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6 *Attorneys for Defendant*
Golden Gate Casino, LLC

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

10 BRENDA GILLILAND, an individual,
 11 Plaintiff,
 12 vs.
 13 GOLDEN GATE CASINO, LLC, a Nevada
 limited liability company; DOES 1 through
 14 10 inclusive; ROES CORPORATIONS
 ENTITIES 1 through 10 inclusive,
 15 Defendants.
 16

Case No. 2:16-cv-01956-JAD-VCF

**DEFENDANT’S REQUEST FOR
 EXCEPTION FROM ATTENDANCE
 AT EARLY NEUTRAL EVALUATION
 SESSION**

17 Defendant Golden Gate Casino, LLC (“Defendant”), by and through its counsel of record,
 18 Jackson Lewis P.C., respectfully requests an exception to the Early Neutral Evaluation (“ENE”)
 19 Session attendance requirements.

20 Specifically Defendant requests that Defendant’s insurer, AIG, be excused from attending
 21 the ENE in person and, instead, be allowed to attend telephonically. Defendant’s insurance policy
 22 includes a self-insured retention of \$100,000.00, which means Defendant is responsible for its
 23 legal fees and the costs of settlement up to \$100,000.00 before its insurance policy becomes
 24 effective. Consequently, Defendant, not its insurance carrier, will be the primary decision maker
 25 at the ENE in regards to any settlement reached with Ms. Gilliland. Additionally, the
 26 representative for AIG is located in New York and would be required to incur significant time and
 27 expense to travel to the ENE, which would deplete funds that could otherwise be available for a
 28 settlement with Ms. Gilliland. For an AIG representative to attend the ENE, it would require a

1 three day commitment, including travel on the days before and after the ENE as well as a full day
2 of attendance at the ENE itself. Requiring Defendant to expend these funds, especially in light of
3 its self-insured retainer, would be unnecessary and unreasonable. Finally, given AIG's minimal
4 participation, attendance *via* telephone will not adversely affect the ENE. A representative for
5 Defendant, as well as Defendant's counsel, will be present and will have authority to negotiate a
6 settlement on Defendant's behalf. In the unlikely event a negotiated settlement exceeds
7 Defendant's self-insured retention limit, a representative for AIG will be available telephonically
8 to discuss and approve any proposed settlement.

9 In sum, a representative from Defendant and its counsel will be present at the ENE and
10 will have authority to bind Defendant if the parties are able to reach a settlement. Requiring a
11 representative from Defendant's insurance carrier to be present would cause Defendant to
12 unnecessarily expend funds to include a third-party whose participation will only be beneficial in
13 the unlikely event a settlement exceeds Defendant's \$100,000.00 self-insured retainer. For these
14 reasons, Defendant respectfully requests Defendant's carrier be excused from in person
15 attendance, and to the extent necessary be allowed to attend the ENE currently scheduled for
16 November 9, 2016, at 9:30 am, telephonically as needed.

17 Dated this 12th day of September, 2016.

18 JACKSON LEWIS P.C.

19 /s/ Elayna J. Youchah

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24 *Attorneys for Defendant*
25 *Golden Gate Casino, LLC*

26 Defendant's carrier is excused
27 from appearing personally at the
28 ENE, but shall be available by
telephone for the duration of the
ENE.

ORDER

IT IS SO ORDERED September 13, 2016.



United States Magistrate Judge