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23 *Attorneys for Plaintiff*
24 *Herman Miller, Inc.*

25 **UNITED STATES DISTRICT COURT**

26 **DISTRICT OF NEVADA**

27 HERMAN MILLER, INC.,) Case No.: 2:20-cv-01480-RFB-EJY

28 Plaintiff,

v.

29 SKY ENTERPRISES, INC. dba LAURA
30 DAVIDSON FURNITURE; and DAVID
31 KROSKY a/k/a DAVE MCBRIDE,

32 Defendants.

33 **STATUS REPORT AND NOTICE
34 CONCERNING SETTLEMENT;
35 STIPULATION**

1 Defendants Sky Enterprises, Inc. dba Laura Davidson Furniture, and David Krosky a/k/a
2 Dave McBride and Plaintiff Herman Miller, Inc. (collectively, the “Parties”) hereby notify the
3 Court that they have executed a Binding Term Sheet to settle the case, and, believing that they are
4 close to completing a final Settlement Agreement, jointly stipulate as follows:

5 . . .

6 WHEREAS, on November 1, 2021, the Parties stipulated to stay all deadlines pending a
7 mediated settlement conferences. (ECF 49.)

8 WHEREAS, on December 6, 2021, the Parties submitted a joint stipulation resetting the
9 case schedule, including dates for submission of *Markman* claim construction briefing as well as
10 remaining fact and expert discovery. (ECF 58.)

11 WHEREAS, subsequent to submission of the joint stipulation resetting the case schedule,
12 the Parties executed a Binding Term Sheet to settle the lawsuit.

13 WHEREAS, the Parties are in the process of finalizing a written settlement agreement that
14 will memorialize and effectuate the terms of the Parties’ Term Sheet.

15 WHEREAS, the Parties currently believe they can complete and execute the written
16 settlement agreement within fifteen (15) days from entry of this stipulation and also anticipate
17 filing for dismissal within this time period.

18 WHEREAS, the Parties desire to devote their full attention to effectuating settlement, and
19 also to avoid further time and expense in briefing claim construction and engaging in fact
20 discovery, and therefore respectfully request a 15-day stay of all current deadlines.

21 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between
22 the Parties, and the Court’s approval is respectfully requested, that:

23 All further proceedings in the action be stayed for a period of fifteen (15) days pending
24 finalization of the Parties’ written settlement agreement and submission of the Parties’ dismissal
25 papers.

1 **IT IS SO AGREED AND STIPULATED:**

2 DATED this 7th day of January, 2022.

3 **FOLEY & LARDNER LLP**

4 /s/ Jean-Paul Ciardullo
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17
18 *Attorneys for Plaintiff*

DATED this 7th day of January, 2022.

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Attorneys for Defendants

19
20
21 **IT IS SO ORDERED:**

22 
23 United States Magistrate Judge
24 DATED: January 11, 2022