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 Attorneys for Defendant  
 8 Phillipe Rouas

9  
 10 **UNITED STATES DISTRICT COURT**  
 11 **DISTRICT OF NEVADA**

12 WILLIAM SOTO,  
 13 Plaintiff,  
 14 v.  
 15 ARIA RESORT & CASINO, LLC;  
 MELANIE SALJOUGUI; YONG HOON  
 16 LEE; JERALD HEDRICK; ROBERT  
 17 FISHBOURNE; TODD OWEN; PHILLIPE  
 ROUAS,  
 18 Defendants.  
 19

Case No.: 2:16-cv-00064-JAD-PAL  
**DEFENDANT PHILLIPPE  
 ROUAS’S EX PARTE MOTION  
 FOR ENLARGEMENT OF TIME  
 TO MOVE, ANSWER, OR  
 OTHERWISE RESPOND TO  
 PLAINTIFF’S [44] FIRST  
 AMENDED COMPLAINT**  
**[FIRST REQUEST]**

20  
 21 Defendant PHILIPPE ROUAS (“Rouas”), by and through his counsel, the law firm  
 22 Enenstein Ribakoff LaViña & Pham, hereby submits this Ex Parte Motion for Enlargement of  
 23 Time to Move, Answer or Otherwise Respond to Plaintiff WILLIAM SOTO’s (“Plaintiff”) First  
 24 Amended Complaint. (ECF No. 44).

25 This Motion is made and based upon the memorandum of points and authorities and  
 26 exhibits attached hereto, all pleadings, declarations, affidavits, and other evidence on file in this  
 27 action, and upon such oral argument and/or documentary evidence as may be presented at the

1 hearing on this motion.

2 DATED this 12th day of December, 2016.

3 Respectfully submitted,

4 **ENENSTEIN RIBAKOFF LA VIÑA & PHAM**

5  
6 /s/ Robert A. Rabbat

7 ROBERT A. RABBAT, ESQ.

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17 Attorneys for Defendant

18 Phillipe Rouas

19 **DECLARATION OF ROBERT A. RABBAT, ESQ., PURSUANT TO LR 7-5(b) IN**  
20 **SUPPORT OF THE EX PARTE MOTION FOR ENLARGEMENT OF TIME**

21 I, Robert A. Rabbat, Esq., declare and say:

22 1. I am an attorney licensed to practice law in all courts in the State of Nevada. I  
23 am a partner of the law firm Enenstein Ribakoff LaVina & Pham, counsel of record for Phillipe  
24 Rouas in this action. I have personal knowledge of all facts stated herein unless specifically  
25 stated upon information and belief. I am over the age of 18 and I am competent to testify  
26 hereto.

27 2. I submit this declaration pursuant to Local Rule 7-5(b) and in support of Mr.  
28 Rouas' ex-parte motion for enlargement of time to file a motion, answer, or other response to  
Plaintiff's First Amended Complaint filed on May 23, 2016. (ECF No. 44).

3. I was retained to represent Mr. Rouas today, December 12, 2016.

4. Mr. Rouas is currently living outside of the United States.



1 Ruoas requests an extension of thirty (30) days, until **Wednesday, January 11, 2017**, to  
2 prepare and submit a response.

3 **II.**  
4 **STATEMENT OF FACTS**

5 On or about May 23, 2016, Plaintiff filed his First Amended Complaint, naming Rouas  
6 as a defending party. On or about August 22, 2016, Plaintiff filed an ex parte motion to extend  
7 time to serve the First Amended Complaint. (ECF No. 51). The Court granted Plaintiff ex parte  
8 motion, permitting him to provide a proof of service by October 21, 2016. (ECF No 52). On or  
9 about October 12, 2016, Plaintiff submitted a second ex parte motion for an extension of time.  
10 (ECF No. 73). The Court granted Plaintiff's motion for enlargement of time, permitting him an  
11 additional forty-five (45) days to serve the complaint. (ECF No. 74). On or about November 28,  
12 2016, Plaintiff filed an Affidavit of Publication with the Court. (ECF No 85). The Affidavit of  
13 Publication provides that the summons was published in the Nevada Legal News from October  
14 24, 2016 to November 21, 2016.<sup>1</sup> Id.

15 **III.**  
16 **DISCUSSION**

17 **A. THERE IS GOOD CAUSE UNDER FED. R. CIV. P. 6(B) TO GRANT A BRIEF EXTENSION**

18 Rouas respectfully requests an extension of thirty (30) days, to **Wednesday, January**  
19 **11, 2017**, in which to plead or otherwise respond to the First Amended Complaint.

20 Rule 6(b) of the Federal Rules of Civil Procedure states, for cause shown, a court may  
21 extend the time in which to respond to a motion or application if the request is made before the  
22 original time expires:

23  
24 When by these rules or by a notice given thereunder or by order of  
25 court an act is required or allowed to be done at or within a  
26 specified time, the parties, by written stipulation of counsel filed in  
the action, may enlarge the period, or the court **for cause shown**

27 <sup>1</sup> This Motion refers to the Affidavit of Publication for the purposes of timing only. It is not to be construed as a  
28 waiver of any potential claims under Fed. R. Civ. P. 12(b).

1 may at any time in its discretion (1) with or without motion or  
2 notice order the period enlarged if request therefor is made before  
3 the expiration of the period originally prescribed or as extended by  
4 a previous order, or (2) upon motion made after the expiration of  
5 the specified period permit the act to be done where the failure to  
6 act was the result of excusable neglect; but it may not extend the  
time for taking any action under Rules 50(b), 50(c)(2), 52(b),  
59(b), (d) and (e) and 60(b), except to the extent and under the  
conditions stated in them.

7 Fed. R. Civ. P. 6(b)(Emphasis added).

8 Here, Rouas was supposedly served as of the last day of publication on November 21,  
9 2016. Based on this date, the deadline to file a response pursuant to Fed. R. Civ. P. 12(a)(1)(A)  
10 is today, December 12, 2016.

11 Rouas respectfully submits there is good cause to extend his time to respond to  
12 Plaintiff's First Amended Complaint. Rouas is not currently in the United States, he was made  
13 aware of the service by publication very recently, and was only today able to retain counsel that  
14 is licensed to practice before this Court. Rouas therefore needs additional time to analyze the  
15 facts and law to formulate any potential response to Plaintiff's First Amended Complaint. An  
16 extension of thirty (30) days should be a sufficient amount of time to prepare said response.  
17

18 **IV.**  
**CONCLUSION**

19 Defendant PHILIPPE ROUAS respectfully requests an order by this Court extending his  
20 time to move, answer, or otherwise respond to Plaintiff WILLIAM SOTO's First Amended  
21

22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 ///

1 Complaint by thirty (30) days, to on or about **Wednesday, January 11, 2017.**

2 DATED this 12th day of December, 2016.

3 Respectfully submitted,

4 **ENENSTEIN RIBAKOFF LAVIÑA & PHAM**

5  
6 /s/ Robert A. Rabbat

7 ROBERT A. RABBAT, ESQ.

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16 Fax: (702) 920-8228

17 Attorneys for Defendant

18 Phillipe Rouas

19 **ORDER**

20 IT IS SO ORDERED.

21   
22 \_\_\_\_\_  
23 UNITED STATES MAGISTRATE JUDGE

24 DATED: January 17, 2017

1 **CERTIFICATE OF SERVICE**

2 Pursuant to Fed.R.Civ.P. 5(b), I hereby certify that on the 12th day of December, 2016, I  
3 served a true and correct copy of the foregoing **DEFENDANT PHILLIPPE ROUAS'S EX**  
4 **PARTE MOTION FOR ENLARGEMENT OF TIME TO MOVE, ANSWER, OR**  
5 **OTHERWISE RESPONDE TO PLAINTIFF'S [44] FIRST AMENDED COMPLAINT**  
6 **[FIRST REQUEST]** as follows:

7  
8  X  BY MANDATORY ELECTRONIC SERVICE (e-service via PACER);

9 And

10  X  BY US MAIL as addressed below.

11  
12  
13 William Soto  
14 4546 N. Bright Angel Ave.  
15 Meridian, ID 82646  
16 Plaintiff in Pro Se

17 Lisa A McClane  
18 Jackson Lewis P.C.  
19 3800 Howard Hughes Parkway  
20 Suite 600  
21 Las Vegas, NV 89169  
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24 Email: lisa.mcclane@jacksonlewis.com  
25 Attorneys for Defendant Aria Resort &  
26 Casino, LLC, Yong Hoon Lee, Jerald Hedrick,  
27 Robert Fishbourne, and Todd Owen

28 Adam J. Breeden  
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Attorneys for Melanie Saljougui

29 \_\_\_\_\_  
30 /s/ Michelle Choto

31 Michelle Choto