

1 **OGLETREE, DEAKINS, NASH, SMOAK, &**
2 **STEWART, PC.**

3 Molly M. Rezac, Nev. Bar No. 7435
4 50 West Liberty Street, Suite 920
5 Reno, Nevada 89501
6 Tel. (775) 440-2372
7 Fax. (775) 440-2376
8 molly.rezac@ogletreedeakins.com

9 **DLA PIPER LLP**
10 Mary C. Dollarhide, *admitted pro hac vice*
11 4365 Executive Drive, Suite 1100
12 San Diego, CA 82121
13 Tel, (858) 677-1429
14 Fax.
15 Mary.dollarhide@us.dlapiper.com

16 *Attorneys for Defendant The Venetian Casino Resort, LLC*

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 MUSTAFA YOUSIF and SHARONE WALKER)
20 on behalf of themselves and all others similarly)
21 situated,)
22)
23 Plaintiffs,)
24)
25 v.)
26)
27 THE VENETIAN CASINO RESORT, LLC;)
28 LAS VEGAS SANDS, CORP and DOES 1)
through 50, inclusive,)
Defendants.)

CASE NO. 2:16-cv-02941-RFB-NJK

**STIPULATION AND [PROPOSED]
ORDER TO STAY ACTION PENDING
MEDIATION**

Second Request

21 Pursuant to Local Rules (“LR”) IA 6-2 and LR 7-1, Plaintiffs MUSTAFA YOUSIF and
22 SHARONE WALKER (“Plaintiffs”), by and through their counsel of record THIERMAN BUCK,
23 LLP, and Defendant THE VENETIAN CASINO RESORT, LLC (“Defendant”), by and through its
24 counsel of record DLA PIPER, LLC, and OGLETREE, DEAKINS, NASH, SMOAK, &
25 STEWART, P.C., hereby request and stipulate to stay the entire action, including but not limited to
26 the class certification briefing and hearing date, in the above captioned matter pending mediation.

27 The purpose of the Stay is to promote judicial economy and allow this court to more
28 effectively control the disposition of the cases on its docket with economy of time and effort for

1 itself, for counsel, and the litigants. *See Landis v. N. Am. Co.*, 299 U.S. 248, 254 (U.S. 1936) (“[T]he
2 power to stay proceedings is incidental to the power inherent in every court to control the disposition
3 of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”);
4 *Pate v. DePay Orthopedics, Inc.*, 2012 WL 3532780, at * 2 (D. Nev. Aug. 14, 2012) (“A trial court
5 may, with propriety, find it is efficient for its own docket and the fairest course for the parties to
6 enter a stay of an action before it, pending resolution of independent proceedings which bear upon
7 the case.”), *citing Leyva v. Certified Grocers of Cal., Ltd.*, 593 F.2d 857, 863 (9th Cir. 1979).

8 The Parties attended mediation on November 21, 2019, but were unable to reach a settlement
9 agreement on that date. However, the Parties have agreed to attend a second mediation currently
10 scheduled for February 28, 2020 in an attempt to resolve all remaining claims in the action. Pending
11 the outcome of the Parties’ attempt to achieve a resolution of all remaining claims, the Parties will
12 provide a Status Report to the Court no later than fifteen (15) days following the mediation setting
13 forth the following dates:

14 1) Should the Parties reach a settlement, the Parties will set forth a proposed briefing
15 schedule for Settlement approval.

16 2) Should the Parties be unsuccessful at resolving all claims, the Parties shall set forth a
17 proposed briefing schedule to address (1) Plaintiffs’ Motion for a Protective Order [DKT. #134]
18 and (2) Plaintiffs’ Motion for Class Certification Under Rule 23 of the Federal Rules of Civil
19 Procedure [DKT. # 126].

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1 This Stipulation is made in good faith and not for the purposes of undue burden or delay.

2 **IT IS SO STIPULATED:**

3 Dated this 26th day of November 2019
4 THIERMAN BUCK, LLP

5
6 /s/ Leah L. Jones
7 Mark R. Thierman, Esq., Bar No. 8285
8 Joshua D. Buck, Esq., Bar No. 12187
9 Leah L. Jones, Esq., Bar No. .13161
10 7287 Lakeside Drive
11 Reno, Nevada 89511

12 *Attorneys for Plaintiffs*

Dated this 26th November 2019
OGLETREE, DEAKINS, NASH, SMOAK, &
STEWART, P.C.

13 /s/ Molly M. Rezac
14 Molly M. Rezac, Nev. Bar No. 7435
15 50 West Liberty Street, Suite 920
16 Reno, Nevada 89501

17 /s/ Mary C. Dollarhide
18 Mary C. Dollarhide, *admitted pro hac vice*
19 4365 Executive Drive, Suite 1100
20 San Diego, CA 82121


21 *Attorneys for Defendant*

22 **ORDER**

23 **IT IS HEREBY ORDERED** that the Parties' Stipulation and Order to stay action in the
24 above captioned matter is **granted**.

25 **IT IS FURTHER ORDERED** that the Parties will submit a Joint Status Report no later
26 than 15 days following the Parties' mediation to inform the Court if the Parties have come to an
27 early resolution.

28 **IT IS SO ORDERED:**



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED this 27th day of November, 2019.