

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MARK J. SCHWARTZ,

Plaintiff(s),

v.

CLARK COUNTY, NEVADA, et al.,

Defendant(s).

Case No. 2:13-CV-709 JCM (VCF)

ORDER

Presently before the court is the case of Schwartz v. Clark County et al., case number 2:13-cv-00709-JCM-VCF.

On May 27, 2016, the Ninth Circuit issued a memorandum reversing and remanding this court's order on summary judgment (ECF Nos. 43, 44). (ECF No. 58). On June 21, 2016, the Ninth Circuit issued its mandate to this court. (ECF No. 59).


The Ninth Circuit reversed this court's ruling that plaintiff-appellant Mark Schwartz failed to raise a genuine dispute of material fact as to whether his termination was motivated by his disability or his age, rather than by legitimate budgetary concerns. (ECF No. 58).

The Ninth Circuit determined that plaintiff-appellant raised a genuine dispute of material fact as to whether his selection for layoff was pretext for unlawful discrimination and that the evidence supporting plaintiff-appellant's ADA and ADEA claims raises a triable issue as to his § 1983 claim against defendant-appellee Jacqueline Holloway. (ECF No. 58).

In light of the foregoing, the parties shall file supplemental briefs on the remanded issues. Briefing shall proceed as follows: defendants-appellees have fourteen (14) days from the date of this order to file opening briefs; thereafter, plaintiff-appellant has fourteen (14) days to file a response; and thereafter, defendants-appellees have seven (7) days to file a reply, if any.

1 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendants-appellees  
2 Clark County and Jacqueline Holloway shall file their opening briefs within fourteen (14) days of  
3 this order. Plaintiff-appellant Mark Schwartz shall file his response within fourteen (14) days of  
4 defendants-appellees' opening brief. Defendants-appellees shall file their reply, if any, within  
5 seven (7) days of plaintiff-appellant's response.

6 DATED September 14, 2016.

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UNITED STATES DISTRICT JUDGE