 motions, the time for submitting a proposed discovery plan will be stayed until after the
26 interlocutory appeal is resolved. If the Court denies Defendants’ pending motions, the
27 appropriate time to submit a proposed discovery plan would be 21 days from either the close of
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1 the opt-in period (if Plaintiffs' Motion is granted), or 21 days from the denial of Plaintiffs'
2 Motion. At that juncture, the parties will know exactly which Plaintiffs and collective members
3 are asserting claims in this case, and whether their claims are asserted solely on an individual
4 basis or on a collective basis as well. Knowing this information will enable the parties to avoid
5 disputes over discovery regarding non-participating putative collective members, and to properly
6 gauge what discovery will be needed.

7 **STIPULATION**

8 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between
9 Plaintiffs and Defendants, through their respective undersigned counsel of record, that:

10 1. The Parties' deadline to submit a stipulated discovery plan and scheduling order
11 pursuant to LR 26-1(a) is **STAYED** pending the resolution of Plaintiffs' Motion for Conditional
12 Certification. [ECF No. 41], Defendants' Motion for Interlocutory Appeal [ECF No. 42] and
13 Defendants' Motion to Stay [ECF No. 43].

14 2. If the Court grants Defendants' Motion for Interlocutory Appeal or Defendants'
15 Motion to Stay, the time for submitting a proposed discovery plan will be stayed until after the
16 interlocutory appeal is resolved. If the Court denies Defendants' pending motions, the
17 appropriate time to submit a proposed discovery plan would be 21 days from either the close of

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1 the opt-in period (if Plaintiffs' Motion for Conditional Certification is granted), or 21 days from
2 the denial of Plaintiffs' Motion.

3 IT IS SO STIPULATED.

4 DATED June 11, 2020.

5 **WOLF, RIFKIN, SHAPIRO,
6 SCHULMAN & RABKIN, LLP**

FOX ROTHSCHILD LLP

7 By: /s/ Don Springmeyer

By: /s/ Mark J. Connot

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21 Lead Counsel for Plaintiffs

Attorneys for Defendants Mid Valley
Enterprises, LLC and Pahrump ICS LLC d/b/a
Sheri's Ranch

22 **ORDER**

23 The Court having considered the foregoing stipulation of the Parties, and good cause
24 appearing, **IT IS HEREBY ORDERED THAT:**

25 The Parties' deadline to submit a stipulated discovery plan and scheduling order pursuant
26 to LR 26-1(a) is **STAYED** pending the resolution of Defendants' Motion for Interlocutory
27 Appeal [ECF No. 42] and Defendants' Motion to Stay [ECF No. 43].

28 If the Court grants Defendants' Motion for Interlocutory Appeal or Defendants' Motion
to Stay, the time for submitting a proposed discovery plan will be stayed until after the

1 interlocutory appeal is resolved. If the Court denies Defendants' pending motions, the
2 appropriate time to submit a proposed discovery plan would be 21 days from either the close of
3 the opt-in period (if Plaintiffs' Motion for Conditional Certification is granted), or 21 days from
4 the denial of Plaintiffs' Motion.

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6 DATED June 12, 2020



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8 Daniel J. Albregts
9 United States Magistrate Judge
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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of June, 2020, a true and correct copy of **STIPULATION TO EXTEND TIME FOR PARTIES TO SUBMIT DISCOVERY PLAN AND SCHEDULING ORDER** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By: /s/ Christie Rehfeld
Christie Rehfeld, an Employee of
WOLF, RIFKIN, SHAPIRO, SCHULMAN &
RABKIN, LLP

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