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 10 THEODORE TRAPP and the putative class

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

17 **UNITED STATES DISTRICT COURT**
 18 **DISTRICT OF NEVADA**

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

20 Plaintiff,

21 v.

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

Case No. 2:09-cv-00995

[PROPOSED]
STIPULATED REQUEST TO STAY
PROCEEDINGS PENDING OUTCOME
OF SETTLEMENT DISCUSSIONS
(Second Request)

Honorable Lloyd D. George

Magistrate Judge Peggy A. Leen

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

Defendants.

Plaintiff THEODORE TRAPP (“Plaintiff” or “Trapp”) and Defendant K-KEL, INC.

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

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

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

8 **WHEREAS**, by Stipulation filed July 29, 2009 (Doc. 149), the Parties agreed, subject to
9 the approval of this Court, to enlarge the time for Defendant Spearmint Rhino to answer or
10 otherwise plead to the Complaint until August 24, 2009.

11 **WHEREAS**, the Parties thereafter stipulated to and the Court granted (Doc. 194) a
12 temporary stay of these proceedings until November 23, 2009, including Defendant Spearmint
13 Rhino’s obligation to answer or otherwise respond to the Complaint, to enable the Parties to
14 focus their efforts on settlement discussions; This order allows Defendant Spearmint Rhino to
15 file an answer or otherwise respond to the Complaint within 30 days of the November 23, 2009
16 expiration of the temporary stay;

17 **WHEREAS**, Plaintiff and Defendant Spearmint Rhino, seek entry of an Order further
18 staying these proceedings and all aspects of this case as between Plaintiff and Defendant
19 Spearmint Rhino by an additional 60-days to enable the Parties to continue their efforts to settle
20 this case;

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

WHEREAS, the Parties further agree that to the extent they be unable to resolve this
matter during the requested 60-day stay, Defendant Spearmint Rhino shall have 30-days from the
date of the expiration of the stay to answer or otherwise respond to the Complaint;

WHEREAS, Defendant Spearmint Rhino denies the material allegations of the

1 Complaint, denies it committed any wrongdoing, and denies any liability to Plaintiff or the
2 putative class of individuals that he purports to represent;

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

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

- 8 1. These proceedings and all aspects of this case are hereby stayed for an
9 additional (60) days through and including January 22, 2010, as between
10 Plaintiff and Defendant K-Kel, Inc. d/b/a Spearmint Rhino;
- 11 2. Notwithstanding the stay requested herein, Defendant Spearmint Rhino
12 shall have the right, in its sole discretion, to answer or otherwise respond
13 to the Complaint, including moving the Court for dismissal, thereby
14 terminating the requested stay; and,
- 15 3. If the Parties are unable to resolve this matter during the requested 60-day
16 stay, Defendant Spearmint Rhino shall have 30-days from the date of the
17 expiration of the stay to answer or otherwise respond to the Complaint.

18 **IT IS SO STIPULATED.**

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

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

By: /s/ Jay Edelson
Jay Edelson (ARDC No. 6239287)
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IT IS SO ORDERED.

Dated this _____ day of _____, 2009

HONORABLE LLOYD D. GEORGE
UNITED STATES DISTRICT JUDGE

