

1 LIPSON NEILSON P.C.
 JOSEPH P. GARIN, ESQ.
 2 Nevada Bar No. 6653
 9900 Covington Cross Drive, Suite 120
 3 Las Vegas, Nevada 89144
 Phone: (702) 382-1500
 4 Fax: (702) 382-1512
lgarin@lipsonneilson.com

5 *Attorneys for American Federation of State, County
 6 and Municipal Employees, AFL-CIO*

7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF NEVADA**

9 PEARISON WOODS,
 10
 Plaintiff,
 11 vs.
 12 AMERICAN FEDERATION OF STATE,
 COUNTY AND MUNICIPAL EMPLOYEES,
 13 AFL-CIO; and AMERICAN FEDERATION
 OF STATE, COUNTY AND MUNICIPAL
 14 EMPLOYEES LOCAL 4041,
 15 Defendants.

Case No: 2:23-cv-01934-RFB-DJA
**DEFENDANT AMERICAN
 FEDERATION OF STATE, COUNTY
 AND MUNICIPAL EMPLOYEES, AFL-
 CIO’S MOTION FOR EXEMPTION
 FROM PERSONAL ATTENDANCE AT
 EARLY NEUTRAL EVALUATION
 CONFERENCE AND TO PERMIT
 VIRTUAL ATTENDANCE**

LIPSON NEILSON P.C.
 9900 Covington Cross Drive, Suite 120, Las Vegas, Nevada 89144
 Telephone: (702) 382-1500 Facsimile: (702) 382-1512

16
 17 Defendant AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL
 18 EMPLOYEES, AFL-CIO (“Defendant” or “AFSCME”), by and through its attorneys at
 19 LIPSON NEILSON P.C., hereby respectfully requests an exception to the early neutral
 20 evaluation (“ENE”) personal attendance requirements as stated in the “Court’s Order
 21 Resetting Early Neutral Evaluation Session (Amends ECF No 13)” (ECF No. 23).
 22 Specifically, AFSCME requests the Honorable Court enter an order excusing personal
 23 attendance and allowing representatives for Defendants and the insurer carrier to appear
 24 telephonically or virtually (video conference) for the ENE.¹

25 Fernando Colon, Esq, Associate General Counsel for AFSCME, is responsible
 26 for this matter on behalf of AFSCME. Mr. Colon resides in the Washington, DC area

27
 28 ¹ Notably, the parties stipulated to continue the ENE from March 28, 2024 based on calendar
 conflicts of counsel.

1 and he manages litigation all over the country. It would be a significant burden of time
2 (likely 3 days) and expense (likely in excess of \$3,000) for Mr. Colon to travel to Las
3 Vegas, Nevada for the ENE. Nevertheless, Mr. Colon has participated in many court
4 conferences, mediations, ENEs, and settlement conferences on a virtual basis. He is
5 fully familiar with the time and attention necessary for the ENE process. Should the
6 Court permit his virtual attendance, Mr. Colon will be available virtually throughout the
7 entire duration of the ENE and will participate in good faith.

8 In addition, AFSCME's insurer is Travelers Insurance. The Claim Executive
9 assigned to this case is Ms. Patty Dail who resides on the east coast. She also has
10 significant experience with court conferences, mediations and settlement conferences
11 and understands the time and attention needed for the ENE process. Her husband
12 frequently travels for work and has long been scheduled to travel the week of March 25.
13 She has family obligations with 2 small children. It would be a significant burden of time,
14 expense and personally if Ms. Dail were required to personally attend the ENE. She will
15 be available virtually by telephone for the duration of the ENE, and will participate in
16 good faith.

17 Wherefore, Defendant AFSCME respectfully requests this Court for an Order
18 allowing its representative, Mr. Fernando Colon, Esq., and its carrier, represented by
19 Ms. Patty Dail, to appear telephonically or by virtually for the early neutral evaluation.

20 DATED this 11th day of March, 2024.

21 LIPSON NEILSON P.C.

22 

23 By: _____
24 JOSEPH P. GARIN, ESQ.
25 Nevada Bar No. 6653
26 9900 Covington Cross Drive, Suite 120
27 Las Vegas, Nevada 89144

28 *Attorneys for American Federation of State,
County and Municipal Employees, AFL-CIO*


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of March, 2024, service of the foregoing **DEFENDANT AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO'S MOTION FOR EXEMPTION FROM ATTENDANCE AT EARLY NEUTRAL EVALUATION CONFERENCE AND TO PERMIT VIRTUAL ATTENDANCE** was made upon each party in the case who is registered as an electronic case filing user pursuant to Fed. Rule Civ. P. 5(b)(3), and Local Rule 5-4, as follows:

<p>Robert P. Spretnak, Esq. LAW OFFICES OF ROBERT P. SPRETNAK 8275 S. Eastern Avenue, Suite 200 Las Vegas, NV 89123 bob@spretnak.com</p> <p><i>Attorneys for Plaintiff</i></p>	<p>Nate Ring, Esq. REESE RING VELTO, PLLC 3100 W. Charleston Blvd., Suite 208 Las Vegas, NV 89102 nring@rvlawyers.com</p> <p><i>Attorneys for American Federation of State, County, and Municipal Employees, Local 4041</i></p>
--	--

/s/ Michele Stones
An Employee of LIPSON NEILSON P.C.

IT IS SO ORDERED. No opposition filed. The motion is granted. Local counsel for defendants must appear in person. Defendants' counsel is responsible for coordinating the telephonic or virtual appearances of Fernando Colon and Patty Dail at the ENE.



Maximiliano D. Couvillier III
United States Magistrate Judge
Dated: 3-26-24