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Attorneys for Defendants
 Caesars Enterprise Services, LLC and Caesars Entertainment

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

17 MICHAEL D'AMORE, ADAM BYCINA, and
 18 RICHARD D'HONDT, on behalf of themselves,
 and all others similarly situated,

Case Number: 2:18-cv-01990-JCM-VCF

19 Plaintiffs,

**JOINT STIPULATION AND
 ORDER TO AMEND COMPLAINT WITH
 PROPER DEFENDANT, AND DISMISS
 CAESARS ENTERTAINMENT
 CORPORATION AND CAESARS
 ENTERTAINMENT SERVICES WITHOUT
 PREJUDICE**

20 v.

21 CAESARS ENTERPRISE SERVICES, LLC,
 22 CAESARS ENTERTAINMENT
 CORPORATION, and DOES 1 through 50,
 inclusive,

23 Defendants.

27 **JOINT STIPULATION AND [PROPOSED] ORDER TO AMEND COMPLAINT WITH PROPER
 28 DEFENDANT, AND DISMISS DEFENDANTS CEC AND CES WITHOUT PREJUDICE**

1 Pursuant to Fed. R. Civ. P. 15, 23(e), and 41, Plaintiffs MICHAEL D’AMORE, ADAM
2 BYCINA, and RICHARD D’HONDT (“Plaintiffs”), and Defendants CAESARS ENTERPRISE
3 SERVICES, LLC, and CAESARS ENTERTAINMENT CORPORATION (“Defendants”), collectively
4 “Parties,” hereby submit this joint request and proposed order for Plaintiffs to amend the complaint
5 naming the proper employer and defendant, and the Court’s approval for the voluntary dismissal of
6 Defendants Caesars Entertainment Corporation, and Caesars Enterprise Services.

7 **STIPULATION**

8 **WHEREAS**, on 15 October 2018 Plaintiffs MICHAEL D’AMORE, ADAM BYCINA, and
9 RICHARD D’HONDT filed their complaint in the United States District Court for the District of
10 Nevada naming CAESARS ENTERPRISE SERVICES, LLC, and CAESARS ENTERTAINMENT
11 CORPORATION as Defendants, on information and belief a both entities were proper Defendants.

12 **WHEREAS**, on 26 November 2018, Defendants filed a motion to dismiss under Fed. R. Civ. P.
13 12(b)(1) and 12(b)(6), asserting, among other things, that Defendant Caesars Entertainment Corporation
14 is not a proper defendant because that entity did not employ Plaintiffs or the putative class.

15 **WHEREAS**, on 10 December 2018, Plaintiffs filed their opposition to Defendants’ motion to
16 dismiss.

17 **WHEREAS**, on 12 February 2019, the Court held a hearing regarding the Proposed Discovery
18 Plan and Scheduling Order. The Court proposed conducting discovery to resolve the issue of co-
19 employment and correct employer, and the Parties agreed to this approach.

20 **WHEREAS**, on 14 February 2019, Parties met and conferred by telephone, and also by email, to
21 discuss the discovery plan to resolve the co-employment and proper employer issues.

5. The Parties to the amended complaint shall file an Amended Discovery Plan and Scheduling Order within 21 days of the filing of Plaintiffs' amended complaint; provided, however, that nothing in this stipulation shall prevent the newly named defendant from seeking a stay of discovery as it may deem appropriate.

Dated this 20th day of February 2019.

THE MARKHAM LAW FIRM

JACKSON LEWIS P.C.

/s/ Michael J. Morphew

/s/ Elayna J. Youchah

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Michael D'Amore, Adam Bycina,
and Richard D'Hondt

Attorneys for Defendants
Caesars Enterprise Services, LLC, and
Caesars Entertainment Corporation

[PROPOSED] ORDER

IT IS HEREBY ORDERED that:

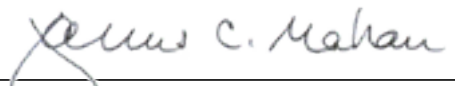
1. Caesars Entertainment Corporation, and Caesars Entertainment Services are hereby dismissed without prejudice, and all parties are to bear their own costs;
2. Plaintiffs have seven court days to file a First Amended Complaint naming proper defendant Desert Palace LLC dba Caesars Palace - Las Vegas;
3. The newly named, proper employer/entity defendant shall have 14 days to answer or, without prejudice, otherwise respond to Plaintiffs' amended complaint by re-filing or amending the pending motion to dismiss.

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4. The Parties to the amended complaint shall file an Amended Discovery Plan and Scheduling Order within 21 days of the filing of Plaintiffs' amended complaint; provided, however, that nothing in this stipulation shall prevent the newly named defendant from seeking a stay of discovery as it may deem appropriate.

IT IS SO ORDERED.

Dated: February 22, 2019 _____



UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of The Markham Law Firm and that on this 20th day of February, 2019, I caused to be sent via this Court’s ECF Filing, a true and correct copy of the above and foregoing **JOINT STIPULATION AND [PROPOSED] ORDER TO AMEND COMPLAINT WITH PROPER DEFENDANT, AND DISMISS CAESARS ENTERTAINMENT CORPORATION AND CAESARS ENTERTAINMENT SERVICES WITHOUT PREJUDICE** to the following:

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