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8 Attorneys for Plaintiffs

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

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

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

**STIPULATION AND ORDER TO
 EXTEND DISCOVERY**

FOURTH REQUEST

18 Plaintiffs,

19 vs.

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

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1 corporation; NORTH WIND
2 ENVIRONMENTAL, INC., an Arkansas
3 corporation; THE PENTA BUILDING
4 GROUP, LLC, a Nevada limited liability
5 company; SCI CONSTRUCTION, L.P., a
6 Texas limited partnership; SR
7 CONSTRUCTION, INC., a Nevada
8 corporation; STARKE, INC. dba Starke
9 Contractors, a Nevada corporation; UHS
10 OF DELAWARE, INC., a Delaware
11 corporation; NORTH RIVER INSURANCE
12 COMPANY aka Crum & Forster, a
13 Pennsylvania corporation,
14 Defendants.

15 Plaintiffs Boards of Trustees of the Plumbers and Pipefitters Union Local 525 Health and
16 Welfare Trust and Plan, the Plumbers and Pipefitters Union Local 525 Pension Plan, and the
17 Plumbers and Pipefitters Local Union 525 Apprentice and Journeyman Training Trust for
18 Southern Nevada (collectively “Trust Funds”), by and through their counsel of record Brownstein
19 Hyatt Farber Schreck, LLP; Defendant Affordable Concepts, Inc., (“Defendant Affordable”) by
20 and through its counsel of record Pintar Albiston, LLP; and Defendants Linda Nash, Strong Man
21 Services, Inc., dba SMS Mechanical, Bentar Development, Inc., Kittrell Jensen Contractors, LLC,
22 LaFargo, Inc. dba LaFargo Builders, Ledcor Construction, Inc., North Wind Environmental, Inc.,
23 SCI Construction, L.P., SR Construction, Inc., Starke, Inc., dba Starke Contractors and UHS of
24 Delaware, Inc. (collectively “Strong Man Defendants”) (Defendant Affordable and Strong Man
25 Defendants collectively referred to as “Defendants”), by and through their counsel of record
26 Fisher & Phillips, LLC, hereby stipulate and agree that the Scheduling Order (EFC No. 79) in this
27 case be extended thirty (30) days from the current discovery deadline of September 17, 2018, to
28 October 17, 2018, and the dispositive motion deadline be extended from October 17, 2018, to
November 16, 2018. This is fourth request to extend the discovery deadline and is being made
more than 21 days prior to the close of discovery.

The parties are currently reviewing the revised contract compliance review (“Audit”). As a
result of the revised Audit’s findings, the parties have agreed to stipulate to dismiss two of the
defendants in this action. (See ECF Nos. 80 and 81.) Moreover, the parties have been in almost

1 constant communication with each other regarding the revised Audit findings, and are currently in
2 the process of organizing a meeting to discuss possible resolution. The parties therefore stipulate
3 and agree, and respectfully ask the Court to permit an extension to the remaining discovery
4 deadlines so that the parties may conclude their analyses of the revised Audit and attempt to reach
5 a resolution without further Court intervention.

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.

- 1 21. 12/22/2017 Trust Funds' First Interrogatories to Affordable.
- 2 22. 12/22/2017 Trust Funds' First Interrogatories to Bentar Development, Inc.
- 3 23. 12/22/2017 Trust Funds' First Interrogatories to Defendant Kittrell Jensen
4 Contractors, Inc.
- 5 24. 12/22/2017 Trust Funds' First Interrogatories to Defendant LaFargo, Inc.
- 6 25. 12/22/2017 Trust Funds' First Interrogatories to Defendant Ledcor Construction,
7 Inc.
- 8 26. 12/22/2017 Trust Funds' First Interrogatories to Defendant Linda Nash.
- 9 27. 12/22/2017 Trust Funds' First Interrogatories to Defendant North Wind
10 Environmental, Inc.
- 11 28. 12/22/2017 Trust Funds' First Interrogatories to Defendant SCI Construction, L.P.
- 12 29. 12/22/2017 Trust Funds' First Interrogatories to Defendant SR Construction, Inc.
- 13 30. 12/22/2017 Trust Funds' First Interrogatories to Defendant Starke, Inc.
- 14 31. 12/22/2017 Trust Funds' First Interrogatories to Defendant Strong Man.
- 15 32. 12/22/2017 Trust Funds' First Interrogatories to Defendant UHS of Delaware, Inc.
- 16 33. 12/22/2017 Trust Funds' First Production Request to Defendant Affordable.
- 17 34. 12/22/2017 Trust Funds' First Production Request to Defendant Bentar
18 Development, Inc.
- 19 35. 12/22/2017 Trust Funds' First Production Request to Defendant Kittrell Jensen
20 Contractors, LLC.
- 21 36. 12/22/2017 Trust Funds' First Production Request to Defendant LaFargo, Inc.
- 22 37. 12/22/2017 Trust Funds' First Production Request to Defendant Ledcor
23 Construction, Inc.
- 24 38. 12/22/2017 Trust Funds' First Production Request to Defendant Linda Nash.
- 25 39. 12/22/2017 Trust Funds' First Production Request to Defendant North Wind
26 Environmental, Inc.
- 27 40. 12/22/2017 Trust Funds' First Production Request to Defendant SCI Construction,
28 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,
2 Inc.
- 3 45. 1/18/2018 Defendant Bentar Development, Inc.'s Initial Disclosures and
4 Witnesses.
- 5 46. 1/18/2018 Defendant Kittrell Jensen Contractors, LLC's Initial Disclosures and
6 Witnesses.
- 7 47. 1/18/2018 Defendant Ledcor Construction, Inc.'s Initial Disclosures and
8 Witnesses.
- 9 48. 1/18/2018 Defendant SCI Construction, L.P.'s Initial Disclosures and Witnesses.
- 10 49. 1/18/2018 Defendant SR Construction, Inc.'s Initial Disclosures and Witnesses.
- 11 50. 1/18/2018 Defendant UHS of Delaware, Inc.'s Initial Disclosures and Witnesses.
- 12 51. 1/22/2018 Defendant Affordable Concepts, Inc.'s Responses to Trust Funds' First
13 Request for Admissions.
- 14 52. 1/22/2018 Defendant Affordable Concepts, Inc. Responses to Trust Fund's First
15 Set of Interrogatories.
- 16 53. 1/22/2018 Defendant Affordable Concepts, Inc.'s Responses to Trust Funds' First
17 Request for Production of Documents.
- 18 54. 1/24/2018 Trust Funds' Second Second Supplemental Initial Disclosures.
- 19 55. 2/1/2018 Strong Man Services, Inc. dba SMS Mechanical's Responses to Trust
20 Funds' First Request for Admissions.
- 21 56. 2/1/2018 Strong Man Services, Inc. dba SMS Mechanical's Responses to Trust
22 Funds' First Request for Production of Documents.
- 23 57. 2/1/2018 Strong Man Services, Inc. dba SMS Mechanical's Answers to Trust
24 Funds' First Set of Interrogatories.
- 25 58. 2/1/2018 Linda Nash's Responses to Trust Funds' First Request for Admissions.
- 26 59. 2/1/2018 Linda Nash's Responses to Trust Funds' First Request for Production of
27 Documents.
- 28 60. 2/1/2018 Linda Nash's Answers to Trust Funds' First Set of Interrogatories.
61. 2/27/2018 Ledcor Construction, Inc.'s Response to Trust Funds' First Request for
Admissions.
62. 2/27/2018 Bentar Development, Inc.'s Response to Trust Funds' First Request for
Admissions.
63. 2/27/2018 Stakes, Inc.'s Response to Trust Funds' First Request for Admissions.
64. 2/27/2018 SR Construction, Inc.'s Response to Trust Funds' First Request for
Admissions.

- 1 65. 2/27/2018 SCI Construction, LP's Response to Trust Funds' First Request for
- 2 Admissions.
- 3 66. 2/27/2018 LaFargo, Inc.'s Response to Trust Funds' First Request for Admissions.
- 4 67. 2/27/2018 North Wind Environmental, Inc.'s Response to Trust Funds' First
- 5 Request for Admissions.
- 6 68. 2/27/2018 Kittrell Jenson Contractors, LLC's Response to Trust Funds' First
- 7 Request for Admissions.
- 8 69. 2/27/2018 Ledcor Construction, Inc.'s Response to Trust Funds' First Request for
- 9 Production of Documents.
- 10 70. 2/27/2018 Bentar Development, Inc.'s Response to Trust Funds' First Request for
- 11 Production of Documents.
- 12 71. 2/27/2018 Stakes, Inc.'s Response to Trust Funds' First Request for Production of
- 13 Documents.
- 14 72. 2/27/2018 SR Construction, Inc.'s Response to Trust Funds' First Request for
- 15 Production of Documents.
- 16 73. 2/27/2018 SCI Construction, LP's Response to Trust Funds' First Request for
- 17 Production of Documents.
- 18 74. 2/27/2018 LaFargo, Inc.'s Response to Trust Funds' First Request for Production
- 19 of Documents.
- 20 75. 2/27/2018 North Wind Environmental, Inc.'s Response to Trust Funds' First
- 21 Request for Production of Documents.
- 22 76. 2/27/2018 Kittrell Jenson Contractors, LLC's Response to Trust Funds' First
- 23 Request for Production of Documents.
- 24 77. 2/27/2018 Ledor Construction, Inc.'s Answers to Trust Funds' First Set of
- 25 Interrogatories.
- 26 78. 2/27/2018 Bentar Development, Inc.'s Answers to Trust Funds' First Set of
- 27 Interrogatories.
- 28 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 85. UHS of Delaware, Inc.’s Responses to Trust Funds’ First Set of Interrogatories.
2 86. UHS of Delaware, Inc.’s Responses to Trust Funds’ First Set of Interrogatories.
3 87. UHS of Delaware, Inc.’s Responses to Trust Funds’ First Request for Production
4 of Documents.
5 88. 6/15/2018 Trust Funds’ Subpoena Duces Tecum to UA Local 525 Plumbers,
6 Pipefitters and Service Technicians
7 89. 6/21/2018 Trust Funds’ Fourth Supplemental Initial Disclosures.
8 90. 7/16/2018 UA Local 525 Plumbers, Pipefitters and Service Technicians Response
9 to Subpoena Duces Tecum

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

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

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

16 The Parties are requesting this extension to allow times for the Trust Funds and
17 Defendants to discuss certain details of the revised Audit, and ultimately in hopes of achieving a
18 resolution without further Court intervention. In addition, there are multiple in and out-of-state
19 depositions that need to be coordinated to accommodate the schedules of counsel. The parties
20 would prefer to discuss resolution prior to scheduling depositions in an effort to avoid any
21 unnecessary litigation costs.

22 **D. CURRENT DISCOVERY SCHEDULE:**

- 23 1. Discovery Cutoff September 17, 2018
24 2. Dispositive Motion Cutoff October 17, 2018
25 3. Pretrial Order Cutoff November 16, 2018

26 **E. PROPOSED DISCOVERY SCHEDULE:**

- 27 1. New Discovery Cutoff October 17, 2018
28 2. New Dispositive Motion Cutoff November 16, 2018
3. New Pretrial Order Cutoff December 16, 2018

1 4. In the event dispositive motion(s) are filed, the date for filing the joint pretrial
2 order shall be suspended until 30 days after the Court enters a ruling on the
3 dispositive motions, or otherwise by further order of the Court.

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

8 BROWNSTEIN HYATT FARBER
9 SCHRECK, LLP
10 /s/ Christopher M. Humes
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16 Attorneys for Plaintiffs
17 Dated: August 14, 2018
18 FISHER & PHILLIPS, LLP

19 /s/ David B. Dornak
20 David B. Dornak, Esq.
21 Allison Kheel, Esq.
22 300 South Fourth Street, Suite 1500
23 Las Vegas, Nevada 89101

24 Attorneys for Defendant, Linda Nash; Strong
25 Man Services, Inc., dba SMS Mechanical; Bentar
26 Development, Inc.; Kittrell Jensen Contractors,
27 LLC; LaFargo, Inc. dba LaFargo Builders;
28 Ledcor Construction, Inc.; North Wind
Environmental, Inc.; SCI Construction, L.P.; SR
Construction, Inc.; Starke, Inc., dba Starke
Contractors; UHS of Delaware, Inc.
Dated August 14, 2018

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Attorneys for Defendant, Affordable
Concepts, Inc.
Dated: August 14, 2018

IT IS SO ORDERED.

ORDER


UNITED STATES MAGISTRATE JUDGE CASE NO.
2:17-cv-01784-RFB-VCF
DATED: 8-21-2018