

MARQUIS AURBACH COFFING

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Attorneys for LVMPD Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LARIME TAYLOR, an individual,

Plaintiff,

Case Number:
2:19-cv-00995-JCM-NJK

vs.

STIPULATION AND ORDER

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, in its official capacity;
CLARK COUNTY, a political subdivision of
the State of Nevada; SHERIFF JOSEPH
LOMBARDO, in his official capacity as
Sheriff of the Las Vegas Metropolitan Police
Department; OFFICER THERON YOUNG,
as an individual and in his capacity as a Las
Vegas Metropolitan Police Department
Officer; OFFICER MATTHEW KRAVETZ,
as an individual and in his capacity as a Las
Vegas Metropolitan Police Department
Officer; OFFICER DARRELL LEE DAVIS,
as an individual and in his capacity as a Las
Vegas Metropolitan Police Department
Officer; OFFICER WESTON FERGUSON,
as an individual and in his capacity as a Las
Vegas Metropolitan Police Department
Officer; OFFICER THOMAS ALBRIGHT,
as an individual and in his capacity as a Las
Vegas Metropolitan Police Department
Officer; OFFICER JANETTE GUTIERREZ,
as an individual and in her capacity as a Las
Vegas Metropolitan Police Department
Officer; OFFICER CLINT OWENSBY, as an
individual and in his capacity as a Las Vegas
Metropolitan Police Department Officer;
OFFICER ROBERT THORNE, as an
individual and in his capacity as a Las Vegas
Metropolitan Police Department Officer;

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1 OFFICER JACOB BITTNER, as an
individual and in his capacity as a Las Vegas
2 Metropolitan Police Department Officer;
OFFICER GERARDO REYES, as an
3 individual and in his capacity as a Las Vegas
Metropolitan Police Department Officer;
4 OFFICER MORGAN MCCLARY, as an
individual and in his capacity as a Las Vegas
5 Metropolitan Police Department Officer;
OFFICER JAKE FREEMAN, as an
6 individual and in his capacity as a Las Vegas
Metropolitan Police Department Officer; and
7 OFFICER CHRISTOPHER LONGI, as an
individual and in his capacity as a Las Vegas
8 Metropolitan Police Department Officer,

9 Defendants.

10 **STIPULATION AND ORDER**

11 Plaintiff Larime Taylor, by and through his attorneys of record, Margaret A.
12 McLetchie, Esq. and Alina M. Shell, Esq., of McLetchie Law, and Defendants Las Vegas
13 Metropolitan Police Department (“LVMPD or the “Department”), Sheriff Joseph Lombardo
14 (“Lombardo”), Officer Theron Young (“Young”), Officer Matthew Kravetz (“Kravetz”),
15 Officer Darrell Lee Davis (“Davis”), Officer Weston Ferguson (“Ferguson”), Officer
16 Thomas Albright (“Albright”), Officer Janette Gutierrez (“Gutierrez”), Officer Clint
17 Owensby (“Owensby”), Officer Robert Thorne (“Thorne”), Officer Jacob Bittner
18 (“Bittner”), Officer Gerardo Reyes (“Reyes”), Officer Morgan McClary (“McClary”),
19 Officer Jake Freeman (“Freeman”), and Officer Christopher Longi (“Longi”) (collectively
20 “LVMPD Defendants”), by and through their counsel of record, Nick D. Crosby, Esq. and
21 Jackie V. Nichols, Esq., of Marquis Aurbach Coffing, hereby stipulate to the following:

22 1. On October 30, 2019, Plaintiff filed a Motion for Temporary Restraining
23 Order (ECF No. 78) and Motion for Preliminary Injunction (ECF No. 79) regarding
24 LVMPD Defendants application and enforcement of Chapter 16 of Clark County Code
25 (“CCC”) against Plaintiff.
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1 2. On November 7, 2019, the Court issued a Temporary Restraining Order
2 restraining defendants, their agents, officials, and employees from enforcing Chapter 16 of
3 the CCC against plaintiff’s First Amendment activity on the Las Vegas Strip. (ECF No. 84)

4 3. The Court further ordered the defendants to appear on November 20, 2019, at
5 1:30 p.m. in Courtroom No. 6A and show cause why a preliminary injunction should not be
6 granted that restrains and enjoins defendants from enforcing Chapter 16 of the CCC against
7 plaintiff’s First Amendment activity on the Las Vegas Strip. Id.

8 4. The defendants were further ordered to file their oppositions, if any to
9 plaintiff’s motion for preliminary injunction by 5:00 p.m. on November 13, 2019 and the
10 plaintiff was directed to file his reply, if any, by 5:00 p.m. on November 18, 2019. Id.

11 5. The Parties hereby agree and stipulate to attend a settlement conference with
12 an assigned Magistrate Judge, other than the currently assigned Magistrate Judge Nancy
13 Koppe, in accordance with this Court’s referral, and request that the Court order that a
14 settlement conference be conducted.¹

15 6. In order to facilitate settlement and avoid waste of the parties’ resources’, the
16 Parties hereby agree and stipulate to stay the briefing and vacate the currently scheduled
17 hearing of November 20, 2019 at 1:30 p.m. ordered by the Court related to plaintiff’s motion
18 for preliminary injunction until a later date, if necessary, as agreed by the Parties.

19 7. The Parties hereby agree and stipulate to extend the Temporary Restraining
20 Order (ECF No. 84) until the Parties reach a settlement in this matter or the Court issues an
21 order on plaintiff’s motion for preliminary injunction, whichever occurs first.

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26 ¹ Plaintiff invited the County to join in this Stipulation. While the County has been dismissed,
27 Plaintiff contends declaratory and other relief may be necessary in light of the County’s
unconstitutional interpretation of the CCC and Plaintiff wishes to resolve all issues in this litigation if
at all possible.

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1 8. The Parties also hereby agree and stipulate and make joint application to stay
2 discovery and the other deadlines set forth in the operative Order setting dates for this matter
3 (ECF No. 45) until such time as the parties conclude the proposed settlement conference.²

4 9. The stay of discovery and other deadlines will allow the parties to explore the
5 possibility of settlement through mediation, without incurring the time and expense of
6 ongoing discovery prior to the mediation.

7 10. Within fifteen (15) days after completion of the settlement conference, if it is
8 not successful, the parties will submit new discovery deadlines, including the discovery
9 cutoff deadline (providing ample time to complete written discovery and depositions),
10 deadline for filing dispositive motions, and the deadline for filing the Joint Pretrial Order.
11 The applicable dates will be extended for the commensurate time period that they were
12 stayed.

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27 ² However, Defendants will still provide responses to outstanding discovery requests from Plaintiff.

1 11. The Parties hereby agree and request that this Court refer the instant matter to
2 a Magistrate Judge, other than the currently assigned Magistrate Judge Nancy Koppe, for a
3 settlement conference.

4 IT IS SO STIPULATED.

5 Dated this 13th day of November, 2019

6 MCLETCHIE LAW

7
8 By: /s/ Margaret A. McLetchie
9 Margaret A. McLetchie, Esq.
10 Nevada Bar No. 10931
11 Alina M. Shell, Esq.
12 Nevada Bar No. 11711
13 701 E. Bridger Avenue, Suite 520
14 Las Vegas, Nevada 89101
15 Attorneys for Plaintiff Larime Taylor

16 Dated this 13th day of November, 2019

17 MARQUIS AURBACH COFFING

18 By: /s/ Jackie V. Nichols
19 Nick D. Crosby, Esq.
20 Nevada Bar No. 8996
21 Jackie V. Nichols, Esq.
22 Nevada Bar No. 14246
23 10001 Park Run Drive
24 Las Vegas, Nevada 89145
25 Attorneys for LVMPD Defendants
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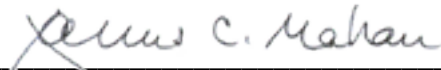
ORDER

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the briefing schedule related to plaintiff's motion for preliminary injunction is STAYED and the hearing currently scheduled for November 20, 2019 at 1:30 p.m. is VACATED.

IT IS FURTHER ORDERED that the Temporary Restraining Order (ECF No. 84) shall remain in effect until the Parties reach a settlement in this matter or the Court issues an order on plaintiff's motion for preliminary injunction, whichever occurs first.

IT IS FURTHER ORDERED that the Court will refer the instant matter to a Magistrate Judge, other than the assigned Magistrate Judge Nancy Koppe, for a settlement conference pursuant to the Parties' request.

IT IS SO ORDERED November 14, 2019.


United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **STIPULATION AND ORDER** with the Clerk of the Court for the United States District Court by using the court's CM/ECF system on the 13th day of November, 2019.

I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

N/A

/s/ Krista Busch
An employee of Marquis Aurbach Coffing

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