

1 LAW OFFICE OF DANIEL MARKS
 DANIEL MARKS, ESQ.
 2 Nevada State Bar No. 002003
office@danielmarks.net
 3 ADAM LEVINE, ESQ.
 Nevada State Bar No. 004673
 4 alevine@danielmarks.net
 610 South Ninth Street
 5 Las Vegas, Nevada 89101
 (702) 386-0536; FAX (702) 386-6812
 6 *Attorneys for Plaintiff Charles Moser*

7
 8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE DISTRICT OF NEVADA

10 CHARLES MOSER,

Case No. 2:17-cv-1704-APG-NJK

11 Plaintiff,

**STIPULATION AND ORDER
 TO CONTINUE TRIAL**

12 v.

(SECOND REQUEST)

13 DEVIN BALLARD, an individual,
 14 LAS VEGAS METROPOLITAN
 POLICE DEPARTMENT,

15 Defendants.

16
 17 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Charles Moser and
 18 Defendants Devin Ballard and Las Vegas Metropolitan Police Department ("Defendants") by and
 19 through their undersigned counsel to continue the Trial Date set in this case for September 26, 2022.

20 Since the trial of this matter was continued to the week of November 14, 2022, there have been
 21 a number of developments for counsel of both parties such that the parties are requesting that the trial
 22 of this matter be continued until sometime in March or April 2023.

23 In the case of Plaintiff's counsel, three public sector unions have reached impasse with Clark
 24 County for wage reopening and/or new collective bargaining agreements – the Clark County

1 Prosecutors Association (CCPA), the Clark County District Attorney Investigators Association (DAIA)
2 and the Clark County Defender's Union (CCDU). While Plaintiff's counsel made himself available for
3 statutory fact finding under NRS 288.200 in September or October, counsel for Clark County had no
4 availability earlier than November. Fact finding for the CCPA is scheduled for November 8, 2022 and
5 for CCDU November 29, 2022. Plaintiff's counsel and counsel for Clark County are currently looking
6 at dates in November for the DAIA as well, subject to the fact finder's (arbitrator) availability.

7 Additionally, Plaintiff's counsel is the General Counsel for Fraternal Order of Police Nevada
8 C.O. Lodge 21, which now has majority support amongst the 1270 Category III peace officers
9 employed by the State of Nevada. Under state law, there is a window of 50 days to file for
10 representation election against the incumbent union (AFSCME Local 4041). That window just opened,
11 and the election request was filed with the EMRB on October 4, 2022. Based upon the scheduling of
12 Board Meetings for the State of Nevada Government Employee Management Relations Board
13 (EMRB), it is anticipated that the EMRB will be conducting the representation election during the week
14 of November 14, 2022. Obviously, Plaintiff's counsel will need to be available and involved in
15 connection with this critically important representation election.

16 In the case of Defendant's counsel, in the matter of *Lance Downes-Covington v. Las Vegas*
17 *Metropolitan Police Department*, Case No.: 2:20-cv-01790-CDS-DJA, there are several depositions
18 currently scheduled, including two depositions that are scheduled the week of November 14, 2022.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

1 This is the second request for a continuance of the trial in this case. Counsel have consulted
2 with their calendars and neither counsel have any commitments in March or April of 2023 which
3 cannot otherwise be moved or continued to accommodate a trial in this matter.

4 Dated this 11th day of October 2022.

Dated this 11th day of October 2022.

5 LAW OFFICE OF DANIEL MARKS

MARQUIS AURBACH

6
7 By: /s/Adam Levine, Esq.
8 Daniel Marks, Esq.
9 Nevada Bar No. 2003
10 Adam Levine, Esq.
11 Nevada Bar No. 4673
12 610 S. Ninth Street
13 Las Vegas, Nevada 89101
14 Attorneys for Plaintiff Charles Moser

By: /s/Jackie V. Nichols, Esq.
Nick D. Crosby, Esq.
Nevada Bar No. 8996
Jackie V. Nichols, Esq.
Nevada Bar No. 14246
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Defendants, LVMPD
Devin Ballard and Patrick Neville

15 **ORDER**

16 IT IS SO ORDERED that the trial date set for November 14, 2022 in this matter is
17 VACATED and reset for March 13, 2023 at 9:00 a.m. Calendar call is continued to March 7, 2023 at
18 9:00 a.m. in Courtroom 6C.

19 DATED: October 12, 2022.

20 
21 _____
22 DISTRICT COURT JUDGE
23
24