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14 Attorneys for Respondents

15 **UNITED STATES DISTRICT COURT**
 16 **DISTRICT OF NEVADA**

17 LOCAL JOINT EXECUTIVE BOARD OF
 18 LAS VEGAS,

19 *ex rel.* NATIONAL LABOR
 20 RELATIONS BOARD,

21 Applicant,

22 v.

23 STATION CASINOS, LLC,
 24 Respondent.

Case No.: 2:22-cv-00100-RFB-NJK

25 **RESPONDENTS' UNOPPOSED**
 26 **MOTION TO MODIFY SCHEDULING**
 27 **ORDER**

28 **(FIRST REQUEST)**

Respondent respectfully moves this Court for an Order modifying the current Scheduling Order (ECF 21) to extend the time for responding to Applicant's Application for Enforcement of Subpoena Duces Tecum B-1-1CR9TSF by fourteen days from the present deadline of June 10, 2022 until June 24, 2022 pursuant to Local Rule IA 6-1(a). As good cause for Respondent's motion, Respondent's state as follows:

1 1. This is an action to enforce a subpoena *duces tecum* issued by the National Labor
2 Relations Board (NLRB) on behalf of Local Joint Executive Board of Las Vegas (LJEB) in an
3 underlying unfair labor practice proceeding before an Administrative Law Judge of the NLRB.
4
5 The subpoena includes 97 separately numbered paragraphs.

6 2. The NLRB commenced this proceeding on January 20, 2022. LJEB moved to
7 intervene on February 10, 2022 (ECF 14), which the Court allowed on February 14, 2022 (ECF
8 15). Also on February 14, 2022, the Court ordered the parties to confer on a briefing schedule
9 (ECF 16), with which the parties complied, filing a proposed joint schedule on February 18, 2022
10 (ECF 17).
11

12 3. On February 28, 2022, the Court denied the NLRB’s Application without
13 prejudice (ECF 18).

14 4. No activity occurred in this case between the Court’s denial of the petition and a
15 subsequent Order issued April 7, 2022 which directed the parties to file either “(1) a joint
16 proposed schedule for motion practice and briefing, (2) a joint status report, or (3) dismissal
17 papers.” (ECF 19).
18

19 5. The parties filed a joint status report on April 21, 2022 but did not propose a
20 briefing schedule. (ECF 20). On April 22, 2022, the Court set the following briefing schedule:

- | | |
|---------------------------------------------------------|---------------|
| 21 a. Petitioner’s Renewed Request for Relief | May 20, 2022 |
| 22 b. Respondents’ Response | June 10, 2022 |
| 23 c. Petitioner’s Reply | June 20, 2022 |

24
25 (ECF 21).¹
26
27

28 ¹ The Court entered the same schedule in a related proceeding, *Local Joint Executive Board of Las Vegas, ex rel. National Labor Relations Board v. Red Rock Resorts, Inc., et al.*, Civ. A. 2:21-cv-01986-RFB-NJK (the “Related Case”). See Docket No. 37 (April 22, 2022).

1 6. On May 20, 2022, LJEB filed its request for relief, styled as Application for
2 Enforcement of Subpoena Duces Tecum B-1-1CR9TSF (the “Application). The Application and
3 supporting document total 181 pages of material, the majority of which was not part of the record
4 previously. Within Petitioner’s Memorandum of Points and Authorities, Petitioner addresses 7
5 groupings of specified subpoena requests it is asking the Court to enforce. In total, these 7 groups
6 represent 91 separate requests in the challenged subpoenas.
7

8 7. Responding to the Application will involve review of each of the 91 subpoena
9 requests, review of whether the information requested is “relevant and material to the
10 investigation[,]”² a determination as to whether the request is “unreasonable because it is
11 overbroad or unduly burdensome[,]”³ and review of Respondents’ production to date to
12 determine what, if anything within Respondents’ possession, custody, and control has yet to be
13 produced. This review will involve the undersigned working with Respondents’ counsel in the
14 underlying NLRB matter intensely over a period of several days, if not weeks. Given the press
15 of commitments in other matters, high school graduation ceremonies, and previously planned
16 vacations, the time to confer is already limited, especially considering Respondents will be
17 responding to a similar filing in the Related Case.⁴
18
19

20 8. Good cause exists for the following requested modification to the Court’s April
21 21, 2022 Scheduling Order, because the additional time will permit Respondents to effectively
22 marshal a response to the Application and hopefully narrow the issues in dispute:
23

- | | | |
|----|--------------------------|---------------|
| 24 | a. Respondents’ Response | June 24, 2022 |
| 25 | b. Petitioner’s Reply | July 14, 2022 |

26
27 ² *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005, 1007 (9th Cir. 1996).

28 ³ *Id.*

⁴ Respondents note that a similar motion will be filed in the Related Case.

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 LAS VEGAS,

5 *ex rel.* NATIONAL LABOR
6 RELATIONS BOARD,

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9 STATION CASINOS, LLC,
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Case No.: 2:22-cv-00100-RFB-NJK

**ORDER GRANTING
RESPONDENTS' UNOPPOSED
MOTION TO MODIFY
SCHEDULING ORDER**

11 Pending before the Court is Respondents' Unopposed Motion to Modify the Scheduling
12 Order in this matter (Docket No. 23). The Court finds that good cause exists for the requested
13 modification for the reasons stated therein.
14

15 IT IS HEREBY ORDERED that Respondents' Unopposed Motion to Modify the
16 Scheduling Order is **GRANTED**. Respondents are ordered to submit their response to the Local
17 Joint Executive Board of Las Vegas' Application (ECF 38) by June 24, 2022, and the Applicant
18 may submit any reply thereto by July 5, 2022. **NO FURTHER EXTENSIONS WILL BE GRANTED.**
19
20
21

22 IT IS SO ORDERED:
23
24

25 
26 _____
27 Nancy J. Koppe
28 United States Magistrate Judge

Dated May 26, 2022.