

1 **NEOJ**
MITCHELL J. LANGBERG, ESQ., NV Bar No. 10118
2 mlangberg@bhfs.com
MAXIMILIEN D. FETAZ, ESQ., NV Bar No. 12737
3 mfetaz@bhfs.com
BROWNSTEIN HYATT FARBER SCHRECK, LLP 100
4 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
5 Telephone: 702.382.2101
Facsimile: 702.382.8135

6 BRAD S. KARP, ESQ. (*pro hac vice*)
7 bkarp@paulweiss.com
KANNON K. SHANMUGAM, ESQ. (*pro hac vice*)
8 kshanmugam@paulweiss.com
LYNN B. BAYARD, ESQ. (*pro hac vice*)
9 lbayard@paulweiss.com
TIANA VOEGELIN, ESQ. (*pro hac vice*)
10 tvoegelin@paulweiss.com
PAUL, WEISS, RIFKIND,
11 WHARTON & GARRISON LLP
12 1285 Avenue of the Americas
New York, NY 10019-6064
Telephone: 212.373.3054
13 Facsimile: 212.492.0054

14 *Attorneys for Defendants the National Football League and*
15 *Roger Goodell*

16 **EIGHTH JUDICIAL DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18 JON GRUDEN,
19 *Plaintiff,*

20 v.

21 THE NATIONAL FOOTBALL
LEAGUE; ROGER GOODELL, DOES
22 1-10; and ROE ENTITIES 11-20,
inclusive.

23 *Defendants.*

CASE NO.: A-21-844043-B
DEPT NO.: XXVII

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION TO
STAY PROCEEDINGS PENDING
RESOLUTION OF APPEAL PURSUANT
TO NRAP 8**

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PLEASE TAKE NOTICE that an Order Denying Defendants' Motion to Stay Proceedings Pending Resolution of Appeal Pursuant to NRAP 8 was entered on November 22, 2022. A copy of said order is attached hereto.

DATED this 22nd day of November, 2022.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

/s/ Maximilien D. Fetaz

MITCHELL J. LANGBERG, ESQ., NV Bar No. 10118
MAXIMILIEN D. FETAZ, ESQ., NV Bar No. 12737
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Telephone: 702.382.2101
Facsimile: 702.382.8135

BRAD S. KARP, ESQ. (*pro hac vice*)
bkarp@paulweiss.com
KANNON K. SHANMUGAM, ESQ. (*pro hac vice*)
kshanmugam@paulweiss.com
LYNN B. BAYARD, ESQ. (*pro hac vice*)
lbayard@paulweiss.com
TIANA VOEGELIN, ESQ. (*pro hac vice*)
tvoegelin@paulweiss.com
PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Telephone: 212.373.3054
Facsimile: 212.492.0054

*Attorneys for Defendants the National Football League
and Roger Goodell*

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ODM
MITCHELL J. LANGBERG, ESQ., NV Bar No. 10118
mlangberg@bhfs.com
MAXIMILIEN D. FETAZ, ESQ., NV Bar No. 12737
mfetaz@bhfs.com
BROWNSTEIN HYATT FARBER SCHRECK, LLP 100
North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Telephone: 702.382.2101
Facsimile: 702.382.8135

BRAD S. KARP, ESQ. (*pro hac vice*)
bkarp@paulweiss.com
KANNON K. SHANMUGAM, ESQ. (*pro hac vice*)
kshanmugam@paulweiss.com
LYNN B. BAYARD, ESQ. (*pro hac vice*)
lbayard@paulweiss.com
TIANA VOEGELIN, ESQ. (*pro hac vice*)
tvoegelin@paulweiss.com
PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Telephone: 212.373.3054
Facsimile: 212.492.0054

*Attorneys for Defendants the National Football League
and Roger Goodell*

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

JON GRUDEN,
Plaintiff,
v.
THE NATIONAL FOOTBALL LEAGUE;
ROGER GOODELL; DOES 1-10; and
ROE ENTITIES 11-20, inclusive,
Defendants.

CASE NO.: A-21-844043-B
DEPT. NO.: XXVII

**ORDER DENYING DEFENDANTS'
MOTION TO STAY PROCEEDINGS
PENDING RESOLUTION OF APPEAL
PURSUANT TO NRAP 8**

This matter came before the Court on October 20, 2022 on an order shortening time on the Motion to Stay Proceedings Pursuant to NRAP 8 Pending Resolution of the Appeal of the Order Denying the Motion to Compel Arbitration (“Motion”) filed by Defendants the National Football League and Roger Goodell (“Defendants” or “NFL Parties”). Adam Hosmer-Henner of McDonald

1 Carano LLP appeared on behalf of Plaintiff Jon Gruden. Maximilien Fetaz and Mitchell Langberg
2 of Brownstein Hyatt Farber Schreck, LLP appeared on behalf of Defendants. The Court, having
3 considered the Motion, Plaintiff's Opposition to the Motion, Defendants' Reply thereto, and the
4 argument of counsel at the hearing on this matter, issues the following Order.

5 The factors for evaluating a motion to stay are set forth in NRAP 8(c): (1) whether the object
6 of the appeal will be defeated if the stay is denied; (2) whether the appellant will suffer irreparable
7 or serious injury if the stay is denied; (3) whether the respondent will suffer irreparable or serious
8 injury if the stay is granted; and (4) whether appellant is likely to prevail on the merits in the appeal.
9 NRAP 8(c); *see also Mikohn Gaming Corp. v. McCrea*, 120 Nev. 248, 254, 89 P.3d 36, 40 (2004).
10 The Nevada Supreme Court has held that "a stay is generally warranted" in connection with an
11 appeal of an order denying a motion to compel arbitration, but that "the party opposing the stay
12 motion can defeat the motion by making a strong showing that appellate relief is unattainable. In
13 particular, if the appeal appears frivolous or if the appellant apparently filed the stay motion purely
14 for dilatory purposes, the court should deny the stay." *Mikohn Gaming*, 120 Nev. at 253, 89 P.3d
15 at 40. Under this approach, a stay should be denied when arbitration is clearly not warranted, but
16 a stay should generally be granted in other cases." *Id.*

17 The Court finds, for the reasons expressed at the hearing and previously expressed in its
18 Order Denying Defendants' Motion to Compel Arbitration, that Defendant's appeal is neither
19 frivolous nor for the purpose of delay but that Defendants are not likely to prevail on the merits of
20 the appeal, and that any interests in favor of granting a stay are outweighed by Plaintiff's interest
21 in moving the case forward. Accordingly, there is no basis to stay this action while Defendants
22 appeal from the Order Denying Defendants' Motion to Compel Arbitration and such a stay would
23 only result in unnecessary delay.

24 Defendants indicated that they would be requesting a stay from the Nevada Supreme Court
25 and the Parties stipulated at the hearing to an extension of time for Defendants to file an answer to
26 Plaintiff's Complaint until such time as the Nevada Supreme Court can resolve Defendants' request
27 for a stay. Accordingly, the Court accepts the Parties' stipulation and, if Defendants promptly file
28 a motion to stay with the Nevada Supreme Court by November 2, 2022, then Defendants shall have

1 an extension of time to answer Plaintiff's Complaint until fourteen (14) days after the Nevada
2 Supreme Court resolves the motion to stay, if that date is later than Defendants' deadline to answer
3 pursuant to NRCPC 12(a)(3)(A).

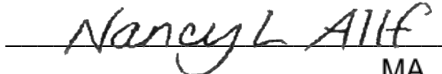
4 If the Nevada Supreme Court grants a stay, then Defendants' time to answer Plaintiff's
5 Complaint and the corresponding timelines shall be governed by the provisions of that stay.
6 Accordingly, good cause appearing:

7 **ORDER**

8 **IT IS HEREBY ORDERED** that the NFL Parties' Motion to Stay Proceedings Pending
9 Resolution of Appeal Pursuant to NRAP 8 is DENIED in its entirety.

10 **IT IS HEREBY FURTHER ORDERED** that if Defendants promptly file a motion to stay
11 with the Nevada Supreme Court by November 2, 2022, then Defendants shall have an extension of
12 time to answer Plaintiff's Complaint until fourteen (14) days after the Nevada Supreme Court
13 resolves the motion to stay, if that date is later than Defendants' deadline to answer pursuant to
14 NRCPC 12(a)(3)(A). If the Nevada Supreme Court grants a stay, then Defendants' time to answer
15 Plaintiff's Complaint and the corresponding timelines shall be governed by the provisions of that
16 stay.

17 Dated this 22nd day of November, 2022

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MA

19 11B 4DA 23B4 A4FA
20 Nancy Alf
District Court Judge

21 Submitted by:

22 McDONALD CARANO LLP

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

23 DISAPPROVED

24 Adam Hosmer-Henner, Esq. (NSBN 12779)
25 Jeff Silvestri, Esq. (NSBN 5779)
26 Rory Kay, Esq. (NSBN 12416)
27 Chelsea Latino, Esq. (NSBN 14227)
28 Jane Susskind, Esq. (NSBN 15099)
Zachary Noland, Esq. (NSBN 15075)
Attorneys for Plaintiff Jon Gruden

/s/ Maximilien D. Fetaz

Mitchell J. Langberg, Esq. (NSBN 10118)
Maximilien D. Fetaz, Esq. (NSBN 12737)
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
Brad S. Karp, Esq. (*pro hac vice*)
Kannon K. Shanmugam, Esq. (*pro hac vice*)
Lynn B. Bayard, Esq. (*pro hac vice*)
Tiana Voegelin, Esq. (*pro hac vice*)

*Attorneys for Defendants The National Football
League and Roger Goodell*

1 **CSERV**

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3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6 Jon Gruden, Plaintiff(s)

CASE NO: A-21-844043-B

7 vs.

DEPT. NO. Department 27

8 The National Football League,
9 Defendant(s)

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11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order Denying Motion was served via the court's electronic eFile
system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 11/22/2022

15 Travis Chance

tchance@bhfs.com

16 Maximillen Fetaz

mfetaz@bhfs.com

17 Eric Walther

ewalther@bhfs.com

18 Mitchell Langberg

mlangberg@bhfs.com

19 Darhyl Kerr

dkerr@fisherphillips.com

20 Lisa McClane

LMcClane@FisherPhillips.com

21 Brian Grubb

bgrubb@mcdonaldcarano.com

22 Pam Miller

pmiller@mcdonaldcarano.com

23 Adam Hosmer-Henner

ahosmerhenner@mcdonaldcarano.com

24 Jeff Silvestri

jsilvestri@mcdonaldcarano.com

25 Rory Kay

rkay@mcdonaldcarano.com

26
27
28

1	Chelsea Latino	clatino@mcdonaldcarano.com
2	Jane Susskind	jsusskind@mcdonaldcarano.com
3	Zachary Noland	znoland@mcdonaldcarano.com
4	CaraMia Gerard	cgerard@mcdonaldcarano.com
5	Lynn Bayard	lbayard@paulweiss.com
6	Tiana Voegelin	tvoegelin@paulweiss.com
7	Brad Karp	bkarp@paulweiss.com
8	Kerissa Barron	kbarron@paulweiss.com
9	Caitin Pagni	cpagni@mcdonaldcarano.com
10	Kannon Shanmugam	kshanmugam@paulweiss.com
11	Marian Massey	mmassey@fisherphillips.com
12	Brittany Falconi	media@ournevadajudges.com
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