

1 JEFF SILVESTRI, ESQ.  
Nevada Bar No. 5779  
2 McDONALD CARANO WILSON LLP  
2300 W. Sahara Avenue, Suite 1200  
3 Las Vegas, NV 89102  
Telephone: 702.873.4100  
4 Facsimile: 702.873.9966  
E-mail: [jsilvetri@mcdonaldcarano.com](mailto:jsilvetri@mcdonaldcarano.com)

5  
6 Kenneth E. Payson, Esq.  
Washington Bar No. 26369  
Pro Hac Vice to be submitted  
7 James Harlan Corning, Esq.  
Washington Bar No. 45177  
8 Pro Hac Vice to be submitted  
9 DAVIS WRIGHT TREMAINE LLP  
1201 Third Avenue, Suite 2200  
10 Seattle, WA 98101

11 Attorneys for Defendants

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 JEREMY BAUMAN, individually and on behalf  
of all persons similarly situated,

15 Plaintiff,

16 v.

17 V THEATER GROUP, LLC; SAXE  
18 MANAGEMENT, LLC; DAVID SAXE; DOES  
I through X, inclusive; and ROE  
19 CORPORATIONS I through X, inclusive,

20 Defendants.

Case No. 2:14-cv-01125-RFB-(PAL)

**STIPULATION; ORDER TO  
CONTINUE DISCOVERY AND  
CLASS CERTIFICATION  
DEADLINES** (Consolidated with Case  
No. 2:14-cv-01160-RCJ-(PAL))

**(SECOND REQUEST)**

21 **STIPULATION**

22 Pursuant to Local Rules 6-1, 6-2 and 7-1, all parties through their counsel of record enter  
23 into this Stipulation to extend the current scheduling order deadlines for discovery and for  
24 Plaintiffs to file a motion for class certification. This is the second request for an extension. In  
25 support of this request, the parties represent the following to the Court:

26 1. On April 10, 2015, the parties filed their Stipulation; Order to Continue Discovery  
27 and Class Certification Deadlines; and Protective Order (Dkt. 48), explaining that they had been

1 diligently and productively engaged in discovery, including third-party discovery, and requesting a  
2 short continuance of certain discovery and class certification deadlines to allow them to complete  
3 class-related discovery and participate in a mediation in hopes of possibly avoiding burdening the  
4 parties and the Court with the need to brief and decide class certification if settlement efforts are  
5 successful.

6         2.       On April 13, 2015, the Court approved the parties' stipulation and proposed schedule  
7 (Dkt. 49) and set the following dates:

- 8                 a.    Close of Class Discovery Phase is July 31, 2015;
- 9                 b.    Deadline to file Motion to Certify Class is August 31, 2015; and
- 10                c.    The parties shall conduct depositions of witnesses David Saxe and Ric Schaaf by  
11                    May 14, 2015.

12         3.       Among other reasons, in order to ensure the best chance of potentially resolving this  
13 dispute through settlement, defendants recently retained the law firm of Davis Wright Tremaine LLP  
14 as lead counsel in this matter. Davis Wright Tremaine has defended dozens of Telephone Consumer  
15 Protection Act ("TCPA") class actions throughout the nation, has successfully settled many such  
16 class actions, and has a good working relationship with some of Plaintiffs' counsel from representing  
17 opposing parties in other TCPA class actions.

18         4.       Additionally, Plaintiffs continue in their efforts to compel production of documents  
19 requested from Twilio, Inc. through proceedings now pending before Magistrate Judge Jacqueline  
20 Scott Corley of the United States District Court for the Northern District of California. Materials  
21 sought by Plaintiffs may assist the Parties to reach a settlement or otherwise resolve the case.  
22 Magistrate Judge Corley has ordered further briefing which will not be completed until May 6, 2015.

23         5.       In order to allow time for Plaintiffs to compel production of documents from Twilio,  
24 Inc., and in order to allow Davis Wright Tremaine sufficient time to prepare for the Saxe and Schaaf  
25 depositions, provide additional information and documents responsive to Plaintiffs' discovery  
26 requests, and to prepare for the mediation, the parties stipulate and jointly ask the Court for a short  
27 continuance of the above deadlines as follows:

1 a. The current July 31, 2015, Close of Class Discovery should be continued to  
2 August 31, 2015;

3 b. The current August 31, 2015, Deadline to file Motion to Certify Class should  
4 be continued to September 30, 2015;

5 c. The current depositions of witnesses David Saxe and Ric Schaaf should be  
6 conducted by June 5, 2015, or another date mutually agreeable to the parties.

7 6. In light of the above the parties anticipate rescheduling the mediation with Hon.  
8 William C. Pate (Ret.) of JAMS in San Diego, California, from May 27, 2015, to June 25, 2015.

9 7. To allow the parties the time necessary to prepare for and have a productive  
10 mediation, and to potentially avoid the need to further burden themselves or the Court with further  
11 litigation if settlement efforts succeed, the parties respectfully request the Court to approve the  
12 foregoing stipulation.

13 Stipulated and respectfully submitted this 5<sup>th</sup> day of May 2015 by:

14  
15 /s/ Albert H. Kirby, Esq. \_\_\_\_\_  
16 Albert H. Kirby, Esq.  
17 Washington Bar No. 40187  
18 Admitted Pro Hac Vice  
19 SOUND JUSTICE LAW GROUP, PLLC  
20 936 North 34th Street, Suite 300  
21 Seattle, Washington 98103

15 /s/ Jeff Silvestri, Esq. \_\_\_\_\_  
16 Jeff Silvestri, Esq.  
17 Nevada Bar No. 5779  
18 McDONALD CARANO WILSON LLP  
19 2300 W. Sahara Avenue, Suite 1200  
20 Las Vegas, NV 89102

and

19 and  
20 Philip S. Aurbach, Esq.  
21 Nevada Bar No. 1501  
22 Candice E. Renka, Esq.  
23 Nevada Bar No. 11447  
24 MARQUIS AURBACH COFFING  
25 10001 Park Run Drive  
26 Las Vegas, Nevada 89145  
27 Attorneys for Plaintiff Jeremy Bauman

Kenneth E. Payson, Esq.  
Washington Bar No. 26369  
Pro Hac Vice to be submitted  
James Harlan Corning, Esq.  
Washington Bar No. 45177  
Pro Hac Vice to be submitted  
DAVIS WRIGHT TREMAINE LLP  
1201 Third Avenue, Suite 2200  
Seattle, WA 98101

Attorneys for Defendants

1 /s/ Matthew R. Mendelsohn, Esq.

2 Matthew R. Mendelsohn, Esq.  
3 New Jersey Bar No. 015582005  
4 Admitted Pro Hac Vice  
5 MAZIE SLATER KATZ & FREEMAN, LLC  
6 103 Eisenhower Parkway  
7 Roseland, New Jersey 07068

8 and

9 Payam Shahian, Esq.  
10 California Bar No. 228406  
11 Admitted Pro Hac Vice  
12 STRATEGIC LEGAL PRACTICES, APC  
13 1875 Century Park East, Suite 700  
14 Los Angeles, California 90067

15 and

16 Dennis L. Kennedy, Esq.  
17 Nevada Bar No. 14625  
18 Paul C. Williams, Esq.  
19 Nevada Bar No. 12524  
20 BAILEY KENNEDY  
21 8984 Spanish Ridge Avenue  
22 Las Vegas, Nevada 89148  
23 Attorneys for Plaintiff Bijan Razilou

24 **ORDER**

25 For the reasons stated in the parties' Stipulation, the Court approves the parties' Stipulation  
26 and Orders as follows:

- 27
1. The discovery deadlines for the Class Discovery Phase are:
    - a. Close of Class Discovery Phase is August 31, 2015; and
    - b. Deadline to file Motion to Certify Class is September 30, 2015.
  2. The parties shall conduct depositions of witnesses David Saxe and Ric Schaaf by June 5, 2015, or another date mutually agreeable to the parties.

**IT IS SO ORDERED.**

  
UNITED STATES MAGISTRATE JUDGE

DATED: May 5, 2015

1 Respectfully submitted by:

2 /s/ Jeff Silvestri, Esq.

3 Jeff Silvestri, Esq.  
4 Nevada Bar No. 5779  
5 McDONALD CARANO WILSON LLP  
6 2300 W. Sahara Avenue, Suite 1200  
7 Las Vegas, NV 89102

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18 Attorneys for Defendants

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20  
21  
22  
23  
24  
25  
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