

1 **CHRISTENSEN JAMES & MARTIN, CHTD.**
 Wesley J. Smith (11871)
 2 Kevin B. Archibald (13817)
 Dylan J. Lawter (15947)
 3 7440 W. Sahara Avenue
 Las Vegas, Nevada 89117
 4 (702) 255-1718
 wes@cjmlv.com, kba@cjmlv.com, djl@cjmlv.com
 5 Attorneys for Plaintiffs Board of Trustees of the
 Glazing Health and Welfare Trust, et al.

6
 7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

8 BOARD OF TRUSTEES OF THE GLAZING
 HEALTH AND WELFARE TRUST, *et al.*,

CASE NO.: 2:23-cv-01837-GMN-BNW

9 Plaintiffs,

**STIPULATION AND ORDER FOR A
 THREE-MONTH STAY TO THE
 CASE AS TO BATHROOM &
 CLOSET LLC AND LARRY
 METHVIN INSTALLATIONS, INC.**

10 vs.

11 COMBOS GLASS, INC., *et al.*,

(FIRST REQUEST)

12 Defendants.

13
 14 The Plaintiffs, Board of Trustees of the Glazing Health and Welfare Trust, *et al.*
 15 (collectively, the “Plaintiffs”), and Defendants, Bathroom & Closet LLC and Larry Methvin
 16 Installations, Inc. (collectively, the LMI Defendants”), each acting by and through their
 17 undersigned counsel, respectfully submit this Stipulation and Order for a Three-Month Stay to
 18 the Case as to the LMI Defendants, up to and including May 6, 2024 (“Stipulation”). This
 19 Stipulation constitutes the parties’ first request for such an extension and is being entered in
 20 good faith and not for any improper purpose.

21 **A. BACKGROUND**

- 22 1. The Plaintiffs filed the Complaint on November 8, 2023 [ECF No. 1].
- 23 2. The LMI Defendants were each served with a copy of the Summons and
 24 Complaint on December 5, 2023. *See* ECF Nos. 8 & 9.
- 25 3. The LMI Defendants have not filed a responsive pleading, and the Plaintiffs
 26 granted the LMI Defendants through February 6, 2024, in which to file a responsive pleading.

CHRISTENSEN JAMES & MARTIN, CHTD.
 7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117
 PH: (702) 255-1718 § FAX: (702) 255-0871

1 4. The parties have not yet conducted a discovery-planning conference pursuant to
2 Fed. R. Civ. P. 26(f) and Local Rule 26-1.

3 5. The Court has not issued a Scheduling Order.

4 6. Plaintiffs assert that a significant aspect of this litigation involves a payroll
5 compliance review (“Audit”) for the period September 1, 2017 through the present (“Audit
6 Period”), to verify the accuracy of Defendant Combos Glass, Inc. and Genoa Glass, Inc.’s
7 (collectively, the “Combos Glass Defendants”) reporting and payment obligations to the
8 Plaintiffs and to determine the amount of unpaid fringe benefit contributions and related
9 damages owed to the Plaintiffs in addition to those known damages asserted in the Complaint.
10 *See* ECF No. 1, Complaint at ¶¶ 41-50.

11 7. Immediately after service was completed, the Plaintiffs and the LMI Defendants
12 began discussing the issues, claims and defenses in this case, as well as the LMI Defendants’
13 intention to cooperate with the Audit (to the extent they have relevant documents) without the
14 need for formal and costly discovery.

15 8. To date, the Plaintiffs have requested that the LMI Defendants provide any and
16 all of the following documents for the Audit Period within LMI’s possession or control
17 (collectively, “Audit Documents”):

18 a. A list of the projects that the LMI Defendants subcontracted to the
19 Combos Glass Defendants, including the project addresses;

20 b. Copies of documents and records showing the Combos Glass
21 Defendant’s employees and/or hours on the LMI Defendants’ projects, including but not
22 limited to: Certified Payroll Reports; timecards; timesheets; sign-in sheets; journals,
23 logs, and reports from project managers and supervisors; jobsite access control records;
24 and lists of employees who accessed the projects;

25 c. Copies of subcontract agreements, including addenda, memoranda,
26 purchase orders, and change orders, related to the Combos Glass Defendants’ work on
27 the LMI Defendants’ projects;
28

1 d. Copies of documents and records of invoices, billings, statements,
2 receipts, and pay applications submitted by the Combos Glass Defendants to the LMI
3 Defendants for payment for work performed and material provided to the LMI
4 Defendants' projects;

5 e. Copies of payments made to the Combos Glass Defendants, or to another
6 party on their behalf, related to the LMI Defendants' projects, including but not limited
7 to checks, stubs, confirmations, and receipts; and

8 f. A description of the scope of work performed by the Combos Glass
9 Defendants on the LMI Defendants' projects.

10 9. The LMI Defendants have requested that the Plaintiffs provide the following
11 documents and information (collectively, "Claim Documents"):

12 a. Copies of applicable Collective Bargaining Agreements;

13 b. Copies of applicable Trust Agreements;

14 c. Copies of Monthly Contribution Reports submitted by Combos Glass,
15 Inc. to the Plaintiffs for the Audit Period;

16 d. Copies of documents filed to date in the above-captioned case; and

17 e. Breakdown of the \$25,520.09 claim amount asserted by the Plaintiffs in
18 the Complaint as being owed (*see* ECF No. 1, Complaint at ¶ 40).

19 10. Additional time is required for the Plaintiffs to produce the Claim Documents,
20 the LMI Defendants to produce the Audit Documents, the Plaintiffs' auditor to review the
21 Audit Documents, and the parties to discuss a resolution of any claims.

22 11. This Stipulation is made for the purposes stated above and not for purposes of
23 delay or any other improper purpose.

24 **B. STAY OF CASE**

25 1. The LMI Defendants agree to provide the Audit Documents to the Plaintiffs, and
26 the Plaintiffs agree to provide the Claim Documents to the LMI Defendants, on or before
27 March 8, 2024.

28

1 2. The Parties agree to stay the Case as to the LMI Defendants, only, including all
2 applicable responsive pleading, discovery dates and deadlines, through at least May 6, 2024, to
3 allow the Plaintiffs’ auditor to review the Audit Documents, perform the Audit, and for the
4 parties to confer regarding the auditor’s findings and the possibility of settlement.

5 **CHRISTENSEN JAMES & MARTIN, CHTD.**

LITTLER MENDELSON PC

6 By: /s/ Kevin B. Archibald
Kevin B. Archibald, Esq. (NV Bar 13817)
7 7440 W. Sahara Avenue
Las Vegas, Nevada 89117
8 Tel: (702) 255-1718
Email: kba@cjmlv.com
9 *Attorneys for Plaintiffs Glazing Health
and Welfare Trust, et al.*

By: /s/ Z. Kathryn Branson
Z. Kathryn Branson, Esq. (NV Bar 11540)
3960 Howard Hughes Pkwy, Ste. 300
Las Vegas, NV 89169
Tel: (702) 862-7709
Fax: (702) 862-8811
Email: kbranson@littler.com
10 *Attorneys for Defendants Bathroom &
Closet LLC and Larry Methvin
Installations, Inc.*

11 DATED: February 6, 2024

DATED: February 6, 2024

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13
14 **ORDER**

15 For the reasons stated above, and for good cause, it is hereby ordered that:

16 1. The LMI Defendants shall provide the Audit Documents to the Plaintiffs on or
17 before March 8, 2024.

18 2. The Plaintiffs shall provide the Claim Documents to the LMI Defendants on or
19 before March 8, 2024.

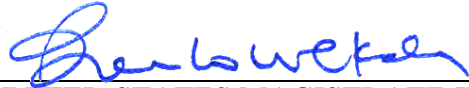
20 3. This Case and all responsive pleading, discovery dates and deadlines, are stayed
21 until May 6, 2024, to allow the Plaintiffs’ auditor time to review the Audit Documents, perform
22 the Audit, and for the parties to confer regarding the auditor’s findings and the possibility of
23 settlement.

24 4. If the Plaintiffs or the LMI Defendants fail to fully and timely comply with the
25 terms of the Stipulation and provide respective documents discussed above, the stay will be
26 automatically lifted.

27 ///

1 5. The parties shall submit a Joint Status Report by March 22, 2024 addressing the
2 status of the Stipulation to keep the Court apprised of the case during the stay.

3 **IT IS SO ORDERED.**

4 

5 UNITED STATES MAGISTRATE JUDGE

6 DATED: 2/12/2024

CERTIFICATE OF SERVICE

I am an employee of Christensen James & Martin. On the date of filing of the foregoing papers with the Clerk of Court, I caused a true and correct copy to be served in the following manner:

ELECTRONIC SERVICE: Pursuant to Local Rule LR IC 4-1 of the United States District Court for the District of Nevada, the above-referenced document was electronically filed and served on all appearing parties through the Notice of Electronic Filing automatically generated by the Court.

UNITED STATES MAIL: By depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address:

OVERNIGHT COURIER: By depositing a true and correct copy of the above-referenced document for overnight delivery via a nationally-recognized courier, addressed to the parties listed below at their last-known mailing address:

ELECTRONIC MAIL: By emailing a true and correct copy of the above-referenced document to the parties listed below which was incorporated by reference and made final in the w at their last-known mailing address:

Z. Kathryn Branson, Esq.
Email: kbranson@littler.com

Eduardo Vargas, Esq.
EVargas@littler.com

Arthur T. Carter, Esq.
atcarter@littler.com

Lee Cotugno, Esq.
lwc@cotugno-law.com

FACSIMILE: By sending the above-referenced document via facsimile to those persons listed on the attached service list at the facsimile numbers set forth thereon.

CHRISTENSEN JAMES & MARTIN, CHTD.

By: /s/ Natalie Saville

CHRISTENSEN JAMES & MARTIN, CHTD.
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117
PH: (702)255-1718 § FAX: (702)255-0871