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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 DAVID RAINERO,

8 Plaintiff,

9 vs.

10 ARCHON CORPORATION,

11 Defendant.
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Case No. 2:07-cv-01553-GMN-PAL

ORDER

13 The court conducted a hearing on the parties' Joint Status Report (Dkt. #32) on November 16,
14 2010. Steven Goren appeared telephonically on behalf of the Plaintiff, and John Desmond appeared on
15 behalf of the Defendant.

16 This case has been consolidated with D.E. Shaw Laminar Portfolios, LLC, et al. v. Archon
17 Corporation, Case No. 2:07-cv-01146-PMP-LRL ("D.E. Shaw Action") and the Leeward Capital, L.P.
18 v. Archon Corporation, Case No. 2:08-cv-00007-PMP-LRL ("Leeward Action"). The D.E Shaw Action
19 is awaiting a decision on fully briefed Motions for Summary Judgment. On April 19, 2010, the district
20 judge issued an order finding that the Leeward Action should move forward independently of the D.E.
21 Shaw Action. The parties agree that, in light of the current status of the other two cases, the stay in this
22 case should be lifted and discovery should proceed. They have submitted a proposed Discovery Plan
23 and Scheduling Order which would establish a July 29, 2011 discovery cutoff, or a discovery cutoff of
24 120 days from decision of a motion to certify a class action which Plaintiff intends to file.


25 During the status conference, counsel for Plaintiff indicated that he would be filing a motion to
26 certify a class shortly. However, the Defendant has requested the deposition of the named
27 plaintiff/proposed class representative. Plaintiff may elect to amend the complaint to add an additional
28 class representative if Defendant claims the named Plaintiff is not an appropriate class representative.

1 Under these circumstances, the court will require the Plaintiff to file the motion to certify class
2 and permit the Defendant to take the deposition of the named claim representative before filing a
3 response. After the motion has been filed and the Defendant has deposed the named representative the
4 court will address any scheduling concerns of the parties at that time.

5 **IT IS ORDERED:**

- 6 1. Defendant shall have until December 2, 2010, in which to depose the named Plaintiff in
7 this action.
- 8 2. Plaintiff shall have until December 6, 2010, in which to file a motion for class
9 certification.
- 10 3. A status and scheduling conference is set for **December 16, 2010, at 9:00 a.m.** The
11 parties shall have until **December 14, 2010 at 4:00 p.m.** in which to file a Joint Status
12 Report addressing any scheduling issues or additional discovery required to complete
13 briefing and decision on Plaintiff's motion for class certification.

14 Dated this 18th day of November, 2010.

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17 Peggy A. Green
18 United States Magistrate Judge
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