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 THEODORE TRAPP and the putative class

11 **UNITED STATES DISTRICT COURT**  
 12 **DISTRICT OF NEVADA**

13 THEODORE TRAPP, on his own behalf and  
 on behalf of all others similarly situated,  
 14 Plaintiff,  
 15 v.  
 16 BIG POPPA'S, LLC, a Nevada limited  
 liability company d/b/a BADDABING  
 MEN'S CLUB, *et al.*,  
 17 Defendants.

Case No. 2:09-cv-00995

**PLAINTIFF'S MOTION AND  
 MEMORANDUM OF POINTS AND  
 AUTHORITIES IN SUPPORT OF  
 MOTION FOR AN ENLARGEMENT OF  
 TIME TO RESPOND TO THE MOTION  
 OF DEFENDANT MICHAEL A.  
 SALTMAN FOR DISMISSAL OF THE  
 COMPLAINT**

**Honorable Lloyd D. George**

**Magistrate Judge Peggy A. Leen**

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 22 *///*  
 23 *///*  
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1 Pursuant to Fed. R. Civ. P. 6(b), Plaintiff respectfully moves the Court for the entry of an  
2 Order enlarging the time by fourteen (14) days through and including August 31, 2009, for  
3 Plaintiff to respond to the Motion to Dismiss of Defendant Michael A. Saltman d/b/a Minxx filed  
4 on July 29, 2009 (Dkt. No. 151).

5 This motion is based upon the attached Memorandum of Points and Authorities and any  
6 argument permitted at the time of hearing.

7 Dated: August 17, 2009

**THEODORE TRAPP**, individually and on  
behalf of all others similarly situated

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By: /s/ Rafey S. Balabonian  
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1                                   **PLAINTIFF’S MEMORANDUM OF POINTS AND AUTHORITIES**  
2                                   **IN SUPPORT OF HIS MOTION FOR ENLARGEMENT OF TIME**

3                   1.       This class action seeks redress for the defendants’ alleged involvement in the  
4 practice of making illegal cash payments or “kickbacks” to drivers of taxi cabs, limousines, and  
5 other car services, for delivering customers to certain adult entertainment clubs (hereinafter  
6 referred to as the “Clubs”) located in the vicinity of Las Vegas Boulevard or more commonly  
7 known as the “Strip.” This alleged practice has been taking place for some time, and while the  
8 kickbacks originally began as “tips” most often in the amount of five dollars, today kickbacks  
9 often times reach and exceed \$100 per passenger.

10                   2.       The lawsuit names 27 separate defendants who are alleged to have been involved  
11 in the foregoing practice and all but two of the defendants—Rick’s Las Vegas (an adult  
12 entertainment club) and Tony Chong (a natural person)—have been duly served with a copy of  
13 the summons and complaint.

14                   3.       On July 29, 2009, Defendant Saltman d/b/a Minxx moved the Court to dismiss the  
15 Complaint pursuant to Fed. R. Civ. P. 12(b)(6). In his motion, Saltman argues that he was  
16 improperly named as a party-defendant in this case because Saltman has purportedly “never  
17 owned title in or operated the Club [Minxx] in his personal capacity.” (Dkt. No. 152, p. 3:19-  
18 20).

19                   4.       The Court has set August 17, 2009, as the deadline for Plaintiff to respond to  
20 Saltman’s motion to dismiss.

21                   5.       In light of the factual and legal assertions made in Saltman’s affidavit, Plaintiff  
22 requires a short enlargement of time by fourteen (14) days to investigate the claims made in, and  
23 to prepare a response to, Saltman’s motion to dismiss.

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1           6.       The Court, for good cause shown, may enlarge the time for a party to complete a  
2 required act. Fed.R.Civ.P. 6(b)(1)(A).

3           7.       Here, there is good cause to allow an enlargement of time to respond to Saltman's  
4 motion to dismiss because an enlargement of time will allow Plaintiff the opportunity to further  
5 investigate the factual and legal assertions made by Saltman in his affidavit, which if true, may  
6 lead to the dismissal of Saltman as a party-defendant and the addition of the proper party in his  
7 stead.

8           8.       On July 15, 2009, Plaintiff and counsel for defendants Déjà Vu Showgirls of Las  
9 Vegas, LLC, Little Darlings of Las Vegas, LLC, and Las Vegas Entertainment, LLC, stipulated  
10 to enlarge the time for Plaintiff to respond to the motion to dismiss filed by those defendants,  
11 which the Court granted on July 20, 2009. On July 29, 2009, Plaintiff moved the Court for an  
12 additional enlargement of time to respond to the motion to dismiss of defendants Las Vegas,  
13 LLC, Little Darlings of Las Vegas, LLC, and Las Vegas Entertainment, LLC's, and for leave to  
14 file a consolidated response to any pending and future motions to dismiss. That motion is  
15 currently pending before the Court. Plaintiff has not sought any other extensions of time in this  
16 case.

17           9.       Plaintiff's counsel has conferred with Saltman's attorneys and is authorized to  
18 state that Saltman has no objection to the relief requested herein.

19           10.      This motion is not being brought for purposes of unduly delaying these  
20 proceedings or to prejudice the defendants.

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1 **WHEREFORE**, Plaintiff Theodore Trapp, respectfully requests that this Court (a) grant  
2 his motion, (b) enlarge the time by fourteen (14) days through and including August 31, 2009,  
3 for Plaintiff to respond to the motion to dismiss of Defendant Michael A. Saltman d/b/a Minxx,  
4 and (c) and award such other and further relief as is equitable and just.

5 **THEODORE TRAPP**, individually and on  
6 behalf of all others similarly situated

7 By: /s/ Rafey S. Balabanian  
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13 **THEODORE TRAPP**