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13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 NEVADA RESTAURANT SERVICES,
 INC., DBA DOTTY'S, a Nevada corporation,

16 Plaintiff,

17 vs.

18 FACTORY MUTUAL INSURANCE
 COMPANY, dba FM GLOBAL, a Rhode
 19 Island corporation; AFFILIATED FM
 INSURANCE COMPANY; a Rhode Island
 20 Corporation; JEFFEREY ZEBARTH, an
 individual; PATRICK LANGIN, an
 21 individual; DOES I through X; and ROE
 Business Entities I through X,
 22

23 Defendants.
 24

Case No.: 2:22-cv-01104-RFB-VCF

25 **STIPULATION AND ORDER FOR**
CONTINUANCE OF COURT
DEADLINES

(First Request)

25 Pursuant to Local Rules IA 6-1 and IA 11-2, Plaintiff Nevada Restaurant Services, Inc.
 26 ("Plaintiff"), and Defendants Factory Mutual Insurance Company ("Factory Mutual"), Affiliated FM
 27 Insurance Company ("Affiliated FM"), Jefferey Zebarth ("Zebarth") and Patrick Langin ("Langin")
 28 (collectively referred to as "Defendants"), by and through their counsel of record, hereby respectfully

1 request that the Court permit removal of Brian S. Kabateck, Esq. from the Caption and extend the
2 deadline to file Verified Petitions and Designations of Local Counsel from July 26, 2022 to August
3 25, 2022.

4 1. On May 31, 2022, Plaintiff filed a complaint in the Eighth Judicial District Court for
5 breach of contract, contractual breach of implied covenant of good faith and fair dealing, and tortious
6 breach of implied covenant of good faith and fair dealing against Factory Mutual and Affiliated FM.
7 Plaintiff also alleged negligent misrepresentation against Defendants Zebarth and Langin.

8 2. Plaintiff's Complaint inadvertently included Brian Kabateck, Esq. on the caption. Mr.
9 Kabateck is not making an appearance in this matter at this time, whether it be in State Court or
10 Federal Court.

11 3. On July 11, 2022, Defendants Factory Mutual and Affiliated FM filed a petition for
12 removal of the matter from the Eighth Judicial District Court for Clark County, Nevada, to the United
13 States District Court for the District of Nevada.

14 4. On that same day, this Court ordered that Brian S. Kabateck, Shant A. Karnikian,
15 Gary C. Partamian, Amy M. Churan and Christina M. Lincoln comply with completion and filing of
16 the Verified Petition and Designation of Local Counsel ("Verified Petition") by July 26, 2022.

17 5. Plaintiff's counsel did not receive notice of the above-mentioned July 11, 2022 order
18 until July 21, 2022, which does not afford them sufficient time to prepare their Verified Petitions and
19 obtain all necessary documents.

20 6. Based on the foregoing, the parties hereby agree to:

- 21 a. Remove Brian Kabateck from the pleadings as he does not intend to appear in this
22 matter;
- 23 b. Extend the deadline for non-local counsel to file their Verified Petitions from July
24 26, 2022 to August 25, 2022, as they require more time to prepare their Verified
25 Petitions and obtain all necessary documents.

1 DATED this 22nd day of July, 2022.

2 KEMP JONES, LLP

3
4 /s/ J. Randall Jones

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15 *Attorneys for Nevada Restaurant Services, Inc.*

DATED this 22nd day of July, 2022.

WEINBERG, WHEELER, HUDGINS,
GUNN & DIAL, LLC

/s/ Howard J. Russell

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Attorneys for Defendants

EXHIBIT A

Proposed Order

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Business Entities I through X,

23 Defendants.

Case No.: 2:22-cv-01104-RFB-VCF

**[PROPOSED] ORDER FOR
CONTINUANCE OF COURT DEADLINES**
(First Request)

1 **[PROPOSED] ORDER**

2 Based on the parties' stipulation, it is hereby ordered that Brian S. Kabateck's name is
3 deemed withdrawn from the docket as counsel of record for Plaintiff, and the deadline for Shant A.
4 Karnikian and Gary C. Partamian to file their verified Petition and designation of Local Counsel is
5 continued for thirty (30) days from July 26, 2022, to August 25, 2022.
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7 **IT IS SO ORDERED:**

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10 _____
11 RICHARD F. BOULWARE, II
12 UNITED STATES DISTRICT JUDGE

13 DATED this 25th day of July, 2022.
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