

1 ADAM PAUL LAXALT  
 Attorney General  
 2 Frank A. Toddre II (Bar No. 11474)  
 Deputy Attorney General  
 3 State of Nevada  
 Office of the Attorney General  
 4 555 E. Washington Avenue, Suite 3900  
 Las Vegas, NV 89101  
 5 (702) 486-3149 (phone)  
 (702) 486-3773 (fax)  
 6 ftoddre@ag.nv.gov

7 Attorneys for Defendants Romeo Aranas,  
 Bruce Bannister, James Cox, Sheryl Foster,  
 8 Ira Hollingsworth, Roy Hookham,  
 Nevada Board of State Prison Commissioners,  
 9 Nevada Department of Corrections,  
 Dwight Neven, and Brian Williams

11 UNITED STATES DISTRICT COURT  
 12 DISTRICT OF NEVADA

13 DONALD MOON,  
 14 Plaintiff,  
 15 vs.  
 16 JAMES COX, *et al.*,  
 17 Defendants.

CASE NO. 2:14-cv-02140-APG-GWF  
**STIPULATION AND ORDER TO  
 EXCUSE INDIVIDUAL DEFENDANTS  
 FROM SETTLEMENT CONFERENCE**  
 Consolidated with Case No. 2:16-cv-02082-  
 APG-PAL

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19 DONALD J. BOGOTAITIS,  
 20 Plaintiff,  
 21 vs.  
 22 STATE OF NEVADA, ex rel, the BOARD  
 OF COMMISSIONERS, *et al.*,  
 23 Defendants.

25 The parties, via counsel, hereby request this Court excuse the personal attendance  
 26 of certain individual Defendants for the Settlement Conference in the above named case.  
 27 The parties submitted a Stipulation and Order to Extend Discovery and Requested a  
 28 Settlement Conference on or about June 13, 2017. (ECF No. 76).

1 Magistrate Judge Foley Ordered a telephonic appearance to clarify the stipulation.  
2 (ECF No. 76). The Court set the Settlement Conference for September 15, 2017 at 9:00  
3 AM, based upon the conference and subsequent discussion between Chambers and  
4 Counsel.

5 In the initial Stipulation (ECF No. 76) the parties requested that certain  
6 Defendants be excused. Defendants Bruce Bannister, James Cox, and Sheryl Foster are  
7 all retired and no longer reside in Las Vegas. The parties submitted that these  
8 Defendants did not have current knowledge as to the revised Housing policy, and agreed  
9 that their presence is not necessary for successful negotiations, and additionally the cost  
10 to fly these persons to Las Vegas was cost prohibitive.

11 During the telephonic appearance, Frank Toddre II, counsel for the Defendants  
12 raised an oral motion requesting that these three individuals be excused from attending  
13 the Conference. Plaintiff Counsel Travis Barrick advised on the record that he did not  
14 object to these individuals being excused from attending the conference in person.

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1 The Order setting the Settlement Conference did not contain any specific language  
2 excusing the personal attendance of these parties. As such, in an abundance of caution  
3 the parties submit this Stipulation and Order excusing the personal attendance of James  
4 Cox, Sheryl Foster, and Dr. Bruce Bannister.

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6 DATED: July 7, 2017.

DATED: July 7, 2017.

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8 GALLIAN WELKER &  
BECKSTROM, L.C.

ADAM PAUL LAXALT  
Nevada Attorney General

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11 By: /s/ Travis N. Barrick

By: /s/ Frank A. Toddre II

12 Travis N. Barrick, Esq.  
13 Nevada Bar No. 9257  
14 540 E. St. Louis Avenue  
15 Las Vegas, Nevada 89104  
*Attorney for Plaintiffs  
In conjunction with the Pro Bono  
Program and the Legal Aid Center  
Of Southern Nevada*

Frank A. Toddre II (NV Bar No. 11474)  
Deputy Attorney General  
Office of the Nevada Attorney General  
555 E. Washington Avenue, Suite 3900  
Las Vegas, Nevada 89101

Attorneys for Defendants  
Sheryl Foster, Romeo Aranas, Bruce  
Bannister, James Cox, Ira Hollingsworth,  
Roy Hookham, Dwight Neven, Brian  
Williams, Nevada Board of State Prison  
Commissioners, Nevada Department  
of Corrections

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19 **ORDER:**

20 GOOD CAUSE APPEARING, it is SO ORDERED, that Defendants Sheryl Foster,  
21 Bruce Bannister, and James Cox be excused from attending the September 15, 2017  
22 Settlement Conference.

23 DATED this 13th day of July 2017.

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26 MAGISTRATE JUDGE  
27 UNITED STATES DISTRICT COURT  
28 DISTRICT OF NEVADA