

1 PARSONS BEHLE & LATIMER
2 Michael R. Kealy, Esq., NV Bar No. 971
3 Ashley C. Nikkel, Esq., NV Bar No. 12838
4 50 W. Liberty Street, Suite 750
5 Reno, Nevada 89501
6 Telephone: (775) 323-1601
7 Email: mkealy@parsonsbehle.com
8 anikkel@parsonsbehle.com

9 *Attorneys for Plaintiff*
10 *Union Pacific Railroad Company*

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p>MAY 11 2018</p> </div>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE DISTRICT OF NEVADA

14 UNION PACIFIC RAILROAD COMPANY,
15 a Delaware corporation,

16 Plaintiff,

17 v.

18 WINECUP GAMBLE, INC., a Nevada
19 corporation; and PAUL FIREMAN, an
20 individual,

21 Defendants.

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

**STIPULATION AND ORDER TO
VACATE CASE MANAGEMENT
CONFERENCE**

22 Plaintiff UNION PACIFIC RAILROAD COMPANY ("Plaintiff"), Defendant WINECUP
23 GAMBLE, INC., and Defendant PAUL FIREMAN ("Defendants") hereby stipulate and request
24 that the case management conference scheduled for May 14, 2018 at 10:00 a.m. be vacated.

25 In support of this request, the parties stipulate:

- 26 1. Defendant Fireman served Plaintiff with his First Set of Discovery Requests,
27 consisting of interrogatories and requests for production of documents on December 18, 2017.
- 28 2. Plaintiff provided responses to the interrogatories and requests for production of
documents on January 29, 2018.

1 3. Due to objections to many of the requests for production of documents, the parties
2 held a telephonic meet and confer on February 2, 2018.

3 4. Plaintiff disclosed documents UP-004880 through UP-006265 in response to the
4 requests for production of documents on April 13, 2018. Plaintiff will continue to produce
5 documents in response to the requests on a rolling basis, because they are voluminous.

6 5. On March 6, 2018, Plaintiff served Defendant Winecup Gamble, Inc. with its first
7 set of interrogatories and requests for production of documents. The responses were submitted on
8 April 12, 2018, and Defendant has indicated the documents will be produced on Friday, May 11,
9 2018.

10 6. Defendants took the deposition of the Person Most Knowledgeable of the Nevada
11 Division of Water Resources on April 18, 2018. The Nevada Division of Water Resources
12 disclosed documents to Defendants prior to that deposition, but did not provide the documents to
13 Plaintiff until the deposition began.

14 7. The parties held a telephone conference on May 9, 2018, and discussed a number of
15 outstanding discovery issues, including the status of Defendants' initial disclosures and document
16 responses to Plaintiff's request for production of documents, clarification of Plaintiff's
17 supplemental disclosure and amended interrogatories, and potential future site visits.

18 Therefore, there are no discovery issues at this time to bring before the Court.

19 WHEREFORE, Plaintiff and Defendants request that the case management conference
20 scheduled for May 14, 2018 at 10:00 a.m. be vacated.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STIPULATED AND AGREED to on this 10th day of May, 2018.

Respectfully submitted,
PARSONS BEHLE & LATIMER

Respectfully submitted,
SNELL & WILMER, L.L.P.

/s/ Ashley C. Nikkel
Michael R. Kealy, Bar No. 971
Ashley C. Nikkel, Bar No. 12838
50 W. Liberty Street, Suite 750
Reno, Nevada 89501
Telephone: (775) 323-1601
Email: mkealy@parsonsbehle.com
anikkel@parsonsbehle.com

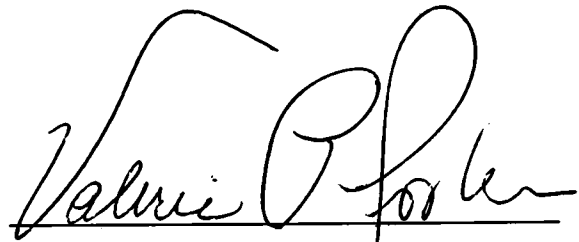
/s/ Michael R. Menssen
William E. Peterson, Bar No. 1525
Ryan Stodtmeister, Bar No. 14281
- and -
David J. Jordan, (Admitted Pro Hac Vice)
Michael R. Menssen, (Admitted Pro Hac Vice)
Stoel Rives, LLP

*Attorneys for Plaintiff Union
Pacific Railroad Company*

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

IT IS SO ORDERED.

DATED: May 11, 2018


United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the law firm of Parsons Behle & Latimer and that on the 10th day of May, 2018, I filed a true and correct copy of the foregoing

STIPULATION AND ORDER TO VACATE CASE MANAGEMENT CONFERENCE

with the Clerk through the Court's CM/ECF system, which sent electronic notification to all registered users as follows:

William E. Peterson, Bar No. 1525
Ryan Stodtmeister, Bar No. 14281
50 W. Liberty Street, Suite 510
Reno, Nevada 89501
Telephone: (775) 785-5440
Email: wpeterson@swlaw.com
rstodtmeister@swlaw.com

David J. Jordan, (Admitted Pro Hac Vice)
Michael R. Menssen, (Admitted Pro Hac Vice)
Stoel Rives, LLP
201 S. Main Street, Suite 1100
Salt Lake City, UT 84111
Telephone: (801) 328-3131
Email: david.jordan@stoel.com
michael.menssen@stoel.com

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

/s/ Tracy L. Brown
Employee of Parsons Behle & Latimer