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Group LLC, and John Pinjuv*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

NEWMARK GROUP INC., G&E
ACQUISITION COMPANY LLC, and
BGC REAL ESTATE OF NEVADA LLC,

Plaintiffs,

vs.

AVISON YOUNG (CANADA) INC.,
AVISON YOUNG (USA) INC., AVISON
YOUNG–NEVADA LLC, MARK ROSE,
THE NEVADA COMMERCIAL GROUP,
JOHN PINJUV, and JOSEPH KUPIEC; DOES
1 through 5; and ROE BUSINESS ENTITIES
6 through 10,

Defendants.

Case No. 2:15–cv–00531–RFB–EJY

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING PLAINTIFFS’
MOTION TO COMPEL THE AY
DEFENDANTS AND THE NCG
DEFENDANTS TO (I) SEARCH
ADDITIONAL SOURCES OF ESI, (II)
PRODUCE “AY UNIVERSITY”
DOCUMENTS, (III) PRODUCE
DOCUMENTS IMPROPERLY
INCLUDED IN THE AY
DEFENDANTS’ CLAWBACK
REQUEST, (IV) PRODUCE
DOCUMENTS IMPROPERLY
WITHHELD AS PRIVILEGED, AND
(V) PROVIDE AN ADEQUATE
FORENSIC REPORT (ECF No. 397)
(First Request)**

1 In accordance with LR IA 6–1, LR 7–1, and LR 7–3, Plaintiffs Newmark Group Inc.,
2 G&E Acquisition Company LLC, and BGC Real Estate of Nevada (together, “Plaintiffs”),
3 through their counsel of record, and Defendants Avison Young (Canada) Inc., Avison Young
4 (USA) Inc., Avison Young–Nevada LLC, Mark Rose, Joseph Kupiec John Pinjuv, and The
5 Nevada Commercial Group (together, “Defendants”), through their counsel of record, hereby
6 stipulate to, and request the entry of, an order setting a briefing schedule, and page limitations, on
7 *Plaintiffs’ Motion to Compel the AY Defendants and the NCG Defendants to (I) Search*
8 *Additional Sources of ESI, (II) Produce “AY University” Documents, (III) Produce Documents*
9 *Improperly Included in the AY Defendants’ Clawback Request, (IV) Produce Documents*
10 *Improperly Withheld as Privileged, and (V) Provide an Adequate Forensic Report* (the “Motion
11 to Compel”), as set forth below.
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14 STIPULATION

15 1. On September 1, 2020, Plaintiffs filed the Motion to Compel and a motion for
16 leave to file a brief exceeding 24 pages (the “Motion for Leave”). (ECF No. 182, Mot. to
17 Compel.)

18 2. Under LR 7–2, the current deadline for Defendants’ response to the Motion to
19 Compel is September 15, 2020.

20 3. Under LR 7–2, the current deadline for Plaintiffs’ reply in support of the Motion to
21 Compel is September 22, 2020.

22 4. Having conferred and agreed, the parties respectfully request that the Court set the
23 following deadlines and page limitations with respect to the Motion to Compel:

24 a. Defendants shall have until **September 29, 2020**, to file a response in
25 opposition to the Motion to Compel.
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b. Plaintiffs shall have until **October 9, 2020**, to file a reply in support of the Motion to Compel.

c. Defendants do not object to Plaintiffs' Motion for Leave, which seeks a 13-page enlargement of the Motion to Compel.

d. Plaintiffs do not object to an equivalent 13-page increase in the page limit for Defendants' response to the Motion to Compel if needed (i.e., Defendants may file a response that is up to 37 pages if needed).

e. Defendants do not object to a proportional increase in the page limit for Plaintiffs' reply in support of the Motion to Compel if needed (i.e., if Defendants' response is 37 pages, Plaintiffs may file a reply that is up to 18 pages if needed; if Defendants' response is 30 pages, Plaintiffs may file a reply that is up to 15 pages if needed, etc.).

1 Dated: September 3, 2020

2 **Respectfully submitted by:**

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4 By: /s/ Tina B. Solis

By: /s/ Nathaniel J. Kritzer

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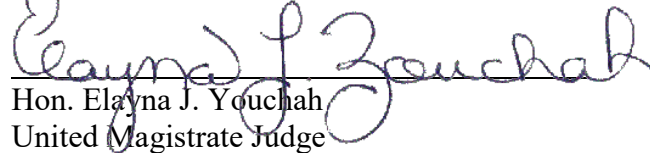
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20 *Attorneys for Plaintiffs Newmark Group Inc.,
21 G&E Acquisition Company LLC, and BGC
22 RealEstate of Nevada LLC*

PROPOSED ORDER

1
2 Having reviewed the foregoing stipulation and found it to be supported by good cause, IT
3 IS HEREBY ORDERED that (1) Defendants shall file their response to Plaintiffs' Motion to
4 Compel by September 29, 2020; (2) Plaintiffs shall file the reply in support of their Motion to
5 Compel by October 9, 2020; (3) Plaintiffs' motion for leave to enlarge the size of their Motion to
6 Compel from 24 to 37 pages is granted; (4) Defendants may enlarge the size of their response to
7 the Motion to Compel from 24 to 37 pages if needed; and (5) Plaintiffs may proportionally
8 enlarge the size of the reply in support of their Motion to Compel in accordance with the length of
9 Defendants' response to the Motion to Compel if needed (i.e., if Defendants' response is 37
10 pages, Plaintiffs may file an 18-page reply if needed; if Defendants' response is 30 pages,
11 Plaintiffs may file a 15-page reply if needed, etc.).
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14 IT IS SO ORDERED.

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16 Hon. Elayna J. Youchah
United Magistrate Judge

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18 DATED: Sept. 4, 2020
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