

Todd L. Bice, Esq., Bar No. 4534
Pisanelli Bice PLLC
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101
Telephone: (702) 214-2100
Facsimile: (702) 214-2101
tlb@pisanellibice.com

Tina B. Solis
Seth A. Horvath
Nixon Peabody LLP
70 W. Madison Street, Suite 5200
Chicago, Illinois 60602
Telephone: (312) 977-4400
Facsimile: (844) 560-8137
tbsolis@nixonpeabody.com
sahorvath@nixonpeabody.com
(admitted pro hac vice)

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

**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 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.

10 **STIPULATION**

11 1. On April 12, 2023, Defendants filed Defendants’ Motion to Exclude. (ECF No. 644,
 12 Defs.’ 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:

12 a. Plaintiffs shall have until **April 29, 2023**, to file Plaintiffs' Motion to
13 Exclude.

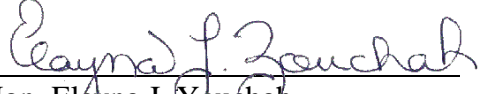
14 b. The parties shall have until **June 23, 2023**, to file their responses in
15 opposition to Defendants' Motion to Exclude and Plaintiffs' Motion to Exclude.

16 c. The parties shall have until **July 14, 2023**, to file their replies in support of
17 Defendants' Motion to Exclude 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.

23 IT IS SO ORDERED:

24 
25 Hon. Elayna J. Youchan
26 United Magistrate Judge

27 Dated April 25, 2023

1 Dated: April 25, 2023

2 **Respectfully submitted by:**

3 NIXON PEABODY LLP

STEPTOE & JOHNSON LLP

4 By: /s/ Tina B. Solis

By: /s/ Nathaniel J. Kritzer

5 Todd L. Bice, Esq., Bar No. 4534

Robert S. Larsen

6 **Pisanelli Bice PLLC**

Wing Y. Wong

400 South 7th Street, Suite 300

Gordon & Rees Scully Mansukhani LLP

7 Las Vegas, Nevada 89101

300 S. 4th St., Suite 1550

Telephone: (702) 214-2100

Las Vegas, Nevada 89101

8 Facsimile: (702) 214-2101

Tel. (702) 577-9301

9 tlb@pisanellibice.com

Fax. (702) 255-2858

10 Tina B. Solis

rlarsen@grsm.com

Seth A. Horvath

wwong@grsm.com

11 **Nixon Peabody LLP**

Nathaniel Kritzer

70 W. Madison Street, Suite 5200

Steptoe & Johnson LLP

12 Chicago, Illinois 60602

1114 Avenue of the Americas

13 Telephone: (312) 977-4400

New York, NY 10036

Facsimile: (844) 560-8137

Tel. (212) 378-7535

14 tbsolis@nixonpeabody.com

Fax (212) 506-3950

sahorvath@nixonpeabody.com

nkritzer@steptoe.com

15 (admitted pro hac vice)

(admitted pro hac vice)

16 *Attorneys for Plaintiffs Newmark Group Inc.,*

Attorneys for Defendants Avison Young

17 *G&E Acquisition Company LLC, and BGC*

(Canada) Inc., Avison Young (USA) Inc.,

18 *RealEstate of Nevada LLC*

Avison Young–Nevada LLC, Mark Rose,

Joseph Kupiec, The Nevada Commercial

Group LLC, and John Pinjuv

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:

Robert S. Larsen
Wing Y. Wong
Gordon & Rees Scully Mansukhani LLP
300 S. 4th St., Suite 1550
Las Vegas, Nevada 89101
Tel. (702) 577-9301
Fax. (702) 255-2858
rlarsen@grsm.com
wwong@grsm.com

Nathaniel Kritzer
Steptoe & Johnson LLP
1114 Avenue of the Americas
New York, NY 10036
Tel. (212) 378-7535
Fax (212) 506-3950
nkritzer@steptoe.com

*Attorneys for Defendants Avison
Young (Canada) Inc., Avison Young (USA) Inc.,
Avison Young-Nevada LLC,
Mark Rose, Joseph Kupiec, The Nevada
Commercial Group LLC, and John Pinjuv*

/s/ Tina B. Solis
*One of the Attorneys for Plaintiffs Newmark Group
Inc., G&E Acquisition Company LLC,
and BGC Real Estate of Nevada LLC*