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11 Attorneys for Plaintiff Phase II Chin, LLC

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13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**  
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16 **PHASE II CHIN, LLC and LOVE &**  
17 **MONEY LLC (formerly dba**  
**O.P.M.L.V., LLC),**

18 Plaintiffs,

19 and

20  
21 **FORUM SHOPS, LLC, FORUM**  
**DEVELOPERS LIMITED**  
22 **PARTNERSHIP, SIMON**  
**PROPERTY GROUP LIMITED**  
23 **PARTNERSHIP, SIMON**  
**PROPERTY GROUP, INC.,**  
24 **CAESARS PLACE CORP., and**  
**CAESARS PALACE REALTY**  
25 **CORP.**

26 Defendants  
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28

Case No. 2:08-cv-00162-JCM-GWF

**REQUEST FOR STATUS**  
**CONFERENCE**

**DATE: To Be Determined**  
**TIME: To Be Determined**  
**CTR: Hon. James C. Mahan**

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**I.**  
**PRELIMINARY STATEMENT**

Plaintiff Phase II Chin, LLC ("Chinois") respectfully requests that the Court conduct a telephonic status conference, at a date and time convenient to the Court, in order to address the appropriate sequencing of two Motions to Dismiss filed by Defendants, currently scheduled to be heard before the Court on February 6, 2009 at 10:30 a.m., and a Motion to Disqualify counsel for Defendants Caesars Palace Corp. and Caesars Palace Realty Corp., filed by Plaintiff Chinois, currently scheduled to be heard before Magistrate Judge George W. Foley, Jr., on February 12, 2009 at 9:30 a.m.

**II.**  
**RELEVANT BACKGROUND**

Currently before this Court are two Motions to Dismiss, one filed by Lionel Sawyer & Collins, on behalf of Defendants Forum Shops LLC, Forum Developers Limited Partnership, Simon Property Group Limited Partnership and Simon Property Group, Inc., and a second by Morris Pickering & Peterson, on behalf of Defendants Caesars Palace Corp. and Caesars Palace Realty Corp. Pursuant to Stipulation and Court Order, the hearing on these two Motions has been continued several times for a variety of reasons. That hearing is now set before the District Court for February 6, 2009.

Due to counsel for the Caesars Defendants' recent election to the Nevada Supreme Court, attorney Steve Morris has substituted in for attorney Kris Pickering, and Morris Pickering & Peterson has become Morris Peterson. For reasons fully detailed in its Motion, on January 5, 2009 Plaintiff Chinois filed a Motion to Disqualify Steve Morris and Morris Peterson from representing the Caesars Defendants in this case. The Court has referred the Motion to Magistrate Judge Foley, where it currently is set for a hearing on February 12, 2009, the first date available for the Magistrate Judge.

Plaintiff's counsel contacted the Court's clerk to request that the Motion to Disqualify be heard prior to the Motions to Dismiss (obviously if Plaintiff's Motion to Disqualify is granted then Morris Peterson should not be appearing on behalf of the Caesars Defendants to

1 argue their Motion to Dismiss). The Court's clerk indicated the Court would continue the  
2 hearing of the Motions to Dismiss until after the hearing of the Motion to Disqualify pursuant to  
3 a stipulation of the parties. The Court clerk further advised that February 24, 26 and 27, 2009  
4 were dates convenient to the Court.

5 Subsequently, a telephone call to the Court's clerk was initiated by counsel for Plaintiff  
6 (Mr. Fagelbaum) and counsel for the Forum Defendants (Mr. McCrea) and a message was left  
7 advising the Court that the parties were unable to reach a stipulation voluntarily agreeing to  
8 sequencing the Motions as requested by Plaintiff Chinois.

9 **III.**

10 **PURPOSE OF THE REQUEST FOR STATUS CONFERENCE**

11 Plaintiff Chinois requests a telephonic Status Conference so that the Court may  
12 determine the appropriate sequencing of the Motions now respectively set for February 6, 2009  
13 before the District Court and February 12, 2009 before the Magistrate Judge. Plaintiff's request  
14 that the Court continue the hearing on the two Motions to Dismiss until a date convenient to the  
15 Court after the hearing on the Motion to Disqualify is objected to by counsel for the Forum  
16 Defendants.

17 Dated: January 22, 2009

**FAGELBAUM & HELLER LLP**

18 By:   
19

Jerold Fagelbaum  
20 2049 Century Park East, Suite 4250  
Los Angeles, CA 90067-3254  
21 Attorneys for Phase II Chin, LLC

22 Dated: January 22, 2009

**HUNTERTON & ASSOCIATES**

23 By:   
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C. Stanley Hunterton  
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26 Attorneys for Phase II Chin, LLC .

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**CERTIFICATE OF SERVICE**

[US DISTRICT COURT -NEVADA  
CASE NO. 2:08-CV-00162 JCM (GWF)]

I hereby certify that on January 22, 2009 I caused a true and correct copy of the foregoing Request for Status Conference to be served on counsel for all parties via electronic filing the Court's ECF System.

<p>Samuel S. Lionel, Esq. Charles McCrea, Esq. <b>LIONEL SAWYER &amp; COLLINS</b> 300 So. Fourth Street, # 1700 Las Vegas, Nevada 89101</p> <p>Attorneys for Defendants Forum Shops, LLC Forum Developers Limited Partnership, Simon Property Group Limited Partnership and Simon Property Group, Inc.</p>	<p><b>(FORMER ATTORNEYS)</b> Kristina Pickering, Esq. <b>MORRIS PICKERING &amp; PETERSON</b> 900 Bank of America Plaza 300 So. Fourth Street Las Vegas, Nevada 89101</p> <p>Attorneys for Defendants Caesars Palace Corp. and Caesars Palace Realty Corp.</p>
<p>Harold Gewerter, Esq. <b>GEWETER LAW OFFICES</b> 5440 W. Sahara Avenue, Third Floor Las Vegas, Nevada 89146</p> <p>Attorneys for Plaintiff Love &amp; Money, LLC</p>	<p>C. Stanley Hunterton, Esq. Pamela R. Lawson, Esq. 333 S0. Sixth Street Las Vegas, Nevada 89101</p> <p>Attorneys for Plaintiff Phase II Chin, LV.</p>
<p>George W. Foley, Jr. <b>Magistrate Judge</b> Court Room 3A United States District Court – District of Nevada 333 Las Vegas Blvd. South Las Vegas, Nevada 89101</p>	<p><b>(NEW ATTORNEYS)</b></p> <p>Steve Morris, Esq. <b>MORRIS PETERSON</b> 900 Bank of America Plaza 300 So. Fourth Street Las Vegas, Nevada 89101</p> <p>Attorneys for Defendants Caesars Palace Corp. and Caesars Palace Realty Corp.</p>

