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Education on behalf of University of Nevada, Las
10 Vegas, Leonard Jessup, Richard Clark, Gerry Bomotti
and Lori Temple*

11
12 **UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF NEVADA**

14 HILLERY PICHON, FRANK LOURENCO,
15 DANIEL ZORICK and ROBERT
GRIPENTOG,

16 Plaintiffs,

17 vs.

18 STATE OF NEVADA *ex rel* BOARD OF
19 REGENTS FOR THE NEVADA SYSTEM
OF HIGHER EDUCATION on behalf of
20 UNIVERSITY OF NEVADA, LAS VEGAS;
PRESIDENT LEONARD "LEN" JESSUP,
21 individually and in his official capacity;
RICHARD CLARK, individually and in his
22 official capacity; GERRY BOMOTTI,
individually and in his official capacity; LORI
23 TEMPLE, individually and in her official
capacity; CRYSTAL ZUKE, individually and
24 in her official capacity; DOES 1 through X;
inclusive,

25 Defendants.
26

Case No. 2:16-cv-03030-MMD-VCF

**DEFENDANTS' REQUEST FOR
EXCEPTION TO ENE ATTENDANCE
REQUIREMENTS**

27 Pursuant to the Court's January 3, 2017 Order scheduling an Early Neutral Evaluation
28 ("ENE") [ECF No. 5] and L.R. 16-6(c), Defendants Leonard Jessup ("Jessup") and Gerry Bomotti

1 (“Bomotti”) (collectively, “Defendants”), by and through undersigned counsel, hereby request to
2 be excused from personal attendance at the ENE currently scheduled for March 21, 2017 before
3 Magistrate Judge Nancy J. Koppe.

4 Plaintiffs Hillery Pichon (“Pichon”), Frank Lourenco (“Lourenco”), Daniel Zorick
5 (“Zorick”) and Robert Gripentog (“Gripentog”) (collectively, “Plaintiffs”) have filed suit against
6 their employer, the State of Nevada *ex. rel.* Board of Regents of the Nevada System of Higher
7 Education on behalf of the University of Nevada, Las Vegas (“UNLV”), alleging a number of
8 claims involving allegations of discrimination, wage and hour violations, and invasion of privacy.
9 As part of their claims, Plaintiffs named several Defendants in their individual capacity, including
10 University President Jessup and University Senior Vice President for Finance and Business
11 Bomotti.¹

12 Defendants request that Jessup and Bomotti be excused from attendance at the ENE. Both
13 Jessup and Bomotti will be heavily involved in several budgetary hearings in the upcoming state
14 legislative session, which will render it virtually impossible to participate in the ENE.² Their
15 presence should not be necessary overall, as Nancy Rapoport (“Rapoport”), Special Counsel to the
16 President of UNLV, will attend the ENE and has binding authority to settle the matter on behalf of
17 all Defendants in this action. As Rapoport has participated in a previous private mediation with the
18 parties in this action, she will have sufficient familiarity with the claims involved in this matter.

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25 ¹ Defendants filed a Motion to Dismiss [ECF No. 7], seeking, *inter alia*, to dismiss all individual
26 Defendants from the action with prejudice. The Motion asserts: (1) Title VII, which comprises the
27 majority of the allegations in this action, does not allow for individual liability; and (2) none of the
28 remaining causes of action include factual allegations against any of the individual Defendants.

² While the ENE is currently scheduled for March 21, 2017, Defendants intend to file a Stipulation
and Order to Continue the ENE due to scheduling conflicts.

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Accordingly, Defendants believe that it would be unnecessary to require the in-person attendance of either Jessup or Bomotti and request that the Court permit the same.

DATED this 17th day of January, 2017.

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

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IT IS SO ORDERED.
Dated: January 23, 2017



United States Magistrate Judge