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

12 **BOARD OF TRUSTEES OF THE**
 13 **PLUMBERS AND PIPEFITTERS LOCAL**
 14 **525 HEALTH AND WELFARE TRUST**
 15 **AND PLAN; BOARD OF TRUSTEES OF**
 16 **THE PLUMBERS AND PIPEFITTERS**
 17 **UNION LOCAL 525 PENSION PLAN;**
 18 **AND BOARD OF TRUSTEES OF**
 19 **PLUMBERS AND PIPEFITTERS LOCAL**
 20 **UNION 525 APPRENTICE AND**
 21 **JOURNEYMAN TRAINING TRUST FOR**
 22 **SOUTHERN NEVADA,**

Case No. 2:17-cv-01784-RFB-VCF

STIPULATION AND ORDER TO
EXTEND DISCOVERY

THIRD REQUEST

Plaintiffs,

vs.

23 **STRONG MAN SERVICES, INC. dba**
 24 **SMS Mechanical, a Nevada corporation;**
 25 **LINDA NASH, an individual;**
 26 **AFFORDABLE CONCEPTS, INC., a**
 27 **Nevada corporation, BENTAR**
 28 **DEVELOPMENT, INC., a Nevada**
corporation; B & R BUILDERS, INC. dba
Breslin Builders, a Nevada corporation;
DAKEM & ASSOCIATES, LLC, a Nevada
limited liability company; KITTRELL
JENSEN CONTRACTORS, LLC, a
Nevada limited liability company;

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LAFARGO, INC. dba LaFargo Builders, a Nevada corporation; LEDCOR CONSTRUCTION, INC., a Washington corporation; NORTH WIND ENVIRONMENTAL, INC., an Arkansas corporation; THE PENTA BUILDING GROUP, LLC, a Nevada limited liability company; SCI CONSTRUCTION, L.P., a Texas limited partnership; SR CONSTRUCTION, INC., a Nevada corporation; STARKE, INC. dba Starke Contractors, a Nevada corporation; UHS OF DELAWARE, INC., a Delaware corporation; NORTH RIVER INSURANCE COMPANY aka Crum & Forster, a Pennsylvania corporation,
Defendants.

Plaintiffs Boards of Trustees of the Plumbers and Pipefitters Union Local 525 Health and Welfare Trust and Plan, the Plumbers and Pipefitters Union Local 525 Pension Plan, and the Plumbers and Pipefitters Local Union 525 Apprentice and Journeyman Training Trust for Southern Nevada (collectively “Trust Funds”), by and through their counsel of record Brownstein Hyatt Farber Schreck, LLP; Defendant Affordable Concepts, Inc., (“Defendant Affordable”) by and through its counsel of record Pintar Albiston, LLP; and Defendants Linda Nash, Strong Man Services, Inc., dba SMS Mechanical, Bentar Development, Inc., Kittrell Jensen Contractors, LLC, LaFargo, Inc. dba LaFargo Builders, Ledcor Construction, Inc., North Wind Environmental, Inc., SCI Construction, L.P., SR Construction, Inc., Starke, Inc., dba Starke Contractors and UHS of Delaware, Inc. (collectively “Strong Man Defendants”) (Defendant Affordable and Strong Man Defendants collectively referred to as “Defendants”), by and through their counsel of record Fisher & Phillips, LLC, hereby stipulate and agree that the Scheduling Order (EFC No. 77) in this case be extended sixty (60)days from the current discovery deadline of July 19, 2018, to September 17, 2018, and the dispositive motion deadline be extended from to August 20, 2018, to October 17, 2018. This is third request to extend the discovery deadline and is being made more than 21 days prior to the close of discovery.

1 This request for extension is a result of the contract compliance review (“Audit”) recently
2 being revised and to permit the parties to have ample time to review the revised Audit. The Audit
3 is a critical piece of evidence in this case and is approximately four hundred pages. The Parties
4 stipulate and agree that time is needed to thoroughly review the Audit and conduct any necessary
5 discovery related thereto.

6 **A. DISCOVERY COMPLETED:**

- 7 1. 10/19/2017 Defendant Affordable’s Initial Disclosures and Witnesses.
- 8 2. 10/20/2017 Trust Funds’ Initial Disclosures and Witnesses.
- 9 3. 11/1/2017 Trust Funds’ Revised Initial Disclosures and Witnesses.
- 10 4. 12/15/2017 Defendant Strong Man’s and Defendant Linda Nash’s Initial
11 Disclosures and Witnesses.
- 12 5. 12/18/2017 Defendant Starke, Inc.’s Initial Disclosures and Witnesses.
- 13 6. 12/19/2017 Defendant North Wind Environmental, Inc.’s Initial Disclosures and
14 Witnesses.
- 15 7. 12/19/2017 LaFargo, Inc.’s Initial Disclosures and Witnesses.
- 16 8. 12/22/2017 Trust Funds’ First Supplemental Initial Disclosures.
- 17 9. 12/22/2017 Trust Funds’ First Admissions to Defendant Affordable.
- 18 10. 12/22/2017 Trust Funds’ First Admissions to Defendant Bentar Development, Inc.
- 19 11. 12/22/2017 Trust Funds’ First Admissions to Defendant Kittrell Jensen
20 Contractors, LLC.
- 21 12. 12/22/2017 Trust Funds’ First Admissions to Defendant LaFargo, Inc.
- 22 13. 12/22/2017 Trust Funds’ First Admissions to Defendant Ledor Construction, Inc.
- 23 14. 12/22/2017 Trust Funds’ First Admissions to Defendant Linda Nash.
- 24 15. 12/22/2017 Trust Funds’ First Admissions to Defendant North Wind
25 Environmental, Inc.
- 26 16. 12/22/2017 Trust Funds’ First Admissions to Defendant SCI Construction L.P.
- 27 17. 12/22/2017 Trust Funds’ First Admissions to Defendant SR Construction, Inc.
- 28 18. 12/22/2017 Trust Funds’ First Admissions to Defendant Starke, Inc.
19. 12/22/2017 Trust Funds’ First Admissions to Defendant Strong Man.
20. 12/22/2017 Trust Funds’ First Admissions to Defendant UHS of Delaware, Inc.

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- 21. 12/22/2017 Trust Funds' First Interrogatories to Affordable.
- 22. 12/22/2017 Trust Funds' First Interrogatories to Bentar Development, Inc.
- 23. 12/22/2017 Trust Funds' First Interrogatories to Defendant Kittrell Jensen Contractors, Inc.
- 24. 12/22/2017 Trust Funds' First Interrogatories to Defendant LaFargo, Inc.
- 25. 12/22/2017 Trust Funds' First Interrogatories to Defendant Ledcor Construction, Inc.
- 26. 12/22/2017 Trust Funds' First Interrogatories to Defendant Linda Nash.
- 27. 12/22/2017 Trust Funds' First Interrogatories to Defendant North Wind Environmental, Inc.
- 28. 12/22/2017 Trust Funds' First Interrogatories to Defendant SCI Construction, L.P.
- 29. 12/22/2017 Trust Funds' First Interrogatories to Defendant SR Construction, Inc.
- 30. 12/22/2017 Trust Funds' First Interrogatories to Defendant Starke, Inc.
- 31. 12/22/2017 Trust Funds' First Interrogatories to Defendant Strong Man.
- 32. 12/22/2017 Trust Funds' First Interrogatories to Defendant UHS of Delaware, Inc.
- 33. 12/22/2017 Trust Funds' First Production Request to Defendant Affordable.
- 34. 12/22/2017 Trust Funds' First Production Request to Defendant Bentar Development, Inc.
- 35. 12/22/2017 Trust Funds' First Production Request to Defendant Kittrell Jensen Contractors, LLC.
- 36. 12/22/2017 Trust Funds' First Production Request to Defendant LaFargo, Inc.
- 37. 12/22/2017 Trust Funds' First Production Request to Defendant Ledcor Construction, Inc.
- 38. 12/22/2017 Trust Funds' First Production Request to Defendant Linda Nash.
- 39. 12/22/2017 Trust Funds' First Production Request to Defendant North Wind Environmental, Inc.
- 40. 12/22/2017 Trust Funds' First Production Request to Defendant SCI Construction, L.P.
- 41. 12/22/2017 Trust Funds' First Production Request to Defendant SR Construction, Inc.
- 42. 12/22/2017 Trust Funds' First Production Request to Defendant Starke, Inc.
- 43. 12/22/2017 Trust Funds' First Production Request to Defendant Strong Man.

- 1 44. 12/22/2017 Trust Funds' First Production Request to Defendant UHS of Delaware, Inc.
- 2 45. 1/18/2018 Defendant Bentar Development, Inc.'s Initial Disclosures and Witnesses.
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- 4 46. 1/18/2018 Defendant Kittrell Jensen Contractors, LLC's Initial Disclosures and Witnesses.
- 5 47. 1/18/2018 Defendant Ledcor Construction, Inc.'s Initial Disclosures and Witnesses.
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- 7 48. 1/18/2018 Defendant SCI Construction, L.P.'s Initial Disclosures and Witnesses.
- 8 49. 1/18/2018 Defendant SR Construction, Inc.'s Initial Disclosures and Witnesses.
- 9 50. 1/18/2018 Defendant UHS of Delaware, Inc.'s Initial Disclosures and Witnesses.
- 10 51. 1/22/2018 Defendant Affordable Concepts, Inc.'s Responses to Trust Funds' First Request for Admissions.
- 11 52. 1/22/2018 Defendant Affordable Concepts, Inc. Responses to Trust Fund's First Set of Interrogatories.
- 12 53. 1/22/2018 Defendant Affordable Concepts, Inc.'s Responses to Trust Funds' First Request for Production of Documents.
- 13
- 14 54. 1/24/2018 Trust Funds' Second Second Supplemental Initial Disclosures.
- 15 55. 2/1/2018 Strong Man Services, Inc. dba SMS Mechanical's Responses to Trust Funds' First Request for Admissions.
- 16 56. 2/1/2018 Strong Man Services, Inc. dba SMS Mechanical's Responses to Trust Funds' First Request for Production of Documents.
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- 18 57. 2/1/2018 Strong Man Services, Inc. dba SMS Mechanical's Answers to Trust Funds' First Set of Interrogatories.
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- 20 58. 2/1/2018 Linda Nash's Responses to Trust Funds' First Request for Admissions.
- 21 59. 2/1/2018 Linda Nash's Responses to Trust Funds' First Request for Production of Documents.
- 22 60. 2/1/2018 Linda Nash's Answers to Trust Funds' First Set of Interrogatories.
- 23 61. 2/27/2018 Ledcor Construction, Inc.'s Response to Trust Funds' First Request for Admissions.
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- 25 62. 2/27/2018 Bentar Development, Inc.'s Response to Trust Funds' First Request for Admissions.
- 26 63. 2/27/2018 Stakes, Inc.'s Response to Trust Funds' First Request for Admissions.
- 27 64. 2/27/2018 SR Construction, Inc.'s Response to Trust Funds' First Request for Admissions.
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- 65. 2/27/2018 SCI Construction, LP's Response to Trust Funds' First Request for Admissions.
- 66. 2/27/2018 LaFargo, Inc.'s Response to Trust Funds' First Request for Admissions.
- 67. 2/27/2018 North Wind Environmental, Inc.'s Response to Trust Funds' First Request for Admissions.
- 68. 2/27/2018 Kittrell Jenson Contractors, LLC's Response to Trust Funds' First Request for Admissions.
- 69. 2/27/2018 Ledcor Construction, Inc.'s Response to Trust Funds' First Request for Production of Documents.
- 70. 2/27/2018 Bentar Development, Inc.'s Response to Trust Funds' First Request for Production of Documents.
- 71. 2/27/2018 Stakes, Inc.'s Response to Trust Funds' First Request for Production of Documents.
- 72. 2/27/2018 SR Construction, Inc.'s Response to Trust Funds' First Request for Production of Documents.
- 73. 2/27/2018 SCI Construction, LP's Response to Trust Funds' First Request for Production of Documents.
- 74. 2/27/2018 LaFargo, Inc.'s Response to Trust Funds' First Request for Production of Documents.
- 75. 2/27/2018 North Wind Environmental, Inc.'s Response to Trust Funds' First Request for Production of Documents.
- 76. 2/27/2018 Kittrell Jenson Contractors, LLC's Response to Trust Funds' First Request for Production of Documents
- 77. 2/27/2018 Ledor Construction, Inc.'s Answers to Trust Funds' First Set of Interrogatories.
- 78. 2/27/2018 Bentar Development, Inc.'s Answers to Trust Funds' First Set of Interrogatories.
- 79. 2/27/2018 Stakes, Inc.'s Answers to Trust Funds' First Set of Interrogatories.
- 80. 2/27/2018 SCI Construction, LP's Answers to Trust Funds' First Set of Interrogatories.
- 81. 2/27/2018 LaFargo, Inc.'s Answers to Trust Funds' First Set of Interrogatories.
- 82. 2/27/2018 North Wind Environmental, Inc.'s Answers to Trust Funds' First Set of Interrogatories.
- 83. 2/27/2018 Kittrell Jenson Contractors, LLC's Answers to Trust Funds' First Set of Interrogatories.
- 84. 3/8/2018 Trust Funds' Third Supplemental Initial Disclosures.

1 **B. DISCOVERY THAT NEEDS TO BE COMPLETE:**

- 2 1. Possible additional Trust Funds’ Requests for Production of Documents.
3 2. Possible additional Trust Funds’ Interrogatories and Requests for Admissions.
4 3. Potential written discovery requests from Defendants.
5 4. Depositions of all relevant witnesses.

6 **C. REASON DISCOVERY WAS NOT COMPLETED.**

7 The Parties discussed the details of the original contract compliance review (“Audit”) and
8 determined it was necessary to revise the current Audit to narrow the issues subject to the dispute.
9 The revised Audit has just been completed. The Parties are requesting this extension to allow
10 times for the Trust Funds and Defendants to discuss certain details of the revised Audit, which is
11 pivotal to this current matter. In addition, there are multiple in and out-of-state depositions that
12 need to be coordinated to accommodate the schedules of counsel.

13 **D. CURRENT DISCOVERY SCHEDULE:**

- 14 1. Discovery Cutoff July 19, 2018
15 2. Dispositive Motion Cutoff August 20, 2018
16 3. Pretrial Order Cutoff September 19, 2018

17 **E. PROPOSED DISCOVERY SCHEDULE:**

- 18 1. New Discovery Cutoff September 17, 2018
19 2. New Dispositive Motion Cutoff October 17, 2018
20 3. New Pretrial Order Cutoff November 16, 2018
21 4. In the event dispositive motion(s) are filed, the date for filing the joint pretrial
22 order shall be suspended until 30 days after the Court enters a ruling on the
23 dispositive motions, or otherwise by further order of the Court.

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1 This is the Parties' third request for an extension of the discovery deadline dates. The
2 requested extension is not made to delay this matter, but made in the hopes of facilitating a
3 resolution or the narrowing issues at dispute in this matter. Based upon the foregoing, the Parties
4 believe there is good cause for the requested extension.

5 BROWNSTEIN HYATT FARBER
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10 Attorneys for Plaintiffs

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Inc.

11 Dated: June 28, 2018

Dated: June 28, 2018

13 FISHER & PHILLIPS, LLP

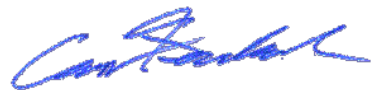
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18 Man Services, Inc., dba SMS Mechanical;
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19 Contractors, LLC; LaFargo, Inc. dba LaFargo
Builders; Ledcor Construction, Inc.; North
20 Wind Environmental, Inc.; SCI Construction,
L.P.; SR Construction, Inc.; Starke, Inc., dba
21 Starke Contractors; UHS of Delaware, Inc.

22 Dated June 28, 2018

23 **ORDER**

24 **IT IS SO ORDERED.**



25
26 **UNITED STATES MAGISTRATE JUDGE**
27 **CASE NO. 2:17-cv-01784-RFB-VCF**
28 **DATED: 7-9-2018**