

1 DEANNA L. FORBUSH (6646)  
**FOX ROTHSCHILD LLP**  
2 1980 Festival Plaza Drive, #700  
Las Vegas, Nevada 89135  
3 (702) 262-6899 tel  
(702) 597-5503 fax  
4 dforbush@foxrothschild.com  
*Attorneys for Defendant Keolis Transit America, Inc.*  
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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 TEAMSTERS, CHAUFFEURS,  
WAREHOUSEMEN AND HELPERS AND  
11 PROFESSIONAL, CLERICAL, PUBLIC  
AND MISCELLANEOUS EMPLOYEES,  
12 LOCAL UNION NO. 533,

Case No.: 3:21-CV-00167-MMD-CLB

**DEFENDANT KEOLIS TRANSIT  
AMERICA, INC.’S MOTION FOR  
EXTENSION OF TIME TO RESPOND  
TO PLAINTIFF’S PETITION**

13 Petitioner,

14 v.

15 KEOLIS TRANSIT AMERICA, INC., A  
Delaware Corporation;

16 Respondent.  
17

18 Respondent, Keolis Transit America, Inc. (“Keolis”), by and through its undersigned  
19 counsel and pursuant to Nev. R. Civ. P. 6(b)(1)(B)(i), hereby files this Motion for Extension of  
20 Time to Respond to the Petition filed by Petitioner, Teamsters, Chauffeurs, Warehousemen,  
21 Helpers, and Professional, Clerical, Public, and Miscellaneous Employees, Local Union No.  
22 533 (the “Union”) originally due May 5, 2021, and in support states:

23 1. The Union filed the instant matter on April 9, 2021.

24 2. Keolis’ lead counsel, Arturo Ross, Esquire, joined Fox Rothschild, LLP on  
25 April 5, 2021, and has been diligently working to transfer client files from his former firm. Mr.  
26 Ross brought in excess of 250 matters with him, many of which, including the instant matter,  
27 are being assigned to other lawyers at Fox Rothschild due to the volume.

28 3. On April 14, 2021, counsel for the Union, Matthew J. Gauger, sent a letter to

1 Mr. Ross enclosing a courtesy copy of the “Complaint” [sic] and stating that “Tiffany Crain  
2 will follow-up with you regarding Waiver of Service and other procedural matters once she  
3 returns next week.” (A true and correct copy of the letter is attached as **Exhibit “A.”**)

4 4. According to the docket, notwithstanding the Union’s representation regarding  
5 Waiver of Service (“Waiver”), without making contact with Respondent’s counsel, Ms. Crain  
6 filed a return of service of summons on April 21, 2021.

7 5. On April 26, 2021, counsel for Keolis wrote to Union counsel and inquired  
8 about the waiver, or in the alternative, seeking a brief extension of time of until May 26, 2021,  
9 within which to file a responsive pleading. (A true and correct copy of the email is attached as  
10 **Exhibit “B.”**)

11 6. On April 28, 2021, Ms. Crain responded refusing all professional courtesy and  
12 denying the request, stating that the “matter is urgent and cannot afford delay.” This, despite  
13 that fact that had Keolis executed a Waiver, the response date would be June 14, 2021, at the  
14 earliest. (A true and correct copy of the letter is attached as **Exhibit “C.”**)

15 7. This is the Respondent’s first request for an extension of time to file a reply.

16 8. The Union is seeking to enforce an arbitration award, despite that the matter is  
17 not yet ripe for consideration by this Court.

18 9. Defendant requires additional time to adequately brief the issues before the  
19 Court.

20 10. The extension of time requested herein is not sought for purposes of delay or  
21 any other improper purpose.

22 11. This matter is not set for trial and neither the parties, nor the Court, will be  
23 prejudiced as a result of the extension of time requested herein.

24 12. In light of the foregoing, Defendant requests an additional twenty (21) days to  
25 respond to Plaintiff’s Petition. Accordingly, provided the instant request is granted, Defendant  
26 will serve a response to the Complaint on or before May 26, 2021.

27 ///

28

1 WHEREFORE, Defendant, Keolis Transit America, Inc. respectfully requests entry of  
2 an Order granting an extension of time within which to serve a response to Plaintiff's Petition to  
3 and including May 26, 2021 and granting such other and further relief as is just and proper.

4 Dated this 3<sup>rd</sup> day of May, 2021.

5 **FOX ROTHSCHILD LLP**

6 */s/ Deanna L. Forbush*

7 DEANNA L. FORBUSH (6646)

8 1980 Festival Plaza Drive, #700

9 Las Vegas, Nevada 89135

Attorneys for Respondent

Keolis Transit America, Inc.

10  
11 IT IS SO ORDERED.

12 Dated: May 3, 2021

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15 UNITED STATES MAGISTRATE JUDGE

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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Fox Rothschild LLP, and that on the 3<sup>rd</sup> day of May, 2021, a copy of the foregoing **DEFENDANT KEOLIS TRANSIT AMERICA, INC.’S MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF’S PETITION** was served via the Court’s electronic filing system to the parties listed below:

Kristina L. Hillman  
Tiffany L. Crain  
Sean W. McDonald  
Law Offices of Kristina L. Hillman  
Affiliated with Weinberg, Roger & Rosenfeld  
1594 Mono Avenue  
P.O. Box 1987  
Minden, Nevada 89423  
*Attorneys for Petitioner*

*/s/ Natasha Martinez*  
An employee of Fox Rothschild LLP

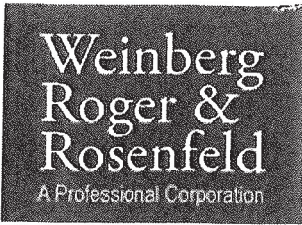
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**INDEX OF EXHIBITS**

<b>EXHIBIT</b>	<b>DESCRIPTION</b>
A	Letter from Matthew J. Gauger to Arturo Ross, dated April 14, 2021
B	Email from Lori Armstrong Halber to Dusty James and Matthew Gauger, dated April 26, 2021
C	Letter from Kristina L. Hillman to Lori Armstrong Halber, dated April 28, 2021

# **EXHIBIT A**

**Letter from Matthew J. Gauger  
to Arturo Ross, dated April 14,  
2021**



431 I Street, Suite 202  
Sacramento, California 95814  
TELEPHONE: (916) 443-6600  
FACSIMILE: (916) 442-0244  
Matthew J. Gauger  
mgauger@unioncounsel.net

STEWART WEINBERG  
DAVID A. ROSENFELD  
WILLIAM A. SOKOL  
ANTONIO RUIZ  
MATTHEW J. GAUGER  
ASHLEY K. IKEDA  
LINDA BALDWIN JONES  
PATRICIA A. DAVIS  
ALAN G. CROWLEY  
KRISTINA L. HILLMAN  
BRUCE A. HARLAND  
CONCEPCION E. LOZANO-BATISTA  
CAREN P. SENCER  
ANNE I. YEN  
KRISTINA M. ZINNEN  
JANNAH V. MANANSALA  
MANUEL A. BOIGUES  
KERIANNE R. STEELE  
GARY P. PROVENCHER  
EZEKIEL D. CARDER  
LISL R. SOTO  
JOLENE KRAMER  
ALEJANDRO DELGADO  
CAITLIN E. GRAY  
TIFFANY L. CRAIN  
XOCHITL A. LOPEZ

April 14, 2021

**VIA EMAIL ONLY**

Mr. Arturo Ross  
Fox Rothschild, LLP  
One Biscayne Tower  
2 South Biscayne Blvd., Suite 2750  
Miami, FL 33131  
Email: aross@foxrothschild.com

DAVID W.M. FUJIMOTO  
ALEXANDER S. NAZAROV  
THOMAS GOETHEIL (1986-2019)  
JERRY P.S. CHANG  
ANDREA C. MATSUOKA  
KATHARINE R. McDONAGH  
BENJAMIN J. FUCHS  
WILLIAM T. HANLEY  
ABEL RODRIGUEZ  
COREY T. KNISS  
BISMA SHAHBAZ  
SEAN W. McDONALD  
DANIELA A. ARGHILA  
ALAINA L. GILCHRIST  
MATTHEW J. ERLE  
KARA L. GORDON  
P. ANN SURAPRUIK  
MAXIMILLIAN D. CASILLAS

**Re: Teamsters Local 533 v. Keolis Transit America, Inc.  
U.S. District Court, District of Nevada, Case No. 3:21-cv-00167-MMD-CLB**

Dear Mr. Ross:

Please find attached a courtesy copy of the Complaint our office filed against Keolis last week. Tiffany Crain will follow-up with you regarding Waiver of Service and other procedural matters once she returns next week.

In the meantime, please contact me if you have any questions or concerns.

Sincerely,

Matthew J. Gauger

**OF COUNSEL**

ROBERTA D. PERKINS  
NINA FENDEL  
ROBERT E. SZYKOVINY  
ANDREA K. DON  
LORI K. AQUINO

• Admitted in Hawaii  
• Also admitted in Nevada  
• Also admitted in Illinois  
• Also admitted in New York and Alaska  
• Also admitted in Minnesota  
• Admitted in Nevada and Washington

MJG:daj  
opeiu 29 afl-cio(1)  
Enclosures  
cc: Clients  
Tiffany Crain  
Sean McDonald

150712\1161728

# **EXHIBIT B**

**Email from Lori Armstrong  
Halber to Dusty James and  
Matthew Gauger, dated April  
26, 2021**



**From:** Armstrong Halber, Lori  
**Sent:** April 26, 2021 2:37 PM  
**To:** djames@unioncounsel.net; mgauger@unioncounsel.net  
**Cc:** tcrain@unioncounsel.net; smcdonald@uioncounsel.net; Ross, Arturo <ARoss@foxrothschild.com>; Rivera, Kimberly R. <KRivera@foxrothschild.com>  
**Subject:** FW: Teamsters Union Local 533 v. Keolis Transit America/USDC District of Nevada Case No. 3:21-00167-MMD-CLB

Good afternoon,

I write in response to your below email. I will be representing Keolis Transit America in the above-referenced matter.

While we would be interested in executing a waiver of service of summons, it appears from the docket that your firm filed proof of service on April 21 showing a service date of April 14, which is the same date as your below email. As you may know, Mr. Ross only recently transitioned to Fox Rothschild and we are still working through transitioning files, etc. Accordingly, insofar as it appears we cannot now execute the waiver, would you be willing to enter into a stipulation extending the time in which to file a response until May 26, 2021?

Finally, shall we schedule time to discuss the issues in the case and see whether there may be a resolution that would avoid litigation?

**Lori Armstrong Halber**

**Partner**

**Fox Rothschild LLP**

Stone Manor Corporate Center

2700 Kelly Road, Suite 300

Warrington, PA 18976

(215) 918-3543 – direct

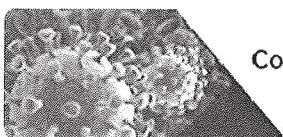
(215) 519-7798 – cell

(215) 345-7507 – fax

[LArmstrongHalber@foxrothschild.com](mailto:LArmstrongHalber@foxrothschild.com)

[www.foxrothschild.com](http://www.foxrothschild.com)

[Bio](#) [vCard](#) [LinkedIn](#)



**Coronavirus (COVID-19)**  
Resource Center

**From:** Dusty James <[DJames@unioncounsel.net](mailto:DJames@unioncounsel.net)>

**Sent:** Wednesday, April 14, 2021 12:23 PM

**To:** Ross, Arturo <[ARoss@foxrothschild.com](mailto:ARoss@foxrothschild.com)>

**Cc:** Matt Gauger <[MGauger@unioncounsel.net](mailto:MGauger@unioncounsel.net)>; Tiffany Crain <[tcrain@unioncounsel.net](mailto:tcrain@unioncounsel.net)>; Sean W. McDonald <[SMcdonald@unioncounsel.net](mailto:SMcdonald@unioncounsel.net)>

**Subject:** [EXT] Teamsters Union Local 533 v. Keolis Transit America/USDC District of Nevada Case No. 3:21-00167-MMD-CLB

Dear Mr. Ross:

Attached please find correspondence from Matthew Gauger in the above-referenced matter. If you cannot open the documents, please contact me. Thank you.

*Dusty Ann James, opeiu 29 afl-cio(1)*

*Legal Secretary to Matthew J. Gauger, Gary Provencher, Tiffany Crain Altamirano, Andrea Matsuoka, Abel Rodriguez, III and Sean W. McDonald*

*Weinberg Roger & Rosenfeld*

*431 I Street, Suite 202*

*Sacramento, Ca 95814*

*916 443-6600 Office*

*916 442-0244 Fax*

Please note our new address.

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in or attached to the message. If you have received the message in error, please advise the sender by reply e-mail at [mgauger@unioncounsel.net](mailto:mgauger@unioncounsel.net) and delete the message.

# **EXHIBIT C**

**Letter from Kristina L. Hillman  
to Lori Armstrong Halber,  
dated April 28, 2021**

**LAW OFFICES OF KRISTINA L. HILLMAN**

Kristina L. Hillman  
Kerianne R. Steele  
Tiffany Crain Altamirano  
Sean W. McDonald

1594 Mono Avenue  
P.O. Box 1987  
Minden, Nevada 89423  
Telephone 775-770-4832  
Fax 775-782-6932

April 28, 2021

**VIA EMAIL AND U.S. MAIL**

Ms. Lori Armstrong Halber  
Fox Rothschild LLP  
Stone Manor Corporate Center  
2700 Kelly Road, Suite 300  
Warrington, PA 18976  
LArmstrongHalber@foxrothschild.com

**Re: Teamsters Local 533 v. Keolis Transit America, Inc.  
U.S. District Court, District of Nevada, Case No. 3:21-cv-00167-MMD-CLB**

Dear Ms. Armstrong Halber:

I am writing to follow up on your email of Monday, April 26, 2021 in which you asked for an extension to file a responsive pleading and inquired as to my availability to discuss settlement. Please provide your availability to discuss via email, or by calling me at (916) 443-6600.

Regarding your request for an extension of time to file a responsive pleading, by our calculation, the employer's responsive pleading is due on May 5, 2021. Our office generally grants extensions with due consideration for the mutual need from one another in order to conduct cases in a civilized manner. However, this matter is urgent and cannot afford delay. Further, you have provided no legal basis for an extension. Therefore, we are unwilling to stipulate to any extensions.

Please contact me if you have any questions or concerns.

Sincerely,



Tiffany L. Crain

TLC:tg  
opeiu 29 afl-cio(1)  
cc: Client

150712\1165408

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*Affiliated with*  
*Weinberg, Roger & Rosenfeld, A Professional Corporation*

EMERYVILLE OFFICE  
1375 55<sup>th</sup> Street  
Emeryville, CA 94608-2609  
Tel 510.337.1001 FAX 510.337.1023

SACRAMENTO OFFICE  
431 I Street, Suite 202  
Sacramento, CA 95814-3314  
TEL 916.443.6600 FAX 916.442.0244

HONOLULU OFFICE  
Central Pacific Plaza  
220 S. King Street, Suite 901  
Honolulu, HI 96813-4500  
TEL 808.528.8880 FAX 808.528.8881

LOS ANGELES OFFICE  
800 Wilshire Boulevard, Suite 1020  
Los Angeles, CA 90017  
TEL 213.380.2344 FAX 213.443.5098