1	WOLF, RIFKIN, SHAPIRO, SCHULMAN	& RABKIN, LLP
2	Don Springmeyer Nevada Bar No. 1021	
3	Bradley S. Schrager Nevada Bar No. 10217	
	3556 E. Russell Road, Second Floor	
4	Las Vegas, Nevada 89120 (702) 341-5200/Fax: (702) 341-5300	
5	dspringmeyer@wrslawyers.com bschrager@wrslawyers.com	
6		
7	Jason T. Brown ( <i>Pro Hac Vice to be submitted</i> ) Nicholas Conlon, <i>Admitted Pro Hac Vice</i>	
8	JTB LAW GROUP, LLC 155 2nd Street, Suite 4	
9	Jersey City, NJ 07302 Phone: (201) 630-0000	
_	jtb@jtblawgroup.com	
10	nicholasconlon@jtblawgroup.com Lead Counsel for Plaintiff	
11	Counsel for Plaintiffs	
12	JACKSON LEWIS P.C.	
13	Eric Magnus, Admitted Pro Hac Vice Georgia Bar No. 801405	
14	Deverie J. Christensen Nevada Bar No. 6596	
15	3800 Howard Hughes Parkway, Suite 600	
16	Las Vegas, Nevada 89169 (702) 921-2460/Fax: (702) 921-2461	
	Elayna.Youchah@jacksonlewis.com Counsel for Defendant	
17	Southwest Gas Corporation	
18	UNITED STATES DISTRICT COURT	
19	DISTRICT	OF NEVADA
20	<b>EBONY HOWARD,</b> individually, and on behalf of all others similarly situated,	Case No: 2:18-cv-01035-JAD-VCF
21	Plaintiff,	STIPULATION AND ORDER TO: (1) STAY ENTIRE CASE PENDING
22		MEDIATION BY THE PARTIES;
23	VS.	(2) STAY ALL PENDING DEADLINES, INCLUDING
	SOUTHWEST GAS CORPORATION,	DEFENDANT'S DEADLINE TO ANSWER THE COMPLAINT; and,
24	Defendant.	(3) TOLL FLSA LIMITATIONS PERIOD
25		
26		(Second Request)
27		Complaint Filed: June 7, 2018
28		ECF No. 16
	STIPULATIO	ON AND ORDER
		Dock

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 9 On June 7, 2018, Plaintiff EBONY HOWARD ("Plaintiff") filed a putative class 1. 10 and collective action complaint in the United States District Court, District of Nevada (the 11 "Complaint"). The Complaint names SOUTHWEST GAS CORPORATION ("Defendant" or

"SGC") as the sole Defendant and asserts the following three causes of action: (1) Failure to Pay Overtime in Violation of the Fair Labor Standards Act ("FLSA"); (2) Failure to Pay For Each Hour Worked pursuant to Nev. Rev. Stat. Ann. § 608.016; and (3) Failure to Pay Overtime in Violation pursuant to Nev. Rev. Stat. Ann. § 608.018 (the "Complaint").

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

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

1

STIPULATION AND ORDER

4. The Court granted the parties stipulation and entered an Order on June 29, 2018.
 The original stay expired on July 30, 2018, and SCG's response to the Complaint is currently due
 on August 6, 2018.

5. The Parties have conferred in good faith regarding the scope of the case and how
to attempt to efficiently resolve it. As a result of these discussions, and in an effort to avoid
unnecessary expense and resources, the Parties have agreed to attempt mediation of this case
before proceeding further in litigation.

6. To afford the Parties time to effectively prepare for mediation, the Parties agree to
a stay of all discovery and all other deadlines, including SGC's deadline to respond to the
Complaint. However, the Parties agree to the exchange of reasonable informal discovery
necessary for mediation. The Parties will promptly meet and confer on what reasonable data is
necessary to produce in order for the Parties to effectively calculate and extrapolate damages for
all putative class members.

The Parties agree to toll the FLSA statute of limitations for the period of the stay
for putative collective action members who have not already filed consents to join this case. The
Parties have already entered into an Amendment to Tolling Agreement, amending their prior
Tolling Agreement to toll the FLSA statute of limitations to putative collective action members
who have not already filed consents to join this case.

8. Within 7 days of the completion of mediation, the Parties will either notify the
Court of a resolution, or, if the case is not resolved, request a status conference to set further
deadlines, including deadlines for Defendant to respond to the Complaint and for discovery. Upon
the Parties notification to the Court that the case has not resolved, the FLSA tolling period will
end.

24 9. This Stipulation is not made for the purposes of delay and is made in good faith by
25 the Parties in an effort to efficiently handle this action.

## **STIPULATION**

26

27

28

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between

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 tim	e as the Parties inform the Court that mediation has failed.
6	IT IS SO STIPULATED.	
7 8	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		DEFENDANT'S ATTORNEYS JACKSON LEWIS P.C.
12	DATED: August 3, 2018	
13		/s/ Deverie J. Christensen On behalf of Defendant and Defendant's Attorneys
14		Attorneys
15		ORDER
16		OIDER
16 17	IT IS HEREBY ORDERED	
17		
17 18	1. This action is stayed in a	):
17	<ol> <li>This action is stayed in a</li> <li>The limitations period f</li> </ol>	): its entirety pending mediation; and
17 18 19	<ol> <li>This action is stayed in a</li> <li>The limitations period f</li> <li>action members who has</li> </ol>	): its entirety pending mediation; and for the claims under the FLSA of putative collective and class
17 18 19 20	<ol> <li>This action is stayed in a</li> <li>The limitations period f</li> <li>action members who has</li> </ol>	The claims under the FLSA of putative collective and class ave not already filed consents to join this case shall be tolled arties inform the Court that mediation has failed.
<ol> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	<ol> <li>This action is stayed in a</li> <li>The limitations period f</li> <li>action members who has</li> </ol>	): its entirety pending mediation; and for the claims under the FLSA of putative collective and class ave not already filed consents to join this case shall be tolled
<ol> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	<ol> <li>This action is stayed in a</li> <li>The limitations period f</li> <li>action members who has</li> </ol>	$\frac{1}{U.S. District Judge Jenn(fer A. Dorsey}$
<ol> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> </ol>	<ol> <li>This action is stayed in a</li> <li>The limitations period f</li> <li>action members who has</li> </ol>	$\frac{1}{U.S. District Judge Jenn(fer A. Dorsey}$
<ol> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> </ol>	<ol> <li>This action is stayed in a</li> <li>The limitations period f</li> <li>action members who has</li> </ol>	$\frac{1}{U.S. District Judge Jennifer A. Dorsey}$
<ol> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> </ol>	<ol> <li>This action is stayed in a</li> <li>The limitations period f</li> <li>action members who has</li> </ol>	$\frac{1}{U.S. District Judge Jennifer A. Dorsey}$
<ol> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> </ol>	<ol> <li>This action is stayed in a</li> <li>The limitations period f</li> <li>action members who has</li> </ol>	$\frac{1}{U.S. District Judge Jenn(fer A. Dorsey}$
<ol> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> <li>27</li> </ol>	<ol> <li>This action is stayed in a</li> <li>The limitations period f</li> <li>action members who has</li> </ol>	$\frac{1}{U.S. District Judge Jennifer A. Dorsey}$