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15 UNITED STATES DISTRICT COURT
16 DISTRICT OF NEVADA

17 ELIZABETH WEAR and JOHN
18 BUTCHER, and CARMEN WORSTELL,
on behalf of themselves and all others
19 similarly situated,

20 Plaintiffs,

21 vs.

22 SPRINT COMMUNICATIONS
23 COMPANY, L.P., QWEST
COMMUNICATIONS COMPANY, LLC;
24 LEVEL 3 COMMUNICATIONS, LLC; and
WILTEL COMMUNICATIONS, LLC,

25 Defendants.

Case No: 2:11-cv-00809-KJD-GWF

27 **DEFENDANTS' UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO**
28 **RESPOND TO THE COMPLAINT**



1 Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), defendants Sprint
2 Communications Company L.P., Qwest Communications Company, L.L.C., Level 3
3 Communications, L.L.C., and WiTel Communications, L.L.C. (collectively “Defendants”)
4 hereby move the Court for an extension of time to respond to plaintiffs’ Amended Class
5 Action Complaint (the “Complaint”) to and including August 2, 2012. In support of this
6 motion, Defendants state:

- 7 1. Plaintiffs consent to the extension of time requested in this motion.
- 8 2. A number of class action lawsuits involving subject matter similar to this
9 lawsuit (together with this action, the “Related Class Actions”) are pending in courts
10 around the country. The Related Class Actions concern the installation of fiber-optic
11 cable and related telecommunications equipment within railroad rights of way across the
12 country.
- 13 3. With the assistance of the mediator Professor Eric D. Green, counsel for
14 the various parties in the Related Class Actions (the “Parties”) have reached agreement
15 on the substantive terms of a settlement of the claims in the Related Class Actions,
16 subject to: (a) finalizing settlement documentation, (b) obtaining final corporate
17 approvals, and (c) implementing the procedural steps necessary to present proposed
18 class action settlements to the multiple courts involved.
- 19 4. The Parties have made significant progress in finalizing and implementing
20 class action settlement agreements in a number of the Related Class Actions pending
21 around the country. For example, among other things, the Parties have made the
22 following progress:
 - 23 a. The Parties have obtained *final* court approval of class action settlements
24 in five states: Alabama, Idaho, Illinois, Montana, and North Dakota.
 - 25 b. The Parties have obtained *preliminary* approval of class action settlements
26 in eight states: Arkansas, Colorado, Kansas, Michigan, Nebraska,
27 Oklahoma, West Virginia, and Wyoming.
 - 28 c. The Parties have submitted proposed class action settlements and are

1 awaiting preliminary approval in *thirteen* other states, in addition to the
2 states mentioned above: Delaware, Florida, Georgia, Iowa, Maine,
3 Maryland, Minnesota, Missouri, New Jersey, New York, North Carolina,
4 Utah, and Virginia.

5 5. Defendants' responses to the Complaint are currently due on or about May
6 4, 2012. The Parties continue to work on settlement issues, but require more time
7 before they would be ready to submit a proposed Nevada settlement for this Court's
8 consideration.

9 6. Defendants request a 90 day extension of time within which to respond to
10 the Complaint, *i.e.*, an extension to and including August 2, 2012.

11 7. No previous extensions of this deadline have been granted. No scheduling
12 order has been entered in this action. The requested extension will not affect any other
13 deadlines applicable in this case.

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1 Wherefore, Defendants respectfully request entry of an order extending
2 Defendants' deadline to respond to the Complaint by 90 days, i.e., to and including
3 August 2, 2012.

4 Dated this 1st day of May, 2012.

5 MCDONALD CARANO WILSON LLP

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14 (Local Counsel)
15 Attorneys for Defendants
16 Qwest Communications Company, LLC,
17 Level 3 Communications, LLC,
18 Sprint Communications Company, L.P.
19 And Witel Communications, LLC

20 IT IS SO ORDERED.

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GEORGE FOLEY, JR.
United States Magistrate Judge
DATED: May 2, 2012


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1 **CERTIFICATE OF SERVICE**

2 I hereby certify, under penalty of perjury, that I am an employee of McDonald
3 Carano Wilson ^{LLP} and that pursuant to LR 5-3 I caused to be electronically filed on this
4 date a true and correct copy of the **DEFENDANTS' UNOPPOSED MOTION FOR**
5 **ENLARGEMENT OF TIME TO RESPOND TO THE COMPLAINT** with the Clerk of the
6 Court using the CM/ECF system, which will automatically e-serve the same on the
7 attorney of record set forth below.

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18 DATED this 1st day of May, 2012.

19
20 \s\ Nancy A. Hoy
21 Nancy A. Hoy

21 335832.1

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