

1 SCOTT M. MAHONEY (Nev. Bar No. 1099)
 FISHER & PHILLIPS LLP
 2 300 S. Fourth Street, Suite 1500
 Las Vegas, NV 89101
 3 Telephone: (702) 252-3131
 smahoney@fisherphillips.com

4 DONALD R. LIVINGSTON (DC Bar No. 436063)
 5 ESTHER G. LANDER (DC Bar No. 461316)
 Admitted pro hac vice
 6 AKIN GUMP STRAUSS HAUER & FELD LLP
 1333 New Hampshire Avenue, N.W.
 7 Washington, D.C. 20036
 Telephone: (202) 887-4000
 8 Facsimile: (202) 887-4288
 dlivingston@akingump.com
 9 elander@akingump.com

10 Attorneys for Defendant
 DESERT PALACE, INC., d/b/a CAESARS PALACE

11
 12 UNITED STATES DISTRICT COURT
 13 DISTRICT OF NEVADA

14
 15 WILLIAM J. BERRY, JR.;
 CYNTHIA FALLS; and SHANE
 16 KAUFMAN,

17 Plaintiffs,

18 v.

19 DESERT PALACE, INC., d/b/a
 CAESARS PALACE; DOES I
 20 through X, and ROE BUSINESS
 ENTITIES I through X, inclusive,

21 Defendants.

Case No. 2:17-cv-00019-GMN-PAL

**STIPULATION AND ORDER TO
 STAY LITIGATION PENDING
 OUTCOME OF MEDIATION**

22
 23 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs
 24 WILLIAM J. BERRY, JR., CYNTHIA FALLS, and SHANE KAUFMANN and
 25 Defendant DESERT PALACE, INC., d/b/a CAESARS PALACE, by and through
 26 their respective counsel of record, that the current proceedings be **stayed** pending the
 27 outcome of a mediation between the parties, which will be set in early December
 28 2017. The parties state as follows:

1 1. This matter was commenced on January 3, 2017 [ECF No. 1].

2 2. On June 2, 2017, the Court granted the parties' proposed discovery
3 plan/scheduling order [ECF No. 25], which set December 29, 2017 as the discovery
4 cut-off date in this matter.

5 3. On June 26, 2017, the parties took part in an Early Neutral Evaluation
6 Conference with Magistrate Judge George Foley, Jr. [*see* ECF No. 27]. The case
7 continued on the normal litigation track because no settlement was reached.

8 4. The parties have thereafter engaged in extensive written discovery and
9 document productions to each other.

10 5. On September 15, 2017, defendant filed a motion to sever the claims of
11 William J. Berry, Jr. [ECF No. 29]. Plaintiffs' response was initially due on
12 September 29, 2017, but the parties agreed to extend time for plaintiffs to respond due
13 to new associating counsel joining the matter on plaintiffs' behalf [*see* ECF No. 32].

14 6. During this first extension of time, the lead counsel for the parties
15 conferred on several occasions regarding the issues in the case and whether it would
16 be wise to explore mediation. The parties therefore agreed to a second, and
17 subsequently a third, extension of time for plaintiffs to respond to defendant's motion
18 to sever to allow the parties to continue their discussions regarding setting up and
19 scheduling a mediation session within the next two months [*see* ECF Nos. 35, 38].

20 7. As the discussions have progressed, the parties have decided to move
21 forward with mediation, have agreed to an outside mediator, and are in the process of
22 finalizing terms and a mutually agreeable date for the mediation, which will be set on
23 December 5th, 12th, 13th, or 14th of 2017.

24 8. The parties have further agreed to file the instant Stipulation and Order
25 seeking to stay all proceedings in this matter, including the adjournment of the
26 following deadlines until after the mediation is concluded:

27 (i) Plaintiffs' deadline to respond to defendant's motion to sever the
28 claims of William J. Berry, Jr. [ECF No. 29];

- 1 (ii) The discovery deadlines set forth in the discovery plan/scheduling
2 order [ECF No. 25];
3 (iii) Defendant's deadline to respond to Plaintiffs' 5th Set of Requests
4 to Produce Documents; and
5 (iv) Defendant's deadline to search for and produce responsive
6 electronically stored information (ESI) in response to Plaintiffs'
7 Requests to Produce Nos. 12, 16, 17, and 18.

8 9. The parties will file an interim status report on Monday, October 30,
9 2017, as currently required by Local Rule LR 26-3.

10 10. The parties will also file a status report informing this Court of the status
11 of the matter within seven (7) days of completion of the mediation. If mediation is not
12 successful, the parties' report will include new proposed deadlines for the discovery
13 cut-off, expert disclosures, dispositive motions, the joint pre-trial order, plaintiffs'
14 response to ECF No. 29, defendant's production of ESI, and defendant's response to
15 plaintiff's Fifth Set of Requests to Produce Documents.

16 11. A stay in this matter will allow the parties an opportunity to attempt to
17 settle this litigation without incurring any more fees and costs than absolutely
18 necessary, thereby promoting the interests of judicial economy and efficiency. No
19 prejudice would result to any party if this joint Stipulation and Order is granted.

20 12. This stipulation is made in good faith to allow the parties to make
21 diligent and sincere efforts to resolve the matter without further involvement of the
22 Court and is not for the purpose of causing any undue delay.

23 IT IS SO STIPULATED.
24

25 Dated: October 26, 2017

Dated: October 26, 2017

26 By: /s/ Esther G. Lander
27 SCOTT M. MAHONEY
28 Fisher & Phillips LLP
300 S. Fourth Street, Suite 1500
Las Vegas, NV 89101

By: /s/ Danielle J. Barraza
KATHLEEN J. ENGLAND
Gilbert & England Law Firm
610 South Ninth Street
Las Vegas, NV 89101

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DONALD R. LIVINGSTON
ESTHER G. LANDER
Akin Gump Strauss Hauer & Feld LLP
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

*Attorneys for Defendant,
Desert Palace, Inc., d/b/a
Caesars Palace*

JASON R. MAIER
DANIELLE J. BARRAZA
Maier Gutierrez & Associates
8816 Spanish Ridge Avenue
Las Vegas, NV 89148

*Attorneys for Plaintiffs,
William J. Berry, Jr., Cynthia
Falls, and Shane Kaufmann*

IT IS SO ORDERED:


United States Magistrate Judge

Dated: October 31, 2017