

1 WENDY MEDURA KRINCEK, ESQ., Bar # 6417
 2 KAITLYN M. BURKE, ESQ., Bar # 13454
 3 LITTLER MENDELSON, P.C.
 3960 Howard Hughes Parkway
 4 Suite 300
 Las Vegas, NV 89169-5937
 Telephone: 702.862.8800
 Fax No.: 702.862.8811
 5 Email: wkrincek@littler.com
 Email: kmburke@littler.com

6 Attorneys for Defendant
 7 ULTA SALON, COSMETICS & FRAGRANCE, INC.

8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10
 11 JOSE A. GOMEZ, an individual,
 12 Plaintiff,

13 vs.

14 ULTA SALON, COSMETICS &
 FRAGRANCE, INC., a Delaware
 15 Corporation and DOES I through X,
 inclusive, and ROE CORPORATIONS I-
 16 X, inclusive,
 Defendants.

Case No. 2:16-cv-00922-APG-VCF

**STIPULATION FOR EXCEPTION TO
 ATTENDANCE REQUIREMENTS FOR
 EARLY NEUTRAL EVALUATION
 SESSION**

ENE DATE: July 22, 2016
ENE TIME: 10:00 a.m.

MAGISTRATE JUDGE NANCY J. KOPPE

17
 18
 19 Defendant ULTA SALON, COSMETICS & FRAGRANCE, INC. (hereinafter “Ulta” or
 20 “Defendant”), and Plaintiff JOSE A. GOMEZ (“Plaintiff”), by and through their attorneys of record,
 21 hereby file this Stipulation requesting permission to excuse Ulta’s insurance representative from
 22 attendance at the Early Neutral Evaluation (“ENE”) Session set for July 22, 2016.

23 The Order Scheduling ENE Session (Dkt. #10) requires a representative of Ulta’s insurance
 24 carrier with authority to settle this matter up to the full amount of the claim to be present. Ulta
 25 requests an exception to this requirement because Ulta has a \$250,000 Dollar (\$250,000.00)
 26 retention on its insurance policy covering this matter. In light of the value of this claim, Ulta does
 27 not believe there is any reasonable good faith possibility that the indemnity will be triggered.
 28 Therefore, Ulta believes that it will be more efficient and economical to excuse the insurance

1 representative from attendance. Additionally, Ulta's corporate representative, Anne Stolman, Senior
2 Counsel is prepared to fully and actively participate in the ENE and has binding authority to settle
3 this matter. Plaintiff's counsel has no objection to Ulta's request.

4 In consideration of the above, Ulta respectfully requests that the Court grant its request to
5 excuse the attendance of an insurance representative for the ENE session scheduled for July 22,
6 2016.

7
8 Dated: July 6, 2016

Dated: July 6, 2016

9
10 Respectfully submitted,

Respectfully submitted,

11 /s/ Ryan Alexander, Esq.
12 RYAN ALEXANDER, ESQ.
13 RYAN ALEXANDER, CHTD

/s/ Kaitlyn M. Burke, Esq.
WENDY MEDURA KRINCEK, ESQ.
KAITLYN M. BURKE, ESQ.
Littler Mendelson, P.C.

14
15 Attorney for Plaintiff
16 JOSE A. GOMEZ

Attorneys for Defendant
ULTA SALON, COSMETICS & FRAGRANCE,
INC.

17 **IT IS SO ORDERED.**

18 DATED: July 7, 2016

19
20 
THE HONORABLE NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE

21 Firmwide:141317224.1 059310.1097