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7 Delta Air Lines, Inc.

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10	BRENDA PALMER; JOHN PALMER)	
	MARVIN POPE; BRYAN WISNER;)	Case No. 2:15-cv-00769-LDG-VCF
11	JAMES C. MALCOLM; and DANIEL)	
	WATANABE; individuals,)	MOTION TO EXTEND TIME TO
12)	FILE STIPULATION AND
	Plaintiffs,)	ORDER OF DISMISSAL
13)	(First Request)
14	vs.)	
)	
15	DELTA AIRLINES, INC. a domestic)	
	corporation; DOES I through X,)	
16	inclusive; ROE CORPORATIONS I)	
	through X, inclusive;)	
17)	
	Defendants.)	
18)	

19
20 Defendant, Delta Air Lines, Inc. ("Delta"), hereby moves this Court for an order
21 extending the time to file a Stipulation and Order of Dismissal up to and including
22 February 17, 2017. This is the first requested extension of this deadline.

23 This Motion is made and based on the pleadings and papers on file herein,
24 together with the following Memorandum of Points and Authorities.

25 **MEMORANDUM OF POINTS AND AUTHORITIES**

26 On December 14, 2016, an Order was entered (ECF No. 76) granting Delta's
27 motion to enforce the parties' settlement agreement and giving the parties 30 days (until
28 January 13, 2017) to file a Stipulation and Order of Dismissal. As set forth in the

1 Declaration of Scott M. Mahoney appended hereto, when the settlement was reached,
2 all the Plaintiffs were represented by counsel, Trevor Hatfield. Now, three Plaintiffs are
3 representing themselves, with Mr. Hatfield still representing two Plaintiffs. This has
4 made communications more complex.

5 Also when the settlement was reached, Delta contemplated that one settlement
6 check would be issued to Mr. Hatfield, for further distribution as appropriate. Mr.
7 Hatfield has recently filed an attorney's lien (ECF No. 77) for a third of the settlement
8 amount, plus "an undetermined amount of court costs and out-of-pocket costs advanced
9 by counsel." The Plaintiffs and Mr. Hatfield have yet to jointly advise Delta how the
10 money is to be distributed.

11 Because of these various factors, at this point, a settlement agreement has not
12 been signed by any party, and it may be necessary in the coming weeks for Delta to
13 interplead the funds. The foregoing constitutes good cause pursuant to LR IA 6-1(a) to
14 extend the current deadline.

15 Respectfully submitted,

16 FISHER & PHILLIPS LLP

17 
18 /s/ Scott M. Mahoney, Esq.
19 SCOTT M. MAHONEY, ESQ.
20 300 South Fourth Street
21 Suite 1500
22 Las Vegas, Nevada 89101
23 Attorneys for Defendant.
24 Delta Air Lines, Inc.

25 ORDER

26 IT IS SO ORDERED..

27 DATED this 26 day of January, 2017.

28 
Lloyd D. George
U.S. District Judge

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DECLARATION OF SCOTT M. MAHONEY

Scott M. Mahoney states as follows:

1. I am an attorney for the Defendant in this proceeding. I have personal knowledge of, and am competent to testify to, the facts set forth herein.

2. When the settlement was reached in this case, all the Plaintiffs were represented by counsel, Trevor Hatfield. Now, three Plaintiffs are representing themselves, with Mr. Hatfield still representing two Plaintiffs. This has made communications more complex.

3. When the settlement was reached, Delta contemplated that one settlement check would be issued to Mr. Hatfield, for further distribution as appropriate. Mr. Hatfield has recently filed an attorney's lien for a third of the settlement amount, plus "an undetermined amount of court costs and out-of-pocket costs advanced by counsel." The Plaintiffs and Mr. Hatfield have yet to jointly advise Delta how the money is to be distributed.

4. Because of these various factors, at this point, a settlement agreement has not been signed by any party, and it may be necessary in the coming weeks for Delta to interplead the funds.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 12, 2017.



Scott M. Mahoney