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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 TPOV ENTERPRISES 16, LLC, a Delaware
Limited Liability Company,

12 Plaintiff,

13 vs.

14 PARIS LAS VEGAS OPERATING
COMPANY, LLC, a Nevada limited liability
15 company,

16 Defendant.

CASE NO. 2:17-cv-00346-JCM-VCF

**STIPULATION AND
ORDER TO EXTEND DEADLINE TO
FILE MOTION FOR ATTORNEYS' FEES**

17 PARIS LAS VEGAS OPERATING
COMPANY, LLC, a Nevada limited liability
18 company,

19 Counterclaimant.

20 vs.

21 TPOV ENTERPRISES, LLC, a Delaware
Limited Liability Company, TPOV
22 ENTERPRISES 16, LLC, a Delaware Limited
Liability Company, ROWEN SEIBEL, an
23 individual.

24 Counter-defendants.

25
26 Plaintiff/Counterdefendant TPOV Enterprises 16, LLC ("TPOV 16"), Counterdefendant
27 TPOV Enterprises, LLC ("TPOV"), and Counterdefendant Rowen Seibel ("Seibel") (collectively,
28 "Seibel and the TPOV Entities") and Defendant/Counterclaimant Paris Las Vegas Operating

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1 Company, LLC ("Paris") (collectively, the "Parties"), by and through their undersigned counsel of
2 record, stipulate and agree as follows:

3 1. On July 17, 2020, this Court adopted Judge Ferenbach's report and recommendation
4 in full, ordered that TPOV's answer was stricken as to TPOV only, and directed the clerk to enter
5 default against TPOV. (ECF No. 229.)

6 2. On July 20, 2020, a default judgment was entered by the clerk. (ECF No. 230.)

7 3. The parties are in discussion surrounding the Court's entrance of a default judgment.

8 a. TPOV believes that the clerk erred by entering a default judgment as opposed
9 to a default because, as noted above, this Court only directed the clerk "to enter default" as
10 to TPOV, which follows the recommendation from Judge Ferenbach pursuant to his
11 February 19, 2020 report and recommendation. Further, under FRCP 55, obtaining a default
12 judgment entails two steps: First, obtaining a default; and Second, obtaining a default
13 judgment. *See, e.g., Teller v. Dogge*, No. 2:12-cv-591 JCM (GWF), 2014 U.S. Dist. LEXIS
14 139632, at *3 (D. Nev. Sept. 30, 2014); *see also Eitel v. McCool*, 782 F.2d 1470, 1471 (9th
15 Cir. 1986) (referencing "the two-step process required by Rule 55" for obtaining a default
16 judgment).

17 b. Paris is analyzing TPOV's request to have the Parties ask this Court to vacate
18 and set aside the default judgment so that the clerk may instead enter a default.

19 c. Each Party reserves all rights with regard to entry of the default judgment.

20 4. In the interim, the parties stipulate to extend the time set forth in FRCP 54(d) and
21 LR 54-14 for Paris to file its motion for attorneys' fees and costs to August 10, 2020.¹

22 5. This is the first stipulation for extension of time to file the motion for attorneys' fees
23 and costs and will not impact any other deadlines.

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28 ¹ By entering into this stipulation, TPOV does not concede the propriety of the timing of such motion.

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6. This stipulation is made in good faith and not for purposes of delay.

DATED this 3rd day of August 2020.

DATED this 3rd day of August 2020.

PISANELLI BICE PLLC

BAILEY ♦ KENNEDY

By: /s/ M. Magali Mercera
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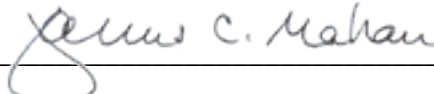
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ORDER

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE

DATED: August 5, 2020

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