STANLEY D. BROOME 1 Texas Bar No. 24029457 1155 W. Wall Street, Suite 102 2 Grapevine, Texas 76051 3 ATTORNEY FOR PLAINTIFF 4 UNITED STATES DISTRICT COURT 5 DISTRICT OF NEVADA 6 Case No. 2:13-cv-00248-MMD-VCF **JOSE MARTINEZ** 7 8 Plaintiff, § ORDER GRANTING 9 § § AGREED MOTION TO VS. 10 § **EXTEND RESPONSE DEADLINE** CREATIVE CONCEPTS, INC., 11 NPL CONSTRUCTION CO., SPEIDEL § § § 12 ENTERPRISES, INC., d/b/a CREATIVE CONCEPTS, JOHN SPEIDEL, DAVID 13 SPEIDEL, ELIA VALLEJO, § § RICARDO PRINGLE, MIKE KEMPER, (First Request) 14 CAVIN DONNELL, EARL MAHAN, § PAUL SCHELLY d/b/a LAW OFFICES 15 OF PAUL SCHELLY 16 Defendants. 17 18 COMES NOW PLAINTIFF through undersigned counsel who respectfully requests 19 20 that the deadline to respond to Defendants' First Motion to Dismiss for Failure to State a Claim 21 (Doc. No. 4) be extended to **April 1, 2013** for the following reasons: 22 1. Defendant NPL filed its First Motion for Dismiss for Failure to State a Claim, or 23 in the Alternative, Motion for Judgment on the Pleadings, on 2/12/2013. The date for response 24 was 3/10/2012. 25 2. This case is a companion case to three other cases, including Hernandez et. al. v. 26 Creative Concepts, et al., Cause No. 2:10-cv-2132, U.S. Dist. Nevada; Rodriguez v. Creative 27 28 Concepts, Et. al., Cause No. 3:12-cv-02978, U.S. Dist. Northern District of Texas; and Martinez

v. Creative Concepts, Et. al., Cause no. 3:12-cv-02979. All of the cases arise out of the same or similar transactions and events. The parties are engaged in a wide variety of depositions, motion practice and discovery in the companion cases. Plaintiff's counsel made a mistake and failed to calendar the response date for the Motion to Dismiss, and the deadline was inadvertently missed.

- 3. By way of explanation, but not excuse, several other deadlines in the companion cases fell at or near the response deadline for the Motion to Dismiss in this case. The mistake was not intentional or caused by lack of attention to the issues involved in these matters, but was caused by confusion related to calendaring depositions, expert deadlines and other deadlines that apply to the companion cases.
- 4. The parties have been litigating cases related to this transaction since 2009. To date, no prior deadlines have been missed in this or any of the companion cases. During the time that the deadline was missed, Plaintiffs counsel was heavily involved on a daily basis in prosecuting and defending matters related to the companion cases. Much of this work will ultimately benefit the case at bar, thus reducing any negative effects caused by the requested extension.
- 5. <u>Undersigned counsel, Stan Broome, is solely responsible for missing the deadline</u> and accepts full responsibility for missing the deadline.
- 6. Undersigned counsel has conferred with counsel for Defendants NPL/Cavin Donnell/Ricardo Pringle and counsel for Defendant Earl Mahan. Counsel for NPL/Cavin Donnell/Ricardo Pringle and counsel for Earl Mahan are not opposed to the extension requested herein. No other defendants have made an appearance.
- 7. This case is in its infancy. No scheduling order has been entered. It is not expected that this extension will adversely delay the prosecution of the case.

WHEREFORE, for the reasons stated herein Plaintiff respectfully requests that the

1	deadline to respond to the Motion to Dismiss (Doc. No. 4) be extended to April 1, 2013 .	
2		
3		Respectfully submitted,
4		,
5		By: /s/ Stan Broome
6		STANLEY D. BROOME Texas State Bar No. 24029457
7		BROOME LAW FIRM, PLLC
8		1155 Decker Court, Ste. 102 Grapevine, Texas 76051
9		(214) 574-7500 (Telephone)
		(817) 251-4000 (Facsimile) SBroome@BroomeLegal.com
10		CHRISTENSEN LAW OFFICES
11		DAWN ALLYSA HOOKER
12		Nevada Bar No. 17019
13		1000 S. Valley View
		Las Vegas, NV 89107 (702) 870-1000 (Telephone)
14		(702) 870-6152 (Facsimile)
15		ATTORNEYS FOR THE PLAINTIFFS
16		
17		
18		
19		
20		
21		
22		
		<u>ORDER</u>
23	IT IS SO ORDERED.	. (1)
24	DATED: March 25, 2013	1
25	DATED:	MIRANDA M. DU
26		UNITED STATES DISTRICT JUDGE
27		

28