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MARK E. FERRARIO
Nevada Bar No. 1625
ferrariom@gtlaw.com
KARA B. HENDRICKS
Nevada Bar No. 7743
hendricksk@gtlaw.com
LONDON LERNER
Nevada Bar No. 13368
lernerl@gtlaw.com
GREENBERG TRAUIG, LLP
3773 Howard Hughes Parkway
Suite 400 North
Las Vegas, Nevada 89169
Telephone: (702) 792-3773
Fax: (702) 792-9002

*Counsel for Defendants
Clark County School District and James Ketsaa*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

MICHAEL THOMAS, an individual,

Plaintiff,

vs.

FILIBERTO ARROYO, an individual,
JAMES KETSAA, an individual, CLARK
COUNTY SCHOOL DISTRICT, a public
entity; and DOES 1-100 inclusive,

Defendants.

Case No. 2:13-cv-01743-RFB-VCF

**STIPULATION AND [PROPOSED]
ORDER REGARDING POTENTIALLY
PRIVILEGED DOCUMENTS AND RE-
FILING OF MOTION TO DISMISS
WITH REDACTED EXHIBITS**

Defendants CLARK COUNTY SCHOOL DISTRICT and JAMES KETSAA, (collectively, “Defendants”), together with Plaintiff Michael Thomas (“Plaintiff”), by and through their respective counsel of record, hereby file this waiver of privilege and stipulation that Defendants’ Motion to Dismiss Second Amended Complaint or Alternative Motion for Summary Judgment (“Motion to Dismiss”) (Dkt. #55 and #56) will not be filed under seal, but will be refiled with personally identifiable information redacted from the exhibits thereto.

Greenberg Traurig, LLP
3773 Howard Hughes Parkway - Suite 400 North
Las Vegas, Nevada 89109
(702) 792-3773
(702) 792-9002 (fax)

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THE PARTIES STIPULATE AND AGREE AS FOLLOWS:

WHEREAS, on February 24, 2015, Plaintiff filed a Second Amended Complaint (Dkt. #49);

WHEREAS, on March 23, 2015, Defendants filed a Motion to File Under Seal (Dkt. #54) their Motion to Dismiss Second Amended Complaint or Alternative Motion for Summary Judgment (“Motion to Dismiss”) (Dkt. #55 and #56);

WHEREAS, Defendants sought to file under seal the Motion to Dismiss, including Exhibits A – T,¹ thereto because Defendants believed they contained confidential and/or personal information belonging to Plaintiff;

WHEREAS, the exhibits to the Motion to Dismiss also contain personal information required to be redacted pursuant to Federal Rule of Civil Procedure 5.2;

WHEREAS, after Defendants sought leave to file the Motion to Dismiss under seal, Plaintiff requested that the Motion to Dismiss, including Exhibits A – T, not be filed under seal;

WHEREAS, on April 20, 2015, Defendants’ Motion to File Under Seal was denied (Dkt. #60);

¹ The Motion to Dismiss has the following exhibits attached thereto:

- a. Grievance Report dated November 22, 2005;
- b. Charge of Discrimination dated February 16, 2006;
- c. Request for Withdrawal of Charge of Discrimination dated March 9, 2006
- d. Arbitration Opinion and Award dated April 27, 2007;
- e. Agreement dated September 18, 2008
- f. First Grievance dated April 27, 2011;
- g. Second Grievance dated April 27, 2011;
- h. Communication from Mr. Hoffman dated May 6, 2011;
- i. Charge of Discrimination dated July 6, 2011;
- j. Correspondence from NERC dated June 21, 2012;
- k. Dismissal and Notice of Rights dated August 29, 2012;
- l. Charge of Discrimination dated June 13, 2012;
- m. NERC Letter dated January 30, 2013;
- n. Dismissal and Notice of Rights dated May 24, 2013;
- o. Excerpts from Deposition of Plaintiff dated December 28, 2012;
- p. Excerpts from Deposition of Plaintiff dated January 9, 2013;
- q. Collective Bargaining Agreement Article 4
- r. Grievance dated April 3, 2012;
- s. Correspondence to Plaintiff regarding Grievance dated April 24, 2012;
- t. Correspondence with Jon Okazaki dated June 15, 2012

1 WHEREAS, Defendants were granted leave to file a renewed Motion to File Under Seal by
2 May 4, 2015;

3 WHEREAS, Plaintiff understands that if the Motion to Dismiss, including Exhibits A – T, is
4 not filed under seal, the Motion to Dismiss, including Exhibits A – T will be public record and
5 subject to viewing by the public and Plaintiff expressly waives any privilege or confidentiality that
6 may be associated with the same;

7 WHEREAS, Defendants agree not to file a renewed Motion to File Under Seal in light of
8 Plaintiff’s request that the Motion to Dismiss, including Exhibits A – T, not be filed under seal and
9 Plaintiff’s waiver of any privilege or confidentiality which may be asserted thereto.

10 **NOW, THEREFORE, THE PARTIES AGREE AND STIPULATE AS FOLLOWS:**

- 11 1. Defendants will not file a renewed Motion to File Under Seal;
- 12 2. Within ten days of this stipulation being approved by the Court and an Order entered
13 regarding the same, Defendants will re-file their Motion to Dismiss (Dkt. #55 and
14 #56), including Exhibits A – T, and in so doing will redact all personal information
15 required to be redacted pursuant to Federal Rule of Civil Procedure 5.2; and

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3. The re-filing of the Motion to Dismiss (Dkt. #55 and #56) will not alter the deadline for Plaintiff to respond to the allegations in the Motion to Dismiss as set forth in the Order on Stipulation for Extension of time to file response (Doc. #61).

IT IS SO STIPULATED.

Dated this 30th day of April, 2015.

GREENBERG TRAURIG, LLP

/s/ Kara B. Hendricks

Mark E. Ferrario
Nevada Bar No. 1625
Kara B. Hendricks
Nevada Bar No. 7743
Landon Lerner
Nevada Bar No. 13368
3773 Howard Hughes Parkway
Suite 400 North
Las Vegas, Nevada 89169
*Attorneys for Defendants
Clark County School District and
James Ketsaa*

Dated this 30th day of April, 2015.

DAVID OTTO & AFFILIATES, PC

/s/ David J. Otto

David J. Otto
Nevada Bar No. 5449
1433 North Jones Boulevard
Las Vegas, NV 89108
*Attorney for Plaintiff
Michael Thomas*

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

May 5, 2015

DATED: _____