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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 TRINA ROADHOUSE; SCOTT ROADHOUSE,
11 Plaintiffs.
12 vs.
13 PATENAUDE & FELIX, A.P.C.,
14 Defendant.

Case No.: 2:13-cv-00560-GMN-CWH

**STIPULATION AND ORDER TO
CONTINUE PRETRIAL MOTIONS,
RESPONSES, REPLIES, CALENDAR
CALL AND TRIAL (FIRST) [Dkt.75]**

15 **STIPULATION AND ORDER TO CONTINUE PRETRIAL MOTIONS, RESPONSES,
16 REPLIES, CALENDAR CALL AND TRIAL (FIRST) [Dkt.75]**

17 **Certification:** This stipulation is timely filed.

18 IT IS HEREBY STIPULATED AND AGREED, by and between Craig Friedberg, Esq.
19 counsel for plaintiffs and Gina M. Mushmeche, Esq. counsel for defendant that the Jury Trial date
20 currently scheduled for Monday, January 25, 2016 at 8:30 A.M. and the Calendar Call set for
21 Tuesday, January 19, 2016 at 8:30 A.M. in LV Courtroom 7D before the Chief Judge Gloria M.
22 Navarro, be vacated and continued for at least 90 days. This stipulation is entered into for the
23 following reasons:

24 1. The parties have reached a settlement regarding plaintiffs' claims against defendant,
25 that defendant will pay plaintiffs an agreed sum for damages. Additionally the parties agree that
26 plaintiffs are entitled to reasonable attorney's fees and costs as the prevailing party on the fee-shifting
27 claims alleged ("FDCPA claim" and the "NDTPA claim"). Plaintiffs recognize that defendant is
28 reserving its right to contest an NDTPA fee shifting claim as duplicative and this stipulation is not to

1 prevent defendant from presenting those arguments to the Court should a motion be necessary.
2 Plaintiffs also assert that they were successful on their other non-fee shifting claims. Defendant
3 specifically reserves the right to challenge any non-fee-shifting claims for attorney fees and costs.
4 The parties request the Court maintain jurisdiction over this matter to hear and decide this issue if
5 such motion for fees and costs becomes necessary.

6 2. The parties agree that this additional time will assist them in working out the details
7 of the settlement with regard to attorney fees and costs and in the event they are unable to agree, this
8 will also provide time for the parties to present the issues to the court if it becomes necessary.

9 3. The additional time requested herein is not sought for purpose of delay and the denial
10 of this request could result in the miscarriage of justice.

11 4. This is the first continuance sought.

12 Respect submitted by:

13 Dated this _13th_ day of January, 2016

Dated this _13th_ day of January, 2016

14 LAW OFFICES OF CRAIG B.
15 FRIEDBERG

KRAVITZ, SCHNITZER & JOHNSON
CHTD.

16
17 /s/ Craig B. Friedberg, Esq.
18 Craig B. Friedberg Esq.
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/s/ Gina M. Mushmeche, Esq.
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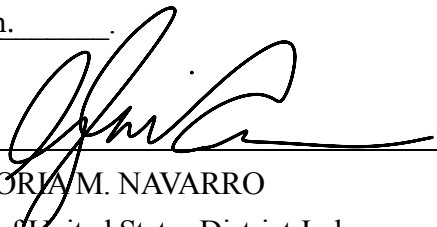
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ORDER

IT IS HEREBY ORDERED the settlement set forth above between the parties shows that the Plaintiffs were successful and that plaintiffs are the prevailing party for purposes of a fee motion under the fee shifting claims alleged (“FDCPA claim” and the “NDTPA claim”). Plaintiffs recognize that defendant is reserving its right to contest an NDTPA fee shifting claim as duplicative and this stipulation is not to prevent defendant from presenting those arguments to the Court should a motion be necessary. Plaintiffs also assert that they were successful on their other non-fee-shifting claims. Defendant reserves the right to contest non-fee-shifting fees and defendant is not precluded from arguing the reasonableness of the fees and costs plaintiffs request should a motion be necessary. That the Court will maintain jurisdiction of this matter to hear and decide this issue, should such motion for fees and costs be necessary.

IT IS FURTHER HEREBY ORDERED that the Opposition to Plaintiffs’ Consolidated Motions in Limine was due January 14, 2016 and those responses shall be stayed in the light of the parties’ settlement above; that the **Calendar Call** in this matter, currently scheduled for Tuesday, January 19, 2016 at 8:30 AM in LV Courtroom 7D before Chief Judge Gloria M. Navarro, be vacated and continued for at least 90 days, to April 25, 2016 at the hour of 9:00 a.m.; and the **Jury Trial** currently set for Monday, January 25, 2016 at 8:30 AM in LV Courtroom 7D before Chief Judge Gloria M. Navarro, be vacated and continued for at least 90 days, to May 2, 2016 at the hour of 8:30 a.m.

January 15, 2016



GLORIA M. NAVARRO
Chief United States District Judge

Submitted by:
/s/ Gina Mushmeche, Esq.
Gina M. Mushmeche, Esq.
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Attorney for Defendants