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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 REGINALD HOWARD,

13 Plaintiff,

14 v.

15 S. FOSTER, et al.,

16 Defendants.
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Case No.: 2:13-cv-01368-RFB-NJK

**STIPULATION AND ORDER TO VACATE
TRIAL AND TO ALLOW SUPPLEMENTAL
PLEADINGS**

18 It is stipulated and agreed by and between Plaintiff, Reginald Howard, by and through
19 counsel, Margaret McLetchie, Esq., and Defendants, by and through counsel, Adam Paul
20 Laxalt, Nevada Attorney General, and Frank A. Toddre II, Deputy Attorney General, that trial
21 be vacated and continued at the Court's discretion, and that the parties agree to allow
22 additional supplemental pleadings regarding summary judgment.

23 Counsel Margaret McLetchie was appointed as pro bono counsel for Plaintiff Reginald
24 Howard, pursuant to District of Nevada's Pilot Pro Bono Program on or about March 17, 2016.
25 In light of that appointment, Counsel has agreed to allow Plaintiff to file a Supplemental
26 Opposition to Summary Judgment and for Defendant to file a Sur-Reply to the supplemental
27 opposition as detailed further below.

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1 Additionally, the parties have agreed to vacate and continue calendar call and trial date
2 to allow the parties to supplement their briefings, become familiar with the case, prepare for
3 trial, and engage in meaningful settlement talks.

4 Further, based upon the new agreed upon briefing deadlines, the parties have also
5 agreed to vacate the April 1, 2016, settlement conference until after dispositive motion
6 practice and orders have been completed.

7 Pursuant to Dkt. 39, the following Trial dates had been set by Court Minute Order:

8 March 18, 2016: Last day to submit Confidential Mediation Statement

9 March 29, 2016: Last day to file Joint Pre-Trial Order

10 April 1, 2016: Settlement Conference

11 April 4, 2016: Last day to serve Offer of Judgment

12 April 5, 2016: Last day to file Motions in Limine, to submit
13 proposed Jury Instructions, and Voir Dire questions

14 April 12, 2016: Calendar Call

15 April 19, 2016: Trial

16 Counsel have agreed to the following terms,

17 A: To allow Plaintiff to re-file a new Opposition to Supplemental Motion for
18 Summary Judgment, which had been previously filed as Dkt. #48 by **April 18, 2016**.

19 B: To allow the Parties to exchange initial disclosures by April 25, 2016. No
20 disclosures have been exchanged to date and doing so will expedite the preparation of the
21 Joint Pre-Trial matter.

22 C. That Defendant may file a Responsive Brief to Plaintiff's Opposition to
23 Supplemental Summary Judgment, as detailed in Term A, by **April 25, 2016**.

24 D: To vacate the April 1, 2016, Settlement Conference and move it to a later date,
25 after the Court renders a decision on remaining dispositive motions. Defendants have
26 informed Plaintiffs that settlement is more likely without pending dispositive issues.

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1 E: To vacate the current Trial Date and Calendar Call, respectively set for April 19,
2 2016, and April 12, 2016. The parties would leave the setting of a new trial date to the
3 discretion of the Court, and suggest a scheduling conference with the Court to set all
4 necessary trial related deadlines (the current dates are set forth above).

5 F: Counsel submits that they are unavailable for trial on the following dates:

6 i. May 11, 2016 – May 13, 2016

7 ii. June 9, 2016 – June 13, 2016

8 iii. July 5, 2016 – July 8, 2016

9 iv. July 26, 2016. Trial is set in the matter of *Bell vs. State of Nevada, et al.*,
10 Case no. 2:14-cv-00476-RFB-NJK in front of Judge Boulware and is expected to
11 last three (3) days.

12 v. August 30, 2016. Trial is set in the matter of *Mitchell v. Cox, et al.*, Case
13 No. 2:12-cv-02082-RFB-CWH in front of Judge Boulware and is expected to last
14 seven (7) days.

15 vi. August 25, 2016 – September 6, 2016

16 G: That in the event that this Court accepts the Stipulations herein, Defendants'
17 "Emergency Motion to Vacate Trial Dates" (Dkt. 50) would hereby be rendered moot and may
18 be withdrawn.

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1 Counsel have agreed to all terms as provided above. Accordingly, Counsel has
2 received proper authority to bind the parties to terms of said Stipulation.

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4 DATED March 18, 2016.

DATED March 18, 2016.

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6 ADAM PAUL LAXALT
Nevada Attorney General

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8 */s/ Margaret McLetchie*

By: /s/ Frank A. Toddre II

9 Margaret McLetchie, Esq.
McLetchie Shell, LLC

Frank A. Toddre II
Deputy Attorney General

10 *Attorney for Plaintiff*

Attorneys for Defendants

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12 IT IS SO ORDERED.

DATED March 23rd, 2016.

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16 RICHARD F. BOULWARE, II
17 UNITED STATES DISTRICT JUDGE
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