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

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

19 Plaintiffs,

20 vs.

21 AVISON YOUNG (CANADA) INC.,
AVISON YOUNG (USA) INC., AVISON
YOUNG-NEVADA LLC, MARK ROSE,
THE NEVADA COMMERCIAL GROUP,
JOHN PINJUV, and JOSEPH KUPIEC; DOES
22 1 through 5; and ROE BUSINESS ENTITIES
6 through 10,

23 Defendants.
24
25

26 Case No. 2:15-cv-00531-RFB-EJY

27
28 **STIPULATION REGARDING**
BRIEFING SCHEDULE ON
DEFENDANTS' MOTION TO
EXCLUDE THE TESTIMONY OF
PLAINTIFFS' EXPERT
CHRISTOPHER SPADEA AND
PLAINTIFFS' MOTION TO EXCLUDE
PORTIONS OF CARLYN IRWIN'S
EXPERT TESTIMONY

1 In accordance with LR IA 6-1 and LR 7-1, Plaintiffs Newmark Group Inc., G&E
2 Acquisition Company LLC, and BGC Real Estate of Nevada (together, “Plaintiffs”), through their
3 counsel, and Defendants Avison Young (Canada) Inc., Avison Young (USA) Inc., Avison Young–
4 Nevada LLC, Mark Rose, Joseph Kupiec John Pinjuv, and The Nevada Commercial Group
5 (together, “Defendants”), through their counsel, hereby stipulate to, and respectfully request the
6 entry of, an order setting an extended briefing schedule on Defendants’ April 12, 2023, Motion to
7 Exclude the Testimony of Plaintiffs’ Expert Christopher Spadea (“Defendants’ Motion to
8 Exclude”) and Plaintiffs’ forthcoming Motion to Exclude Portions of Carlyn Irwin’s Expert
9 Testimony (“Plaintiffs’ Motion to Exclude”), as set forth below.

STIPULATION

11 1. On April 12, 2023, Defendants filed Defendants' Motion to Exclude. (ECF No. 644,
12 Def. Mot. To Exclude.)

13 2. Under LR 7-2, the current deadline for Plaintiffs' response to Defendants' Motion
14 to Exclude is April 26, 2023.

15 3. Under LR 7-2, the current deadline for Defendants' reply in support of Defendants'
16 Motion to Exclude is May 3, 2023.

17 4. Plaintiffs intend to file Plaintiffs' Motion to Exclude on or before April 29, 2023.

18 5. The parties are also in the process of briefing cross-motions for summary judgment.

19 6. Plaintiffs and Defendants each filed their respective motions on March 29, 2023.
20 (ECF No. 624, Pls.’ Mot. for Summ. Judg.; ECF No. 629, NCG and Pinjuv’s Mot. for Summ. Judg.;
21 ECF No. 637, Avison Young’s, Joe Kupiec’s and Mark Rose’s Mot. for Summ. Judg.)

22 7. Based on the Court’s March 31, 2023, order, responses in opposition to the motions
23 for summary judgment are due May 26, 2023, and replies in support of the motions for summary
24 judgment are due June 16, 2023. (ECF 642, 3/31/23 Order.)

25 8. Due to various demands on counsel's time, the amount of work required, and the
26 existing briefing schedule on the motions for summary judgment, the parties have reached an
27 agreement to finish briefing Defendants' Motion to Exclude and Plaintiffs' Motion to Exclude after
28 the motions for summary judgment have been fully briefed.

1 9. By consenting to completing the briefing on Defendants' Motion to Exclude and
2 Plaintiffs' Motion to Exclude after completing the briefing on the parties' motions for summary
3 judgment, Defendants do not waive any rights, or make any concessions, with respect to the
4 arguments asserted in their motions for summary judgment that Plaintiffs have not presented any
5 admissible evidence of damages. To that end, Defendants only agree to an extension that exceeds
6 the briefing schedule on the parties' respective motions for summary judgment to the extent that it
7 does not prejudice any of the substantive arguments that Defendants have set forth in their motion
8 for summary judgment.

9 10. Subject to the foregoing, having conferred and agreed, the parties respectfully
10 request that the Court set the following deadlines with respect to Defendants' Motion to Exclude
11 and Plaintiffs' Motion to Exclude:

18 11. This is the first stipulation for an extension of time to file responses in opposition
19 to, and replies in support of, Defendants' Motion to Exclude and Plaintiffs' Motion to Exclude.

20 12. This proposed stipulation and order is made in good faith and is not intended to
21 delay or otherwise impede the expeditious resolution of this matter or otherwise burden the Court
22 in any manner.

IT IS SO ORDERED:

Hon. Elayna J. Youchah
United Magistrate Judge

Dated April 25, 2023

1 Dated: April 25, 2023

2 **Respectfully submitted by:**

3 NIXON PEABODY LLP

4 By: /s/ Tina B. Solis

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on April 25, 2023, I caused a true and correct copy of the foregoing **Stipulation Regarding Briefing Schedule on Defendants' Motion to Exclude the Testimony of Plaintiffs' Expert Christopher Spadea and Plaintiffs' Motion to Exclude Portions of Carlyn Irwin's Expert Testimony** to be filed electronically with the clerk of court using the court's CM/ECF system, which will send a notification of electronic filing to the counsel of record who have entered an appearance in this case, including:

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