

1 **Marquis Aurbach**  
 2 Craig R. Anderson, Esq.  
 3 Nevada Bar No. 6882  
 4 10001 Park Run Drive  
 5 Las Vegas, Nevada 89145  
 Telephone: (702) 382-0711  
 Facsimile: (702) 382-5816  
 canderson@maclaw.com  
 Attorneys for Defendants

6 **UNITED STATES DISTRICT COURT**  
 7 **DISTRICT OF NEVADA**

8 BRIAN BALLENTINE, an individual;  
 9 CATALINO DAZO, an individual; KELLY  
 PATTERSON, an individual; and GAIL  
 SACCO, an individual,

Plaintiffs,

vs.

12 LAS VEGAS METROPOLITAN POLICE  
 13 DEPARTMENT, in its official capacity;  
 14 DETECTIVE CHRISTOPHER T. TUCKER,  
 as an individual and in his official capacity as  
 a Las Vegas Metropolitan Police Department  
 15 Detective; SERGEANT MIKE WALLACE,  
 as an individual and in his official capacity as  
 a Las Vegas Metropolitan Police Department  
 16 Sergeant; and LIEUTENANT JOHN  
 17 LIBERTY, as an individual and in his official  
 capacity as a Las Vegas Metropolitan Police  
 18 Department Lieutenant,

Defendants.

Case Number:  
 2:14-cv-01584-APG-EJY

**STIPULATION AND ORDER TO**  
**CONTINUE TRIAL**  
**(FIRST REQUEST)**

Date of Trial: 4/10/23  
 Time of Trial: 9:00 a.m.

20 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs Brian  
 21 Ballentine, Catalino Dazo and Kelly Patterson (“Plaintiffs”), by and through their attorney of  
 22 record, Margaret A. McLetchie, Esq. of McLetchie Law and Defendant Christopher Tucker  
 23 (“Defendant Tucker”), by and through his attorney of record, Craig R. Anderson, Esq. of  
 24 Marquis Aurbach, that the trial currently scheduled to begin on April 10, 2023, (ECF No.  
 25 269), be continued to the Court’s July 2023 stack.

This Stipulation is entered into for the following reasons:

MARQUIS AURBACH

10001 Park Run Drive  
 Las Vegas, Nevada 89145  
 (702) 382-0711 FAX: (702) 382-5816

1 1. Defense counsel has recently learned that Defendant Tucker has military  
2 obligations during the current trial dates.

3 2. In addition, despite Defendant Tucker informing the Ninth Circuit Court of  
4 Appeals of the current trial date, the Ninth Circuit Court of Appeals has set oral argument in  
5 *Richards v. LVMPD*, 22-15475, for April 12, 2023 in San Francisco, California. Therefore,  
6 defense counsel will be unavailable on April 11 or 12, 2023.

7 3. Due to the above conflicts, the parties have met, conferred and agree that a new  
8 trial date be set on the Court’s July 2023 trial stack.

9 4. This is the first stipulation filed to continue the trial date.

10 IT IS SO STIPULATED this 21<sup>st</sup> day of February, 2023.

11 MARQUIS AURBACH

MCLETCHIE LAW

12  
13 By: s/Craig R. Anderson  
14 Craig R. Anderson, Esq.  
15 Nevada Bar No. 6882  
16 10001 Park Run Drive  
17 Las Vegas, Nevada 89145  
18 Attorney for Defendant Tucker

12  
13 By: s/Margaret A. McLetchie  
14 Margaret A. McLetchie, Esq.  
15 Nevada Bar No. 10931  
16 602 South Tenth Street  
17 Las Vegas, Nevada 89101  
18 Attorney for Plaintiffs

19 **ORDER**

20 IT IS SO ORDERED that the trial date of April 10, 2023 be vacated and  
21 rescheduled to July 10, 2023 at 9:00 a.m. Calendar call is continued to July 5, 2023 at 9:00  
22 a.m. in Las Vegas courtroom 6C.

23  
24 IT IS SO ORDERED:

25 Dated: February 22, 2023

26  
27 

28 ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE

MARQUIS AURBACH  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816