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9 Attorneys for Plaintiff, Gail Barnes

10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

13 GAIL BARNES,

14 Plaintiff;

15 vs.

16 ELDORADO RESORTS CORPORATION, a
 Florida corporation; MICHAEL MARRS;
 17 KRISTEN BECK; DOMINIC TALEGHANI;
 AND DOES 1-50, inclusive;

18 Defendants.

Case No.: 2:15-cv-01026-RFB-PAL

**PLAINTIFF’S REQUEST FOR AN
 EXTENTION TO FILE AN OPPOSITION
 TO THE MOTION FOR SUMMARY
 JUDGEMENT.**

[Plaintiff’s Second Request for an Extension
 to Respond to Dispositive Motions]

22 COMES NOW, Plaintiff, GAIL BARNES, by and through their attorney of record, hereby
 23 submits Plaintiff’s Motion for Extension of Time to Respond to Dispositive Motions. This motion
 24 is made under the Federal Rule of Civil Procedure (hereinafter “FRCP”) rule 6(b)(1)(A) and
 25 Nevada District Court Local Rules (hereinafter “LR”) 6-2 and 26-4. Defendant filed their Motion
 26 for Summary Judgment on February 27, 2017. The current deadline for Plaintiff’s response is
 27 March 29, 2017.

**PLAINTIFF’S MOTION FOR AN EXTENSION TO RESPOND TO DEFENDANTS’
 DISPOSITIVE MOTIONS (Second Request)**

1 This motion is based on this Motion, the Memorandum of Points and Authorities filed
2 herewith, the pleadings and papers filed herein and upon such other matters as may be presented
3 to the Court at the time of the hearing
4

5
6 DATED: March 28, 2017

WATKINS & LETOFSKY, LLP

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8 By: /s/ Daniel R. Watkins

9 _____
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2
3 **I.**

4 **FACTS**

5 As the Court is aware, this case is one of thirty-three related lawsuits (“Related Cases”) sitting before this Court. Recognizing the complexity of litigating these lawsuits simultaneously, 6 the parties agreed to divide the cases into five groups and stagger deadlines in order to streamline 7 the litigation process and avoid overlapping dispositive motion deadlines. (See ECF No. 55, 2:4- 8 11).

9
10 On February 27, 2017, Defendant filed their Motion for Summary Judgment. (ECF No. 11 60). Defendant also filed three other Motions for Summary Judgment in the related cases.¹

12 In Kaplan v. Eldorado Resorts Corporation, et al., the motion consisted of forty-three 13 pages and thirty-eight exhibits (ECF No. 57), a Notice of Filing (ECF No. 58) and Index of 14 Exhibits (ECF No. 58), totaling approximately 460 (four-hundred and sixty) pages. In Barnes v. 15 Eldorado Resorts Corporation, et al., the motion consisted of twenty-eight pages and thirty-five 16 exhibits (ECF No. 60), a Notice of Filing (ECF No. 62) and Index of Exhibits (ECF No. 61), 17 totaling approximately 407 (four-hundred and seven) pages. In Parr v. Eldorado Resorts 18 Corporation, et al., the motion consisted of thirty-one pages and thirty-one exhibits (ECF No. 19 50), a Notice of Filing (ECF No. 52) and Index of Exhibits (ECF No. 51), totaling approximately 20 359 (three-hundred and fifty-nine) pages.

21 Since February 27, 2017, there’s been approximately sixteen depositions that took place 22 with another twelve depositions that were noticed and later continued. Furthermore, the Court 23 held a hearing on March 17, 2017, regarding Defendants’ Motions to Disqualify and Motion for 24

25
26 ¹ The Motions for Summary Judgment in the Related Cases, including the instant motion, are: Kaplan v. Eldorado
27 Resorts Corporation, et al., 2:15-cv-01015-RFB-PAL (ECF No. 57); Barnes v. Eldorado Resorts Corporation, et
28 al., 2:15-cv-01026-RFB-PAL (ECF No. 60); Parr v. Eldorado Resorts Corporation, et al., 2:15-cv-01028-RFB-
PAL (ECF No. 50); and Scheinburg v. Eldorado Resorts Corporation, et al., 2:15-cv-01031-RFB-PAL (ECF No. 63).

1 Summary Judgment in the Related Cases. On March 23, 2017, Defendant filed an additional five
2 motions for Summary Judgment in the Related Cases.²

3 The current deadline for Plaintiff to respond to Defendants' dispositive motions is March
4 29, 2017. (ECF No. 55). Plaintiff files this current motion seeking an additional two weeks of
5 time to provide a meaningful response to Defendants' Motions for Summary Judgment.

6 II.

7 ARGUMENT

8 A. LEGAL STANDARD FOR EXTENSION OF TIME

9 Federal Rule of Civil Procedure, Rule 6 (b) EXTENDING TIME.

10 (1) In General. When an act may or must be done within a specified time,
the court may, for good cause, extend the time:

11 (A) with or without motion or notice if the court acts, or if a request
12 is made, before the original time or its extension expires; or

13 (B) on motion made after the time has expired if the party failed to
14 act because of excusable neglect.

15 Federal Rule of Civil Procedure 6(b)(1)(A) permits a party to extend a deadline prior to
16 its expiration upon a showing of "good cause." The standard to be applied by a court under
17 FRCP 6(b)(1) is a liberal one in order to "effectuate the general purpose of seeing that cases are
18 tried on the merits." *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258-59 (9 Cir. 2010).
19 "Good cause is a non-rigorous standard that has been construed broadly across procedural and
20 statutory contexts." *Id.* at 1259.

21 "Consequently, requests for extensions of time made before the applicable deadline has
22 passed should 'normally ... be granted in the absence of bad faith on the part of the party seeking
23 relief or prejudice to the adverse party.'" *Id.* (Internal citation omitted).

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25 _____
26 ² The Motions for Summary Judgment filed on March 23, 2017 are: *Sekkat v. Eldorado Resorts Corporation, et al.*,
27 2:15-cv-01029-RFB-PAL (ECF No. 64); *Parr v. Eldorado Resorts Corporation, et al.*, 2:15-cv-01030-RFB-PAL
(ECF No. 53); *Olshansky v. Eldorado Resorts Corporation, et al.*, 2:15-cv-01017-RFB-PAL (ECF No. 62); and
28 *Bouch v. Eldorado Resorts Corporation, et al.*, 2:15-cv-01023-RFB-PAL (ECF No. 68).

1 Here, Plaintiff's counsel was served with the instant Motion for Summary Judgment on
2 February 27, 2017. (ECF No. 60). Also on February 27, 2017, Plaintiff's counsel was served
3 with three other motions for summary judgment in the Related Cases.³

4 Plaintiff has good cause to request this timely⁴ extension of the deadlines to respond to
5 Defendants' four simultaneous filings of their Motions for Summary Judgment because of the
6 sheer volume and size of the motions in addition to the mass amount of evidence⁵ obtained in
7 discovery to refute the motions and the subtleties and nuances between the FMLA and ADA
8 causes of action in these specific cases.

9 For example, in Kaplan v. Eldorado Resorts Corporation, et al., the Motion for Summary
10 Judgment consists of forty-three pages and thirty-eight exhibits (ECF No. 57), a Notice of Filing
11 (ECF No. 58) and Index of Exhibits (ECF No. 58), totaling approximately 460 (four-hundred and
12 sixty) pages. In Barnes v. Eldorado Resorts Corporation, et al., the motion consists of twenty-
13 eight pages and thirty-five exhibits (ECF No. 60), a Notice of Filing (ECF No. 62) and Index of
14 Exhibits (ECF No. 61), totaling approximately 407 (four-hundred and seven) pages. In Parr v.
15 Eldorado Resorts Corporation, et al., the motion consists of thirty-one pages and thirty-one
16 exhibits (ECF No. 50), a Notice of Filing (ECF No. 52) and Index of Exhibits (ECF No. 51),
17 totaling approximately 359 (three-hundred and fifty-nine) pages.

18 It would be challenging to respond to a single Motion for Summary Judgment of this size
19 and magnitude within the time frame required. However, responding to all four is simply
20 impractical. The amount of depositions being conducted and the overlap of motions including
21 the amount of exhibits and evidence in the instant case and Related Cases has put Plaintiff in a
22 position of needing an additional two weeks to respond to Defendants' dispositive motions.

23
24
25 ³ The Motions for Summary Judgment in the Related Cases, including the instant motion, are: Kaplan v. Eldorado
26 Resorts Corporation, et al., 2:15-cv-01015-RFB-PAL (ECF No. 57); Barnes v. Eldorado Resorts Corporation, et
27 al., 2:15-cv-01026-RFB-PAL (ECF No. 60); Parr v. Eldorado Resorts Corporation, et al. (ECF No. 50), 2:15-cv-
28 01028-RFB-PAL (ECF No. 60); and Scheinburg v. Eldorado Resorts Corporation, et al., 2:15-cv-01031-RFB-PAL
(ECF No. 63).

⁴ Plaintiff's deadline to respond to dispositive motions is March 29, 2017. (ECF No. 55)

⁵ Including but not limited to years of medical records, paystubs, chargeback records and time sheets.

1 **III.**

2 **CONCLUSION**

3 For the above stated reasons, Plaintiff respectfully requests an extension of time for two
4 weeks to allow Plaintiff to file their responses to Defendants' Motion for Summary Judgment.

5
6
7 DATED: March 28, 2017

WATKINS & LETOFSKY, LLP

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9 By: /s/ Daniel R. Watkins

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18 Attorneys for Plaintiff, GAIL BARNES

19 IT IS SO ORDERED:

20 

21 _____
22 RICHARD F. BOULWARE, II
23 United States District Judge

24 DATED this 27th day of April, 2017.

CERTIFICATE OF SERVICE

I hereby certify that I electronically transmitted the attached document to the Clerk’s Office using CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Anthony L. Martin
Jill Garcia

I am an employee with Watkins & Letofsky and am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on the same day in the ordinary course of business, addressed to the following:

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MICHAEL MARRS, BRUCE POLANSKY,
DOMINIC TALEGHANI, KRISTEN
BECK, and JAMES GRIMES

Executed on this 28th day of March, 2017 at Newport Beach, California.

/s/ Susan Watkins
Susan Watkins, an employee of
WATKINS & LETOFSKY, LLP