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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PAULA NEWMAN,

Plaintiff;

vs.

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

Defendants.

Case No.: 2:15-cv-01486-RFB-PAL

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

[Plaintiff's Third Request for an Extension to Respond to Dispositive Motions]

COMES NOW, Plaintiff, PAULA NEWMAN, by and through their attorney of record, hereby submits Plaintiff's Motion for Extension of Time to Respond to Dispositive Motions. This motion is made under the Federal Rule of Civil Procedure (hereinafter "FRCP") rule 6(b)(1)(A) and Nevada District Court Local Rules (hereinafter "LR") 6-2 and 26-4. Defendant filed their Motion for Summary Judgment on May 31, 2017. The current deadline for Plaintiff's response is June 30, 2017.

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

DATED: June 24, 2017

WATKINS & LETOFSKY, LLP

By: /s/ Daniel R. Watkins

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MEMORANDUM OF POINTS AND AUTHORITIES

I.

FACTS

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, the parties agreed to divide the cases into five groups and stagger deadlines in order to streamline the litigation process and avoid overlapping dispositive motion deadlines. (See ECF No. 51, 2:4-1).

On May 31, 2017, Defendant filed their Motion for Summary Judgment. (ECF No. 55). Defendant also filed three other Motions for Summary Judgment in the related cases.[1]

In Newman v. Eldorado Resorts Corporation, et al., the motion consisted of thirty-one pages and fifty-three exhibits (ECF No. 55), a Notice of Filing (ECF No. 57) and Index of Exhibits (ECF No. 56), totaling approximately 652 (six-hundred and fifty-two) pages. In Harel v. Eldorado Resorts Corporation, et al., the motion consisted of thirty and twenty-nine exhibits (ECF No. 48), a Notice of Filing (ECF No. 50) and Index of Exhibits (ECF No. 49), totaling approximately 259 (two-hundred and fifty-nine) pages. In Courey v. Eldorado Resorts Corporation, et al., the motion consisted of twenty-six pages and nineteen exhibits (ECF No.47), a Notice of Filing (ECF No. 49) and Index of Exhibits (ECF No. 48), totaling approximately 211 (two-hundred and eleven) pages. In Santovito. Eldorado Resorts Corporation, et al., the motion consisted of thirty and twenty-eight exhibits (ECF No. 61), a Notice of Filing (ECF No. 63) and Index of Exhibits (ECF No. 62), totaling approximately 489 (Four-hundred and eighty-nine) pages.

[1] The Motions for Summary Judgment filed on May 31, 2017 are: Newman v. Eldorado Resorts Corporation, et al., 2:15-cv-01486-RFB-PAL (ECF No. 55); Harel v. Eldorado Resorts Corporation, et al., 2:15-cv-01497-RFB-PAL (ECF No. 48); Courey v. Eldorado Resorts Corporation, et al., 2:15-cv-01488-RFB-PAL (ECF No. 47); and Santovito v. Eldorado Resorts Corporation, et al., 2:15-cv-01032-RFB-PAL (ECF No. 61).

On May 15, 2017, Watkins & Letofsky lost their associate, Amy Buchanan, due to a string of ongoing medical issues. While Amy Buchanan was kept off the Related Cases as a courtesy to Defense counsel, the firm had to redistribute her case load amongst the two Nevada partners and remaining Nevada associate. This caused a delay in the cases the firm is handling.

The current deadline for Plaintiff to respond to Defendants' dispositive motions is June 30, 2017. Plaintiff files this current motion seeking an extension until July 14, 2017 to provide a meaningful response to Defendants' Motions for Summary Judgment.

II.

ARGUMENT

A. LEGAL STANDARD FOR EXTENSION OF TIME

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

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

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

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

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

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

Here, Plaintiff's counsel was served with the instant Motion for Summary Judgment on May 31, 2017. Also on May 31, 2017, Plaintiff's counsel was served with three other motions

for summary judgment in the Related Cases.[2] Two weeks earlier, Plaintiff's counsel lost one of their two Nevada associates.

Plaintiff has good cause to request this timely[3] extension of the deadlines to respond to Defendants' four simultaneous filings of their Motions for Summary Judgment because of the sheer volume and size of the motions in addition to the mass amount of evidence[4] obtained in discovery to refute the motions and the subtleties and nuances between the FMLA and ADA causes of action in these specific cases.

In Newman v. Eldorado Resorts Corporation, et al., the motion consisted of thirty-one pages and fifty-three exhibits (ECF No. 55), a Notice of Filing (ECF No. 57) and Index of Exhibits (ECF No. 56), totaling approximately 652 (six-hundred and fifty-two) pages. In Harel v. Eldorado Resorts Corporation, et al., the motion consisted of thirty and twenty-nine exhibits (ECF No. 48), a Notice of Filing (ECF No. 50) and Index of Exhibits (ECF No. 49), totaling approximately 259 (two-hundred and fifty-nine) pages. In Courey v. Eldorado Resorts Corporation, et al., the motion consisted of twenty-six pages and nineteen exhibits (ECF No.47), a Notice of Filing (ECF No. 49) and Index of Exhibits (ECF No. 48), totaling approximately 211 (two-hundred and eleven) pages. In Santovito. Eldorado Resorts Corporation, et al., the motion consisted of thirty and twenty-eight exhibits (ECF No. 61), a Notice of Filing (ECF No. 63) and Index of Exhibits (ECF No. 62), totaling approximately 489 (Four-hundred and eighty-nine) pages.

It would be challenging to respond to a single Motion for Summary Judgment of this size and magnitude within the time frame required. However, responding to all four is simply impractical within the deadlines that the parties originally contemplated. Using the Related Cases as a guide, it suggests that Plaintiff's counsel needs on average an extra two weeks over

[2] The Motions for Summary Judgment filed on May 31, 2017 are: Newman v. Eldorado Resorts Corporation, et al., 2:15-cv-01486-RFB-PAL (ECF No. 55); Harel v. Eldorado Resorts Corporation, et al., 2:15-cv-01497-RFB-PAL (ECF No. 48); Courey v. Eldorado Resorts Corporation, et al., 2:15-cv-01488-RFB-PAL (ECF No. 47); and Santovito v. Eldorado Resorts Corporation, et al., 2:15-cv-01032-RFB-PAL (ECF No. 61)

[3] Plaintiff's deadline to respond to dispositive motions is June 30, 2017.

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

the current 30 days' that the parties originally contemplated. Furthermore, the ongoing issues medical issues with one of their Nevada associates have added an additional strain to the office. Consequently, Plaintiff needs additional time to file their opposition. Plaintiff believes that they can have their opposition and the three oppositions in the Related Cases completed by approximately July 14, 2017.

III.

CONCLUSION

For the above stated reasons, Plaintiff respectfully requests an extension of time until approximately July 14, 2017, to allow Plaintiff to file their responses to Defendants' Motion for Summary Judgment.

DATED: June 24th, 2017

WATKINS & LETOFSKY, LLP

By: /s/ Daniel R. Watkins

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Attorneys for Plaintiff, PAULA NEWMAN

ORDER

IT IS SO ORDERED.

RICHARD F. BOULWARE, II
United States District Judge

DATE: July 13, 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:

Anthony Martin, Esq.
Jill Garcia, Esq.
OGLETREE, DEAKINS, NASH, SMOAK, & STEWART, P.C.
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Attorney for Defendants,
ELDORADO RESORTS CORPORATION, MICHAEL MARRS, BRUCE POLANSKY, DOMINIC TALEGHANI, KRISTEN BECK, and JAMES GRIMES

Executed on this 30th day of June, 2017 at Newport Beach, California.

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