

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3
4 Wayne Wolf,

5 Plaintiff

6 v.

7 Nevada Property 1, LLC dba The Cosmopolitan
8 of Las Vegas,

9 Defendant

Case No.: 2:18-cv-00139-JAD-NJK

**Order Granting Unopposed Motion to
Dismiss**

[ECF No. 6]

10 In this employment action, Wayne Wolf sues his former employer, Nevada Property 1,
11 LLC, dba The Cosmopolitan of Las Vegas, for age discrimination, retaliation, intentional and
12 negligent infliction of emotional distress, and wrongful termination in violation of public policy,
13 after he was demoted and ultimately terminated from his position as Casino and Hotel Credit
14 Manager.¹ Nevada Property filed a motion to dismiss on March 7, 2018, arguing that Wolf's
15 age-discrimination claim is untimely because he filed his charge with the EEOC after the 300-
16 day deadline had passed; his retaliation claim is barred because he did not exhaust his
17 administrative remedies; and he has failed to plead facts to support any other claim.²

18 Wolf had until March 21, 2018, to oppose the motion to dismiss.³ He did not file an
19 opposition or move to extend his deadline to do so. Local Rule 7-2(d) states that "The failure of
20 an opposing party to file points and authorities in response to any motion, except a motion under
21 Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the
22 motion." I construe Wolf's failure to oppose this motion as his consent to granting it. So, good
23 cause appearing,

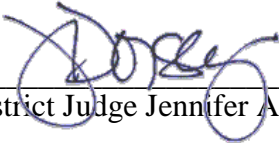
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26 ¹ ECF No. 1.

27 ² ECF No. 6.

28 ³ See ECF No. 6 (minute entry).

1 IT IS HEREBY ORDERED that the Motion to Dismiss [ECF No. 6] is **GRANTED**;
2 **ALL CLAIMS ARE DISMISSED**; the **4/30/18 hearing** on the motion and the **5/31/18 Early**
3 **Neutral Evaluation session are VACATED** as moot; and the Clerk of Court is directed to
4 **CLOSE THIS CASE.**

5 Dated this 3rd day of April, 2018.

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8 U.S. District Judge Jennifer A. Dorsey
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