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13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

15 NICHOLAS GORMAN, an individual and  
16 citizen of Nevada,

17 Plaintiff,

18 v.

19 RHEEM MANUFACTURING COMPANY, a  
20 Delaware corporation; RHEEM SALES  
21 COMPANY, INC., a Delaware corporation;  
22 MIDWEST CAN COMPANY, LLC, a  
23 Delaware limited liability company; SMITH'S  
24 FOOD & DRUG CENTERS, INC., an Ohio  
25 corporation; VEGAS INVESTMENT  
26 PROPERTIES REALTY GROUP, LL, a  
27 Nevada limited liability company; GLENN  
28 PLANTONE, an individual and citizen of  
Nevada; NEVADA SANDCASTLES, LLC, a  
Nevada limited liability company; DOES 1  
through 60, inclusive; and ROE COMPANIES  
1 through 60, inclusive,

Defendants.

Case No. 2:20-cv-01938-RFB-DJA

**STIPULATION TO EXTEND  
OPPOSITION DEADLINE FOR MOTION  
TO DISMISS AND [PROPOSED ORDER]**

23 Plaintiff Nicholas Gorman and Defendants Nevada Sandcastles LLC, Vegas Investment  
24 Properties Realty Group LLC, and Glenn Plantone ("Landlord Defendants"), by and through their  
25 undersigned counsel, hereby stipulate as follows:

26 1. Plaintiff filed his Complaint in the Eighth Judicial District Court on September 24, 2020;  
27 2. On October 20, 2020, Defendant Rheem Manufacturing Company removed this action to  
this court on the grounds the Landlord Defendants were not proper defendants;

1       3. On October 30, 2020, the Landlord Defendants moved to dismiss the causes of action in  
2       Plaintiff's complaint against the Landlord Defendants;  
3       4. Plaintiff's opposition to the Landlord Defendants' motion to dismiss is due November 13,  
4       2020;  
5       5. Plaintiff and the Landlord Defendants have entered into a preliminary settlement for claims  
6       arising from the incident underlying Plaintiff's complaint;  
7       6. As a result of the preliminary settlement, there does not appear to be any need for the Court  
8       to hear the Landlord Defendants' motion to dismiss;  
9       7. The Landlord Defendants anticipate moving for a good faith settlement determination once  
10      the settlement is completed; and  
11      8. In light of the preliminary settlement, Plaintiff and the Landlord Defendants have agreed to  
12      extend the deadline for Plaintiff's opposition to the Landlord Defendants' motion to  
13      dismiss from November 13, 2020 to November 30, 2020 to provide time for completion of  
14      the preliminary settlement.

15      Based on the foregoing, with good cause appearing, Plaintiff and the Landlord Defendants  
16      stipulate as follows:

17      1. The deadline for Plaintiff's opposition to the Landlord Defendants' motion to dismiss is  
18      continued from November 13, 2020 to November 30, 2020.

19      **IT IS SO STIPULATED.**

20      **DATED** this \_\_\_\_\_ day of November, 2020. **DATED** this \_\_\_\_\_ day of November, 2020.

21      **PANISH SHEA & BOYLE, LLP**

22      **HALL JAFFE & CLAYTON, LLP**

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40      *Attorneys for Defendants Nevada Sandcastles  
41      LLC, Vegas Investment Properties Realty Group  
42      LLC, and Glenn Plantone  
43      Gorman v. Rheem Manufacturing Company, et al.*

1 Case No. 2:20-cv-01938-RFB-DJA  
2

3 **ORDER**  
4

5 The Court, having considered the stipulation between Plaintiff and the Landlord Defendants,  
6 and with good cause appearing, hereby orders as follows:  
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8 1. The deadline for Plaintiff's opposition to the Landlord Defendants' motion to dismiss is  
9 continued from November 13, 2020 to November 30, 2020.  
10

11 **IT IS SO ORDERED.**  
12

13   
14

15 RICHARD F. BOULWARE, II  
16 United States District Judge  
17

18 DATED this 17th day of November, 2020.  
19