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and CCBC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * * *

SPENCER GIFTS LLC, a Delaware limited liability
company;

Plaintiff,

COUNTY OF CLARK; CLARK COUNTY
BOARD OF COMMISSIONERS,

Defendants.

CASE NO. 2:18-cv-0349-GMN-CWH

STIPULATION AND ORDER TO STAY DISCOVERY

(First Request)

The parties herein, Plaintiff SPENCER GIFTS LLC, by and through their counsel of record, ROBERT S. LARSEN, ESQ. of the law offices of Gordon, Rees, Scully, Mansukhani, LLP and Defendants COUNTY OF CLARK and the CLARK COUNTY BOARD OF COMMISSIONERS, by and through their counsel of record, THOMAS D. DILLARD, JR., ESQ., of the law offices of Olson, Cannon, Gormley, Angulo & Stoberski, hereby stipulate to and make joint application for a six month stay of discovery in this case pursuant to Federal Rule of Civil Procedure 26(c).

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1 The parties further acknowledge and agree that this is their first request for an extension,
2 and that this stipulation is made in good faith and not for purposes of delay. The parties held a
3 meeting on May 22, 2018 to specifically discuss compromise and possible ways to resolve the
4 case without further court intervention. The parties believe that there is a fair probability of
5 being able to reach an accord to resolve this matter and that the settlement likelihood will be
6 increased by staying discovery for a six (6) month period of time to fully explore settlement
7 possibilities and to not expend the considerable time and resources needed to complete discovery
8 and engage in the requisite motion practice.

9 Pursuant to Federal Rule of Civil Procedure 26(c), this Court may make any order which
10 justice requires “to protect a party or person from annoyance, embarrassment, or oppression, or
11 undue burden or expense” It is within the Court’s broad discretion over discovery to
12 determine whether a stay of discovery is appropriate. Little v. City of Seattle, 863 F.2d 681, 685
13 (9th Cir. 1988). “In deciding whether to grant a stay of discovery, the Court is guided by the
14 objectives of Rule 1 to ensure a ‘just, speedy, and inexpensive determination of every action.’”
15 Kor Media Group, LLC v. Green, 294 F.R.D. 579, 581 (D. Nev. 2013). The Ninth Circuit has
16 further noted that it is firmly “committed to the rule that the law favors and encourages
17 compromise settlements.” United States v. McInnes, 556 F.2d 436, 441 (9th Cir. 1977). “[T]here
18 is an overriding public interest in settling and quieting litigation.” Id. (citations omitted). “It is
19 well recognized that settlement agreements are judicially favored as a matter of sound public
20 policy. Settlement agreements conserve judicial time and limit expensive litigation.” Speed
21 Shore Corp. v. Denda, 605 F.2d 469, 473 (9th Cir.1979).

22 It is respectfully submitted neither side believes this minor delay of six (6) months will
23 cause harm to their ability to do discovery in the matter and nor will it cause either side to be in a
24 worse position in any definable manner with regard to the merits of this case. The parties further
25 believe that by not expending the time and resources needed to complete discovery and engage in
26 rigorous motion practice regarding issues of constitutional law now and to rather take this time to
27 fully explore the resolution of this matter that the parties will set themselves in the best position
28 possible to reach a mutual accord and also preserve their assets and protect the funds with which

1 they are entrusted. Therefore, the parties submit that a six (6) month stay of discovery will
2 "secure the just, speedy and inexpensive determination of [this] action and proceeding."
3 Fed.R.Civ.P. 1.

4 DATED this 6th day of June, 2018.

5 OLSON, CANNON, GORMLEY,
6 ANGULO & STOBERSKI

GORDON REES SCULLY
MANSUKHANI, LLP

7 By /s/ Thomas D. Dillard
8 THOMAS D. DILLARD, JR., ESQ.
9 Nevada Bar No. 6270
10 9950 W. Cheyenne Avenue
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12 Attorney for Defendant
13 Boyd Gaming Corporation

By /s/ Robert S. Larsen
ROBERT S. LARSEN, ESQ.
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Las Vegas, Nevada 89101
Attorneys for Plaintiff

14 **ORDER**

15 IT IS SO ORDERED, pursuant to the Stipulation, discovery in this matter is stayed for a
16 period of six (6) months from the time of entry of this order.

17 DATED this 8 day of June, 2018.

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20 UNITED STATES MAGISTRATE JUDGE
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