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8 *Attorneys for Defendants Taerik Berry,*
9 *Yaqub Mustafaa, Jeremiah Schultz,*
10 *Brian Williams, and James G. Cox*

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COUNSEL/PARTIES OF RECORD	
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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

ORDER

15 CHRISTOPHER A. JONES,
16 Plaintiff,
17 vs.
18 HOWARD SKOLNIK, *et al.*,
19 Defendants.

Case No. 3:10-cv-00162-LRH-VPC
**DEFENDANTS' UNOPPOSED
MOTION TO EXCUSE THE
PARTICIPATION OF JARED M.
FROST AT THE JULY 2017
SETTLEMENT CONFERENCE**
Settlement Conference Set For
July 11, 2017

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22 Defendants Taerik Berry, Yaqub Mustafaa, Jeremiah Schultz, Brian Williams, and
23 James G. Cox, by and through counsel, Adam Paul Laxalt, Attorney General of the State
24 of Nevada, Clark G. Leslie, Chief Deputy Attorney General, and Jared M. Frost, Senior
25 Deputy Attorney General, hereby submit this motion to excuse the participation of
26 Jared M. Frost at the July 2017 settlement conference. This motion is made and based on
27 the following points and authorities, the attached Declaration of Counsel, the pleadings
28 and papers on file herein, and any other evidence the Court deems appropriate to consider.

1 **I. BACKGROUND**

2 This is an inmate civil rights lawsuit filed pursuant to 42 U.S.C. section 1983.

3 On April 26, 2017, Plaintiff filed a motion for a global settlement conference. ECF
4 No. 572. On June 2, 2017, the Court ordered the scheduling of a global settlement
5 conference for July 11, 2017, in Reno, Nevada. ECF No. 576. The settlement conference is
6 to encompass this matter and two additional matters: *Jones v. Bannister*, Case No. 3:16-
7 cv-00399; and *Jones v. Neven*, Case No. 2:07-cv-01088. *Id.*

8 In its order scheduling the global settlement conference, the Court specified that
9 “[a]ll counsel of record who will be participating in the trial of this case, all parties
10 appearing pro se, if any, and all individual parties must be present.” *Id.* at 1. The Court
11 further specified that “[a]ll parties and counsel should make arrangements to be present
12 at the settlement conference for the entire day.” *Id.*

13 On June 13, 2017, Plaintiff filed a motion to appear personally at the July 2017
14 settlement conference. ECF No. 580.

15 On June 14, 2017, Defendants filed an omnibus motion to excuse their participation
16 at the July 2017 settlement conference. ECF No. 581. Plaintiff did not oppose the motion.
17 ECF No. 582.

18 On June 20, 2017, the Court granted Defendants’ omnibus motion in part. ECF No.
19 583. Pursuant to the Court’s order , Defendant Isidro Baca is required to attend the July
20 2017 conference, and the participation of all other Defendants is excused. *Id.*

21 On June 21, 2017, all remaining Defendants in this case filed a Notice Of Intent To
22 Proceed By Joint Representation. ECF No. 584.

23 On June 26, 2017, the Court granted Plaintiff’s motion to appear personally at the
24 July 2017 settlement conference. ECF No. 587.

25 This motion to excuse the participation of Jared M. Frost follows.

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1 **II. ARGUMENT**

2 Good cause supports excusing Jared M. Frost from participating at the July 2017
3 settlement conference. In addition to an NDOC representative, Warden Baca, and the Tort
4 Claims Manager, there are three attorneys planning to attend the settlement conference
5 on behalf of the various Defendants: Chief Deputy Attorney General Clark Leslie, Deputy
6 Attorney General Ben Johnson, and Deputy Attorney General Ian Carr. Each of these
7 attorneys is based in Northern Nevada. However, the undersigned is based in Las Vegas
8 and would be required to travel and accrue related costs for the conference. *See Exhibit 1*
9 (Declaration of Counsel).

10 In addition, Defendants submit that the undersigned's participation in the July 2017
11 settlement conference is unnecessary. All Defendants in this matter recently filed a Notice
12 Of Intent To Proceed By Joint Representation, informing the Court that they had waived
13 any potential conflict in this matter. *See ECF No. 584*. Consequently, Defendants Berry
14 and Mustafaa will not require separate counsel at the settlement conference, and Mr. Leslie
15 will be able to adequately represent the interests of all Defendants in this case.

16 Furthermore, Plaintiff does not object to Defendants' request, and the motion is
17 consequently unopposed. *See Exhibit 1*.

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1 **III. CONCLUSION**

2 The Court should grant Defendants' motion to excuse the participation of Jared M.
3 Frost at the July 2017 settlement conference.

4 DATED this 27th day of June, 2017.

5 ADAM PAUL LAXALT
6 Attorney General

7 By: /s/ Jared M. Frost
8 JARED M. FROST (Bar No. 11132)
9 Senior Deputy Attorney General
10 CLARK G. LESLIE (Bar No. 10124)
11 Chief Deputy Attorney General

12 *Attorneys for Defendants*

13 IT IS SO ORDERED.

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15 DATED June 29, 2017.

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19 UNITED STATES MAGISTRATE JUDGE
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CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on June 27, 2017, I electronically filed the foregoing **DEFENDANTS' UNOPPOSED MOTION TO EXCUSE THE PARTICIPATION OF JARED M. FROST AT THE JULY 2017 SETTLEMENT CONFERENCE** via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically. For those parties not registered, service was made by depositing a copy for mailing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada, addressed to the following:

Christopher A. Jones, #50600
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89702
Plaintiff Pro Se

/s/ Carol A. Knight
CAROL A. KNIGHT, an employee of the
Office of the Nevada Attorney General

EXHIBIT 1

Declaration of Counsel

EXHIBIT 1

1 ADAM PAUL LAXALT
 Attorney General
 2 CLARK G. LESLIE (Bar No. 10124)
 Chief Deputy Attorney General
 3 JARED M. FROST (Bar No. 11132)
 Senior Deputy Attorney General
 4 State of Nevada
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Attorneys for Defendants Taerik Berry,
 9 Yaqub Mustafaa, Jeremiah Schultz,

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 13 UNITED STATES DISTRICT COURT
 14 DISTRICT OF NEVADA

15 CHRISTOPHER A. JONES,
 16 Plaintiff,

Case No. 3:10-cv-00162-LRH-VPC

17 vs.

DECLARATION OF COUNSEL

18 HOWARD SKOLNIK, et al.,
 19 Defendants.

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 21 I, JARED M. FROST, hereby declare, based on personal knowledge and/or
 22 information and belief, that the following assertions are true:

23 1. I am a Senior Deputy Attorney General employed by the Nevada Attorney
 24 General in the Litigation Division, and I make this declaration in support of Defendants'
 25 Unopposed Motion To Excuse The Participation Of Jared M. Frost At The July 2017
 26 Settlement Conference.

27 2. I currently reside in the Las Vegas area and would be required to travel to
 28 attend the July 2017 settlement conference scheduled in this matter for July 11, 2017. In

1 the event that I am required to personally participate at the conference, the State would
2 be required to absorb the related travel, lodging, and meal costs.

3 3. All remaining Defendants in this matter have consented to joint
4 representation, and Chief Deputy Attorney General Clark Leslie will therefore be able to
5 adequately represent the interests of all Defendants at the settlement conference.

6 4. On June 27, 2017, I spoke with Plaintiff by phone and discussed my intent to
7 file this request to be excused from participating at the July 2017 settlement conference.
8 Plaintiff indicated that he did not oppose the request.

9 Pursuant to 28 U.S.C. section 1746, Declarant certifies, under penalty of perjury,
10 that the foregoing is true and correct.

11 DATED this 27th day of June, 2017.

12 ADAM PAUL LAXALT
13 Attorney General

14 By: /s/ Jared M. Frost
15 JARED M. FROST (Bar No. 11132)
16 Senior Deputy Attorney General

17 Attorneys for Defendants
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