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9 *Attorneys for Plaintiff*
 THEODORE TRAPP and the putative class

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

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

13 Plaintiff,

14 v.

15 BIG POPPA'S, LLC, a Nevada limited
 16 liability company d/b/a BADDA BING
 MEN'S CLUB, *et al.*,

17 Defendants.

Case No. 2:09-cv-00995

**PLAINTIFF'S REPLY IN SUPPORT OF
 HIS AMENDED MOTION FOR AN
 ENLARGMENT OF TIME TO
 RESPOND TO THE MOTIONS TO
 DISMISS OF DEFENDANTS LITTLE
 DARLINGS OF LAS VEGAS, LLC, DÉJÀ
 VU SHOWGIRLS OF LAS VEGAS, LLC,
 LAS VEGAS ENTERTAINMENT, LLC,
 NEVADA CHECKER CAB
 CORPORATION, NEVADA STAR CAB
 CORPORATION, NEVADA YELLOW
 CAB CORPORATION, WESTERN CAB
 COMPANY, LUCKY CAB COMPANY
 OF NEVADA, SUN CAB, INC., DESERT
 CAB, INC., ON DEMAND SEDAN
 SERVICES, LLC, BLS LIMOUSINE
 SERVICE OF LAS VEGAS, INC., FRIAS
 MANAGEMENT, LLC, CLS NEVADA,
 LLC, D.2801 WESTWOOD, INC. and
 BELL TRANS**

Honorable Lloyd D. George

Magistrate Judge Peggy A. Leen

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1. Sixteen Defendants have moved for dismissal of the Complaint, filing a total of six separate motions and accompanying memoranda of law, and seeking dismissal on various grounds.

2. Plaintiff has moved for an enlargement of time to respond to the several motions to dismiss until September 24, 2009. (Dkt. No. 187.)

3. Only Defendants On Demand Sedan Services, BLS Limousine Services, Western Cab, Star Cab, Desert Cab, and Lucky Cab (the “Transportation Defendants”)—all of whom happen to be represented by the same attorneys—filed oppositions to the requested enlargement. (Dkt. No. 196.)

4. The remaining ten (10) defendants who have also moved for dismissal of the Complaint have not filed any opposition to the requested enlargement of time until September 24.

5. Under Local Rule 7-2, the failure to file any opposition to the amended motion for enlargement of time means that the Defendants have consented to the requested enlargement.

6. As noted above, the Transportation Defendants are the only Defendants opposing the requested enlargement of time. They cleverly argue that since Plaintiff’s amended motion to enlarge was filed after the period to respond to their motion to dismiss had expired, Plaintiff was required to demonstrate excusable neglect and not just good cause. The Transportation Defendants are mistaken.

7. Plaintiff originally moved for an enlargement of time on July 29, 2009—two days before the Transportation Defendants moved to dismiss the Complaint. In his original motion to enlarge, Plaintiff requested an enlargement of time to respond to any then-current, or *future*, motions to dismiss. After considering the several oppositions filed in response to the original

1 motion to enlarge, rather than simply file a reply in support, Plaintiff thought it more appropriate
2 to amend his motion in order to request a shortened briefing schedule. However, since the
3 original motion to enlarge was filed before the Transportation Defendants filed their motion to
4 dismiss, the requested enlargement was timely and Plaintiff was therefore not required to
5 demonstrate excusable neglect—only good cause. Furthermore, as the original and amended
6 motions were filed timely, the Transportation Defendants cannot seriously argue that Plaintiff
7 has consented to their motion to dismiss by not yet filing a response.

8 8. As explained in his amended motion to enlarge, good cause exists because rather
9 than providing the Court with fifteen separate briefs relating to issues raised by sixteen different
10 Defendants, an enlargement of time and a consolidated response brief will serve to preserve the
11 resources of the Parties and the Court.

12 9. While the Transportation Defendants argue that the requested enlargement will
13 result in waste and prejudice to the Defendants, the facts and procedural posture of the case—not
14 to mention common sense and the reaction of the other Defendants—suggest otherwise.

15 **WHEREFORE**, Plaintiff Theodore Trapp, respectfully requests that this Court (a) grant
16 his amended motion, (b) enlarge the time for Plaintiff to respond to the motion to dismiss of
17 Defendants Little Darlings, Déjà Vu's, Las Vegas Entertainment, Western Cab, Lucky Cab, Sun
18 Cab, Desert Cab, On Demand Sedan, Nevada Checker Cab, Nevada Star Cab, Nevada Yellow
19 Cab, BLS Limousine, Frias Management, CLS Nevada, D.2801 Westwood, and Bell Trans,
20 through and including September 24, 2009, (c) grant Plaintiff leave to file a consolidated brief in
21 response to such motions to dismiss, and (d) award such other and further relief as the Court
22 deems equitable and just.

1 Dated: September 14, 2009

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

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By: /s/ Rafey S. Balabanian
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CERTIFICATE OF SERVICE

I, Rafey S. Balabanian, an attorney, certify that on September 14, 2009, I served the above and foregoing, *Plaintiff's Reply in Support of His Amended Motion For An Enlargement of Time to Respond to the Motions to Dismiss of Defendants Little Darlings Of Las Vegas, LLC, Déjà Vu Showgirls Of Las Vegas, LLC, Las Vegas Entertainment, LLC, Nevada Checker Cab Corporation, Nevada Star Cab Corporation, Nevada Yellow Cab Corporation, Western Cab Company, Lucky Cab Company Of Nevada, Sun Cab, Inc., Desert Cab, Inc., On Demand Sedan Services, LLC, BLS Limousine Service Of Las Vegas, Inc., Frias Management, LLC, CLS Nevada, LLC, and D.2801 Westwood, Inc.*, by causing true and accurate copies of such paper to be filed and transmitted to all counsel of record, via the Court's CM/ECF electronic filing system, on this the 14th day of September, 2009.

/s/ Rafey S. Balabanian