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

10 **DRIVETIME AUTOMOTIVE, INC.,**

CASE NO. 2:14-cv-782-RFB-VCF

11 **Plaintiff,**

12 vs.

**JOINT STIPULATION AND [PROPOSED]
 ORDER TO STAY PROCEEDINGS
 UNTIL A DECISION IS RENDERED ON
 [DKT 54] THE RADWAN DEFENDANTS'
 OBJECTION TO [DKT 51] THE REPORT
 AND RECOMMENDATION OF THE
 MAGISTRATE JUDGE**

13 **MARLON DEGUZMAN, an individual;**
 14 **SHAKER RADWAN, an individual; K & S**
AUTO SALES, INC., a California corporation;
 15 **TEXAS FINE CARS, INC., a Texas corporation;**
CAR SHOW MOTORS, a California entity; and
 16 **DEMETRI JONY (d/b/a Car Show Motors), an**
individual,

17 **Defendants.**

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 19 Plaintiff DriveTime Automotive, Inc. (“DriveTime”), by and through its counsel, the law
 20 firm of Dickinson Wright PLLC; Defendant Marlon DeGuzman (“DeGuzman”), by and through
 21 his counsel, the law firm of Mark R. Smith, P.C.; and Defendants Shaker Radwan, K & S Auto
 22 Sales, Inc., Texas Fine Cars, Inc., Car Show Motors, Inc., and Demetri Jony (collectively the
 23 “Radwan Defendants”), by and through their counsel, the law firm of Garcia-Mendoza &
 24 Snavely, pursuant to Local Rule 7-1, hereby stipulate and agree that this matter should be stayed
 25 pending resolution of [Dkt. 54] The Radwan Defendants’ Objection to [Dkt. 51] The Report and
 26 Recommendation of the Magistrate Judge (the “Objection”).

27 There is good cause for this stipulation. On February 6, 2015, DriveTime filed [Dkt 39]
 28 Plaintiff’s Emergency Motion for Order to Show Cause Why Defendants Should Not be Held in

1 Contempt of the Court's Order (the "OSC Motion"). On February 25, 2015, the Radwan
2 Defendants submitted an opposition the OSC Motion [Dkt. 41]. DriveTime filed its Reply in
3 support of the OSC Motion on March 5, 2105 [Dkt. 42] and Judge Ferenbach held a hearing on
4 April 2, 2015. Judge Ferenbach continued the hearing to April 13, 2015 and then issued his
5 Report and Recommendation [Dkt. 51] on April 30, 2015, recommending that the Radwan
6 Defendants' Answers be stricken and defaults be entered against them. The Radwan Defendants
7 filed their Objection [Dkt. 54] on May 18, 2015 and DriveTime filed its Response to the
8 Objection [Dkt. 61] on June 4, 2015. To date, the Court has not ruled upon Judge Ferenbach's
9 Report and Recommendation.

10 The discovery cutoff date is July 21, 2015 and the dispositive motion deadline is August
11 28, 2015. Without a ruling on the Radwan Defendants' pending Objection, the parties will be
12 unable to discern whether further discovery or dispositive motions are necessary or even
13 appropriate. If the Objection is denied, a default will be entered against the Radwan Defendants
14 and no further discovery will be necessary with respect to the Radwan Defendants. In contrast, if
15 the Objection is granted, further discovery will be necessary and the parties would be prejudiced
16 by having had the discovery period close. Thus, this stay is not requested for any

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1 improper purpose or delay, but rather for good cause.

2 RESPECTFULLY SUBMITTED,

3 DATED this 17th day of July 2015.

DATED this 17th day of July 2015.

4 DICKINSON WRIGHT PLLC

LAW OFFICES OF MARK R. SMITH, P.C.

5 /s/ Gabriel A. Blumberg
6 MICHAEL N. FEDER
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/s/ Mark R. Smith
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Attorneys for Marlon DeGuzman

10
11 DATED this 17th day of July 2015.

12 GARCIA-MENDOZA & SNAVELY, CHTD.

13 /s/ Luther M. Snavely, III
14 EVA GARCIA-MENOZA
15 Nevada Bar No. 1779
16 LUTHER M. SNAVELY, III
17 Nevada Bar No. 5507
501 South Seventh Street
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Attorneys for the Radwan Defendants

IT IS SO ORDERED:



UNITED STATES ~~DISTRICT~~ JUDGE

Magistrate

July 24, 2015

DATED: _____

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8363 West Sunset Road, Suite 200
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