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Associates Profit Sharing Plan and Trust et al.*

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8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA
9

10 BRUCE E. MOORE, EXECUTOR OF THE
11 ESTATE OF JOANN PATRICIA FEIKES,

CASE NO.: 2:04-CV-1724-LDG-GWF

12 Plaintiff's,

13 v.

14 **CARDIOVASCULAR SURGERY ASSOCIATES**
15 **PROFIT SHARING PLAN AND TRUST;**
16 **JAMES B. DAUGHARTHY, M.D.,**
17 **CHARTERED, d/b/a CARDIOVASCULAR**
18 **SURGERY ASSOCIATES, in its capacity as Plan**
19 **Administrator of the CARDIOVASCULAR**
20 **SURGERY ASSOCIATES PROFIT SHARING**
21 **PLAN AND TRUST; JAMES B.**
22 **DAUGHARTHY, M.D., in his capacity as**
23 **Trustee, and in his capacity as an Advisory**
24 **Committee Member, of the CARDIOVASCULAR**
25 **SURGERY ASSOCIATES PROFIT SHARING**
26 **PLAN AND TRUST; and, JESSE L. PERRY,**
27 **M.D. in his capacity as Trustee, and in his capacity**
28 **as an Advisory Committee Member, of the**
CARDIOVASCULAR SURGERY ASSOCIATES
PROFIT SHARING PLAN AND TRUST,

STIPULATION AND ORDER

Defendants.

This Stipulation and Order is entered into between Plaintiff BRUCE E. MOORE,
EXECUTOR OF THE ESTATE OF JOANN PATRICIA FEIKES ("Plaintiff"), by and through
his attorneys of record, James H. Walton, Esq. of the law firm of NITZ WALTON, LTD. and

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1 Defendants CARDIOVASCULAR SURGERY ASSOCIATES PROFIT SHARING PLAN
2 AND TRUST; JAMES B. DAUGHARTHY, M.D., CHARTERED, d/b/a
3 CARDIOVASCULAR SURGERY ASSOCIATES, in its capacity as Plan Administrator of the
4 CARDIOVASCULAR SURGERY ASSOCIATES PROFIT SHARING PLAN AND TRUST;
5 JAMES B. DAUGHARTHY, M.D., in his capacity as Trustee, and in his capacity as an
6 Advisory Committee Member, of the CARDIOVASCULAR SURGERY ASSOCIATES
7 PROFIT SHARING PLAN AND TRUST; and, JESSE L. PERRY, M.D. in his capacity as
8 Trustee, and in his capacity as an Advisory Committee Member, of the CARDIOVASCULAR
9 SURGERY ASSOCIATES PROFIT SHARING PLAN AND TRUST (“hereinafter collectively
10 “Defendants”) by and through their attorneys of record, Thomas W. Davis, II, Esq. and Gwen
11 Rutar Mullins, Esq. of the law firm of HOWARD & HOWARD ATTORNEYS, based on the
12 following:
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14

15 Scheduling conflicts, including vacation time, have prevented and/or are preventing the
16 parties from adhering to the standard briefing time as to Plaintiff’s Motion to Alter or Amend
17 Final Judgment (Doc. 153) (“Plaintiff’s Motion”). Defendants have requested of Plaintiff up to
18 and including November 16, 2017, in which to file their Opposition to Plaintiff’s Motion and
19 Plaintiff’s counsel has requested up to and including December 12, 2017 to file his Reply brief.
20 All parties agree to this new briefing schedule.
21

22 STIPULATION

23 Based on the foregoing, the parties, by and through their counsel, stipulate and agree as
24 follows:

25 1. Defendants’ date to file their Opposition to Plaintiff’s Motion should be extended
26 such that Defendants shall now have up to and including November 16, 2017 in which to file
27 their Opposition to Plaintiff’s Motion and Plaintiff shall then have up to and including
28 December 12, 2017 in which to file his Reply brief.

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2. This is the First Extension Request as to the briefing of this issue.

HOWARD & HOWARD ATTORNEYS

NITZ WALTON, LTD.

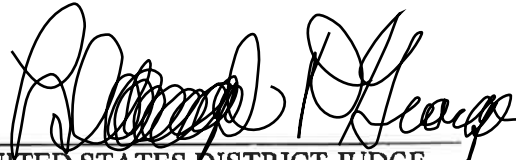

Thomas W. Davis, Esq.
Gwen Rutar Mullins, Esq.
3800 Howard Hughes Pkwy., Ste. 1000
Las Vegas, Nevada 89169
Dated: 10/25/2017


James H. Walton, Esq.
601 S. Tenth St., Suite 201
Las Vegas, Nevada 89101
Dated: 10/25/17

ORDER


BASED upon the above Stipulation, it is hereby ORDERED that Defendants shall now have up to and including November 16, 2017 in which to file their Opposition to Plaintiff's Motion (Doc. 153) and Plaintiff shall then have up to and including December 12, 2017 in which to file his Reply brief.

DATED this 27 day of October, 2017.


UNITED STATES DISTRICT JUDGE
LLOYD D. GEORGE

Submitted by:

HOWARD & HOWARD ATTORNEYS


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