

1 Christopher R. Miltenberger
 Nevada Bar No. 10153
 2 GREENBERG TRAUERIG, LLP
 3773 Howard Hughes Parkway, Suite 400 North
 3 Las Vegas, Nevada 89169
 Telephone: (702) 792-3773
 4 Facsimile: (702) 792-9002
 Email: miltenbergerc@gtlaw.com

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 6 *Counsel for Defendants Leica Microsystems, Inc.,
 and Steve Milazzo*

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

9 JOSEPH FIORAVANTE, an individual;
 MODERN ORTHOPAEDICS, LLC, a
 10 Nevada corporation,

11 Plaintiffs,

12 v.

13 LEICA MICROSYSTEMS, INC., a
 Delaware corporation; SOUTH RIDGE
 14 MICROSURGICAL, INC., a Utah
 corporation; STEVE MILAZZO, an
 15 individual (California); BRANDON
 ELGGREN, an individual (Utah); DOES I
 16 through X, inclusive; and ROE
 CORPORATIONS I through X, inclusive,

17 Defendants.
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Case No. 2:18-cv-00059-GMN-CWH

**STIPULATION AND [PROPOSED]
 ORDER TO EXTEND DEADLINE FOR
 DEFENDANTS LEICA
 MICROSYSTEMS, INC. AND STEVE
 MILAZZO TO RESPOND TO
 AMENDED COMPLAINT**

(Fourth Request)

19 Pursuant to LR IA 6-1, LR IA 6-2, and LR 7-1, Defendants Leica Microsystems, Inc.
 20 (“Leica”) and Steve Milazzo (“Milazzo”) and Plaintiffs Joseph Fioravante and Modern
 21 Orthopaedics, LLC (collectively, “Plaintiffs”), by and through their respective counsel, hereby
 22 agree to extend the deadline for the Leica and Milazzo to plead or otherwise respond to
 23 Plaintiffs’ Amended Complaint (ECF No. 3) until May 7, 2018, and request that the Court enter
 24 an Order approving the same.

25 On January 30, 2018, Milazzo was served with process with respect to the Amended
 26 Complaint in the above-captioned matter. On February 1, 2018, Leica was served with process
 27 with respect to the Amended Complaint in the above-captioned matter. The parties previously
 28

1 stipulated to extend Leica and Milazzo's deadline to response to the Amended Complaint until
2 April 23, 2018 (ECF Nos. 9, 13, 19), so that counsel could evaluate the allegations set forth in
3 the Amended Complaint and the factual circumstances underlying such allegations. The Court
4 entered an order approving the stipulations. (ECF No. 10, 14, 20).

5 Counsel for Plaintiffs, Leica, and Milazzo have exchanged multiple settlement proposals
6 and are continuing to engage in good faith negotiations regarding a potential resolution of this
7 matter without requiring the need for further litigation. Counsel for Leica and Milazzo believes
8 he will have authority on a revised counter-proposal in the coming days and is requesting an
9 additional extension to ensure that Plaintiffs have sufficient time to fully evaluate that
10 forthcoming proposal. The parties are in agreement with respect to the extension to allow them to
11 complete their discussions prior to Leica and Milazzo having to respond to the Amended
12 Complaint. This is the parties' fourth stipulation for an extension of time for Defendants Leica
13 and Milazzo to respond to the Amended Complaint.

14 Based on the foregoing, the parties respectfully request that the Court enter an order
15 extending the deadline for Leica and Milazzo to plead or otherwise respond to the Amended
16 Complaint until May 7, 2018.

17 Dated: April 23, 2018

Dated: April 23, 2018

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19 By: /s/ Christopher R. Miltenberger
20 Christopher R. Miltenberger
21 Nevada Bar No. 10153
22 GREENBERG TRAUER, LLP
23 3773 Howard Hughes Parkway
Suite 400 North
Las Vegas, NV 89169
Attorney for Defendants Leica
Microsystems, Inc. and Steve Milazzo

By: /s/ M. Lani Esteban-Trinidad
M. Lani Esteban-Trinidad
Nevada Bar No. 6967
THE THATER LAW GROUP, P.C.
6390 W. Cheyenne Ave, Ste. A
Las Vegas, Nevada 89108
Attorneys for Plaintiffs Joseph Fioravante
and Modern Orthopaedics, LLC

24 **IT IS SO ORDERED:**

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27 **UNITED STATES**
MAGISTRATE/DISTRICT JUDGE
28 **DATED:** April 24, 2018