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 8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

HOWARD & HOWARD ATTORNEYS PLLC

10 HOFBRÄUHAUS OF AMERICA, LLC, a
 11 Nevada Corporation,
 12
 13 Plaintiff,

CASE NO. 2:17-cv-00549-JAD-GWF

**STIPULATION AND ORDER TO
 STAY PROCEEDINGS PENDING
 MEDIATION**

14 vs.

ECF Nos. 17, 20

15 MUSIC CITY BIERGARTEN, LLC, a
 Tennessee limited liability company; ROBERT
 16 KRUMM; BRIAN KEHL, individually and as
 co-trustee of the KEHL FAMILY
 17 IRREVOCABLE TRUST; and STACY KEHL,
 18 co-trustee of the KEHL FAMILY
 IRREVOCABLE TRUST,
 19
 20 Defendants.

21 Defendants, MUSIC CITY BIERGARTEN, LLC (“MCB”), BRIAN KEHL, individually
 22 and as co-trustee of the KEHL FAMILY IRREVOCABLE TRUST, and STACY KEHL, co-
 23 trustee of the KEHL FAMILY IRREVOCABLE TRUST (Brian Kehl, Stacy Kehl and the Kehl
 24 Family Irrevocable Trust are referred to as the “Kehls” and the Kehls and MCB are collectively
 25 referred to as the “Defendants”), and Plaintiff Hofbrauhaus of America, LLC (“Plaintiff”), by
 26 and through their respective counsel of record, stipulate and agree as follows:¹

27
 28 ¹ Defendant Robert Krumm was voluntarily dismissed from this action on July 6, 2017. [ECF No. 16].

1 WHEREAS, on June 20, 2017, Plaintiff filed its Amended Complaint [ECF No. 11];
2 WHEREAS, on July 7, 2017, MCB filed a Motion to Dismiss or, in the Alternative, for
3 Summary Judgment (the “Motion”) [ECF No. 17];

4 WHEREAS, on July 13, 2017, Plaintiff and MCB held a Rule 26(f) conference;
5 WHEREAS, the parties have agreed to mediate this matter in Nevada on or before
6 August 31, 2017;

7 WHEREAS, the parties have agreed that the mediation shall satisfy any obligation of the
8 parties to mediate this matter as addressed and alleged in MCB’s Motion; and

9 WHEREAS, Plaintiff granted the Kehls an extension until twenty-one (21) days after the
10 mediation is concluded to file a responsive pleading to the Amended Complaint.

11 NOW THEREFORE, the parties hereby stipulate and request that these proceedings and
12 all deadlines shall be stayed pending mediation between the parties and, that if this matter is not
13 resolved through mediation, then the following shall occur:

- 14 1. The stay in these proceedings shall be immediately lifted;
- 15 2. MCB’s Motion shall be denied as moot;
- 16 3. Plaintiff and MCB shall, within 14 days after conclusion of mediation,
17 submit their proposed discovery plan and scheduling order and make their
18 Rule 26(a)(1) initial disclosures;
- 19 4. MCB shall, within 14 days after conclusion of mediation, file its answer
20 to the Amended Complaint; and
- 21 5. The Kehls shall, within 21 days after conclusion of the mediation, file
22 their responsive pleading to the Amended Complaint.

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In the event this matter is not resolved through mediation, the parties shall timely notify the Court. If the matter is resolved through mediation, the parties shall timely submit a stipulation for dismissal of the matter.

Dated this 27th day of July, 2017.

Dated this 27th day of July, 2017.

HOWARD & HOWARD ATTORNEYS PLLC

DICKINSON WRIGHT PLLC

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Attorneys for Defendants

Attorneys for Plaintiff

ORDER

Based on the parties' stipulation [ECF No. 20] and good cause appearing, **IT IS SO ORDERED. IT IS FURTHER ORDERED that this case is STAYED pending mediation**, the Motion to Dismiss or, in the Alternative, for Summary Judgment [ECF No. 17] is **DENIED** as moot, and **the 8/28/17 hearing is VACATED**.



U.S. District Judge Jennifer Dorsey
7-27-17