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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

2:17-cv-3007-APG-VCF

DIAMOND RESORTS U.S. COLLECTION  
DEVELOPMENT, LLC, a Delaware Limited  
Liability Company,

Case No.: ~~2:16-cv-02722-JCM-DJA~~

Plaintiff,

v.

**STIPULATION TO TAKE FED. R. CIV. P.  
31 DEPOSITIONS BY REMOTE MEANS**

30

REED HEIN & ASSOCIATES, LLC d/b/a  
TIMESHARE EXIT TEAM, a Washington  
Limited Liability Company; BRANDON  
REED, an individual and citizen of the State of  
Washington; TREVOR HEIN, an individual  
and citizen of Canada; THOMAS

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1 PARENTEAU, an individual and citizen of the  
2 State of Washington; HAPPY HOUR MEDIA  
3 GROUP, LLC, a Washington Limited  
4 Liability Company; MITCHELL R.  
5 SUSSMAN, ESQ. d/b/a THE LAW OFFICES  
6 OF MITCHELL REED SUSSMAN &  
7 ASSOCIATES, an individual and citizen of  
8 the State of California; SCHROETER,  
9 GOLDMARK & BENDER, P.S., a  
10 Washington Professional Services  
11 Corporation; and KEN B. PRIVETT, ESQ., a  
12 citizen of the State of Oklahoma,

13 Defendants.

14 Plaintiff, Diamond Resorts US Collection, LLC (“Diamond” or “Plaintiff”), and  
15 Defendants Reed Hein & Associates, LLC d/b/a Timeshare Exit Team, Brandon Reed, Trevor  
16 Hein, Thomas Parenteau, Happy Hour Media Group, LLC, Mitchell Reed Sussman, Esq. d/b/a The  
17 Law Offices Of Mitchell Reed Sussman & Associates, Schroeter Goldmark & Bender, P.S., and  
18 Ken B. Privett, Esq. (collectively, the “Defendants” and with Diamond, the “Parties”), pursuant  
19 to Federal Rule of Civil Procedure 30(b)(4), hereby agree and stipulate as follows:

20 1. On March 13, 2020, the Federal Government declared a national emergency arising  
21 out of the global pandemic brought on by the spread of the novel Coronavirus Disease, COVID-  
22 19.

23 2. On June 26, 2020, this Court granted Diamond’s Motion to exceed the deposition  
24 limit, and allowed Diamond to depose all of the Identified Owners (as defined in the operative  
25 Complaint) via deposition on written questions pursuant to Fed. R. Civ. P. 31, with the exception  
26 of twenty-five (25) who will be deposed live pursuant to Fed. R. Civ. P. 30.

27 3. Under these circumstances, video conferencing and other remote means are  
28 reasonable arrangements to continue discovery and avoid the prejudice of further delays in the trial  
schedule. *See e.g.*, United States District Court for the Eastern District of Texas, Marshall Division,  
Standing Order Regarding the Novel Coronavirus (COVID-19) (providing guidance and directing  
parties to “meet and confer regarding the appropriate means to conduct [impacted] . . . trial[s]” and  
to “consider, among other things . . . [w]hether video conferencing would be appropriate and  
effective”).

1 4. In order to mitigate the risk of spread of COVID-19, and to minimize the burden  
2 on the Identified Owners and court reporters, the Parties have agreed to implement protocols to  
3 allow for remote depositions as follows:

4 **IT IS THEREFORE STIPULATED** by and between the Parties that for all depositions  
5 noticed pursuant to Fed. R. Civ. P. ~~31~~<sup>30</sup>;

- 6 1. Depositions *shall* be conducted via video, unless otherwise specified herein, with  
7 the court reporter also appearing remotely.
- 8 2. The Court Reporter shall require the deponent to produce sufficient evidence of  
9 identity prior to beginning the deposition, and will administer the oath remotely.
- 10 3. In the event that the deponent is either (1) unable to appear via video, or (2) unable  
11 to produce sufficient evidence of identity, the deposition shall continue, however  
12 the court reporter will not administer an oath, and the deposition will proceed under  
13 penalty of perjury.
- 14 4. In the event that a deposition is conducted in accordance with the preceding  
15 paragraph, the court reporter, prior to taking any testimony, shall read the following  
16 statement into the record:

17 *The attorneys that have arranged for this deposition are aware of and acknowledge*  
18 *that I am not physically present in the deposition room and that I will be reporting*  
19 *this deposition remotely. They further acknowledge that, in lieu of an oath*  
20 *administered in person, the witness will verbally declare his/her testimony in this*  
21 *matter is under penalty of perjury. The parties and their counsel consent to this*  
22 *arrangement and waive any objections to this manner of reporting.*

- 23 5. By entering into this stipulation the parties waive all objections regarding the court  
24 reporter's remote appearance, and the form of any oath administered, or lack  
25 thereof, so long as the deposition is conducted pursuant to the terms of this  
26 stipulation.
- 27 6. Depositions conducted pursuant to this stipulation shall be admissible for any  
28 reason permitted by the Federal Rules of Civil Procedure as if they had been

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1 conducted by conventional means, with a conventional oath administered, unless  
2 there is some other basis to exclude the deponent’s testimony or any portion thereof.

3 7. In the event that a deposition proceeds, and the foregoing stipulations are not  
4 followed by the court reporter, the Parties shall meet and confer in good faith to  
5 determine whether the court reporter’s failure to comply with these stipulations had  
6 a material effect on the deposition, and whether the deposition should be  
7 admissible, or be vacated and taken again. In the event that the deposition must be  
8 taken more than once, the parties stipulate that the deposition shall be permitted  
9 without further stipulation, regardless of the number of depositions taken to date,  
10 and will not reduce the number of depositions permitted by Rule or any other Court  
11 Order.

12 **STIPULATED AND AGREED this \_\_\_\_\_ day of August, 2020:**

14 GREENSPOON MARDER, LLP

GORDON REES SCULLY MANSUKHANI,  
15 LLP

16 */s/ Phillip Silvestri, Esq.*

*/s/ Robert Larsen, Esq.*

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*Group, LLC*

26 and

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*/s/ Megan Hummel, Esq.*

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*/s/ Joseph Liebman, Esq.*

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*Attorney for Defendant  
Ken B. Privett, Esq.*

IT IS SO ORDERED.

\_\_\_\_\_  
Cam Ferenbach  
United States Magistrate Judge

Dated: 8-5-2020  
\_\_\_\_\_

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**CERTIFICATE OF SERVICE**

1 I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the  
2 Court by using the CM/ECF system on this 4th day of August, 2020. I also certify that the  
3 foregoing document is being served this day on all counsel of record or *pro se* parties identified  
4 on the Court’s Service List via transmission of Notices of Electronic Filing generated by  
5 CM/ECF. For any counsel or parties who are not are not authorized to receive Notices of  
6 Electronic Filing electronically, I certify that I served those parties via First Class U.S. Mail.  
7

8 */s/ Phillip Silvestri*

9 An employee of Greenspoon Marder LLP  
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