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 Nevada Property 1 LLC

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

10	JOSE BETANCOURT, an Individual,)	Case No. 2:17-cv-02452-RFB-VCF
)	
11	Plaintiff,)	
)	
12	vs.)	<u>STIPULATION AND ORDER TO</u>
)	<u>STAY PROCEEDINGS PENDING</u>
13	NEVADA PROPERTY 1 LLC, a Foreign)	<u>RESOLUTION OF DEFENDANT’S</u>
	Liability Company d/b/a The Cosmopolitan of)	<u>MOTION TO DISMISS</u>
14	Las Vegas; DOES I-X; ROE CORPORATIONS))	
	I-X,)	(First Request)
15)	
	Defendants.)	
16)	

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 18 Plaintiff Jose Betancourt (“Plaintiff”), by and through his counsel of record, the law firm
 19 of HKM Employment Attorneys LLP, and Defendant Nevada Property 1 LLC d/b/a The
 20 Cosmopolitan of Las Vegas (“Defendant”), by and through its counsel of record, the law firm of
 21 Kamer Zucker Abbott, stipulate and request that the Court stay these proceedings pending
 22 resolution of Defendant’s Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(1)
 and (6) (ECF No. 5). In support of this Stipulation and Request, the parties state as follows:

- 23 1. Defendant filed its Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(1)
- 24 and (6) (“Motion”) on November 30, 2017. (ECF No. 5).
- 25 2. On December 15, 2017, the Court granted the parties’ Stipulation and Order to Extend
- 26 Deadlines for Opposition and Reply in Support of Defendant’s Motion to Dismiss. (ECF
- 27 No. 8).

1 3. Plaintiff filed his Opposition to Motion to Dismiss on January 4, 2018 (ECF No. 9), and
2 Defendant filed its Reply in Support of Its Motion to Dismiss Pursuant to Federal Rule of
3 Civil Procedure 12(b)(1) and (6) on January 25, 2018 (ECF No. 10).

4 4. Based on the disposition of Defendant's Motion to Dismiss, this case may be dismissed in
5 whole or in part or allowed to proceed in its current form. Accordingly, the parties believe
6 it would be prudent to stay proceedings in this matter to conserve expenditures and
7 resources until a decision is made on Defendant's Motion. The parties agree that, if this
8 case survives the Motion to Dismiss, they will conduct their Rule 26(f) conference and
9 submit a proposed discovery plan and scheduling order within thirty (30) days after
10 decision on the Motion.

11 5. This request to stay proceedings is not sought for any improper purpose or other reason of
12 delay. Rather, it is sought only conserve the parties' respective resources while awaiting
13 the Court's decision on Defendant's pending Motion.

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1 WHEREFORE, the parties respectfully request that the Court stay proceedings in this case
2 until the resolution of Defendant's Motion to Dismiss Pursuant to Federal Rule of Civil Procedure
3 12(b)(1) and (6).

4 DATED this 25th day of January, 2018.

DATED this 25th day of January, 2018.

5 HKM EMPLOYMENT ATTORNEYS LLP

KAMER ZUCKER ABBOTT

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8 By: /s/ Jenny L. Foley

By: /s/ Scott M. Abbott

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14 Attorney for Plaintiff
15 Jose Betancourt

Attorneys for Defendant
Nevada Property 1 LLC d/b/a
The Cosmopolitan of Las Vegas

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17 **IT IS SO ORDERED.**

18
19 February 16, 2018

20 **DATE**



21 **RICHARD F. BOULWARE, II**
22 **UNITED STATES DISTRICT JUDGE**