

AKERMAN LLP

1160 TOWN CENTER DRIVE, SUITE 330
LAS VEGAS, NEVADA 89144
TEL.: (702) 634-5000 – FAX: (702) 380-8572

1 ARIEL E. STERN, ESQ.
Nevada Bar No. 8276
2 STEVEN SHEVORSKI, ESQ.
Nevada Bar No. 8256
3 AKERMAN LLP
1160 Town Center Drive, Suite 330
4 Las Vegas, Nevada 89144
Telephone: (702) 634-5000
5 Facsimile: (702) 380-8572
Email: ariel.stern@akerman.com
6 Email: steven.shevorski@akerman.com

7 BRIAN P. MILLER, ESQ.
SAMANTHA J. KAVANAUGH, ESQ.
8 Pro Hac Vice Applications to be Submitted
AKERMAN LLP
9 One Southeast Third Avenue, 25th Floor
Miami, FL 33131
10 Telephone: (305) 374-5600
Facsimile (305) 374-5095
11 Email: brian.miller@akerman.com
Email: samantha.kavanaugh@akerman.com

12 Attorneys for Defendants Liberator Medical Holdings, Inc.,
13 Mark Libratore, Jeannette Corbett, Tyler Wick,
14 Ruben Jose King-Shaw, Jr. and Philip Sprinkle

15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

17 ANAT SAPAN and FALKO HOERNICKE,
Individually and On Behalf of themselves and
18 All Others similarly Situated,

19 Plaintiffs,

20 v.

21 LIBERATOR MEDICAL HOLDINGS, INC.;
MARK LIBRATORE; JEANNETTE
22 CORBETTE; TYLER WICK; RUBEN JOSE
KING-SHAW, JR; PHILIP SPRINKLE; C.R.
23 BARD, INC.; FREEDOM MERGERSUB, INC.,

24 Defendants.

Case No.: 2:15-cv-02484-APG-CWH

**STIPULATION FOR EXTENSION OF
TIME FOR DEFENDANTS TO RESPOND
TO COMPLAINT, REGARDING
SERVICE OF PROCESS, AND
REGARDING INITIAL SCHEDULING
CONFERENCES**

25 Plaintiffs Anat Sapan and Falko Hoernicke (“Plaintiffs”), and Defendants Liberator Medical
26 Holdings, Inc., Mark Libratore, Jeannette Corbette, Tyler Wick, Ruben Jose King-Shaw, Jr., Philip
27 Sprinkle, C.R. Bard, Inc., and Freedom MergerSub, Inc. (“Defendants”) (collectively, the “Parties”)
28 respectfully submit the following Stipulation:

{37506509;1}

1 1. Plaintiffs filed their Individual and Class Action Complaint (“Complaint”) on
2 December 29, 2015.

3 2. On January 4, 2016, counsel for Defendants Liberator Medical Holdings, Inc., Mark
4 Libratore, Jeannette Corbette, Tyler Wick, Ruben Jose King-Shaw, Jr., Philip Sprinkle (the
5 “Liberator Defendants”) accepted service of process on behalf of all of the Liberator Defendants.
6 Accordingly, the Liberator Defendants’ responses to the Complaint was due on January 25, 2016.¹

7 3. Defendant C.R. Bard, Inc. was served on January 5, 2016. (ECF No. 52.)
8 Accordingly, C.R. Bard, Inc.’s response to the Complaint was due on January 26, 2016.

9 4. Defendant Freedom MergerSub, Inc. was served on January 5, 2016. Accordingly,
10 Freedom MergerSub, Inc.’s response to the Complaint was due on January 26, 2016.

11 5. On January 15, 2016, this Court indicated it would stay the state law causes of action.

12 6. Thereafter, Defendants and Plaintiffs reached agreement wherein Plaintiffs agreed to
13 withdraw their Motion for Temporary Restraining Order and Defendants agreed to provide Plaintiffs
14 with the same limited discovery that Defendants had agreed to provide plaintiffs in the related
15 Nevada State court actions, including participation in two Liberator depositions (of Tyler Wick and
16 Robert Davis) and the production of certain documents on to-be-agreed-upon limited search terms.

17 7. The Parties hereby stipulate and agree that within 30 days of completion of the
18 limited discovery agreed upon by the Parties and described in paragraph 6, the Parties shall confer
19 regarding whether Plaintiffs intend to voluntarily dismiss their complaint, designate the operative
20 complaint, or file an amended complaint, and Plaintiffs shall take such action.

21 8. Additionally, unless the Court orders otherwise, the Parties stipulate and agree that
22 they will not be required to conduct their initial scheduling conferences pursuant to the Federal
23 Rules of Civil Procedure until the Court’s resolution of any motions to dismiss filed in response to
24 Plaintiffs’ designated operative or amended complaint. The Parties agree that, except for the limited
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¹ On January 25, 2016, all Defendants timely obtained Plaintiffs’ agreement to an extension of time to respond to the Complaint.

1 agreed-upon discovery described in paragraph 6, discovery shall be stayed until the Court's
2 resolution of any motions to dismiss filed by Defendants.

3
4 DATED this 9th day of February, 2016.

DATED this 9th day of February, 2016.

5 MUEHLBAUER LAW OFFICE, LTD.

AKERMAN LLP

6 /s/ Andrew R. Muehlbauer, Esq.

/s/ Steven Shevorski, Esq.

7 ANDREW MUEHLBAUER, ESQ.

ARIEL E. STERN, ESQ.

8 Nevada Bar No. 10161

Nevada Bar No. 8276

9 7915 West Sahara Ave., Suite 104

STEVEN SHEVORSKI, ESQ.

10 Las Vegas, NV 89117

Nevada Bar No. 8256

11 Telephone: (702) 330-4505

1160 Town Center Drive, Suite 330

12 Facsimile: (702) 825-0141

Las Vegas, Nevada 89144

13 Email: andrew@mlollegal.com

Telephone: (702) 634-5000

Facsimile: (702) 380-8572

Email: ariel.stern@akerman.com

Email: steven.shevorski@akerman.com

14 Of Counsel:

15 GUSTAVO F. BRUCKNER, ESQ.

BRIAN P. MILLER, ESQ.

16 SAMUEL J. ADAMS, ESQ.

SAMANTHA J. KAVANAUGH, ESQ.

17 Admitted Pro Hac Vice

Pro Hac Vice Applications Pending

18 POMERANTZ LLP

AKERMAN LLP

19 600 Third Avenue

One Southeast Third Avenue, 25th Floor

20 New York, NY 10016

Miami, FL 33131

21 Telephone: (212) 661-1100

Telephone: (305) 374-5600

22 Email: gbruckner@pomlaw.com

Facsimile (305) 374-5095

23 Email: sjadams@pomlaw.com

Email: brian.miller@akerman.com

Email: samantha.kavanaugh@akerman.com

24 Attorneys for Plaintiffs Anat Sapan and
25 Falko Hoernicke

26 Attorneys for Defendants Liberator Medical Holdings,
27 Inc., Mark Libratore, Jeannette Corbette, Tyler Wick,
28 Ruben Jose King-Shaw, Jr. and Philip Sprinkle

1 DATED this 9th day of February, 2016.

2 BROWNSTEIN HYATT FARBER SCHRECK, LLP

3 /s/ Jeffrey S. Rugg, Esq. _____

4 JEFFREY S. RUGG, ESQ.

5 Nevada Bar No. 10978

6 BENJAMIN K. REITZ, ESQ.

7 Nevada Bar No. 13233

8 100 North City Parkway, Suite 1600

9 Las Vegas, NV 89106

10 Telephone: (702) 382-2101

11 Facsimile: (702) 382-8135

12 Email: jrugg@bhfs.com

13 Email: breitz@bhfs.com

14 John A. Neuwirth, Esq.

15 Pro Hac Vice Application to be Submitted

16 WEIL, GOTSHAL & MANGES LLP

17 767 Fifth Avenue

18 New York, New York 10153

19 Telephone: (212) 310-8000

20 Email: john.neuwirth@weil.com

21 Attorneys for Defendants C.R. Bard, Inc.

22 and Freedom MergerSub, Inc.

23 **ORDER**

24 IT IS SO ORDERED.

25 IT IS FURTHER ORDERED that the parties must file a joint status report on March 14,
26 2016.



27 _____
28 **UNITED STATES MAGISTRATE JUDGE**

DATED: February 11, 2016 _____

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), I certify that on the 9th day of February, 2016, I served via CM/ECF electronic filing system, and/or deposited for mailing in the U.S. Mail postage prepaid, a true and correct copy of the foregoing **STIPULATION FOR EXTENSION OF TIME FOR DEFENDANTS TO RESPOND TO COMPLAINT, REGARDING SERVICE OF PROCESS, AND REGARDING INITIAL SCHEDULING CONFERENCES** addressed as follows:

<p>Gustavo F. Bruckner, Esq. Samuel J. Adams, Esq. Admitted Pro Hac Vice Pomerantz LLP 600 Third Avenue New York, NY 10016 Telephone: (212) 661-1100 Email: gbruckner@pomlaw.com Email: sjadams@pomlaw.com</p> <p>Attorneys for Plaintiffs</p>	<p>Andrew R. Muehlbauer, Esq. Muehlbauer Law Office, Ltd. 7915 W. Sahara Avenue, Suite 104 Las Vegas, NV 89117 Telephone: (702) 330-4505 Facsimile: (702) 825-0141 Email: andrew@mlollegal.com</p> <p>Attorney for Plaintiffs</p>
<p>Patrick J Reilly, Esq. Holly Stein Sollod, Esq. Holland & Hart LLP 9555 Hillwood Drive, Second Floor Las Vegas, NV 89134 Telephone: (702) 669-4600 Facsimile: (702) 669-4650 Email: preilly@hollandhart.com Email: hsteinsollod@hollandhart.com</p> <p>Attorneys for Defendants Liberator Medical Holdings, Inc., Mark Libratore, Jeannette Corbette, Tyler Wick, Ruben Jose King-Shaw, Jr., and Philip Sprinkle</p>	<p>John A. Neuwirth, Esq. Pro Hac Vice Application to be Submitted Weil, Gotshal & Manges LLP 767 Fifth Avenue New York, New York 10153 Telephone: (212) 310-8000 Email: john.neuwirth@weil.com</p> <p>Attorneys for Freedom MergerSub, Inc. and C.R. Bard, Inc.</p>
<p>Jeffrey S. Rugg, Esq. Benjamin K. Reitz, Esq. Brownstein Hyatt Farber Schreck 100 N. City Pkwy., Suite 1600 Las Vegas, NV 89106 Telephone: (702) 464-7023 Facsimile: (702) 382-8135 Email: jrugg@bhfs.com Email: breitz@bhfs.com</p> <p>Attorneys for Freedom MergerSub, Inc. and C.R. Bard, Inc.</p>	

/s/ Julia M. Diaz
An Employee of AKERMAN LLP

AKERMAN LLP

1160 TOWN CENTER DRIVE, SUITE 330
LAS VEGAS, NEVADA 89144
TEL.: (702) 634-5000 – FAX: (702) 380-8572