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 14 **Attorneys for Defendants**

15 **UNITED STATES DISTRICT COURT**  
 16 **DISTRICT OF NEVADA**

17 THOMAS DAVIS III, RICK BRUNTON, )  
 18 LOIS TIGER and EMMANUEL WIEST )  
 individually and on behalf of all others )  
 19 similarly situated, )  
 20 )  
 Plaintiffs, )  
 21 )  
 vs. )  
 22 )  
 WESTGATE PLANET HOLLYWOOD LAS )  
 23 VEGAS, LLC., WESTGATE RESORTS )  
 24 INC., WESTGATE RESORTS LTD., CFI )  
 SALES & MARKETING, LTD., CFI SALES )  
 25 & MARKETING, LLC., CFI SALES & )  
 26 MARKETING, INC., and "John Doe" entities )  
 1 to 25, name and number unknown, )  
 27 )  
 Defendants. )  
 28 )

**Docket # 08-CV-S-722-RCJ-PAL**

**STATUS REPORT AND SECOND JOINT  
 MOTION TO STAY ALL PROCEEDINGS  
 AND DEADLINES**

1 Defendants, Westgate Planet Hollywood Las Vegas, LLC, Westgate Resorts, Inc.,  
2 Westgate Resorts, Ltd., CFI Sales & Marketing, Ltd., CFI Sales & Marketing, LLC and CFI  
3 Sales & Marketing, Inc. (“Defendants”), and Plaintiffs (collectively “the Parties”), pursuant to  
4 Local Rule 6-1, by and through their attorneys of record, file this status report and Second  
5 Joint Motion to stay all further proceedings. This Joint Motion is supported by good cause, as  
6 set forth below:  
7

8 1. The parties, as discussed in the prior Joint Motion, engaged in settlement  
9 discussions involving the resolution of all Plaintiffs’ pending claims.  
10

11 2. As this Court is aware, the timeshare industry- including Defendants- has been  
12 severely impacted by the realities of the long economic downturn and in particular, the extreme  
13 restrictions placed on lending, which is the bloodline of Defendants’ operation.

14 3. Defendants are aggressively pursuing a restructuring loan which has yet come to  
15 fruition. The resolution of this case is contingent on the approval of this loan. This is not the  
16 typical case where placing the action on a trial calendar will materially advance settlement  
17 discussions and the ultimate settlement of the case. The impediment here is unrelated to the  
18 parties’ ability to reach mutually agreeable settlement terms, but Defendants’ ability to pay any  
19 such settlement under their current financial condition.  
20

21 4. While the parties are mindful of the Court’s duty to manage its trial docket, it  
22 would be detrimental for everyone involved to proceed with a trial in November 2011, in light  
23 of the unique circumstances affecting the “resolution” of this case. All parties would benefit if  
24 Defendants are allowed the time to sort through the complexity of a multi-billion transaction,  
25 which, if successful, will resolve this action without further expense by the parties; therefore,  
26  
27  
28

1 conserving judicial resources. But to proceed under these circumstances with a trial would  
2 have a detrimental effect.

3 5. It is estimated that a decision regarding the corporate restructuring loan – which  
4 is a complex and time consuming process – should be issued within the next 45-60 days. If  
5 these efforts are unsuccessful, Defendants will be forced to avail themselves of other legal  
6 remedies which will, in turn, directly impact this case.

7  
8 6. The parties are available to discuss the matters addressed herein, should this  
9 Court wish to conduct a telephonic hearing prior to the November 8, 2011 scheduled hearing.

10  
11 **WHEREFORE**, the parties respectfully request that all proceedings, including the  
12 scheduled calendar call and trial, be stayed.

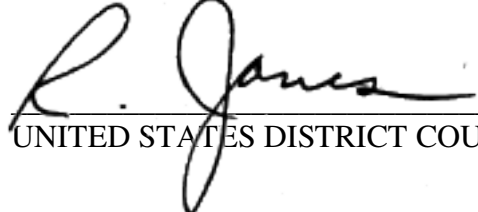
13 IT IS HEREBY ORDERED that this action is STAYED for 90 days from the date of  
14 this Order.

15 IT IS FURTHER ORDERED that an Order to Show Cause will issue 90 days from  
16 the date of this Order if the parties fail to complete settlement of the case.

17 IT IS SO ORDERED.  
18  
19  
20  
21

22 DATED: November 16, 2011.

IT IS SO ORDERED

23  
24   
25 \_\_\_\_\_  
26 UNITED STATES DISTRICT COURT/  
27  
28