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 21 THEODORE TRAPP and the putative class

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Attorneys for Defendant
 K-KEL, INC. d/b/a SPEARMINT RHINO

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

THEODORE TRAPP, on his own behalf and
 on behalf of all others similarly situated,

Plaintiff,

v.

BIG POPPA'S, LLC, a Nevada limited
 liability company d/b/a BADDABING
 MEN'S CLUB; SKY TOP VENDING, INC.,
 a Nevada Corporation d/b/a CAN CAN
 ROOM; LA FUENTE, INC., a Nevada
 corporation d/b/a CHEETAH'S; C.P. FOOD
 AND BEVERAGE, INC., a Nevada

Case No. 2:09-cv-00995

**STIPULATED REQUEST TO STAY
 PROCEEDINGS AS TO K-KEL, INC.
 DBA SPEARMINT RHINO PENDING
 OUTCOME OF SETTLEMENT
 DISCUSSIONS**

Honorable Lloyd D. George

Magistrate Judge Peggy A. Leen

1 corporation d/b/a CLUB PARADISE; DÉJÀ
2 VU SHOWGIRLS OF LAS VEGAS, LLC, a
3 Nevada limited liability company d/b/a DÉJÀ
4 VU SHOWGIRLS; PALOMINO CLUB,
5 INC., a Nevada corporation d/b/a
6 PALOMINO CLUB; SHAC, LLC, a Nevada
7 limited liability company d/b/a SAPPHIRE;
8 K-KEL, INC., a Nevada corporation d/b/a
9 SPEARMINT RHINO; D.2801
10 WESTWOOD, INC., a Nevada corporation
11 d/b/a TREASURES; LITTLE DARLINGS OF
12 LAS VEGAS, LLC, a Nevada limited liability
13 company d/b/a LITTLE DARLINGS; O.G.
14 ELIADES, A.D., LLC, a Nevada limited
15 liability company d/b/a OLYMPIC
16 GARDENS; LAS VEGAS
17 ENTERTAINMENT, LLC, a Nevada limited
18 liability company d/b/a LARRY FLYNT'S
19 HUSTLER CLUB; MICHAEL A. SALTMAN
20 d/b/a MINXX; RICK'S LAS VEGAS; FRIAS
21 MANAGEMENT, LLC, a Nevada limited
22 liability company d/b/a ACE CAB
23 COMPANY and A-NORTH LAS VEGAS
24 CAB; WESTERN CAB COMPANY, a
Nevada corporation d/b/a WESTERN CAB
COMPANY and WESTERN LIMOUSINE;
NEVADA CHECKER CAB
CORPORATION, a Nevada corporation d/b/a
CHECKER CAB COMPANY; NEVADA
STAR CAB CORPORATION, a Nevada
corporation d/b/a STAR CAB COMPANY;
NEVADA YELLOW CAB CORPORATION,
a Nevada corporation d/b/a YELLOW CAB
COMPANY; LUCKY CAB COMPANY OF
NEVADA, a Nevada corporation d/b/a
LUCKY TRANS; SUN CAB, INC., a Nevada
corporation d/b/a NELLIS CAB COMPANY;
CLS NEVADA, LLC, a Nevada limited
liability company d/b/a CLS
TRANSPORTATION LAS VEGAS;
ON DEMAND SEDAN SERVICES, LLC, a
Nevada limited liability company d/b/a ODS
LIMOUSINE and ODS CHAUFFEURÉD
TRANSPORTATION; BLS LIMOUSINE
SERVICE OF LAS VEGAS, INC., a Nevada
corporation d/b/a BLS LIMOUSINE
SERVICE OF LAS VEGAS; DESERT CAB,
INC., a Nevada corporation d/b/a DESERT
CAB COMPANY and ODYSSEY
LIMOUSINE; BELL TRANS A NEVADA
CORPORATION, a Nevada corporation d/b/a
BELL TRANS; TONY CHONG, an
individual; and DOE EMPLOYEES 1-1000;

Defendants.

1 Plaintiff THEODORE TRAPP (“Plaintiff” or “Trapp”) and Defendant K-KEL, INC.
2 d/b/a SPEARMINT RHINO (“Spearmint Rhino”) propose the following Stipulation and
3 Proposed Order staying these proceedings for 90 days as to that Defendant. In support, the
4 Parties state as follows:

5 **WHEREAS**, on June 2, 2009, Plaintiff filed a four-count putative class action complaint
6 (“the Complaint”) against the defendants alleging violations of Nevada’s Racketeering Statute;

7 **WHEREAS**, Plaintiff caused Defendant Spearmint Rhino to be served with a copy of the
8 summons and complaint in this matter on or about June 9, 2009;

9 **WHEREAS**, by Stipulation filed July 29, 2009, the Parties agreed, subject to the
10 approval of this Court, to enlarge the time for Defendant Spearmint Rhino to answer or otherwise
11 plead to the Complaint until August 24, 2009, which is currently pending before the Court.

12 **WHEREAS**, Plaintiff and Defendant Spearmint Rhino, seek entry of an Order staying
13 these proceedings and all aspects of this case as between Plaintiff and Defendant Spearmint
14 Rhino to enable the Parties to focus their efforts on settlement discussions in the hopes of
15 bringing an early resolution to this matter;

16 **WHEREAS**, the Parties agree that notwithstanding the requested stay requested herein,
17 Defendant Spearmint Rhino shall have the right, in its sole discretion, to answer or otherwise
18 plead to the Complaint, including moving the Court for dismissal, thereby terminating the
19 requested stay;

20 **WHEREAS**, the Parties further agree that to the extent they be unable to resolve this
21 matter during the requested 90-day stay, Defendant Spearmint Rhino shall have 30-days from the
22 date of the expiration of the stay to answer or otherwise respond to the Complaint;

23 **WHEREAS**, Defendant Spearmint Rhino denies the material allegations of the
24 Complaint, denies it committed any wrongdoing, and denies any liability to Plaintiff or the

1 putative class of individuals that he purports to represent;

2 **WHEREAS**, taking into account the burdens and expense of protracted litigation,
3 including the risks and uncertainties associated with class certification, protracted trials, and
4 appeals, the Parties have decided to engage in settlement discussions to determine whether a
5 speedy and efficient resolution to this case may be achieved;

6 **NOW THEREFORE**, the Parties hereby **STIPULATE** and **AGREE** as follows:

- 7 1. These proceedings and all aspects of this case are hereby stayed for ninety
8 (90) days through and including November 23, 2009, as between Plaintiff
9 and Defendant K-Kel, Inc. d/b/a Spearmint Rhino;
- 10 2. Notwithstanding the requested stay requested herein, Defendant Spearmint
11 Rhino shall have the right, in its sole discretion, to answer or otherwise
12 respond to the Complaint, including moving the Court for dismissal,
13 thereby terminating the requested stay; and,
- 14 3. If the Parties are unable to resolve this matter during the requested 90-day
15 stay, Defendant Spearmint Rhino shall have 30-days from the date of the
16 expiration of the stay to answer or otherwise respond to the Complaint.

17 **IT IS SO STIPULATED.**

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

K-KEL, INC. d/b/a SPEARMINT RHINO, a
Nevada corporation,

20 By: /s/ Jay Edelson
21 Jay Edelson (ARDC No. 6239287)
22 Rafey S. Balabanian (ARDC No. 6285687)
23 KAMBEREDELSON LLC
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By: /s/ John H. Weston
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IT IS SO ORDERED.

Dated this _____ day of _____, 2009


HONORABLE LLOYD D. GEORGE
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF E-FILING

I, the undersigned, hereby certify that on the 24th day of August, 2009, I electronically filed the foregoing **STIPULATED REQUEST TO STAY PROCEEDINGS AS TO K-KEL, INC. DBA SPEARMINT RHINO PENDING OUTCOME OF SETTLEMENT DISCUSSIONS** using the court's CM/ECF system which will send notification to the parties in this matter.

DATED this 24th day of August, 2009.



an employee of
Kummer Kaempfer Bonner Renshaw & Ferrario