

1 Mark Mausert
2 NV Bar No. 2398
3 729 Evans Avenue
4 Reno, NV 89512
5 (775) 786-5477
6 Fax (775) 786-9658
7 mark@markmausertlaw.com
8 *Attorney for Plaintiff*

9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **IN AND FOR THE DISTRICT OF NEVADA**

12 SUSANA UPTON,

13 Plaintiff,

14 vs.

15 RESOLUTE CAPITAL PARTNERS
16 LTD.,

17 Defendant.

18 Case No.: 3:21-cv-00270-LRH-WGC

19 **STIPULATION AND ORDER TO
20 ALLOW PLAINTIFF TO FILE A
21 SECOND AMENDED COMPLAINT**

22 IT IS HEREBY STIPULATED by and between Plaintiff SUSANA UPTON (“Plaintiff”),
23 through her counsel, Mark Mausert, and Defendant RESOLUTE CAPITAL PARTNERS, LTD.
24 (“Defendant”), through its counsel Simons Hall & Johnston PC, as follows:

- 25 1. Plaintiff’s First Amended Complaint was filed on July 16, 2021. Defendant filed its Motion
26 to Dismiss First Amended Complaint on August 23, 2021. Plaintiff filed her Opposition to
27 Defendant’s Motion to Dismiss on September 2, 2021. On September 2, 2021, the parties
28 were notified of the Defendant’s correct name, RCP-LTD, LLC.
29
30 2. The parties agree that Plaintiff shall be permitted to file a Second Amended Complaint
31 within 7 days of this filing for the limited purpose of changing the name to the proper
32

1 Defendant, RCP-LTD, LLC. Because the Plaintiff will only be changing the name of the
2 Defendant, the Parties agree that briefing should continue on the pending Motion to
3 Dismiss.

4 3. This Stipulation is made in good faith and not for the purpose of delay.
5

6 DATED this 9th day of September, 2021.
7 LAW OFFICE OF MARK MAUSERT

8 /s/ Mark Mausert
9 Mark Mausert
10 729 Evans Avenue
11 Reno, Nevada 89512

12 *Attorney for Plaintiff*

5 DATED this 9th day of September, 2021.
6 SIMONS HALL & JOHNSTON PC

7 /s/ Jonathan McGuire
8 Anthony Hall
9 Jonathan McGuire
10 6490 S. McCarran Blvd., Suite F-46
11 Reno, Nevada 89509

12 *Attorneys for Defendant*

13
14
15
16 **ORDER**

17 IT IS SO ORDERED:

18
19 *Walter G. Cobb*
20 UNITED STATES MAGISTRATE JUDGE

21 DATED: September 9, 2021