

1 DAVID Z. CHESNOFF, ESQ.
Nevada Bar No. 2292
2 RICHARD A. SCHONFELD, ESQ.
Nevada Bar No. 6815
3 ROBERT Z. DEMARCO
Nevada Bar No. 12359
4 CHESNOFF & SCHONFELD
5 520 South Fourth Street
Las Vegas, Nevada 89101
6 Telephone: (702) 384-5563
dzchesnoff@cslawoffice.net
7 rschonfeld@cslawoffice.net
8 rdemarco@cslawoffice.net
Attorneys for Plaintiff, *COREY GERWASKI*

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 COREY GERWASKI,)

13 Plaintiff,)

CASE NO. 2:24-cv-00985

14 vs.)

15 STATE OF NEVADA, ex rel. BOARD)
16 OF REGENTS of the NEVADA SYSTEM)
OF HIGHER EDUCATION, on behalf)
17 of the UNIVERSITY OF NEVADA)
LAS VEGAS; KEITH WHITFIELD)
18 individually; AJP EDUCATIONAL)
FOUNDATION INC., a California)
19 Non-Profit Corporation; STUDENTS FOR)
20 JUSTICE IN PALESTINE-UNLV;)
NATIONAL STUDENTS FOR JUSTICE)
21 OF PALESTINE; NEVADANS FOR)
PALESTINIAN LIBERATION;)
22 DOES I-XX and ROE entities I-XX,)
23 DEFENDANT(S), an Individual/LLC/Corp;)
DOE Nevada corporation; DOE Individuals)
24 I-XX; ROE Entities, I-XX,)

**MOTION FOR RECONSIDERATION
REGARDING COURT'S ORDER (ECF 62)
ON DR. HATEM BAZIAN'S
MOTION TO QUASH OR STRIKE
IMPROPER SERVICE (ECF 56)**

[ORAL ARGUMENT REQUESTED]

25 Defendants.)
26)
27)
28)

1 COMES NOW, Plaintiff, COREY GERWASKI ("Mr. Gerwaski"), by and through his
2 attorneys of record, DAVID Z. CHESNOFF, ESQ., RICHARD. A. SCHONFELD, ESQ., and
3 ROBERT Z. DEMARCO, ESQ., of CHENSNOFF & SCHONFELD, and files this Motion for
4 Reconsideration regarding the Court's Order (ECF 62) on Dr. Hatem Bazian's Motion to Quash or
5 Strike Improper Service (ECF 56).
6

7 This Motion is made and based upon the papers and pleadings on file herein, the attached
8 Memorandum of Points and Authorities, attached Exhibits, attached Declaration, and any oral
9 argument that may be heard.

10 DATED this 24th day of April 2025.

11 Respectfully Submitted:

12 CHESNOFF & SCHONFELD

13
14 By: Robert Z. DeMarco
15 DAVID Z. CHESNOFF, ESQ.
16 Nevada Bar No. 2292
17 RICHARD A. SCHONFELD, ESQ.
18 Nevada Bar No. 6815
19 ROBERT Z. DEMARCO, ESQ.
20 Nevada Bar No. 12359
21 520 South Fourth Street
22 Las Vegas, Nevada 89101
23 Phone: (702) 384-5563
24 Fax: (702) 598-1425
25 Attorneys for Plaintiff
26
27
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MEMORANDUM OF POINTS AND AUTHORITIES

I. PLAINTIFF RESPECTFULLY REQUESTS THAT THE COURT GRANT RECONSIDERATION AND SET ASIDE ITS APRIL 24, 2025 ORDER GRANTING DR. BAZIAN'S MOTION. IN ADDITION, PLAINTIFF RESPECTFULLY REQUESTS LEAVE TO FILE THE ATTACHED RESPONSE TO SAID MOTION PURSUANT TO THE PARTIES' PREVIOUSLY AGREED UPON EXTENSION.

Plaintiff respectfully requests reconsideration regarding the Court's April 24, 2025 Order (ECF 62) on Dr. Hatem Bazian's Motion to Quash or Strike Improper Service (ECF 56). In addition, Plaintiff respectfully seeks leave to file a response to said Motion.

Specifically, counsel for Dr. Hatem Bazian (by way of agreement with Plaintiff's prior counsel) previously agreed to a 14 day extension for Plaintiff to file a response to said Motion. *See* Exhibit 1. Counsel for Dr. Bazian specifically wrote in part via email, "Sigal and Kendra and Joey: Good morning. We are fine with one extension of 14 days." *See id.* The email from counsel for Dr. Bazian was sent on April 7, 2025, and at the time, the response deadline was April 10, 2025. *See* ECF 56. As such, the extension was given to April 24, 2025.

Undersigned counsel filed a Motion to substitute in as counsel on April 11, 2025. ECF 60. Undersigned counsel was in the process of preparing a response to said Motion and was unaware that the Court was uninformed of the extension and that a stipulation had apparently not been prepared.

Accordingly, it is respectfully submitted that good cause exists for the Court to reconsider and set aside the Order (ECF 62) regarding Dr. Hatem Bazian's Motion to Quash or Strike Improper Service (ECF 56) (and grant Plaintiff leave to file a response to said Motion). A copy of the proposed Opposition to Dr. Hatem Bazian's Motion to Quash or Strike Improper Service is attached as Exhibit 2.

A district court may reconsider an interlocutory order for cause, so long as it retains jurisdiction. LR 59-1(a). "[A]s long as a district court has jurisdiction over the case, then it possesses the inherent procedural power to reconsider, rescind, or modify an interlocutory order for cause seen by it to be sufficient." *City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 886 (9th Cir. 2001).

1 Reconsideration may be appropriate if the district court is presented with newly discovered
2 evidence. *Smith v. Clark Cnty. Sch. Dist.*, 727 F.3d 950, 955 (9th Cir. 2013) (citing *School Dist.*
3 *No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993)); *see also* LR 59-1(a).

4 Here, it is respectfully submitted that the Court (through no fault of its own) was unaware of
5 the previously agreed upon extension between counsel for Dr. Hatem Bazian and Plaintiff's prior
6 counsel. There is an express agreement, evidenced by the email exchange, that the opposition is
7 due today. The opposition is attached for filing within that agreed upon deadline. Accordingly, Dr.
8 Bazian (on behalf of Defendant National Students for Justice of Palestine) is not prejudiced by this
9 request, as he previously agreed to this deadline.

10 Undersigned counsel sincerely apologizes to this Honorable Court for inadvertently not
11 preparing a stipulation and order after substituting in. Plaintiff respectfully requests that the Motion
12 (and Response) be considered on the merits, as it is respectfully submitted that there is no basis to
13 quash or strike service on Dr. Bazian (on behalf of Defendant National Students for Justice of
14 Palestine).

15 **II. CONCLUSION**

16 Plaintiff respectfully requests reconsideration regarding the Court's April 24, 2025 Order
17 (ECF 62) on Dr. Hatem Bazian's Motion to Quash or Strike Improper Service (ECF 56). In
18 addition, Plaintiff respectfully seeks leave to file a response to said Motion. As stated above,
19 Plaintiff's proposed response is attached hereto as Exhibit 2.

20 DATED this 24th day of April 2025.

21 Respectfully Submitted:

22 CHESNOFF & SCHONFELD

23 By: Robert Z. DeMarco

24 DAVID Z. CHESNOFF, ESQ.

25 Nevada Bar No. 2292

26 RICHARD A. SCHONFELD, ESQ.

27 Nevada Bar No. 6815

28 ROBERT Z. DEMARCO, ESQ.

Nevada Bar No. 12359

Counsel for Plaintiff, *COREY GERWASKI*

DECLARATION OF ROBERT Z. DEMARCO, ESQ.

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

I, ROBERT Z. DEMARCO, being first duly sworn hereby depose and state as follows:

1. I am over 18 years of age and competent to testify to the matters set forth herein. I have personal knowledge of the matters stated herein and could and would competently testify thereto if called upon to do so;

2. I am co-counsel of record for Plaintiff;

3. Attached as Exhibit 1 is a true and correct copy of an email chain from April 5, 2025/April 7, 2025, between counsel for Dr. Bazian and Plaintiff's former counsel.

4. Attached as Exhibit 2 is a true and correct copy of Plaintiff's proposed Response to Dr. Hatem Bazian's Motion to Quash or Strike Improper Service (ECF 56).

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 24th day of April, 2025.

/s/ Robert Z. DeMarco
ROBERT Z. DEMARCO

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), I hereby certify that a copy of the foregoing document was electronically filed with the Clerk of the Court to be served by the Court's electronic filing system on all counsel of record.

DATED this 24th day of April, 2025.

/s/ Robert Z. DeMarco
Employee of Chesnoff & Schonfeld

INDEX OF EXHIBITS

Exhibit 1 - True and correct copy of an email chain from April 5, 2025/April 7, 2025,
between counsel for Dr. Bazian and Plaintiff's former counsel.

Exhibit 2 - True and correct copy of Plaintiff's proposed Response to Dr. Hatem Bazian's
Motion to Quash or Strike Improper Service (ECF 56).

Dated this 24th day of April, 2025.

/s/ Robert Z. DeMarco
ROBERT Z. DEMARCO