

1 **JENNY L. FOLEY, Ph.D., ESQ.**
 Nevada Bar No. 9017
 2 **HKM EMPLOYMENT ATTORNEYS LLP**
 1785 E. Sahara Ave, Suite 325
 3 Las Vegas, NV 89104
 4 Tel: (702) 625-3893
 Fax: (702) 625-3893
 5 E-mail: jfoley@hkm.com
 Attorney for Plaintiff

6 **UNITED STATES DISTRICT COURT**
 7 **DISTRICT OF NEVADA**

8 LEE KIRK, An Individual) CASE NO. **2:18-cv-00043-JCM-GWF**
 9)
 10 Plaintiff,)
 11 vs.)
 12 TRULITE GLASS AND ALUMINUM)
 SOLUTIONS, LLC, a Foreign Limited)
 13 Liability Company, HERBERT CORTEZ,)
 14 an Individual, STEVE WILLIAMS,)
 an Individual, SHAUN HANNA, an)
 15 Individual, DOES I -X;)
 ROE CORPORATIONS I -X.)
 16)
 17 Defendants.)

18 **STIPULATION AND ORDER TO FILE AMENDED COMPLAINT**

19 COMES NOW, the Plaintiff, LEE KIRK (“Kirk”), by and through his attorney, JENNY
 20 L. FOLEY, Ph.D., ESQ., of the law firm HKM EMPLOYMENT ATTORNEYS LLP, and
 21 Defendants, TRULITE GLASS AND ALUMINUM SOLUTIONS, LLC, HERBERT
 22 CORTEZ, STEVE WILLIAMS, and SHAUN HANNA, (“DEFENDANTS”), by and through
 23 their attorney, TIMOTHY ROEHRS, ESQ., of LITTLER MENDELSON, P.C. and hereby
 24 stipulate and agree as follows:
 25

- 26 1. That the Plaintiff will file the attached Amended Complaint.
 27
 28

1 2. Defendants agree to withdraw by virtue of this stipulation the Motion to Dismiss
2 they filed on March 6, 2018 without prejudice.

3 3. The Defendants' response to the Amended Complaint will be due fourteen
4 calendar days after the Early Neutral Evaluation in this matter. The Early Neutral Evaluation
5 is currently set for April 18, 2018. The Defendants' response to the Amended Complaint will
6 therefore be due on May 2, 2018, if the Early Neutral Evaluation does not result in a resolution
7 of this case.
8

9 4. The parties agree that this stipulation and Defendants' withdrawal of their
10 Motion to Dismiss in no way operates as a waiver of Defendants' right to respond to the
11 Amended Complaint in any manner allowed by the Federal Rules of Civil Procedure.
12

13
14 Dated this 10th day of April, 2018.

Dated this 10th day of April, 2018.

15 **HKM Employment Attorneys LLP**

Littler Mendelson, P.C.

16
17 /s/ Jenny L. Foley
18 Jenny L. Foley, Ph.D., Esq.
19 Nevada Bar No. 9017
1785 East Sahara Ave., Suite 325
20 Las Vegas, Nevada 89104

 /s/ Timothy Roehrs
21 Timothy Roehrs, Esq.
22 Nevada Bar No. 9668
23 3960 Howard Hughes Parkway, Suite 300
24 Las Vegas, Nevada 89169
25
26
27
28

1 **ORDER**

2 The Court having reviewed the foregoing STIPULATION TO FILE AMENDED
3 COMPLAINT in the above-entitled matter and for good cause appearing therefor,

4 **IT IS SO ORDERED** that the Plaintiff will file the attached Amended Complaint.
5

6 IT IS SO ORDERED that Defendants' pending Motion to Dismiss is hereby deemed to
7 have been withdrawn without prejudice.

8 IT IS SO ORDERED that Defendants will respond to the Amended Complaint on or
9 before May 2, 2018, if the Early Neutral Evaluation Session scheduled for April 18, 2018 does
10 not result in a resolution to this case.

11 IT IS SO ORDERED that Defendants have waived no rights regarding how they may
12 respond to the Amended Complaint and Defendants may respond to the Amended Complaint
13 in any manner allowed by the Federal Rules of Civil Procedure.
14

15
16 Dated: April 16, 2018

17
18 
19 UNITED STATES MAGISTRATE JUDGE

20
21 Respectfully submitted by:
22 **HKM Employment Attorneys LLP**

23 /s/ Jenny L. Foley
24 Jenny L. Foley, Ph.D., Esq.
25 Nevada Bar No. 9017
26 1785 East Sahara Ave, Suite 325
27 Las Vegas, Nevada 89104
28 *Attorney for Plaintiff*