

Glen Rothner (*Pro hac vice*)  
Jonathan M. Cohen (10551)  
Maria Keegan Myers (12049)  
ROTHNER, SEGALL & GREENSTONE  
510 South Marengo Avenue  
Pasadena, California 91101  
Telephone: (626) 796-7555  
Facsimile: (626) 577-0124  
E-mail: grothner@rsglabor.com  
jcohen@rsglabor.com  
mmyers@rsglabor.com

Electronically Filed  
Aug 25 2020 12:26 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Attorneys for Respondent  
SERVICE EMPLOYEES INTERNATIONAL UNION

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT CLARKE, AN INDIVIDUAL,

Appellant,

v.

SERVICE EMPLOYEES  
INTERNATIONAL UNION, A  
NONPROFIT COOPERATIVE  
CORPORATION; AND CLARK  
COUNTY PUBLIC EMPLOYEES  
ASSOCIATION, A/K/A SEIU 1107, A  
NON-PROFIT COOPERATIVE  
CORPORATION,

Respondents.

Supreme Court No. 80520  
District Case No. A764942

**STIPULATION AND  
PROPOSED ORDER  
REGARDING BRIEFING  
SCHEDULE IN CASE  
NUMBERS 80520 AND 81166**

The parties, by and through their undersigned counsel of record, hereby stipulate as follows:

1. In the above-captioned appeal, case number 80520, appellant Robert Clarke has appealed the district court's grant of summary judgment in favor of respondents Service Employees International Union ("SEIU") and Clarke County Public Employees Association, a/k/a SEIU 1107 ("Local 1107") in district court

case number A764942.

2. In case number 81166, appellants SEIU and Local 1107 have appealed the district court's denial of their motions for attorneys' fees following the district court's grant of summary judgment in favor of SEIU and Local 1107 in district court case number A764942.

3. There is a substantial overlap of issues involved in case numbers 80520 and 81166, because the district court's denial of attorneys' fees at issue in case number 81166 is intertwined with and related to the district court's grant of summary judgment at issue in case number 80520.

4. In order to conserve the resources of the Supreme Court and the parties, and to reduce the number of briefs necessary to resolve these appeals, the parties, by and through their undersigned counsel of record, hereby agree to treat case numbers 80520 and 81166 as cross-appeals pursuant to NRAP 28.1 for purposes of the briefing in these appeals.


5. Pursuant to the parties' agreement to treat case numbers 80520 and 81166 as cross-appeals:

- a. Robert Clarke shall file an opening brief in case number 80520.
- b. SEIU and Local 1107 shall thereafter each file a combined answering brief in case number 80520, and opening brief in case number 81166.
- c. Robert Clarke shall thereafter file a combined reply brief in case number 80520, and, along with Dana Gentry, the other respondent in case number 81166, answering brief in case number 81166.
- d. SEIU and Local 1107 shall thereafter each file a reply brief in case number 81166.

6. Nothing herein bars any party from requesting additional time to file a brief, requesting additional pages for any brief, or seeking any other relief in accordance with the Nevada Rules of Appellate Procedure.

DATED: August 24, 2020

CHRISTENSEN JAMES & MARTIN

By   
EVAN JAMES  
Attorneys for Respondent Clarke County  
Public Employees Association, a/k/a  
SEIU 1107

DATED: August \_\_, 2020

MICHAEL J. MCAVOYAMAYA

By \_\_\_\_\_  
MICHAEL J. MCAVOYAMAYA  
Attorney for Appellants Dana Gentry and  
Robert Clarke

DATED: August 24, 2020

ROTHNER, SEGALL & GREENSTONE  
CHRISTENSEN JAMES & MARTIN

By \_\_\_\_\_  
JONATHAN COHEN  
Attorneys for Respondent Service  
Employees International Union

IT IS SO ORDERED.

DATED: \_\_\_\_\_

By: \_\_\_\_\_

6. Nothing herein bars any party from requesting additional time to file a brief, requesting additional pages for any brief, or seeking any other relief in accordance with the Nevada Rules of Appellate Procedure.

DATED: August \_\_, 2020

CHRISTENSEN JAMES & MARTIN

By \_\_\_\_\_  
EVAN JAMES  
Attorneys for Respondent Clarke County  
Public Employees Association, a/k/a  
SEIU 1107

DATED: August 24, 2020

MICHAEL J. MCAVOYAMAYA

By  \_\_\_\_\_  
MICHAEL J. MCAVOYAMAYA  
Attorney for Appellants Dana Gentry and  
Robert Clarke

DATED: August 24, 2020

ROTHNER, SEGALL & GREENSTONE  
CHRISTENSEN JAMES & MARTIN

By \_\_\_\_\_  
JONATHAN COHEN  
Attorneys for Respondent Service  
Employees International Union

IT IS SO ORDERED.

DATED: \_\_\_\_\_

By: \_\_\_\_\_

6. Nothing herein bars any party from requesting additional time to file a brief, requesting additional pages for any brief, or seeking any other relief in accordance with the Nevada Rules of Appellate Procedure.

DATED: August \_\_, 2020

CHRISTENSEN JAMES & MARTIN

By \_\_\_\_\_  
EVAN JAMES  
Attorneys for Respondent Clarke County  
Public Employees Association, a/k/a  
SEIU 1107


DATED: August \_\_, 2020

MICHAEL J. MCAVOYAMAYA

By \_\_\_\_\_  
MICHAEL J. MCAVOYAMAYA  
Attorney for Appellants Dana Gentry and  
Robert Clarke

DATED: August 24, 2020

ROTHNER, SEGALL & GREENSTONE  
CHRISTENSEN JAMES & MARTIN

By  \_\_\_\_\_  
JONATHAN COHEN  
Attorneys for Respondent Service  
Employees International Union

IT IS SO ORDERED.

DATED: \_\_\_\_\_

By: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

*Clarke v. Service Employees International Union, et al.*

Supreme Court No. 80520

Case No. A-17-764942-C

I hereby certify that on this date 25th day of August, 2020, I submitted the foregoing **STIPULATION AND PROPOSED ORDER REGARDING BRIEFING SCHEDULE IN CASE NUMBERS 80520 AND 81166** for filing and service through the Court's eFlex electronic filing service. According to the system, electronic notification will automatically be sent to the following:

|   |   |
|---|---|
| Michael J. Mcavoyamaya<br>4539 Paseo Del Ray<br>Las Vegas, NV 89121<br>Tel: (702) 685-0879<br>Email:Mmcavoyamayalaw@gmail.com | Evan L. James<br>Christensen James & Martin<br>7440 W. Sahara Avenue<br>Las Vegas, NV 89117<br>Tel: (702) 255-1718<br>Fax: (702) 255-0871<br>Email: elj@cjmlv.com |
|---|---|

/s/ Jonathan Cohen

Jonathan Cohen