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14 *LLC, F/K/A DATA TRANSFER, LLC*

15 **UNITED STATES DISTRICT COURT**  
16 **DISTRICT OF NEVADA**

17 NELSON MARTINEZ,  
18 Plaintiff/Counterclaim-Defendant,  
19 v.  
20 ISM CONNECT, LLC, F/K/A DATA  
21 TRANSFER, LLC,  
22 Defendant/Counterclaim-Plaintiff.

Case No.: 2:17-cv-02905-GMN-GWF

**JOINT STATUS REPORT  
PURSUANT TO ECF NO. 80**

23 And related counterclaims.  
24

25 Pursuant the Court's order dated September 21, 2018 (ECF No. 80), Plaintiff  
26 Nelson Martinez, solely in his capacity as the representative for the former members  
27 of Ingenuity Sun Media, LLC, Counter-Defendant Nelson Martinez, in his individual  
28 capacity, and Defendant/Counterclaim-Plaintiff ISM Connect, LLC F/K/A Data

1 Transfer, LLC submit the following status report regarding the parties' settlement  
2 discussions.

3 As reported to the Court previously (ECF 79), the attempted settlement  
4 framework for this case is complex because it relates not only to the litigation before  
5 this Court, but also matters pending before the United States District Court for the  
6 District of New Jersey and the Superior Court of New Jersey, and involves parties  
7 that are not presently before this Court. Without the cooperation of those parties, a  
8 global settlement of the type contemplated is not possible. Thus, although the  
9 parties worked diligently to reach agreement, settlement is not possible at this time.

10 Although the parties have exchanged paper discovery, including the exchange  
11 of documents and written responses to interrogatories, some outstanding issues and  
12 non-party discovery and subpoenas remain outstanding, as well as at least ten  
13 depositions that must be conducted. The parties had previously scheduled those  
14 depositions to occur in August and early September, but instead have focused their  
15 efforts on settlement for the past two months. As a result, the parties request that  
16 the Court set new scheduling deadlines as set forth in the accompanying Stipulation  
17 and Order to Amend Discovery Plan and Scheduling Order.

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1 Dated this 5th day of October, 2018.

2 BALLARD SPAHR LLP

3 By: /s/ Lindsay Demaree  
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19 Dated this 5th day of October, 2018.

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28 *Attorneys for Nelson Martinez, solely*  
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*for the former members of Ingenuity*  
*Sun Media*

Dated this 5th day of October, 2018.

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**ORDER**

**IT IS SO ORDERED:**



UNITED STATES MAGISTRATE JUDGE

Dated: 10-9-2018