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Southwest Gas Corporation*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EBONY HOWARD, individually, and on
behalf of all others similarly situated,

Plaintiff,

vs.

SOUTHWEST GAS CORPORATION,

Defendant.

Case No: 2:18-cv-01035-JAD-VCF

**STIPULATION AND ORDER TO:
(1) STAY ENTIRE CASE PENDING
MEDIATION BY THE PARTIES;
(2) STAY ALL PENDING
DEADLINES, INCLUDING
DEFENDANT’S DEADLINE TO
ANSWER THE COMPLAINT; and,
(3) TOLL FLSA LIMITATIONS
PERIOD**

(Second Request)

Complaint Filed: June 7, 2018

ECF No. 16

1 Defendant Southwest Gas Corporation (“Defendant”), and Plaintiff, Ebony Howard,
2 individually and on behalf of all others similarly situated (“Plaintiff”), by and through their
3 respective undersigned counsel, agree and stipulate to entry of an Order staying the present
4 litigation pending the outcome of mediation, staying all pending deadlines, including the deadline
5 for Defendant to respond to Plaintiff’s complaint, and tolling the FLSA limitations period for
6 putative collective action members who have not already filed consents to join the case. In support
7 of this stipulation, Plaintiff and Defendant state the following:

8 **RECITALS**

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10 1. On June 7, 2018, Plaintiff EBONY HOWARD (“Plaintiff”) filed a putative class
11 and collective action complaint in the United States District Court, District of Nevada (the
12 “Complaint”). The Complaint names SOUTHWEST GAS CORPORATION (“Defendant” or
13 “SGC”) as the sole Defendant and asserts the following three causes of action: (1) Failure to Pay
14 Overtime in Violation of the Fair Labor Standards Act (“FLSA”); (2) Failure to Pay For Each Hour
15 Worked pursuant to Nev. Rev. Stat. Ann. § 608.016; and (3) Failure to Pay Overtime in Violation
16 pursuant to Nev. Rev. Stat. Ann. § 608.018 (the “Complaint”).

17 2. Defendant was served with a summons on June 8, 2018. Pursuant to the Federal
18 Rules of Civil Procedure and Nevada Local Rules, SGC’s deadline to file a responsive pleading
19 was June 29, 2018.

20 3. On June 22, 2018, the parties filed a stipulation requesting the Court enter an order
21 staying the proceedings for thirty (30) days to allow for the exchange of information and
22 documents bearing on the claims and defenses at issue herein to avoid potentially unnecessary
23 motion practice and further expenditure of resources; extending the time for SGC to file a
24 responsive pleading to the Complaint to seven (7) days after the expiration of the stay; and tolling
25 the statute of limitations for putative collective and class action members for thirty (30) days.
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1 Plaintiffs and Defendant, through their respective undersigned counsel of record, as follows:

- 2 1. This action is stayed in its entirety pending mediation; and
- 3 2. The limitations period for the claims under the FLSA of putative collective and
- 4 class action members who have not already filed consents to join this case shall be
- 5 tolled until such time as the Parties inform the Court that mediation has failed.

6 IT IS SO STIPULATED.

7 **DATED: August 3, 2018**

PLAINTIFFS' ATTORNEYS
WOLF, RIFKIN, SHAPIRO, SCHULMAN
& RABKIN, LLP

9 */s/ Don Springmeyer*
10 *On behalf of Plaintiffs and Plaintiffs' Attorneys*

11 **DATED: August 3, 2018**


DEFENDANT'S ATTORNEYS
JACKSON LEWIS P.C.

12 */s/ Deverie J. Christensen*
13 *On behalf of Defendant and Defendant's*
14 *Attorneys*

15 **ORDER**

16 IT IS HEREBY ORDERED :

- 17 1. This action is stayed in its entirety pending mediation; and
- 18 2. The limitations period for the claims under the FLSA of putative collective and class
- 19 action members who have not already filed consents to join this case shall be tolled
- 20 until such time as the Parties inform the Court that mediation has failed.

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23 _____
24 U.S. District Judge Jennifer A. Dorsey
25 Dated: August 20, 2018
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