

1 Martin A. Muckleroy
 State Bar #9634
 2 **MUCKLEROY LUNT, LLC**
 6077 S. Fort Apache Rd., Ste 140
 3 Las Vegas, NV 89148
 Telephone: 702-907-0097
 4 Facsimile: 702-938-4065
 Email: martin@muckleroylunt.com
 5

Richard W. Gonnello (*pro hac vice*)
 6 Email: rgonnello@faruqilaw.com
 Dillon Hagus (*pro hac vice*)
 7 Email: dhagus@faruqilaw.com
FARUQI & FARUQI, LLP
 8 685 Third Avenue, 26th Floor
 New York, NY 10017
 9 Telephone: 212-983-9330
 Facsimile: 212-983-9331
 10

11 *Attorneys for Lead Plaintiff Richard Ina, Trustee for the Ina Family Trust*

12 **UNITED STATES DISTRICT COURT**
 13 **DISTRICT OF NEVADA**
 14

15 IN RE: CV SCIENCES, INC. SECURITIES
 16 LITIGATION

Case No. 2:18-cv-01602-JAD-BNW

CLASS ACTION

17
 18 This Document Relates to: All Actions
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

**JOINT STIPULATION AND
 [PROPOSED] ORDER TO ALTER
 DISCOVERY DEADLINES (SECOND
 REQUEST) AND DEADLINES
 RELATED TO MOTION TO COMPEL**

1 Pursuant to Local Rule 26-4, Lead Plaintiff Richard Ina, Trustee for the Ina Family Trust
2 (“Plaintiff”), and Defendants CV Sciences, Inc., Michael Mona, Jr., Joseph D. Dowling, and
3 Michael Mona, III (“Defendants”), by and through their undersigned counsel, hereby stipulate to
4 extend the discovery deadlines and other deadlines in the February 19, 2020 Stipulated Discovery
5 Plan and Scheduling Order Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1 (ECF No. 78)
6 (the “Discovery Scheduling Order”) and Joint Stipulation and Order to Alter Discovery Deadlines
7 (First Request) (ECF Nos. 83 and 84) as follows:

8 **1. Completed Discovery**

9 The parties have engaged in discovery since the Discovery Scheduling Order was entered
10 in February 2020 and the Stipulated Order was entered in June 2020. In March 2020, the parties
11 exchanged initial disclosures. In April 2020, the parties entered into a protective order (ECF No.
12 81) and Plaintiff served document requests and Plaintiff’s first set of interrogatories and requests
13 for admission on Defendants. In May 2020, Plaintiff served a second set of interrogatories on
14 Defendants Joseph D. Dowling and Michael Mona, III. In June 2020, Defendants served
15 objections and responses to Plaintiff’s discovery requests. Plaintiff thereafter engaged with
16 Defendants in meet and confer efforts concerning their objections and responses to his discovery
17 requests. These efforts are still ongoing with Defendants CV Sciences, Inc. and Joseph Dowling.
18 In July 2020, Defendant CV Sciences, Inc. served requests for production, a request for admission,
19 and interrogatories on Plaintiff. In August 2020, Plaintiff objected and responded to these requests
20 and produced responsive documents. In September 2020, Defendants CV Sciences, Inc. and
21 Joseph Dowling produced documents responsive to Plaintiff’s earlier requests for production.
22 Finally, in October 2020, Plaintiff filed a motion to compel and for sanctions related to the Mona
23 Defendants’ discovery responses (ECF No. 88). This motion is still pending.

24 **2. Remaining Discovery**

25 Plaintiff is in the process of reviewing CV Sciences, Inc.’s and Joseph Dowling’s document
26 production and may thereafter present any challenges to the production. Moreover, Defendants
27 will need to provide a privilege log for the responsive documents that they have withheld.
28 Defendants are also in the process of reviewing Plaintiff’s document production and may thereafter

1 present any challenges to the production. In light of the volume of responsive information that
2 may still need to be produced and reviewed by the parties, relevant witnesses have not been
3 completely identified, depositions have not yet been noticed, third-party subpoenas have not been
4 issued, and class certification discovery has not concluded.

5 **3. Good Cause**

6 Good cause to extend the discovery deadlines set forth in the Discovery Scheduling Order
7 exists because the current deadline for the end of fact discovery—by which date all depositions
8 must be completed—is January 8, 2021. The parties will not be able to review documents, resolve
9 their various pending and potentially upcoming challenges of each other’s responses and
10 productions, or conduct depositions of all witnesses by this date (especially if depositions require
11 parties or their counsel to travel). These concerns are magnified by ongoing difficulties related to
12 the Covid-19 pandemic. Pursuant to Local Rule 26-3, this request is being made more than 21
13 days prior to the January 8, 2021 deadline, and it is the parties’ second request for an extension of
14 the discovery deadlines.

15 **4. Current Discovery Deadlines**

16 The following dates are the discovery deadlines currently set forth in the Discovery
17 Scheduling Order:

- 18 • End of Fact Discovery: January 8, 2021
- 19 • Time from answer to close of fact discovery: 367 days
- 20 • Motion to Amend or Add New Parties: February 8, 2021
- 21 • Interim Status Report: March 2, 2021
- 22 • Expert Report and Disclosures
 - 23 ○ Initial Reports Due: March 9, 2021
 - 24 ○ Rebuttal Reports Due: April 9, 2021
- 25 • Close of Discovery: May 6, 2021
- 26 • Dispositive Motions
 - 27 ○ Opening Brief: June 7, 2021
 - 28 ○ Opposition Brief: July 22, 2021

- Reply Brief: August 12, 2021

5. Proposed Discovery Deadlines

The parties have agreed to an extension of approximately 3.5 months to each of the deadlines set forth in the current Discovery Scheduling Order, as set forth below:

- End of Fact Discovery: April 22, 2021
- Time from answer to close of fact discovery: 471 days
- Motion to Amend or Add New Parties: May 24, 2021
- Interim Status Report: June 16, 2021
- Expert Report and Disclosures
 - Initial Reports Due: June 23, 2021
 - Rebuttal Reports Due: July 23, 2021
- Close of Discovery: August 20, 2021
- Dispositive Motions
 - Opening Brief: September 21, 2021
 - Opposition Brief: November 5, 2021
 - Reply Brief: December 3, 2021¹

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by Plaintiff and Defendants, through their respective counsel, to the entry of an Order extending the deadlines in the Discovery Scheduling Order as set forth above.

Additionally, Plaintiff and Defendants have met and conferred and stipulate to a brief extension of the Mona Defendants' time to respond to Plaintiff's Motion to Compel Discovery from and Sanction the Mona Defendants (ECF No. 88) for one week based on the complexity of the issues raised therein.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by Plaintiff and Defendants, through their respective counsel, to the entry of an Order extending the deadline for

¹ This deadline is extended by seven additional days to account for the Thanksgiving holiday.

1 any Opposition to Plaintiff's Motion to Compel Discovery from and Sanction the Mona
2 Defendants (ECF No. 88) to October 26, 2020, with any Reply due by November 2, 2020.

3 **IT IS SO STIPULATED.**

4 Respectfully submitted,

5 Dated: October 14, 2020

By: /s/ Richard W. Gonnello
Richard W. Gonnello

6
7 Martin A. Muckleroy
State Bar #9634
8 **MUCKLEROY LUNT, LLC**
6077 S. Fort Apache Rd., Ste 140
9 Las Vegas, NV 89148
Telephone: 702-907-0097
10 Facsimile: 702-938-4065
11 Email: martin@muckleroylunt.com

12 Richard W. Gonnello (*pro hac vice*)
13 Email: rgonnello@faruqilaw.com
Dillon J. Hagius (*pro hac vice*)
14 Email: dhagius@faruqilaw.com
15 **FARUQI & FARUQI, LLP**
685 Third Avenue, 26th Floor
16 New York, NY 10017
Telephone: 212-983-9330
17 Facsimile: 212-983-9331

18 *Attorneys for Lead Plaintiff Lead Plaintiff Richard*
19 *Ina, as Trustee for The Ina Family Trust*

20 Dated: October 14, 2020

By: /s/ Eric A. Plourde
Eric A. Plourde

21 **PROCOPIO, CORY, HARGRAVES &**
22 **SAVITCH LLP**
Jeffery A. Garofalo
23 State Bar # 7345
3960 Howard Hughes Pkwy., Ste 500
24 Las Vegas, NV 89469
Tel: 702-216-2685
25 Fax: 619-788-5535
E-mail: jeff.garofalo@procopio.com

26 S. Todd Neal (*pro hac vice*)
27 Eric A. Plourde (*pro hac vice*)
525 B Street, Ste 2200
28 San Diego, CA 92101

Tel: 619-525-3890
Fax: 619-398-0190
E-mail:todd.neal@procopio.com

*Attorneys for Defendants CV Sciences, Inc. &
Joseph D. Dowling*

Dated: October 14, 2020

By: /s/Michael D. Maupin
Michael D. Maupin

MARQUIS AURBACH COFFING

Terry A. Coffing
State Bar # 4949
Michael D. Maupin
State Bar # 13721
10001 Park Run Drive
Las Vegas, NV 89145
Tel: 702-382-0711
Fax: 702-856-8972
E-mail: tcoffing@maclaw.com
E-mail: mmaupin@maclaw.com

*Attorneys for Defendants Michael Mona, Jr. &
Michael Mona, III*

ORDER

The parties' stipulation is GRANTED in part and DENIED in part.

The Court grants the parties' request for a one-week extension of the deadline to file responses to the motion at ECF No. 88.

Regarding the parties' desire to displace the deadlines in the discovery plan and scheduling order ("DPSO") by 3.5 months, the Court recognizes the complexity of this case but it finds that the basis for the parties' request is somewhat speculative (e.g., "potentially upcoming challenges"). The Court is happy to consider a subsequent extension if the parties can offer more concrete reasons for why discovery cannot be safely completed, but for now IT IS ORDERED that the deadlines in the operative DPSO are extended by only **30 days**.

IT IS SO ORDERED

DATED: 12:21 pm, October 16, 2020



**BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE**