UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNION PACIFIC RAILROAD COMPANY, a Delaware corporation,

Plaintiff,

v.

WINECUP GAMBLE, INC., a Nevada corporation; DOES 1-5, DOE Entities 1-5.

Defendants.

Case No. 3:17-cv-00477-LRH-CBC

ORDER FOR EXTENSION OF DEADLINES TO FILE RESPONSE TO DEFENDANT'S MOTION FOR ATTORNEY'S FEES, OF DEADLINES FOR REPLY THERETO AND EXTENSION OF DEADLINE TO RESPOND TO PLAINTIFF'S MOTION AND MEMORANDA FOR JUDGMENT AS A MATTER OF LAW, OR, ALTERNATIVELY, A NEW TRIAL, AND REPLY THERETO.

[*FIRST AND SECOND REQUESTS*]

IT IS HEREBY STIPULATED by and between the parties hereto and their respective counsel that the deadline for Plaintiff to file its Response to Defendant's Motion for Attorneys' Fees and Related Nontaxable Expenses (ECF No. 285) ("Response") is further extended by one week until November 11, 2022, in the above-entitled matter. If extended, Defendant shall then have until December 2, 2022 to file its Reply. This is the second stipulation for an extension of time to file the Response, which deadline was previously extended by one-week. This request is being made to enable counsel, including local counsel, to thoroughly review and consider the trial record in this matter which is necessary to portions of the intended Response. The official trial transcript is presently unavailable despite the concerted efforts of the court reporter, who reports experiencing back-to-back trials and working evenings toward the official trial transcript. Counsel are hopeful that the additional time will allow for preparation of the official trial record to which the parties may reliably cite for purposes of the post-trial briefing. This request is made in good faith and in the spirit of continuing cooperation among the parties and counsel, and not for purposes of delay.

IT IS FURTHER HEREBY STIPULATED that, due to the present unavailability of the official trial transcript and Plaintiff's expressed intention to update its Motion and Memoranda for Judgment as a Matter of Law Alternatively, a New Trial to include citations to the trial transcript, Defendant shall have until the later date of (i) December 2, 2022 or (ii) 14 days after Plaintiff files its updated Motion, to file its Response to Plaintiff's updated Motion. That Response is currently due on November 11, 2022. Upon Defendant receiving this extension, Plaintiff shall have until the latter of (i) December 12, 2022 or (ii) ten days after Defendant files is Response, in order to file a Reply. This is the first stipulation for an extension of time by either party relative to Plaintiff's Motion. This request is being made both to facilitate the extension sought by Plaintiff above, to fairly adjust the briefing schedule accordingly and in consideration of the Thanksgiving holiday, and to allow more time for the completion and preparation of the official trial transcript. The trial transcript is integral to Plaintiff's Motion and to Defendant's Response. This request is made in

good faith and in the spirit of continuing cooperation among the Parties and not for purposes of delay.

IT IS FURTHER STIPULATED that if the trial transcript is delayed beyond November 18, 2022, a further extension of the dates may be needed and sought by the parties.

DATED: November 3, 2022.

PARSONS BEHLE & LATIMER
Michael R. Kealy, Esq., Nevada Bar No. 971
Ashley C. Nikkel, Esq., Nevada Bar No. 12838
50 W. Liberty Street, Suite 750
Reno, Nevada 89501
Telephone: (775) 323-1601
Facsimile: (775) 348-7250
Email: MKealy@parsonsbehle.com
ANikkel@parsonsbehle.com

SHOOK HARDY & BACON LLP
Gary M. Elden (Admitted Pro Hac Vice)
Riley C. Mendoza (Admitted Pro Hac Vice)
Peter F. O'Neill (Admitted Pro Hac Vice)
Kathleen M. Ryan (Admitted Pro Hac Vice)
111 S. Wacker Drive
Chicago Illinois 60657
Telephone: (312) 704-7700
Email: gelden@shb.com
rmendoza@shb.com
pfoneill@shb.com
kxryan@shb.com

Attorneys for Plaintiff
Union Pacific Railroad Company

DATED: November 3, 2022.

/s/ Michael R. Menssen
William E. Peterson, Esq.
Janine C. Prupas, Esq.
Snell & Wilmer, LLP
50 West Liberty Street, Suite 510
Reno, Nevada 89501
Email: wpeterson@swlaw.com
Email: jprupas@swlaw.com

David J. Jordan, Esq.
Foley & Lardner LLP
299 South Main Street, Suite 2000
Salt Lake City, UT 84111
Email: djordan@foley.com

Michael R. Menssen, Esq.
Mayer & Brown LLP
10 W. Broadway, Suite 700
Salt Lake City, UT 84101
Email: mmenssen@mayerbrown.com

Attorneys for Defendant Winecup Gamble, Inc. and for Defendant Paul Fireman

IT IS SO ORDERED.

DATED: November7, 2022

UNITED STATES DISTRICT JUDGE