

1 WENDY M. KRINCEK, ESQ., Bar #6417  
 2 KAITLYN M. BURKE, ESQ., Bar #13454  
 LITTLER MENDELSON, P.C.  
 3 3960 Howard Hughes Parkway, Suite 300  
 Las Vegas, NV 89169-5937  
 Telephone: 702.862.8800  
 4 Fax No.: 702.862.8811  
 e-mail: wkrincek@littler.com  
 5 e-mail: kmburke@littler.com

6 Attorneys for Defendant  
 THE PRIMADONNA COMPANY, LLC  
 7

8 **UNITED STATES DISTRICT COURT**  
 9 **DISTRICT OF NEVADA**  
 10

11 SUSAN D. MAUNDER, an individual;

12 Plaintiff,

13 vs.

14 THE PRIMADONNA COMPANY, LLC a/k/a  
 and d/b/a PRIMM VALLEY RESORTS;  
 15 EMPLOYEE(S) / AGENT(S) DOES 1-10; and  
 ROE CORPORATIONS 11-20, inclusive,  
 16

Defendants.  
 17

Case No. 2:15-cv-00918-RFB-GWF

**STIPULATION FOR EXCEPTION  
 TO ATTENDANCE  
 REQUIREMENTS FOR EARLY  
 NEUTRAL EVALUATION  
 SESSION**

**ENE DATE: July 30, 2015**  
**ENE TIME: 9:00 a.m.**

**MAGISTRATE JUDGE C.W.  
 HOFFMAN, JR.**

19 Defendant, The Primadonna Company, LLC (“Primadonna”), and Plaintiff, Susan D.  
 20 Mauder (“Plaintiff”), by and through their respective attorneys of record, hereby submit this  
 21 Stipulation respectfully requesting an exemption from the Early Neutral Evaluation (“ENE”)  
 22 attendance requirements for Defendant’s insurance representative.  
 23

24 The Order Scheduling Early Neutral Evaluation (“ENE”) Session (Dkt. #11) sets the ENE for  
 25 July 30, 2015. It requires a representative of the insurance carrier with authority to settle this matter  
 26 up to the full amount of the claim to be present. Defendant requests an exception to this requirement  
 27 because although Defendant has an employment practices liability insurance policy, that coverage is  
 28 subject to a \$250,000 retention. Based on the information presently available regarding Plaintiff and

1 her allegations in this lawsuit, there is no reasonable good faith possibility that Plaintiff's claims  
2 could exceed the retention level at this time. Indeed, Plaintiff's initial disclosures include a damages  
3 calculation of \$29,433.64 in lost wages taking into account mitigation efforts. In light of the status  
4 of the litigation and the relative settlement posture of this matter, it is Defendant's belief that the  
5 insurance coverage will not have any effect on the settlement negotiations at the ENE.

6 Additionally, Defendant will have a company representative available at the ENE session  
7 who will fully and effectively participate in the settlement discussion and will have binding authority  
8 to settle this matter on behalf of Defendant. Further, Defendant's insurance representative will be  
9 availability telephonically during the ENE if necessary. Accordingly, the parties respectfully request  
10 that an Order be issued granting permission for Defendant's insurance representative to be exempt  
11 from personal attendance at the ENE scheduled for July 30, 2015.

12 Dated: June 29, 2015

Dated: June 29, 2015

13  
14 Respectfully submitted,

Respectfully submitted,

15  
16 /s/ Christian Gabroy, Esq.  
CHRISTIAN GABROY, ESQ.  
17 GABROY LAW OFFICES

/s/ Kaitlyn M. Burke, Esq.  
WENDY M. KRINCEK, ESQ.  
KAITLYN M. BURKE, ESQ.  
LITTLER MENDELSON

18 Attorney for Plaintiff  
19 SUSAN D. MAUNDER

Attorneys for Defendant  
THE PRIMADONNA COMPANY, LLC

20 **ORDER**

21 **IT IS SO ORDERED.**

22 DATED: June 30, 2015

23  
24   
25 THE HONORABLE C.W. HOFFMAN, JR.  
UNITED STATES MAGISTRATE JUDGE

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