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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

13 BOARD OF TRUSTEES OF THE  
 PLUMBERS AND PIPEFITTERS LOCAL  
 14 525 HEALTH AND WELFARE TRUST  
 AND PLAN; BOARD OF TRUSTEES OF  
 15 THE PLUMBERS AND PIPEFITTERS  
 UNION LOCAL 525 PENSION PLAN;  
 16 AND BOARD OF TRUSTEES OF  
 PLUMBERS AND PIPEFITTERS LOCAL  
 17 UNION 525 APPRENTICE AND  
 18 JOURNEYMAN TRAINING TRUST FOR  
 SOUTHERN NEVADA,

Plaintiffs,

21 vs.

22 CLEARWATER MECHANICAL, INC., a  
 Nevada corporation; MARIO PAONESSA, an  
 23 individual; INNOVATIONS LV, LLC, a  
 Nevada limited liability company;  
 24 PHILADELPHIA INSURANCE COMPANY,  
 a Pennsylvania corporation; HUDSON  
 25 INSURANCE COMPANY, a New York  
 26 corporation,

Defendants.

Case No. 2:17-cv-01861-JAD-CWH

**MOTION TO ENLARGE TIME FOR SERVICE OF COMPLAINT AND SUMMONS**

1 Plaintiffs, the Boards of Trustees of the Plumbers and Pipefitters Union Local 525 Health  
2 and Welfare Trust and Plan, the Plumbers and Pipefitters Union Local 525 Pension Plan, and the  
3 Plumbers and Pipefitters Local Union 525 Apprentice and Journeyman Training Trust for  
4 Southern Nevada (“Trust Funds”), respectfully request the Court enlarge the Trust Funds’ period  
5 of service of the complaint and summons on Defendants Clearwater Mechanical, Inc., Mario  
6 Paonessa and Innovations LV, LLC (collectively “Clearwater Defendants”).

7 Pursuant to Federal Rule of Civil Procedure, a plaintiff has ninety (90) days to serve the  
8 complaint and summons on a defendant after the complaint is filed. Fed. R. Civ. P. 4(m).  
9 However, if the plaintiff shows good cause, the Court may extend the time for service for an  
10 appropriate period of time. *Id.*

11 Good cause exists here. The Trust Funds and the Clearwater Defendants have been  
12 dutifully attempting to resolve this dispute through multiple settlement negotiations since July 26,  
13 2017. The parties have exchanged numerous settlement offers and counteroffers, and the parties  
14 are confident that resolution is imminent.

15 The Trust Funds did not serve the Complaint on the Clearwater Defendants due to these  
16 ongoing settlement negotiations. The Clearwater Defendants are not attempting to evade service.  
17 Trust Funds’ counsel has spoken with the Clearwater Defendants’ counsel, and can represent to  
18 the Court that the Clearwater Defendants have no objection to enlarging the time for service in  
19 order for the parties to finalize the settlement resolution.

20 The Trust Funds have also extended open ended extensions to the remaining defendants to  
21 respond to the Complaint because the contemplated resolution between the Trust Funds and  
22 Clearwater Defendants is intended to resolve all claims between all parties.

23 The Trust Funds therefore respectfully request the Court enlarge the time required for  
24 service by an additional forty (40) days, until November 18, 2017, in order to finalize settlement  
25 negotiations.

26 If the parties for some reason cannot not agree on settlement terms, the Trust Funds will  
27 then proceed to serve the Clearwater Defendants and file corresponding affidavits of service.  
28

1 A Proposed Order is provided beneath the undersigned's signature block.

2 Dated: October 4, 2017.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

3 /s/ Christopher M. Humes

4 Adam P. Segal, Esq.  
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Attorneys for Plaintiffs

14 **ORDER**

15 **IT IS SO ORDERED** that Plaintiffs' deadline to serve Clearwater Mechanical, Inc.,  
16 Mario Paonessa and Innovations LV, LLC is extended until November 18, 2017.

17   
18 **UNITED STATES DISTRICT/MAGISTRATE JUDGE**

19 **Case No. 2:17-cv-01861-JAD-CWH**

20 **DATED:** October 11, 2017

BROWNSTEIN HYATT FARBER SCHRECK, LLP  
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**CERTIFICATE OF SERVICE**

Pursuant to Federal Rule of Civil Procedure 5(b), I certify that I am an employee of Brownstein Hyatt Farber Schreck, LLP and that on this 4th day of October, 2017, I served a true copy of the foregoing **MOTION TO ENLARGE TIME FOR SERVICE OF COMPLAINT AND SUMMONS** upon

NO PARTIES ENTERED

a. CM/ECF System

**I declare under penalty of perjury that the foregoing is true and correct.**

/s/ Wendy Cosby

An Employee of Brownstein Hyatt Farber Schreck, LLP

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