

1 **JEFFERY A. BENDAVID, ESQ.**

2 Nevada Bar No. 6220

3 **STEPHANIE J. SMITH, ESQ.**

4 Nevada Bar No. 11280

5 **MORAN BRANDON BENDAVID MORAN**

6 630 South 4<sup>th</sup> Street

7 Las Vegas, Nevada 89101

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9 [j.bendavid@moranlawfirm.com](mailto:j.bendavid@moranlawfirm.com)

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Elizabeth A. Brown  
Clerk of Supreme Court

10 **GREGORY J. KAMER, ESQ.**

11 Nevada Bar No. 0270

12 **KAITLIN H. ZIEGLER, ESQ.**

13 Nevada Bar No. 013625

14 **KAMER ZUCKER ABBOTT**

15 3000 W. Charleston Blvd., #3

16 Las Vegas, Nevada 89102

17 (702) 259-8640

18 *Attorneys for Respondent*

19 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

20 JACQUELINE FRANKLIN,  
21 ASHLEIGH PARK, LILY  
22 SHEPARD, STACIE ALLEN,  
23 MICHAELA DEVINE,  
24 KARINA STRELKOVA, and  
25 DANIELLE LAMAR,  
26 individually and on behalf of a  
27 class of similarly situated  
28 individuals,

Appellants,

vs.

RUSSEL ROAD FOOD AND  
BEVERAGE, LLC,

Respondent.

Case No. 74332

**RESPONDENT, RUSSELL  
ROAD FOOD AND  
BEVERAGE, LLC'S  
MOTION TO ACCOMMODATE  
ORAL ARGUMENT IN LAS  
VEGAS, NEVADA OR  
ALTERNATIVELY CONTINUE  
ORAL ARGUMENT  
PURSUANT TO NRAP 34(a)**



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ATTORNEYS AT LAW

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1 Respondent, Russell Road Food and Beverage, LLC (“Russell Road”  
2 and/ or “Respondent”), by and through its attorneys of record, Jeffery A.  
3 Bendavid, Esq., and Stephanie J. Smith, Esq., of Moran Brandon Bendavid  
4 Moran hereby moves the Court for an accommodation or, alternatively to  
5 continue the argument currently set for May 6, 2019 at 4:30 p.m. in Carson  
6 City, Nevada, before the Supreme Court, *en banc*.  
7

8  
9 On April 19, 2019, this Court rescheduled the above-captioned appeal  
10 for oral argument on May 6, 2019 at 4:30 p.m. Russell Road’s lead counsel,  
11 Jeffery A. Bendavid, Esq., who will be arguing Respondent’s Brief, is  
12 scheduled for a mandatory settlement conference which involves parties  
13 traveling to Las Vegas, Nevada from out of the country to participate, and  
14 which could potentially last all day or longer. *See Declaration of Jeffery A.*  
15 *Bendavid, Esq.* No other attorneys representing Respondent are adequately  
16 prepared to argue the Respondent’s Brief. *Id.* Since Respondent’s counsel  
17 has the settlement conference scheduled on the same day as oral argument, it  
18 is impossible for counsel to fly to Carson City in order to argue  
19 Respondent’s Brief.  
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25 Accordingly, Respondent’s counsel respectfully requests that the  
26 Supreme Court grant an accommodation and permit Respondent’s counsel to  
27  
28



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1 argue via videoconference or other electronic means from this honorable  
2 Court's Las Vegas Justice chambers.

3  
4 Respondent's counsel has conferred with Appellant's counsel,  
5 Andrew Sterling, Esq. and he has agreed to Respondent's counsel receiving  
6 this accommodation should this Court be so inclined. *See Declaration of*  
7 *Jeffery A. Bendavid, Esq.* By permitting this accommodation, Respondent's  
8 counsel can present oral argument from Las Vegas, if this is possible, before  
9 this Court and also be present at the settlement conference in Las Vegas,  
10 Nevada, with minimal disruption to the Court's schedule.

11  
12  
13 Alternatively, this Court could continue the oral arguments for later  
14 dates. Counsel conferred with Andrew Sterling regarding a continuance and  
15 he did not object to moving oral argument, however, he informed counsel  
16 that he will be travelling and unavailable to argue during the first week of  
17 June 2019. Respondent's lead counsel will be travelling and unavailable to  
18 argue during the first week of July 2019, and upon information and belief,  
19 the Supreme Court does not entertain oral argument during the month of  
20 August. Thus if the Court is willing to continue the oral arguments, they  
21 will have to take place in either September or October 2019. Respondent's  
22 preference would be for this Court to set oral arguments in October, in Las  
23 Vegas.  
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1 This alternative motion to continue was filed reasonably in advance  
2 of the present date fixed for hearing which is May 6, 2019. Accordingly,  
3  
4 Respondent respectfully requests that either this Court accommodate  
5 Respondent's counsel's request by permitting an appearance and argument  
6 before this Court via videoconference or other appropriate electronic means  
7  
8 on May 6, 2019 at 4:30 p.m. from the Court's Las Vegas, Nevada Justice  
9 chambers if that is possible. Alternatively, Respondent respectfully  
10 requests that this Court continue argument on this matter until September or  
11 October 2019, but preferably as soon thereafter as the *en banc* panel is  
12 convened in Las Vegas, Nevada.  
13  
14

15 DATED this 25<sup>th</sup> day of April, 2019.

16 **MORAN BRANDON BENDAVID MORAN**

17  
18 /s/ Jeffery A. Bendavid,  
19 **JEFFERY A. BENDAVID, ESQ.**  
20 Nevada Bar No. 6220  
21 **STEPHANIE J. SMITH, ESQ.**  
22 Nevada Bar No. 11280  
23 630 South 4<sup>th</sup> Street  
24 Las Vegas, Nevada 89101  
25 **KAMER ZUCKER ABBOTT**

26  
27 /s/ Gregory J. Kamer  
28 **GREGORY J. KAMER, ESQ.**  
Nevada Bar No. 0270  
**KAITLIN H. ZIEGLER, ESQ.**  
Nevada Bar No. 013625  
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Dated this 25<sup>th</sup> day of April, 2019.

Michael J. Rusing, Esq.  
Andrew Sterling, Esq.  
Rusing & Lopez, P.L.L.C.  
[mrusing@rllaz.com](mailto:mrusing@rllaz.com)  
[asterling@rllaz.com](mailto:asterling@rllaz.com)  
*Attorney for Appellants*

/s/ Leilani Gamboa  
An Employee of  
MORAN BRANDON BENDAVID MORAN



Page 5 of 5

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26 individually and on behalf of a

27 class of similarly situated

28 individuals,

Appellants,

vs.

RUSSEL ROAD FOOD AND

BEVERAGE, LLC,

Respondent.

Case No. 74332

**AFFIDAVIT OF JEFFERY A.  
BENDAVID, ESQ. IN  
SUPPORT OF RESPONDENT,  
RUSSELL ROAD FOOD AND  
BEVERAGE, LLC'S MOTION  
TO ACCOMMODATE ORAL  
ARGUMENT IN LAS VEGAS,  
NEVADA OR  
ALTERNATIVELY  
CONTINUE ORAL  
ARGUMENT PURSUANT TO  
NRAP 34(a)**



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1 STATE OF NEVADA )  
2 ) SS:  
3 COUNTY OF CLARK )

4 I, Jeffery A. Bendavid, Esq. being first duly sworn deposes and  
5 swears, under penalty of perjury:

6 1. I am lead counsel for Respondent Russell Road Food and  
7 Beverage, LLC ("Respondent") in the above-captioned appeal. I am a  
8 partner with the law firm of Moran Brandon Bendavid Moran, counsel of  
9 record for Respondent, and I have personal knowledge, and/or I am informed  
10 and in good faith believe, the facts and statements set forth herein, and could  
11 and would testify to such if called upon to do so.

12 2. Oral argument is currently set for May 6, 2019 at 4:30 p.m. in  
13 Carson City, Nevada before the Nevada Supreme Court *en banc*.

14 3. I am the lead attorney who will be arguing Respondent's Brief,  
15 however, on May 6, 2019, I am scheduled for a mandatory settlement  
16 conference in State Court, under a District Court case which involves parties  
17 traveling to Las Vegas, Nevada from out of the country to participate, and  
18 which could potentially last all day or longer.

19 4. No other attorneys representing Respondent are adequately  
20 prepared at this time to argue the Respondent's Brief since I served as lead  
21 counsel and did the majority of the arguments on the State Court level.  
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1           5. I have conferred with Appellant's counsel, Andrew Sterling,  
2 Esq. and he has agreed to me arguing via videoconference or other electronic  
3 means that the Court deems acceptable, should the Court be so inclined.  
4

5           6. Additionally, Mr. Sterling informed me that if the arguments  
6 are continued he will be travelling and unavailable to argue during the first  
7 week of June 2019, and I will be travelling and unavailable to argue during  
8 the first week of July 2019, and I am informed and believe that the Supreme  
9 Court does not entertain oral argument during the month of August.  
10

11           7. This motion to continue has been brought reasonably in  
12 advance of the date fixed for hearing which is May 6, 2019, in accordance  
13 with NRAP 34 (a).  
14

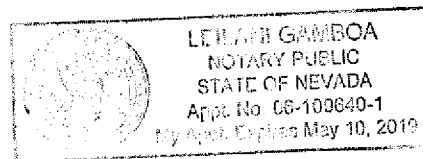
15           DATED this 25<sup>th</sup> day of April, 2019.  
16

17           FURTHER AFFIANT SAYETH NAUGHT.  
18

19   
20 JEFFERY A. BENDAUID, ESQ.

21           Subscribed and Sworn to before  
22 me this 25 day of April, 2019.

23   
24 NOTARY PUBLIC of and for said  
25 County and State.



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