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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 Cung Le, Nathan Quarry, Jon Fitch, Brandon Vera,
Luis Javier Vazquez, and Kyle Kingsbury, on behalf
12 of themselves and all others similarly situated,

13 Plaintiffs,

14 v.

15 Zuffa, LLC, d/b/a Ultimate Fighting Championship
and UFC,
16

17 Defendant.
18

No.: 2:15-cv-01045-RFB-BNW

**PLAINTIFFS' MOTION TO SET AND/OR
RESET SUMMARY JUDGMENT BRIEFING
SCHEDULE AND FOR STATUS
CONFERENCE**

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Plaintiffs hereby respectfully request that the Court enter an order setting: (a) a status conference
3 so the individual named Plaintiffs may have an opportunity to address the Court directly, and in their own
4 words, regarding the importance of the case to them and the proposed Class, and in particular, by
5 highlighting the harms that have accrued and are continuing to accrue to them and the members of the
6 proposed Class due to the alleged anticompetitive conduct; and (b) a briefing schedule for motions for
7 summary judgment so as to move this case efficiently towards trial.

8 First, as the Court is aware, the named Plaintiffs have been pursuing this case against the Defendant
9 Zuffa, LLC (the “UFC”) since late 2014. They are UFC fighters, and their struggle on behalf of themselves
10 and the proposed Class against the UFC goes back years before this litigation even began. This case is not
11 merely a legal matter to them; it is in a real sense a battle for fairness and economic justice for the fighters.
12 The Plaintiffs have given large portions of their lives to mixed martial arts—and that devotion has taken a
13 great deal from each of them physically, emotionally, and financially. Plaintiffs respectfully request a status
14 conference before Your Honor, in person, so the fighters themselves can explain the importance of this
15 matter to all UFC fighters. Plaintiffs are available at the Court’s convenience.

16 Second, Plaintiffs respectfully request that the Court set a summary judgment briefing schedule
17 pursuant to the Court’s December 14, 2018 Minute Order. In that Order, the Court deferred ruling on Zuffa’s
18 summary judgment motion pending further supplementation of the record. Because the concerns causing
19 the Court to withhold ruling on the summary judgment motion are no longer at issue, Plaintiffs respectfully
20 request that the Court set a briefing schedule imposing deadlines for motions for summary judgment.

21 Here is the background. Zuffa filed its motion for summary judgment on July 30, 2018, for which
22 the Court set a December 12, 2018, hearing date. ECF Nos. 572 & 573. Plaintiffs’ motion for class
23 certification and a joint motion to supplement expert reports, ECF Nos. 518 & 545, were also heard that
24 day. When the Court ordered the parties to submit supplemental briefing on the issue of class certification
25 at the December 12, 2018 hearing, it correspondingly recognized the propriety of deferring ruling on the
26 motion for summary judgment to permit supplementation of the record. The Court therefore denied the
27 pending summary judgment motion without prejudice, subject to further briefing from the parties. *See* ECF
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1 No. 627 (12.14.18 Hr’g Tr. 59:8-11) (“So I’m going to deny the motion for summary judgment without
2 prejudice to allow for a supplementing of the record as it relates to that particular motion. So you’ll be able
3 to file the motion.”); *see also* ECF No. 628 (Minute Order) (“IT IS FURTHER ORDERED that 572 and
4 573 MOTIONS for Summary Judgment is DENIED without prejudice to allow supplement to the record.”).

5 Since that time, the Court has reviewed and considered the motion for class certification,
6 announcing its intention to issue a forthcoming written order certifying the bout class. *See* ECF No. 775
7 (“the forthcoming written order of the Court certifying the class shall be the order certifying the class for
8 purposes of Rule 23....”). In light of the Court’s decision on class certification, the concerns causing the
9 Court to withhold adjudication of Zuffa’s motion for summary judgment have become moot.

10 Given the foregoing, and consistent with the desires of the named Plaintiffs to address the Court in
11 person, and also with the Court’s statements during the December 14, 2018 hearing and its accompanying
12 Minute Order, Plaintiffs respectfully request that this Court: (a) set an in-person status conference for the
13 named Plaintiffs— and counsel for the parties—to address the Court as set forth above; and (b) issue a
14 briefing schedule establishing deadlines for the parties to file or re-file and respond to motions for summary
15 judgment.

16 DATED this 10th day of July, 2023.

17 Respectfully submitted,

18 KEMP JONES, LLP

19 /s/ Don Springmeyer

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of July, 2023 a true and correct copy of **PLAINTIFFS' MOTION TO SET AND/OR RESET SUMMARY JUDGMENT BRIEFING SCHEDULE** was served via the District Court of Nevada's ECF system to all counsel of record who have enrolled in this ECF system.

/s/ Pamela McAfee
An employee of Kemp Jones, LLP

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