

1 Deverie J. Christensen, Bar No. 6596
 2 christensend@jacksonlewis.com
 3 Phillip C. Thompson, Bar No. 12114
 4 phillip.thompson@jacksonlewis.com
 5 **JACKSON LEWIS P.C.**
 3800 Howard Hughes Parkway, Suite 600
 Las Vegas, Nevada 89169
 Tel: (702) 921-2460
 Fax: (702) 921-2461

6 Attorneys for Defendant
 7 Bally Technologies, Inc.

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

10 ROY HOWARD, an individual;
 11 Plaintiff,

Case No.: 2:16-cv-01527-APG-NJK

12 v.

13 BALLY TECHNOLOGIES, INC.; DOES I
 14 through X, inclusive; ROE
 CORPORATIONS I through X, inclusive,
 15 Defendants.

**DEFENDANT’S REQUEST FOR EXCEPTION
 TO EARLY NEUTRAL EVALUATION
 ATTENDANCE REQUIREMENTS**

16
 17 Defendant Bally Technologies, Inc. (“Defendant” or “Bally”) by and through its counsel
 18 Jackson Lewis P.C., hereby respectfully requests an exception to the early neutral evaluation
 19 (“ENE”) attendance requirements.

20 Defendant is insured with American International Group (AIG - Financial Lines Claims).
 21 However, Defendant’s insurance policy contains a substantial (six figures) self-insured retention
 22 amount and, given that Plaintiff asserts only discrimination claims under Title VII and Nevada
 23 state law in this case, any resolution at the ENE will be well within Defendant’s self-insured
 24 retention. As such, Defendant respectfully requests that a representative from Defendant’s
 25 insurance carrier be excused from attending in person the ENE; however, to alleviate any
 26 concerns, a representative will be available telephonically. Participation by the insurance carrier
 27 via telephone, which is unlikely to be necessary, will not adversely affect the ENE, and
 28 Defendant will attend the ENE with appropriate settlement authority.

1 Based on the foregoing, Defendant respectfully requests the insurance carrier be excused
2 from in person attendance, and to the extent necessary be allowed to attend the ENE currently
3 scheduled for December 1, 2016, at 9:30 a.m., telephonically as needed.

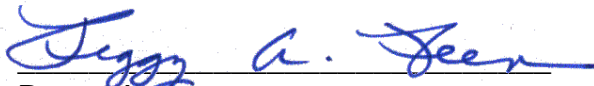
4 Dated this 22nd day of November, 2016.

5 JACKSON LEWIS P.C.

6
7 /s/ Phillip Thompson

8 Deverie J. Christensen, Bar No. 6596
9 Phillip Thompson, Bar No. 12114
10 3800 Howard Hughes Parkway, Suite 600
11 Las Vegas, Nevada 89169
12 Attorneys for Defendant
13 Bally Technologies, Inc.

14
15 IT IS SO ORDERED this 22nd day
16 of November, 2016.

17
18 

19 Peggy A. Leen
20 United States Magistrate Judge
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that I am an employee Jackson Lewis P.C. and that on this 22nd day of December, 2016, I caused to be sent via ECF filing, a true and correct copy of the above and foregoing **DEFENDANT’S REQUEST FOR EXCEPTION TO EARLY NEUTRAL EVALUATION ATTENDANCE REQUIREMENTS** to the following:

Attorney for Plaintiff

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

Attorneys for Plaintiff

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

4835-0038-2269, v. 3