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Attorneys for Plaintiffs,

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TOM TAORMINA, et al,

Plaintiffs,

vs.

Case No.: 3:11-CV-00645-RCJ-VPC

STOREY COUNTY,

Defendant.

_____ /

JOINT STATUS CONFERENCE REPORT

Plaintiff, Tom Taormina, by and through its attorneys, McMahon Law Offices, Ltd., and Defendant, Storey County, (collectively the "Parties"), have met and conferred regarding the Court's directive on a settlement conference, discovery and provide this joint supplement to the status conference report.

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1 **1. SETTLEMENT CONFERENCE**

2 In accord with the Joint Supplement to Status Conference filed on February 28, 2012, the
3 parties confirm their request for the Court, through this Magistrate, to schedule a settlement
4 conference/mediation. Both parties agree that the use of the Court would be most productive.

5 **2. DISCOVERY STATUS**

6 This matter has been heavily litigated. The issues remain the same. At the completion of the
7 first case, the Court directed this matter to be remanded to Storey County. In accord with the Court's
8 directive to explore settlement, the parties have stayed discovery. The parties certainly will stipulate
9 to any paper discovery or depositions in the interim in advance of the mediation. The parties have
10 agreed to make parties reasonably available for deposition or meeting. Mr. Taormina's deposition is
11 currently scheduled to convene on April 4, 2012. The administrative result of Storey County's denial
12 of Taorminas' request for permitting for his towers give rise to this action. Now that Storey County
13 has denied the Taorminas' use, the matter is ripe for judicial review. The issues in the first case,
14 generally referred to as Taormina 1, Case Number 3:09-CV-00021-LRH-VPC, present the same and
15 very similar issues with some additional facts based upon Storey County's denial at the completion of
16 the administrative process. Accordingly, the discovery is limited and the parties have requested the
17 Court's assistance to proceed with a settlement conference to limit the expense of discovery and
18 pleading.

19 **3. PRO HAC VICE**

20 Taormina, through its *Pro Hac Vice* counsel, pending, Fred Hopengarten, have submitted a
21 reply in support of motion to allow Hopengarten to practice as a supplement to Document 12,
22 Hopengarten's motion to permit counsel to permit counsel to continue representation, filed on
23 November 16, 2011.

24 The Magistrate requested Taormina counsel to follow with judicial assistance to try and
25 determine the status of the *Pro Hac Vice* pleading. In accord with that direction, Taormina counsel
26 and staff followed with the Court. In an effort to move this matter forward, Document 20, the reply
27 in support of motion to practice has been filed in an effort to obtain the order allowing attorney
28 Hopengarten to appear. As of March 9, 2012, the Court has not entered its order regarding

1 Hopengarten's motion to permit counsel to continue representation, Document 12. That issue should
2 be something on the Court's agenda to resolve.

3 **CONCLUSION**

4 The parties have met, conferred and reviewed this Joint Supplement to the Case Management
5 Statement.

6 IT IS SO STIPULATED.

7 Dated this 9th day of March, 2012.

8

McMAHON LAW OFFICES, LTD.

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//s// Brian M. McMahon

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By: _____
Brian M. McMahon, Esq.
Attorney for Plaintiff,
TOM TAORMINA

12

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Dated this 9th day of March, 2012.

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THORNDAL ARMSTRONG DELK
BALKENBUSH & EISINGER

16

17

//s// Brent T. Kolvet

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By: _____
Brent T. Kolvet, Esq.
Attorney for Defendant,
STOREY COUNTY

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) I hereby certify that I am an employee of McMahon Law Offices, Ltd., and that on the 9^h day of March, 2012, I served a true and correct copy of the attached foregoing document by:

- Depositing for mailing, in a sealed enveloped, U.S. Postage prepaid, at Reno, Nevada
- Personal Delivery
- Facsimile
- Federal Express/Airborne Express/Other Overnight Delivery
- Reno-Carson Messenger Service

addressed as follows:

Brent T. Kolvet, Esq.
Thorndal Armstrong Delk Balkenbush & Eisinger
6590 S. McCarran Boulevard # B
Reno, Nevada 89059

///ss/// Jennifer Hall

Jennifer Hall, Paralegal