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

10 CHARLES MOSER,

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

11
 12 Plaintiff,

**STIPULATION AND ORDER
 TO CONTINUE TRIAL
 (THIRD REQUEST)**

13 v.

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

15
 16 Defendants.

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 on a stack for the week of
 20 March 13, 2023.

21 When counsel for the parties submitted their Second Request to continue the trial on February
 22 10, 2022 (Doc. 42) did you locate the email with the Chambers due date both counsel indicated they
 23 were available anytime in the month of March. Both counsel overlooked/did not realize that the week
 24 of March 13 is Spring Break for the Clark County School District.

1 Both trial counsel in this case (Adam Levine and Jackie Nichols) have children enrolled in the
2 Clark County School District. Moreover, the husband of Ms. Nichols is a teacher with the Clark County
3 School District. Accordingly, the week of March 13 is one of the few weeks in the year that their
4 respective families are able to take a vacation without their children missing significant school.

5 Moreover, since the filing of the Second Request Plaintiff's counsel had a one-week arbitration
6 set for the week of April 24 in JAMS Case No. 5260000050 which is a multimillion-dollar breach of
7 contract/fraud action arising out of the cancellation of the Drew Hotel project located at the site of the
8 partially completed Fontainebleau property at 2755 Las Vegas Blvd.

9 Accordingly, counsel for the parties requested that the trial setting on a stack or the week of
10 March 13 be vacated and the trial set no earlier than the month of June, 2023.

11 Dated this 10th day of February 2023.

Dated this 10th day of February 2023.

12 LAW OFFICE OF DANIEL MARKS

MARQUIS AURBACH

13 By: /s/Adam Levine, Esq.
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*Attorneys for Defendants, LVMPD
Devin Ballard and Patrick Neville*

19 **ORDER**

20 IT IS SO ORDERED that the trial date set for March 13, 2023 in this matter is VACATED and
21 reset for July 10, 2023 at 9:00 a.m. and calendar call July 5, 2023 at 9:00 a.m. in LV Courtroom 6C.

22 DATED: February 13, 2023.

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U.S. DISTRICT JUDGE