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,	THEODORE TRAPP and the putative class	
10	UNITED STATES DISTRICT COURT	
11		
11	DISTRICT OF NEVADA	
12	THEODORE TRAPP, on his own behalf and	Case No. 2:09-cv-00995
	on behalf of all others similarly situated,	
13	Plaintiff,	PLAINTIFF'S AMENDED MOTION AND
14		MEMORANDUM OF POINTS AND
14	V.	AUTHORITIES IN SUPPORT OF MOTION FOR AN ENLARGEMENT OF
15		TIME TO RESPOND TO THE MOTIONS
	BIG POPPA'S, LLC, a Nevada limited liability company d/b/a BADDA BING	TO DISMISS OF DEFENDANTS LITTLE
16	MEN'S CLUB, et al.,	DARLINGS OF LAS VEGAS, LLC, DÉJÀ
17	Defendants.	VU SHOWGIRLS OF LAS VEGAS, LLC, LAS VEGAS ENTERTAINMENT, LLC,
	Derendants.	NEVADA CHECKER CAB
18		CORPORATION, NEVADA STAR CAB
		CORPORATION, NEVADA YELLOW
19		CAB CORPORATION, WESTERN CAB COMPANY, LUCKY CAB COMPANY
20		OF NEVADA, SUN CAB, INC., DESERT
		CAB, INC., ON DEMAND SEDAN
21		SERVICES, LLC, BLS LIMOUSINE
22		SERVICE OF LAS VEGAS, INC., FRIAS
22		MANAGEMENT, LLC, CLS NEVADA, LLC, D.2801 WESTWOOD, INC.
23		
_		Honorable Lloyd D. George
24		Magistrata Judge Deggy A. Leen
CUMMER KAEMPFER BONNER RENSHAW & FERRARIO Seventh Floor		Magistrate Judge Peggy A. Leen
800 Howard Hughes Parkway Las Vegas, Nevada 89169		1
		Dockets.Justia.com

1	Plaintiff Theodore Trapp, pursuant to Fe	ed. R. Civ. P. 6(b), respectfully moves the Court
2	for the entry of an Order enlarging the time thro	ough September 24, 2009, for Plaintiff to respond
3	to the Motions of Little Darlings of Las Vegas,	LLC, Déjà Vu Showgirls of Las Vegas, LLC, Las
4	Vegas Entertainment, LLC, Nevada Checker	Cab, Nevada Star Cab, Nevada Yellow Cab,
5	Western Cab Company, Lucky Cab Company	of Nevada, Sun Cab, Inc., Desert Cab, Inc., On
6	Demand Sedan Services, LLC, BLS Limousine Service of Las Vegas, Inc., Frias Management,	
7	LLC, CLS Nevada, LLC, D.2801 Westwood, Inc., for dismissal of the Complaint and for leave	
8	to file a consolidated response brief. By this motion, Plaintiff seeks to amend his original motion	
9	requesting an enlargement of time. (Dkt. No. 151). However, Plaintiff's original request to file	
10	a consolidated response brief stands.	
11	Fed. R. Civ. P. 6(b) provides that for good cause shown, the Court may enlarge the time	
12	for a party to complete any required act. Fed.R.Civ.P. 6(b)(1)(A). Here, good cause exists for	
13	allowing the enlargement of time and request t	o file a consolidated response brief because such
14	an enlargement of time and consolidated response will without question serve to preserve the	
15	resources of the litigants and most importantly the Court. As a result, the Court should grant the	
16	request for an enlargement of time and for leave to file a consolidated brief.	
17	This motion is based upon the attached Memorandum of Points and Authorities and any	
18	argument permitted at the time of hearing.	
19	Dated: August 21, 2009	THEODORE TRAPP , individually and on habelf of all others similarly situated
20		behalf of all others similarly situated,
21		By: <u>/s/ Rafey S. Balabanian</u> Rafey Balabanian (ARDC No. 6285687)
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PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF HIS AMENDED MOTION FOR ENLARGEMENT OF TIME

2 This class action seeks redress for the Defendants' alleged involvement in the 1. 3 practice of making illegal cash payments or "kickbacks" to drivers of taxi cabs, limousines, and 4 other car services, for delivering customers to certain adult entertainment clubs (hereinafter 5 referred to as the "Clubs") located in the vicinity of Las Vegas Boulevard, more commonly 6 known as the "Strip." 7 The lawsuit names twenty-seven separate Defendants who are alleged to have 2. 8 been involved in the foregoing practice and all but two of the Defendants-Rick's Las Vegas (an 9 adult entertainment club) and Tony Chong (a natural person)-have been duly served with a 10 copy of the summons and Complaint. 11 Of the twenty-five served Defendants in this case, sixteen-Little Darlings, Déjà 3. 12 Vu's, Las Vegas Entertainment, Western Cab, Lucky Cab, Sun Cab, Desert Cab, On Demand 13 Sedan, Nevada Checker Cab, Nevada Star Cab, Nevada Yellow Cab, BLS Limousine, Frias 14 Management, CLS Nevada, D.2801 Westwood, and Michael Saltman-have moved to dismiss 15 the Complaint under Rules 9 and 12 of the Federal Rules of Civil Procedure. Of the remaining 16 nine served Defendants, three (Bell Trans, La Fuente, K-Kel) have stipulated deadlines of 17 August 24, 2009, to answer or otherwise plead; three (C.P. Food & Beverage, Palomino, Sky 18 Top Vending) are in technical default; two (Big Poppas, LLC and O.G. Eliades, A.D., LLC) have 19 stipulated to the entry of a ninety (90) day stay to focus their efforts on settlement; and one 20 (Shac, LLC) has answered the Complaint. 21 Defendants Little Darlings, Déjà Vu's, and Las Vegas Entertainment were the 4. 22 first of the Defendants to move to dismiss the Complaint. The Parties then stipulated to an

enlargement of time until July 29, 2009, for the Plaintiff to respond. As that date approached,

however, it became apparent that several other Defendants would be moving for dismissal as

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1 well. In fact, on that very day, Defendant Michael Saltman also moved to dismiss the 2 Complaint.

5. As a result, rather than responding to the motion, Plaintiff moved the Court for an enlargement of time to respond to any then current and future motions to dismiss and for leave to file a consolidated response brief. Plaintiff requested an extension of time until thirty (30) days after all of the Defendants have responded, or are required to respond, to the Complaint. In the following two weeks, twelve more Defendants moved for dismissal of the Complaint.

8 6. Defendants Little Darlings, Déjà Vu's, Las Vegas Entertainment, Western Cab,
9 Lucky Cab, Sun Cab, Desert Cab, On Demand Sedan, BLS Limousine filed oppositions to
10 Plaintiff's motion for enlargement, to which Defendants Frias Management and La Fuente
11 joined.

The crux of the oppositions were that the request for an enlargement of thirty (30)
days after all of the Defendants have responded, or are required to respond, to the Complaint,
was unreasonably prejudicial to the Defendants because all of the Defendants have not been
served with the Complaint.

8. Given that two Defendants remain to be served in this case, Plaintiff acknowledges that the requested enlargement may have the effect of unreasonably delaying the resolution of the pending motions to dismiss. Plaintiff therefore amends his request and seeks an enlargement of time through September 24, 2009, to file a consolidated response to the motions to dismiss¹, which is thirty (30) days after the stipulated deadline for the remaining-served Defendants—K-Kel, La Fuente, and Bell Trans—to answer or otherwise plead to the Complaint.

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Plaintiff is not seeking any additional enlargement of time to respond to Michael Saltman's motion to dismiss since that Defendant seeks dismissal of the Complaint as to him on the grounds that he purportedly "never owned title in or operated the Club [Minxx] in his personal capacity" (*See* Dkt. No. 152, p. 3:19-20) and therefore, was improperly named as a party-defendant. Plaintiff's response to such motion is due by August 31, 2009.

- 9. The Court, for good cause shown, may enlarge the time for a party to complete a
 required act. Fed. R. Civ. P. 6(b)(1)(A); see also Bliss v. Tanner, No. 87-0436 PHX RGS, 1987
 WL 452237 (D. Ariz. 1987) ("Rule 6(b) of the Federal Rules of Civil Procedure liberally grants
 the court discretion to extend time limits").
- Here, good cause exists because rather than providing the Court with 15 separate 10. 5 briefs relating to issues raised by sixteen different Defendants, an enlargement of time to allow 6 for a consolidated response brief will serve to preserve the resources of the Parties and the Court. 7 On July 15, 2009, Plaintiff and counsel for Defendants Déjà Vu's, Little Darlings, 11. 8 and Las Vegas Entertainment, stipulated to enlarge the time for Plaintiff to respond to the motion 9 to dismiss filed by those Defendants, which the Court granted on July 20, 2009. On July 29, 10 2009, Plaintiff filed his original motion for enlargement of time and for leave to file a 11 consolidated response to any pending and future motions to dismiss. That motion is currently 12 pending before the Court. On August, 17, 2009, Plaintiff moved, without opposition, to enlarge 13 the time for Plaintiff to respond to Michael Saltman's motion to dismiss, which the Court 14 granted. Plaintiff has not sought any other extensions of time in this case. 15
- 16 11. This motion is not being brought for purposes of unduly delaying these17 proceedings or to prejudice the Defendants.
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WHEREFORE, Plaintiff Theodore Trapp, respectfully requests that this Court (a) grant
his motion, (b) enlarge the time for Plaintiff to respond to the motion to dismiss of Defendants
Little Darlings, Déjà Vu's, Las Vegas Entertainment, Western Cab, Lucky Cab, Sun Cab, Desert
Cab, On Demand Sedan, Nevada Checker Cab, Nevada Star Cab, Nevada Yellow Cab, BLS
Limousine, Frias Management, CLS Nevada, and D.2801 Westwood, through and including
September 24, 2009, (c) grant Plaintiff leave to file a consolidated brief in response to such

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1	motions to dismiss, and (d) award such other and	d further relief as the Court deems equitable and
2	just.	
3	Dated: August 21, 2009	THEODORE TRAPP , individually and on behalf of all others similarly situated
4		behalf of all others similarly situated
5		By: /s/ Rafey S. Balabanian
6		By: <u>/s/ Rafey S. Balabanian</u> Rafey Balabanian (ARDC No. 6285687) (<i>Admitted Pro Hac Vice</i>) KAMBEREDELSON LLC
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10		Attorneys for Plaintiff THEORDORE TRAPP
11		THEORDORE TRAPP
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(UMMER KAEMPFER BONNER RENSHAW & FERRARIO Seventh Floor 800 Howard Hughes Parkway Las Vegas, Nevada 89169		6

1	CERTIFICATE OF SERVICE
2	I, the undersigned, hereby certify that on the 21st day of August, 2009, I electronically
3	filed the foregoing PLAINTIFF'S AMENDED MOTION AND MEMORANDUM OF
4	POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR AN ENLARGEMENT
5	OF TIME TO RESPOND TO THE MOTIONS TO DISMISS OF DEFENDANTS LITTLE
6	DARLINGS OF LAS VEGAS, LLC, DÉJÀ VU SHOWGIRLS OF LAS VEGAS, LLC,
7	LAS VEGAS ENTERTAINMENT, LLC, NEVADA CHECKER CAB CORPORATION,
8	NEVADA STAR CAB CORPORATION, NEVADA YELLOW CAB CORPORATION,
9	WESTERN CAB COMPANY, LUCKY CAB COMPANY OF NEVADA, SUN CAB, INC.,
10	DESERT CAB, INC., ON DEMAND SEDAN SERVICES, LLC, BLS LIMOUSINE
11	SERVICE OF LAS VEGAS, INC., FRIAS MANAGEMENT, LLC, CLS NEVADA, LLC,
12	D.2801 WESTWOOD, INC. using the court's CM/ECF system which will send notification to
13	the parties in this matter.
14	DATED this 21st day of August, 2009.
15	Und mul
16	an employee of Kummer Kaempfer Bonner Renshaw & Ferrario
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