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 12  
 13 **UNITED STATES DISTRICT COURT**  
 14 **DISTRICT OF NEVADA**

15 KANIE KASTROLL, on her own behalf and  
on behalf of all others similarly situated,

16 Plaintiff,

17 v.

18 WYNN RESORTS, LTD. a Nevada  
19 corporation d/b/a WYNN LAS VEGAS,

20 Defendant.  
21

CASE NO. 2:09-cv-02034-LDG-LRL

**PLAINTIFF'S MOTION TO EXTEND  
TIME TO FILE AN OPPOSITION TO  
DEFENDANT'S MOTION TO DISMISS  
(First Request)**

22  
 23 Plaintiff, Kanie Kastroll, pursuant to the District of Nevada Local Rules 6-1 and 6-2,  
 24 hereby respectfully requests that this Honorable Court enter an Order extending the deadline by  
 25 thirty (30) days up to and including January 25, 2010, by which Plaintiff must file her Opposition  
 26 to Defendant's Motion to Dismiss. Defendant Wynn's Motion to Dismiss was filed on December  
 27 11, 2009. Plaintiff's Opposition is currently due on December 28, 2009.  
 28



**DECLARATION OF COUNSEL**

1 STATE OF ILLINOIS        )  
2    )  
3 COUNTY OF COOK            )

4 I, Jay Edelson, Esq., hereby declare as follows:

5 1. I am an attorney, duly licensed to practice law in the state of Illinois and admitted  
6 pro hac vice as Plaintiff’s counsel in the above case Kastroll v. Wynn, case # 09-cv-02034-LDG-  
7 LRL. I am the lead counsel for Plaintiff.

8 2. I am scheduled to travel to Japan from December 21, 2009 to January 4, 2010 on a  
9 personal matter.

10 3. My associate who is primarily working on this case will also be out of the office  
11 and out of town from December 26, 2009 to December 29, 2009.

12 4. The holiday season delays, my scheduled travel and the absence of my associate  
13 severely hamper counsel’s ability to prepare and file a timely Opposition to Defendant’s Motion to  
14 Dismiss that is due on December 28, 2009.

15 5. Counsel respectfully requests this Court grant the extension for filing sought  
16 herein. Counsel reasonably believes that the Opposition can be completed within said time frame.

17 6. My associate contacted Debra L. Spinelli, one of Defendant’s attorneys on  
18 December 14, 2009 and again December 15, 2009, inquiring whether Defendant would stipulate to  
19 an extension of time. As of the time of this filing, Defendant’s counsel failed to provide an  
20 answer to my associate’s inquiries.

21 I declare under penalty of perjury that the foregoing is true and correct.

22 Dated this 16th day of December, 2009.

23 /s/ Jay Edelson  
24 KamberEdelson, LLC  
25 350 N. LaSalle Street, Suite 1300  
26 Chicago, IL 60654  
27 *Attorney for Plaintiff Kanie Kastroll*  
28

POINTS AND AUTHORITIES

1  
2 Pursuant to Local Rule 6-2 and 6-2 Plaintiff respectfully requests a thirty (30) day  
3 extension of time in which to file an Opposition to Defendant’s Motion to Dismiss the  
4 Complaint.

5 This is a putative class action regarding Defendant’s failure to provide a safe work  
6 environment to its employees. The complaint was filed on October 20, 2009, and the Defendant  
7 was served on October 22, 2009. In early November 2009, Plaintiff’s counsel agreed to grant  
8 Defendant’s counsel a 30-day extension to respond to the Complaint, extending the deadline to  
9 file an Answer or otherwise plead to December 11, 2009. Defendant filed its Motion to Dismiss  
10 on that date. (Dkt. 13.)

11 Under Local Rule 7-2(b), a response to the motion to dismiss “shall be filed and served by  
12 an opposing party fifteen (15) days after service of the motion.” The fifteenth day from the  
13 service of Defendant’s Motion to Dismiss falls on Saturday, December 26, and thus Plaintiff’s  
14 deadline to submit her Opposition to Defendant’s Motion to Dismiss falls on Monday, December  
15 28, 2009, the first business day after the deadline. (See Dkt. 13.)

16 Given the fact that this deadline falls in the midst of the holiday season and one of the  
17 associates who primarily works on this case will be out of town on the date the filing is due, and  
18 that Plaintiff’s lead counsel Jay Edelson will be out of the country from December 21, 2009  
19 through January 4, 2010, Plaintiff respectfully requests a 30-day extension to file her Opposition to  
20 Defendant’s Motion to Dismiss, up to and including January 25, 2010.

21 The Court has not yet issued a scheduling order, and Defendant will not be prejudiced by  
22 this extension in any way. Plaintiff’s counsel contacted Defendant’s counsel on December 14,  
23 2009, and again on December 15, 2009 and inquired whether Defendant would object to such an  
24 extension. As of the time of this filing, Defendant’s counsel has not provided an answer to  
25 Plaintiff’s counsel’s repeated inquiries.

26 This is the first extension requested for this Opposition. The request is made in good faith  
27 and not for the purpose of harassment or delay.

1 WHEREFORE, Plaintiff Kanie Kastroll respectfully requests that this Honorable Court  
2 enter an Order extending the deadline for Plaintiff to file her Opposition to Defendant's Motion to  
3 Dismiss up to and including January 25, 2010.

4 Dated: December 16, 2009

5 Respectfully submitted,

6  
7 /s/ Marc Cook  
8 One of Plaintiff's Attorneys

9 George Kelesis, Esq., Bar No. 69  
10 Marc P. Cook, Esq., Bar No. 4574  
11 400 South Fourth Street, Suite 300  
12 Las Vegas, Nevada 89101

13 and

14 Jay Edelson, Esq.  
15 Rafey S. Balabanian, Esq.  
16 Steven Lezell, Esq.  
17 Kamber Edelson, LLC  
18 350 N. LaSalle Ave., Suite 1300  
19 Chicago, Illinois 60654

20 *Attorneys for Plaintiff Kanie Kastroll*

21 **ORDER**

22 IT IS SO ORDERED.

23 \_\_\_\_\_  
24 UNITED STATES DISTRICT/MAGISTRATE JUDGE

25 CASE NO.: 2:09-cv-02034-LDG-LRL

26 DATE: \_\_\_\_\_  
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CERTIFICATE OF SERVICE

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I hereby certify that on the 16th day of December, 2009, I electronically filed a true and correct copy of the foregoing **PLAINTIFF'S MOTION TO EXTEND TIME TO FILE AN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS** with the Clerk of the Court of the United States District Court, District of Nevada by using the CM/ECF system. All parties were served by the CM/ECF system.

/s/ Marc Cook  
One of Plaintiff's Attorneys