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13 **UNITED STATES DISTRICT COURT**  
 14 **DISTRICT OF NEVADA**

16 JEREMY BAUMAN, et al.,  
 17 Plaintiffs,  
 18 vs.  
 19 DAVID SAXE; et al.,  
 20 Defendants.

Case No. 2:14-cv-01125-RFB-BNW

**UNOPPOSED MOTION TO CONTINUE STAY**

21 BIJAN RAZILOU, et al.,  
 22 Plaintiffs,  
 23 vs.  
 24 DAVID SAXE; et al.,  
 25 Defendants.

In consolidation with  
Case No.: 2:14-cv-01160-RFB-BNW

**UNOPPOSED MOTION**

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2 The Saxe Defendants<sup>1</sup> and Plaintiffs Jeremy Bauman and Bijan Razilou jointly move the  
3 Court to enter the following Order (i) continuing the staying this case for a period of (30) days  
4 while they finalize a written settlement agreement memorializing the settlement reached at the  
5 mediation on May 15, 2019, and (ii) vacating the briefing schedule on the Saxe Defendants’  
6 Renewed Motion for Reconsideration [Dkt. 209; corrected image at Dkt. 212] while they finalize  
7 their settlement and prepare to present it to the Court for approval. The Saxe Defendants and  
8 Plaintiffs are informed and understand that Twilio does not oppose this motion. In support of their  
9 request, the Saxe Defendants and Plaintiffs represent the following:

10 1. On May 15, 2019, the Saxe Defendants and Plaintiffs participated in a mediation on  
11 May 15, 2019, and reached an agreement in principle to resolve this case on a class-wide basis.

12 2. The parties are finalizing a written settlement agreement, pursuant to which  
13 Plaintiffs intend to present the Court with a motion for preliminary approval of a class-wide  
14 settlement. The parties anticipate the settlement agreement will be finalized and signed within two  
15 weeks. Plaintiffs further anticipate they will be in a position to file a motion for preliminary  
16 approval of the settlement within two weeks following the execution of the settlement agreement.

17 3. In the Court’s July 8, 2019 Minute Order [Dkt. 207], the Court denied without  
18 prejudice the Saxe Defendants’ Motion for Reconsideration [Dkt. 196] in light of the parties’  
19 representations concerning the negotiation of a formal settlement agreement. As the Court is  
20 aware, on January 10, 2019, it entered an Opinion and Order [Dkt. 193], granting in part and  
21 denying in part Plaintiffs’ Motion to Certify Class. Ordinarily, any petition to the Ninth Circuit  
22 Court of Appeals seeking interlocutory review of that order must be filed within fourteen (14)  
23 days after the order is entered, *see* Fed. R. Civ. P. 23(f); however, that deadline resets upon the  
24 filing and resolution of a motion for reconsideration. *See, e.g., Lambert v. Nutraceutical Corp.*,  
25 870 F.3d 1170, 1178, 98 Fed. R. Serv. 3d 981 (9th Cir. 2017) (“[A]s a baseline matter ... a motion  
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28 <sup>1</sup> The Saxe Defendants are V Theater Group, LLC; Saxe Theater, LLC; David Saxe Productions, Inc.; David Saxe Productions, LLC; Saxe Management, LLC, and David Saxe.

1 for reconsideration filed within fourteen days of a certification decision tolls the Rule  
2 23(f) deadline.”).

3 4. Because the parties’ negotiated resolution of this case is contingent on the Court’s  
4 preliminary and final approval of the proposed class-wide settlement—approval which the Court  
5 could ultimately grant or deny—the Saxe Defendants wish to avoid prejudicing their option to  
6 seek interlocutory review of the class-certification order under Rule 23(f) should the Court deny  
7 approval of the settlement. To that end, the Saxe Defendants have submitted a Renewed Motion  
8 for Reconsideration of the Court’s class certification order [Dkt. 209; corrected image at Dkt.  
9 212].

10 5. In the interest of avoiding expense to the parties and conserving the Court’s  
11 resources, the Saxe Defendants and Plaintiffs agree (subject to Court approval) to continue the  
12 stay in this matter for thirty days, to vacate the briefing schedule on the Saxe Defendants’ Motion  
13 for Reconsideration, and to defer the Court’s consideration of that Motion until after the Court  
14 rules on Plaintiffs’ to-be-filed motion for preliminary (and, if granted, final) approval of the class-  
15 wide settlement. Doing so will afford Plaintiffs and the Saxe Defendants the opportunity to  
16 finalize their settlement and prepare to present it to the Court for approval.

17 6. Based on the foregoing, the Saxe Defendants and Plaintiffs request that the Court  
18 enter the accompanying Order.

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1 Stipulated to and respectfully submitted this 24th day of July 2019, by:

2  
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**ORDER**

Having considered the Saxe Defendants' and Plaintiffs' Unopposed Motion to Continue Stay, and good cause appearing therefore, the Court hereby GRANTS the Unopposed Motion. This case shall remain STAYED until August 23, 2019, and the Court suspends all case-related deadlines and activities. The briefing schedule for the Saxe Defendants' [208] Renewed Motion for Reconsideration is suspended pending further order of the Court.

By no later than August 23, 2019, either a motion for preliminary approval of settlement shall be filed or a Joint Status Report shall be submitted to the Court proposing how this matter will proceed.

IT IS SO ORDERED.

DATED: August 8, 2019



UNITED STATES DISTRICT JUDGE

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 24, 2019, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notifications of such filing to all counsel of record as of the time of the filing.

/s/ James Harlan Corning  
James Harlan Corning