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

14  
 15 WILLIAM J. BERRY, JR.; CYNTHIA  
 FALLS; SHANE KAUFMANN,  
 16  
 Plaintiffs,  
 17  
 vs.  
 18  
 DESERT PALACE, INC. d/b/a CAESARS  
 19 PALACE; et al.,  
 20  
 Defendants.

Case No.: 2:17-cv-00019-APG-BNW  
**STIPULATION AND REQUEST  
 FOR AN ORDER TO EXTEND  
 JOINT PRETRIAL ORDER  
 DEADLINE**  
**(FIFTH REQUEST)**

21 IT IS HEREBY STIPULATED AND AGREED among Plaintiffs and Defendant  
 22 that the deadline for filing the Joint Pretrial Order be extended by 30 days, **from**  
 23 **December 14, 2020 to January 13, 2021**, at the request of Plaintiffs' counsel.

24 The justification for this extension is as follows. Previously, the Court (on  
 25 November 4, 2019) granted the first extension to file the Joint Pretrial Order [ECF No.  
 26 149] based on the Defendant's (then-pending) motion to consolidate (ECF No. 32) this  
 27 case with another case, *Kaufmann v. Desert Palace, Inc.*, Case No. 2:18-cv-02037-KJD-  
 28 DJA. On March 25, 2020, in that other case, *Kaufmann v. Desert Palace, Inc.*, USD Judge

1 Dawson issued a decision denying consolidation. ECF No. 48.

2 The parties were then required to submit the Joint Pretrial Order within 60 days of  
3 the March 25, 2020 Order in the other *Kaufmann* case. ECF No. 149. However, another  
4 filing occurred in the meantime which impacted that deadline.

5 On November 15, 2019, after the Court issued its first order extending the deadline  
6 to file the Joint Pretrial Order, Plaintiffs filed their motion to alter or amend the Court's  
7 order granting in part Defendant's motion for summary judgment [ECF No. 150].  
8 Because the Court's decision on that motion would have significant impact on the content  
9 of the Joint Pretrial Order, the parties again requested a second extension on the deadline  
10 to file the Joint Pretrial Order. ECF No. 158. That request was granted on April 3, 2020,  
11 making the new deadline 60 days after the Court's decision on Plaintiffs' motion to alter  
12 or amend. ECF No. 159.

13 On September 3, 2020, the Court issued its order denying Plaintiffs' motion for  
14 reconsideration, thus making the deadline to file the Joint Pretrial Order November 2,  
15 2020. ECF No. 163.

16 On November 2, 2020, this Court granted a 10 day extension to November 12,  
17 2020 in light of changes to Plaintiffs' counsel's traveling schedule and unavailability.  
18 ECF No. 170.

19 On November 17, 2020, this Court granted an extension to December 14, 2020 in  
20 light of unexpected medical circumstances that affected lead counsel for Plaintiffs',  
21 Kathleen J. England. ECF No. 173.

22 While the parties anticipated that no further extension requests would be needed,  
23 unfortunately additional unexpected medical circumstances arose for Ms. England, which  
24 prevented the parties from conferring over the Joint Pretrial Order. The parties are  
25 therefore requesting an additional 30 days, up to and including **January 13, 2021** to  
26 submit the Joint Pretrial Order. To ensure a timely submission of the Joint Pretrial Order  
27 and to avoid further delays, the parties also agree that following submission of the Joint  
28 Pretrial Order, the parties will then have 60 days to prepare initial objections to the

1 respective exhibits.

2 This is the parties' fifth stipulation to extend the Joint Pretrial Order filing  
3 deadline. As set forth above, this stipulation is made in good faith in order to allow the  
4 parties sufficient time to attempt to come to an agreement on a Joint Pretrial Order. This  
5 stipulation is not for the purpose of causing any undue delay, and the parties agree that  
6 good cause therefore exists for an extension.

7 DATED this 14th day of December, 2020 DATED this 14th day of December, 2020.

8 **MAIER GUTIERREZ & ASSOCIATES**

**LITTLER MENDELSON, P.C.**

9 /s/ Danielle J. Barraza

/s/ Ethan D. Thomas

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ORDER

**IT IS SO ORDERED**

**DATED:** 10:13 am, December 18, 2020

**BRENDA WEKSLER**  
**UNITED STATES MAGISTRATE JUDGE**