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10 *Attorneys for Defendants Cardiovascular Surgery
11 Associates Profit Sharing Plan and Trust et al.*12 **UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA**14 BRUCE E. MOORE, EXECUTOR OF THE
15 ESTATE OF JOANN PATRICIA FEIKES,

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

17 Plaintiff's,

18 v.

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

29 Defendants.

30 **STIPULATION AND ORDER**31
32 This Stipulation and Order is entered into between Plaintiff BRUCE E. MOORE,
33 EXECUTOR OF THE ESTATE OF JOANN PATRICIA FEIKES ("Plaintiff"), by and through
34 his attorneys of record, James H. Walton, Esq. of the law firm of NITZ WALTON, LTD. and35
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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:

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

19 **STIPULATION**

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

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

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

2 **HOWARD & HOWARD ATTORNEYS**

NITZ WALTON, LTD.

4 5 Thomas W. Davis, Esq.
5 6 Gwen Rutar Mullins, Esq.
6 7 3800 Howard Hughes Pkwy., Ste. 1000
7 7 Las Vegas, Nevada 89169
7 8 Dated: 10/25/2017

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

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10 **ORDER**

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

15 DATED this 25 day of October, 2017.

Lloyd D. George
16 17 18 19 20 21 22 23 24 25 26 27 28
UNITED STATES DISTRICT JUDGE
LLOYD D. GEORGE

Submitted by:

HOWARD & HOWARD ATTORNEYS

22 23 24 25 26 27
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