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 19 *401(k) Plan Committee*

20 **UNITED STATES DISTRICT COURT**  
 21 **DISTRICT OF NEVADA**

22 Danny Wanek, Juan Duarte, and Rick  
 Ruberton, as representatives of a class of  
 23 similarly situated persons, on behalf of the  
 Caesars Entertainment Corporation Savings  
 & Retirement Plan,

24 Plaintiffs,

25 v.

26 Russell Investments Trust Company,  
 27 Caesars Holding, Inc., the Plan Investment  
 Committee, and the 401(k) Plan Committee,

28 Defendants.

Case No. 2:21-cv-00961-CDS-BNW

**STIPULATION REGARDING  
 DEADLINE FOR SUMMARY  
 JUDGMENT MOTIONS**

**(SECOND REQUEST REGARDING  
 SUBJECT DEADLINE)**

1 WHEREAS, the Court issued the original Scheduling Order in this case on October 12,  
2 2021 (ECF No. 63), which listed placeholder dates to be adjusted based on the timing of the  
3 Court’s decision on Defendants’ then-pending Motions to Dismiss;

4 WHEREAS, the Court issued an Amended Scheduling Order on April 20, 2023 (ECF No.  
5 115) listing specific dates for each deadline;

6 WHEREAS, on December 29, 2023, the parties jointly requested (ECF No. 149) that the  
7 Court extend the deadlines due to voluminous document productions and to allow additional time  
8 to coordinate the schedules of the multiple parties required to conduct numerous fact witness  
9 depositions;

10 WHEREAS, the Court granted the parties’ request on January 2, 2024 (ECF No. 150) and  
11 entered an Amended Scheduling Order;

12 WHEREAS, on August 16, 2024, the parties filed (ECF No. 189) a stipulated request to  
13 extend the deadline for expert discovery from September 6, 2024 to September 27, 2024 to allow  
14 additional time to coordinate the schedules of the multiple parties required to conduct the  
15 depositions of six expert witnesses;

16 WHEREAS, the Court granted the parties’ stipulation to extend the expert discovery  
17 deadline on August 20, 2024 (ECF No. 190);

18 WHEREAS, the current deadline for any party to file a motion for summary judgment is  
19 September 16, 2024, which falls approximately two weeks before the deadline for expert  
20 discovery;

21 WHEREAS, when an existing motion deadline “cannot reasonably be met despite the  
22 [parties’] diligence,” good cause exists to extend the deadline, *Johnson v. Mammoth Recs., Inc.*,  
23 975 F.2d 604, 609 (9th Cir. 1992), and “[t]he proper procedure, when additional time for any  
24 purpose is needed is to present the Court a timely request for an extension before the time fixed  
25 has expired,” *Kinford v. Moyle*, 2021 WL 3021150, at \*2 (D. Nev. July 15, 2021) (quoting *Canup*  
26 *v. Miss. Valley Barge Line Co.*, 31 F.R.D. 282, 283 (D. Pa. 1962)).

1 WHEREAS, the parties timely request an extension on the deadline to file motions for  
2 summary judgment to allow adequate time to prepare such motions upon concluding expert  
3 discovery and to conduct such matters as obtaining the transcripts of all expert depositions,  
4 analyzing those transcripts, and adequately preparing their statement(s) of genuinely undisputed  
5 materials facts and accompanying motion(s) with the benefit of expert discovery;

6 WHEREAS, although the current scheduling order does not set deadlines for a party's  
7 response or reply to a motion for summary judgment, the parties also respectfully request an  
8 extension on the deadlines to file responses and replies to any motion for summary judgment  
9 beyond those established by Local Rule 7-2(b) to account for the substantial amount of fact and  
10 expert discovery that will affect such responses and replies;

11 WHEREAS, there is good cause to reasonably extend the deadline to file motions for  
12 summary judgment and the deadlines to file responses and replies to any motion for summary  
13 judgment and this request is not the result of unnecessary delay or a lack of diligence by any  
14 party; and

15 WHEREAS, this is the second request for an extension of time affecting the deadline for  
16 motions for summary judgment and the first request for an extension of time affecting the  
17 deadlines for responses and replies to motions for summary judgment;

18 IT IS HEREBY STIPULATED AND AGREED, pursuant to Local Rules IA 6-1 and 26-  
19 3 and subject to the approval of the Court, that the briefing schedule for summary judgment be  
20 extended as follows:

Event	Existing Date	Proposed Date
Deadline to file motions for summary judgment	September 16, 2024	November 22, 2024
Deadline to file responses to motions for summary judgment	October 7, 2024	December 20, 2024
Deadline to file replies to motions for summary judgment	October 21, 2024	January 17, 2025

1 Dated: August 27, 2024

/s/ D. Matthew Moscon

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*Attorneys for Plaintiffs*

DATED: 8/29/2024

IT IS SO ORDERED.

  
UNITED STATES DISTRICT JUDGE  
UNITED STATES MAGISTRATE JUDGE