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*Acrylic Tank Manufacturing Of Nevada*

8 \*INSERT RALPH PRO HAC\*

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

11 Steven Malcolm,  
 12  
 13 Plaintiff, Individual  
 vs.  
 14 Acrylic Tank Manufacturing, Inc., a Nevada  
 15 company; Reynolds Polymer Technology, Inc.,  
 16 a foreign company,  
 17 Defendants.  
 18  
 19 Acrylic Tank Manufacturing, Inc., a Nevada  
 company,  
 Third-Party Plaintiff  
 20 vs.  
 21 Reynolds Polymer Technology, Inc., a foreign  
 company.  
 22 Third-Party Defendant

CASE NO.: 2:17-cv-01108-JCM-PAL

**JOINT STIPULATION AND ORDER  
 WITHDRAWING MOTIONS TO COMPEL  
 (ECF NOS. 66, 67 & 68) AND  
 CONFERENCE MANAGEMENT REPORT**

23 Defendant and third party plaintiff, Acrylic Tank Manufacturing, Inc. (“ATM”), by and  
 24 through its counsel of record, J. Scott Burris, Amanda Ebert, and Ralph Robinson, of the law firm  
 25 Wilson Elser Moskowitz Edelman & Dicker LLP, together with Plaintiff Steven Malcolm’s  
 26 (“Malcolm”), by and through his counsel of record, Alaina Stephens and James Glennon of the law  
 27 firm of Foran Glennon Palandech Ponzi & Rudloff PC, hereby stipulate and agree to the withdraw of  
 28 their pending motions to compel. The parties, including Reynolds Polymer Technology, Inc., by

1 and through its counsel of record, David Barron and John Barron, of the law firm Barron & Pruitt,  
2 further stipulate to the conference management report.

3 **I. Grounds for Withdrawal of Motions to Compel Without Prejudice**

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5 The parties have engaged in negotiations regarding potential settlement, and proposed  
6 mediation for which the parties are working on protocols that would lead to a mediation within the  
7 next 60 to 90 days. Between now and then, the parties seek to conserve costs and extend deadlines  
8 or stay the case.

9 *a . Extension to permit Mediation*

10  
11 Before arriving at the agreements upon which this stipulation is based, the parties undertook  
12 additional efforts to complete the scheduling for the settings of depositions of U.S. and international  
13 witnesses. However, in anticipation of the parties' collective ability to engage in mediation, the  
14 parties have not finalized the scheduling of these depositions. The parties anticipate that these  
15 depositions could be extremely costly, and in an effort to save great expense, plans for depositions  
16 are currently on hold. The parties do expect to receive additional documents from the architect in  
17 Scotland from his damaged hard drive.

18 Overall, in an effort to conserve judicial resources, as well as to pursue mediation and  
19 potential resolution of the matter, the parties agree to withdraw their pending motions to compel, and  
20 seek a stay of Discovery or extension of the deadlines in this matter.

21 *B. ATM seeks intervention in the Colorado matter*

22 Additionally, ATM is preparing a motion to intervene in the Colorado action. All parties  
23 agree that this matter, including the portion currently in litigation in Nevada, should be consolidated  
24 at some point in the future.

25 THEREFORE, IT IS HEREBY JOINTLY STIPULATED AND AGREED THAT Defendant  
26 ACRYLIC TANK MANUFACTURING, INC.'S Emergency Motions to Compel Plaintiff to  
27 Identify Scottish Witnesses filed on May 9, 2018 (ECF No. 67) and May 11, 2018 (ECF No. 68),  
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1 together with Plaintiff STEVEN MALCOLM'S Motion to Compel Cutting and Testing of the  
2 Aquarium Pursuant to Proposed Protocol filed May 9, 2018 (ECF No. 66), each be withdrawn in  
3 their entirety. The parties stipulate to the withdrawal of the motions without prejudice, and agree  
4 that each motion, individually, may be re-filed at a later date if needed.  
5

6 **IT IS SO STIPULATED BY:**

DATED this day of May, 2018.

7 DATED this 23<sup>rd</sup> day of May, 2018.  
8 WILSON ELSER MOSKOWITZ  
9 EDELMAN DICKER &, LLP

FORAN GLENNON PALANDECH PONZI  
& RUDLOFF PC

10 /s/ J. Scott Burris  
11 J. Scott Burris, Esq.  
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13 Amanda A. Ebert, Esq.  
14 Nevada Bar No. 12731  
15 300 South Fourth Street, 11<sup>th</sup> Floor  
16 Las Vegas, Nevada 89101  
17 *Attorneys for Defendant Acrylic Tank*  
18 *Manufacturing, Inc.*

/s/ James B. Glennon (with permission)  
Alaina C. Stephens, Esq.  
Nevada Bar No. 13512  
James B. Glennon, Esq.  
Nevada Bar No. 6658  
2200 Paseo Verde Parkway, Suite 280  
Henderson, Nevada 89052  
*Attorneys for Plaintiff*

19  
20 DATED this day of May, 2018.  
21 BARRON & PRUITT

22  
23 David Barron, Esq.  
24 Nevada Bar No. 142  
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*Attorneys for Defendant Reynolds Polymer*  
*Technology*

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**ORDER**

This Court finds good cause for withdrawal of Plaintiff's Motion to Compel (ECF No. 66) as well as Defendant ATM's Motions to Compel (ECF No. 67 & 68) without prejudice. The parties may re-file their respective motions at a later date.

**IT IS SO ORDERED.**

**IT IS FURTHER ORDERED** that a telephonic status check is scheduled for **10:45 a.m. on June 5, 2018**. Those appearing telephonically may contact Courtroom Deputy Jeff Miller at (702) 464-5420 no later than June 1, 2018, to indicate a number where counsel may be reached for the hearing.

Dated this 29th day of May, 2018.

  
UNITED STATES MAGISTRATE JUDGE