

1  
2  
3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**  
5

6 JOHN M. BERKHOFF,  
7 Plaintiff,

8 vs.

9 ABM SERVICE CORP., et al.,  
10 Defendants.  
11

Case No. 2:15-cv-01552-JAD-CWH

**ORDER**

12 Presently before the Court is Defendants’ Motion to Stay Action Pending Resolution of  
13 Defendants’ Motion to Transfer Venue or in the Alternative for Extension of Time to Respond to  
14 Complaint (ECF No. 10), filed on September 25, 2015. Plaintiff did not file a response.

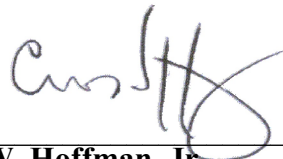
15 Defendants move to move to stay all deadlines in this case pending the Court’s resolution of  
16 Defendants’ motion to transfer venue (ECF No. 9), which is set for hearing before District Judge  
17 Jennifer A. Dorsey on November 20, 2015 (ECF No. 11). Defendants argue that the contract  
18 between the parties contains a forum-selection clause requiring Plaintiff to bring all claims related  
19 to the parties’ contract in Springfield, Illinois. Defendants further argue that they intend to file a  
20 motion to dismiss, which must include a choice-of-law analysis, and that the outcome of the  
21 transfer motion will dictate which jurisdiction’s choice-of-law rules apply. Defendants therefore  
22 request to stay all deadlines in the case until the Court enters an order on the transfer motion. In the  
23 alternative, Defendants request a 60-day extension of time to answer or otherwise respond to the  
24 complaint. Given that the outcome of the transfer motion will dictate which jurisdiction’s laws  
25 apply in this case, the Court finds there is good cause to grant Defendants’ motion.

26 IT IS THEREFORE ORDERED that Defendants’ Motion to Stay Action Pending  
27 Resolution of Defendants’ Motion to Transfer Venue or in the Alternative for Extension of Time to  
28 Respond to Complaint (ECF No. 10) is GRANTED.

1 IT IS FURTHER ORDERED that this case is stayed until the Court enters an order on  
2 Defendants' motion to transfer venue.

3 IT IS FURTHER ORDERED that if the Court denies Defendants' motion to transfer venue,  
4 Defendants must answer or otherwise respond to the complaint within 21 days from the date of the  
5 Court's order on the motion to transfer venue.

6  
7 DATED: October 23, 2015  
8

9  
10 

11  
12 **C.W. Hoffman, Jr.**  
**United States Magistrate Judge**  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28