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9 *Attorneys for Defendant Julie Rexwinkel*

10 **IN THE UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

12 COUNTRY JOE STEVENS

13 Plaintiff,

14 vs.

15 CO. A. JUNGEN, et al.

16 Defendants.

Case No. 3:11-cv-00558-LRH-VPC

**MOTION FOR ALTERNATIVE PRESENCE OF
 COUNSEL AT SETTLEMENT CONFERENCE**

17 Defendant, Julie Rexwinkel, by and through counsel, Adam Paul Laxalt, Attorney
 18 General of the State of Nevada, and Micheline N. Fairbank, Senior Deputy Attorney General
 19 (SDAG), and Chaz W. Lehman, Deputy Attorney General (DAG), respectfully moves for leave
 20 of the court to permit alternative presence of counsel at the settlement conference scheduled
 21 pursuant to Order Scheduling Settlement Conference (#98)¹. This Motion is made pursuant to
 22 LR 7-2 and based upon the following Memorandum of Points and Authorities and all papers
 23 and pleadings on file in this action.

24 **MEMORANDUM OF POINTS AND AUTHORITIES**

25 In this Court's December 8, 2014, Order Scheduling Settlement Conference (#98), the
 26 Court ordered "[a]ll counsel of record who will be participating in the trial of this case . . . must
 27

28 _____
¹ This number refers to the Court's docket number.

1 be present." (*Id.* at 1:15-16). Defense Counsel SDAG Micheline N. Fairbank had an
2 unanticipated conflict arise on her calendar when the Eighth Judicial District Court in and for
3 Clark County, Nevada, issued an order setting a hearing with personal appearance by
4 counsel for March 24, 2015, at 9:00 a.m. Accordingly, SDAG Fairbank cannot be personally
5 present at the settlement conference scheduled in this matter and the hearing set in Las
6 Vegas for the same date and time. Because of this conflict, Defendant seeks leave of the
7 court to permit just one of the two attorneys representing Defendant to appear at the
8 Settlement Conference scheduled for March 24, 2015, at 9:00 a.m.

9 Defendant and defense counsel do not wish to delay trial or settlement negotiations in
10 this matter; on this basis Defendant seeks leave to allow one of the attorneys in this matter to
11 appear at the settlement conference. Appearing at the settlement conference on behalf of
12 Defendant will be DAG Chaz W. Lehman, who is co-counsel in this matter. DAG Lehman is
13 fully apprised of the facts, circumstances, claims, defenses, and prior settlement negotiations
14 relevant in this matter and he is fully prepared to engage in good faith settlement negotiations
15 with Plaintiff with respect to this matter.

16 Accordingly, Defendant seeks leave of the court to permit just one of the two attorneys
17 representing Defendant to appear at the Settlement Conference scheduled for March 24,
18 2015, at 9:00 a.m. so as to alleviate the scheduling conflict present in defense counsel's
19 schedule as well as not delaying the proceedings in this matter.

20 Based upon the foregoing, Defendant respectfully requests that the Court grant this
21 Motion with respect to the requirement that all counsel who will be participating in trial appear
22 at the settlement conference and permit just DAG Lehman to appear on behalf of Defendant.

23 Dated this 17th day of March, 2015.

ADAM PAUL LAXALT
Attorney General

24 By *Micheline N. Fairbank*
25 MICHELINE N. FAIRBANK
26 Senior Deputy Attorney General
27 CHAZ W. LEHMAN
28 Deputy Attorney General
Bureau of Litigation
Public Safety Division
Attorneys for Defendant

IT IS SO ORDERED

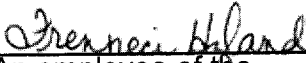
Valerie A. Forke
U.S. MAGISTRATE JUDGE

DATED: *March 18, 2015*

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 17th day of March, 2015, I have caused a copy of the foregoing **MOTION FOR ALTERNATIVE PRESENCE OF COUNSEL AT SETTLEMENT CONFERENCE** to be served, by U.S. District court CM/ECF Electronic Filing to the following:

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An employee of the
Office of the Attorney General