

1 BUCHALTER  
 A Professional Corporation  
 2 C. DANA HOBART, ESQ. (CA SBN: 125139) (*Admitted Pro Hac Vice*)  
 1000 Wilshire Boulevard, Suite 1500  
 3 Los Angeles, CA 90017  
 Telephone: 213.891.0700  
 4 Fax: 213.896.0400  
 Email: dhobart@buchalter.com

5 HEJMANOWSKI & McCREA  
 6 PAUL HEJMANOWSKI, ESQ. (NV SBN: 94)  
 CHARLES MCCREA, ESQ. (NV SBN: 104)  
 7 520 South Fourth Street, Suite 320  
 8 Las Vegas, NV 89101  
 Telephone: 702.834.8777  
 9 Fax: 702.834.5262  
 Email: prh@hmlawlv.com  
 10 chm@hmlawlv.com

11 Attorneys for Plaintiffs,  
 12 Aerodynamics Incorporated and  
 ADI Holdings Company, Inc.

13  
 14 **IN THE UNITED STATES DISTRICT COURT**  
 15 **FOR THE DISTRICT OF NEVADA**

16 AERODYNAMICS INCORPORATED, a  
 Michigan corporation; ADI HOLDINGS  
 17 COMPANY INC., a Georgia corporation,

18 Plaintiffs,

19 vs.

20 CAESARS ENTERTAINMENT OPERATING  
 COMPANY, INC., a Delaware corporation;  
 21 STEVEN MARKHOFF, an individual;  
 INTERNATIONAL MANAGEMENT  
 22 SOLUTIONS LLC, a Delaware corporation; VIA  
 AIRLINES, INC., a Colorado corporation; VIA  
 23 AIR, LLC, a Delaware corporation; and AMOS  
 VIZER, an individual,

24 Defendants.  
 25

Case No. 2:15-cv-1344-JAD-PAL

**STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND DEADLINE FOR  
 PARTIES TO SUBMIT JOINT PRETRIAL  
 ORDER**

1 Plaintiffs Aerodynamics Incorporated and ADI Holdings Company, Inc. (collectively  
2 “Plaintiffs”), by and through their undersigned counsel, and Defendants Caesars Entertainment  
3 Operating Company, Inc., Steven Markhoff, International Management Solutions, LLC, Via  
4 Airlines, Inc., Via Air, LLC, and Amos Vizer (collectively “Defendants”), by and through their  
5 respective undersigned counsel, hereby state as follows:

6 WHEREAS, on November 7, 2019, the Court issued its *Sealed Order Granting in Part*  
7 *Motions for Summary Judgment* (ECF No. 291) (the “Order”) in connection with Motions for  
8 Summary Judgment filed by Defendants (the “Motions”);

9 WHEREAS, the Order (i) referred this case to a magistrate judge for a Mandatory  
10 Settlement Conference (“MSC”) and (ii) stayed the parties’ obligation to file a Joint Pretrial  
11 Order until 10 days after the MSC (ECF No. 291, at 21:16-17);

12 WHEREAS, on February 6, 2019, the parties participated in an MSC with the Honorable  
13 Peggy A. Leen, Magistrate Judge (*see* ECF No. 296);

14 WHEREAS, none of the parties were able to reach a settlement at the MSC (*see* ECF No.  
15 296);

16 WHEREAS, pursuant to the Order, the deadline for the parties to file their Joint Pretrial  
17 Order therefore is Tuesday, February 19, 2019;

18 WHEREAS, Plaintiffs and Defendants are currently in the process of analyzing numerous  
19 depositions and thousands of pages of documents, synthesizing legal theories and arguments  
20 (guided, in part, by the Court’s findings set forth in the Order), and identifying exhibits for the  
21 purpose of fulfilling their requirements under LR 16-3, and filing their Joint Pretrial Order in  
22 accordance with LR 16-4;

23 WHEREAS, given the factual and legal complexities of this case; counsels’ need to fully  
24 re-familiarize themselves with all matters relating to this case<sup>1</sup>; and the parties’ shared interest by

---

25 <sup>1</sup> The final briefing for the Motions was filed under seal by Defendants in June 2017. In April  
26 2018, the parties, pursuant to the Court’s order, filed redacted versions of certain of that briefing.  
27 Otherwise, since June 2018, the parties have not litigated the merits of the dispute, as discovery  
28 had been completed and the Court’s ruling on the Motions was pending. Thereafter, the parties  
turned their attention to the MSC. Although this required the parties to re-familiarize themselves  
with various elements of the case, it did not require, including in order to spare party expense, the  
same efforts required to prepare for trial and to file a Joint Pretrial Order.

1 the Joint Pretrial Order to, where possible, limit disputed matters, coordinate witnesses and  
2 evidence, and simplify matters for a jury trial, Plaintiffs and Defendants believe it would be in the  
3 interests of judicial efficiency and economy to continue the deadline for the parties to submit a  
4 Joint Pretrial Order to April 19, 2019 (or May 17, 2019 as requested by the Via Defendants), or  
5 thereafter, at the Court's discretion; and

6 WHEREAS, in addition to giving Plaintiffs and Defendants sufficient time to give due  
7 attention to meeting and conferring, and preparing a Joint Pretrial Order, some counsel for the  
8 parties have scheduling conflicts that will interfere with achieving this, including because trial  
9 counsel for the Via Defendants recently formed a new law firm (January 1, 2019) and is in the  
10 process of significant administrative obligations, relocating office space to new locations, he is  
11 out of the country from March 13-25, 2019, and has a final arbitration hearing scheduled for the  
12 end of April. As a result, the Via Defendants respectfully request to be afforded until **May 17,**  
13 **2019** in order to properly prepare and submit a Joint Pretrial Order. Moreover trial counsel for  
14 Caesars Entertainment Operating Company, Inc. is scheduled to be in trial from March 4, 2019  
15 the second week of April, 2019.

16 ///

17 ///

18 ///

19

20

21

22

23

24

25

26

27

28

1 IT IS ACCORDINGLY STIPULATED, by and between the undersigned counsel for the  
2 parties, that the joint pretrial report will be due on April 19, 2019 (or May 17, 2019 as requested  
3 by the Via Defendants), or thereafter, in the Court's discretion.

4 Dated this 15<sup>th</sup> day of February 2019  
5 PISANELLI BICE PLLC

6 By: /s/  
7 James J. Pisanelli, Esq., Bar No. 4027  
8 Debra L. Spinelli, Esq., Bar No. 9695  
9 M. Magali Mercera, Esq., Bar No. 11742  
10 Emily A. Buchwald, Esq., Bar No. 13442  
11 400 South 7th Street, Suite 300  
12 Las Vegas, NV 89101  
13 *Attorneys for Caesars Entertainment*  
14 *Operating Company, Inc.*

15 Dated this 15<sup>th</sup> day of February 2019  
16 BROWNSTEIN HYATT FARBER SCHRECK, LLP

17 By: /s/  
18 Frank M. Flansburg III, Esq., Bar No. 6974  
19 Troy P. Domina, Esq., Bar No. 13862  
20 100 North City Parkway, Suite 1600  
21 Las Vegas, NV 89106  
22 *Attorneys for Defendants Steven Markhoff and*  
23 *International Management Solutions LLC*

Dated this 15<sup>th</sup> day of February 2019  
BUCHALTER, A Professional Corporation

By: /s/  
C. Dana Hobart, Esq. (CA SBN: 125139)  
HEJMANOWSKI & McCREA  
PAUL HEJMANOWSKI, ESQ. (NV SBN:  
94)  
CHARLES MCCREA, ESQ. (NV SBN: 104)  
520 South Fourth Street, Suite 320  
Las Vegas, NV 89101  
Telephone: 702.834.8777  
Fax: 702.834.5262  
*Attorneys for Plaintiffs*

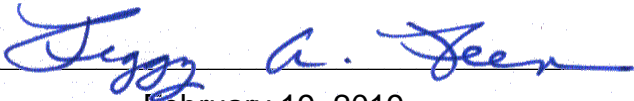
Dated this 15<sup>th</sup> day of February 2019  
KOLESAR & LEATHAM,

By: /s/  
Matthew T. Dushoff, Esq., Bar No. 4975  
400 S. Rampart Blvd., Suite 400  
Las Vegas, Nevada 89145  
BITMAN O'BRIEN & MORAT, PLLC  
Ronnie J. Bitman, Esq., FL Bar No. 744891  
(admitted *pro hac vice*)  
255 Primera Blvd., Suite 128  
Lake Mary, FL 32746  
*Attorneys for Defendants Via Airlines, Inc.,*  
*Via Air, LLC, and Amos Vizer*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

Pursuant to the foregoing stipulation, the parties shall file their Joint Pretrial Order, pursuant to United States District Court, District of Nevada’s Local Rules of Practice, Rules 16-3 and 16-4, no later than April 19, 2019.

  
DATED: February 19, 2019

CASE NO. 2:15-cv-01344-JAD-PAL