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19 *Information Services, LLC*

20 **UNITED STATES DISTRICT COURT**
21 **DISTRICT OF NEVADA**

22 SHARON BARNUM and ROBERT SUSTRIK,
23 and all similarly situated individuals,

24 Plaintiffs,

25 vs.

26 EQUIFAX INFORMATION SERVICES, LLC,

27 Defendant.

28 Case No. 2:16-cv-02866-RFB-NJK

**STIPULATION AND ORDER TO
EXTEND BRIEFING SCHEDULE ON
DISPOSITIVE MOTIONS AND MOTION
FOR CLASS CERTIFICATION**

(SIXTH REQUEST)

29 Plaintiffs Sharon Barnum and Robert Sustrik (“Plaintiffs”) and Defendant Equifax
30 Information Services, LLC (“Equifax”) have agreed and stipulated to the following:

31 1. The current deadline for filing dispositive motions and a motion for class
32 certification (the “Motions Deadline”) is July 23, 2018. (*See* Fifth Stip. to Extend Disc.
33 Deadlines [Dkt. 117]; Order [Dkt. 118].)

34 2. On June 22, 2018, Equifax served Plaintiff with data it obtained from third-party
35 Fidelity National Card Services, Inc. (the “FIS Production”). As detailed in the briefing on
36 Plaintiffs’ Emergency Motion to Compel and for Sanctions (the “Emergency Motion”) [Dkts. 121,
37

1 122, 128, 129, 132], Plaintiffs raised objections to the propriety of the FIS Production and sought
2 various information from Equifax pertaining to the FIS Production. The parties thereafter
3 exchanged numerous emails and ultimately conducted a Rule 26-7 conference on Friday, June 29,
4 2018. Both parties devoted significant time to preparing for and attending the Rule 26-7
5 conference.

6 3. The conference was unsuccessful in resolving Plaintiffs' objections to the FIS
7 Production and request for information, and Plaintiffs informed Equifax that they would therefore
8 file their Emergency Motion.

9 4. Recognizing that the Emergency Motion would require significant—and
10 immediate—attention from both parties, the parties agreed to a stay of the Motions Deadline
11 pending resolution of the Emergency Motion and thus filed, on July 2, 2018, their Stipulation
12 [Dkt. 119] for such a stay.

13 5. On July 5, 2018, the Court denied the stay requested in the Stipulation, without
14 prejudice, because Plaintiffs had not yet actually filed their Emergency Motion. (*See* Order Dkt.
15 120 (emphasis added) (“The Court does not grant such relief based on hypothetical filings.”).)

16 6. On the afternoon of Friday, July 6, 2018, Plaintiffs filed their Emergency Motion.

17 7. Equifax immediately began preparing its response to the Emergency Motion,
18 which it filed on the morning of Monday, July 9, 2018 [Dkt. 128].

19 8. On July 10, 2018, Plaintiffs filed their reply in support of the Emergency Motion
20 [Dkt. 132].

21 9. On the same day—July 10, 2018—the Court denied the Emergency Motion.

22 10. Addressing the dispute over the FIS Production required significant time and
23 attention from the parties (beginning on Monday, June 25 and extending through the course of the
24 July Fourth holiday, through yesterday) that necessarily could not be devoted to dispositive and
25 class-certification motions. The parties agree that they both will be prejudiced if the Motions
26 Deadline is not extended slightly to account for this lost time.

27 11. Accordingly, the parties respectfully request that the Court extend the Motions
28 Deadline and related deadlines by two weeks, as follows:

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Event	Old Deadline	New Deadline
Dispositive Motions and Motion for Class Certification and Appointment of Class Counsel	July 23, 2018	August 6, 2018
Responses to Dispositive Motions and Motion for Class Certification and Appointment of Class Counsel	August 21, 2018	September 4, 2018
Replies in Support of Dispositive Motions and Motion for Class Certification and Appointment of Class Counsel	September 21, 2018	October 5, 2018

IT IS SO STIPULATED.

Dated: July 11, 2018

<p><i>/s/ Matthew Knepper</i></p> <hr/> <p>Matthew I. Knepper, Esq. Nevada Bar No. 12796 Miles N. Clark, Esq. Nevada Bar No. 13848 KNEPPER & CLARK LLC Email: matthew.knepper@knepperclark.com Email: miles.clark@knepperclark.com</p> <p>David H. Krieger, Esq. Nevada Bar No. 9086 HAINES & KRIEGER, LLC Email: dkrieger@hainesandkrieger.com</p> <p><i>Counsel for Plaintiff</i></p>	<p><i>/s/ Bradley Austin</i></p> <hr/> <p>Misty L. Peterson, Esq. Zachary A. McEntyre, Esq. KING & SPALDING LLP 1180 Peachtree Street NE Atlanta, GA 30309 Email: mpeterson@kslaw.com Email: zmcentyre@kslaw.com</p> <p>Bryan Zubay, Esq. KING & SPALDING LLP 1100 Louisiana, Ste. 4000 Houston, TX 77002 Email: bzubay@kslaw.com</p> <p>Bradley T. Austin, Esq. Nevada State Bar No. 13064 SNELL & WILMER, LLP 3883 Howard Hughes Pkwy., Ste. 1100 Las Vegas, NV 89169 Email: baustin@swlaw.com</p> <p><i>Counsel for Equifax Information Services, LLC</i></p>
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Cabebe v. Equifax Information Services, LLC
Case No. 2:16-cv-02866-RFB-NJK
STIPULATION AND ORDER TO EXTEND
BRIEFING SCHEDULE ON DISPOSITIVE
MOTIONS AND MOTION FOR
CLASS CERTIFICATION

ORDER

IT IS SO ORDERED



Nancy J. Koppe
United States Magistrate Judge

Dated: July 12, 2018

4822-5192-1005.1