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Attorneys for Defendants LVMPD, Devin Ballard and Patrick Neville

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

10 CHARLES MOSER,

Plaintiff,

11 vs.

12 DEVIN BALLARD, an Individual;
13 PATRICK NEVILLE, an Individual; and
14 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Defendants.

Case Number:
2:17-cv-01704-APG-NJK

15 **STIPULATION AND ORDER TO**
16 **CONTINUE TRIAL**
17 **(SIXTH REQUEST)**

18 Plaintiff Charles Moser (“Plaintiff”), by and through their attorneys of record, Daniel
19 Marks, Esq. and Adam Levine, Esq. of Law Office of Daniel Marks, and Defendants Las
20 Vegas Metropolitan Police Department (the “Department” or “LVMPD”), Devin Ballard
21 (“Ballard”) and Patrick Neville (“Neville”) (collectively “LVMPD Defendants”), by and
22 through their attorneys of record, Nick D. Crosby, Esq. and Jackie V. Nichols, Esq., of
23 Marquis Aurbach, hereby submit this joint stipulation to continue the trial date currently set
in this case on a stack for the week of January 22, 2024 [ECF No. 51].

24 Accordingly, the parties hereby stipulate and agree as follows:

- 25 1. The Court scheduled the trial stack [ECF No. 51] for the week of January 22,
26 2024 at 9:00 A.M.
27 2. Plaintiff’s counsel, Daniel Marks, Esq., will be out of the country beginning
28 February 7, 2024 and not returning until February 26, 2024.

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3. The Las Vegas Metropolitan Police Department (LVMPD) has a conflict with a firm trial date of January 22-26, 2024 in the case of *K.C., a minor, by and through her guardian Carolina Navarro; et. al, v. LVMPD, et al.*, United States District Court, District of Nevada Case No. 2:16-cv-03039-RFB-NJK.

4. LVMPD also has a conflict with a firm trial date of January 23-26, 2024 in the case of *Billy Cepero v. Gillespie, et al.*, United States District Court, District of Nevada Case No. 2:11-cv-01421-JAD-NJK.

5. The above-mentioned trials would affect LVMPD’s ability to have a representative at trial in the current case.

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6. The Parties agree to vacate the current trial setting on a stack the week of January 22, 2024 at 9:00 A.M. be vacated and the trial set no earlier than the month of April, 2024.

IT IS SO STIPULATED.

Dated this 8th day of January, 2024. Dated this 8th day of January, 2024.

LAW OFFICE OF DANIEL MARKS

MARQUIS AURBACH

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ORDER

IT IS SO ORDERED that the trial date set for January 22, 2024 in this matter is VACATED and reset for May 6, 2024 at 9:00 A.M. and calendar call on April 30, 2024 at 9:00 A.M. in LV Courtroom 6C.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE

DATED: January 16, 2024