

1 Deverie Christensen, Bar No. 6596
 2 christensend@jacksonlewis.com
 3 Phillip Thompson, Bar No. 12114
 4 Phillip.thompson@jacksonlewis.com
 5 **JACKSON LEWIS P.C.**
 6 3800 Howard Hughes Parkway, Suite 600
 7 Las Vegas, Nevada 89169
 8 Tel: (702) 921-2460
 9 Fax: (702) 921-2461
 10 Attorneys for Defendant
 11 HRHH Gaming Senior Mezz, LLC

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

9 RICHARD LUM, an individual;
 10
 11 Plaintiff,
 12
 13 v.
 14 HRHH GAMING SENIOR MEZZ, LLC,
 15 dba Hard Rock Hotel & Casino Las Vegas;
 16 DOES 1 through 10 inclusive; ROE
 CORPORATIONS/ENTITIES 1 through
 10 inclusive,
 Defendants.

Case No.: 2:16-cv-01230-GMN-CWH

**DEFENDANT HRHH GAMING SENIOR
 MEZZ LLC'S REQUEST FOR EXCEPTION
 TO EARLY NEUTRAL EVALUATION
 ATTENDANCE REQUIREMENTS**

17 Defendant HRHH Gaming Senior Mezz LLC dba Hard Rock Hotel & Casino Las Vegas
 18 ("Defendant" or "Hard Rock") by and through its counsel Jackson Lewis P.C., hereby respectfully
 19 requests an exception to the early neutral evaluation ("ENE") attendance requirements.

20
 21 Defendant is insured with American International Group (AIG - Financial Lines Claims).
 22 However, Defendant's insurance policy contains a substantial (six figures) self-insured retention
 23 amount and, given that Plaintiff asserts only discrimination and retaliation under the Americans
 24 With Disabilities Act in this case, any resolution at the ENE will be well within Defendant's self-
 25 insured retention. As such, Defendant respectfully requests that a representative from
 26 Defendant's insurance carrier be excused from attending in person the ENE; however, to alleviate
 27 any concerns, a representative will be available telephonically. Participation by the insurance
 28

1 carrier via telephone, which is unlikely to be necessary, will not adversely affect the ENE, and
2 Defendant will attend the ENE with appropriate settlement authority.

3 Based on the foregoing, Defendant respectfully requests the insurance carrier be excused
4 from in person attendance, and to the extent necessary be allowed to attend the ENE currently
5 scheduled for October 26, 2016, at 10:00 a.m., telephonically as needed.

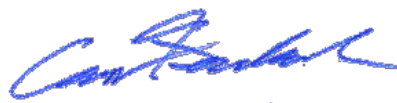
6
7 Dated this 11th day of October, 2016.

8 JACKSON LEWIS P.C.

9
10 /s/ Deverie J. Christensen
11 Deverie J. Christensen, Bar No. 6596
12 Phillip Thompson, Bar No. 12114
13 3800 Howard Hughes Parkway, Suite 600
14 Las Vegas, Nevada 89169
15 Attorneys for Defendant HRHH Gaming
16 Senior Mezz, LLC

16 The telephonic hearing scheduled for October 13, 2016 is VACATED.
17 IT IS HEREBY ORDERED that Defendant HRHH Gaming Senior
18 Mezz LLC's Request for Exception to Early Neutral Evaluation
19 Attendance Requirements (ECF No. 11) is GRANTED.
20 IT IS SO ORDERED.

21 Dated this 12th day of October, 2016.

22 
23 _____
24 Cam Ferenbach
25 United States Magistrate Judge

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee Jackson Lewis P.C. and that on this 11th day of
3 October, 2016, I caused to be sent via ECF filing, a true and correct copy of the above and
4 foregoing **ANSWER TO COMPLAINT** to the following:

5 Attorney for Plaintiff

6 Trevor J. Hatfield
7 Hatfield & Associates, Ltd.
8 703 South Eighth Street
9 Las Vegas, Nevada 89101

10 Attorneys for Plaintiff

11 /s/ Kelley Chandler
12 Employee of Jackson Lewis P.C.

13 4813-9611-2698, v. 1
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28