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7 Attorneys for CENTEX HOMES

8
 9 **UNITED STATES DISTRICT COURT**
 10 **DISTRICT OF NEVADA**

11 CENTEX HOMES, a Nevada general
 12 partnership,

13 Plaintiff,

14 v.

15 FINANCIAL PACIFIC INSURANCE
 COMPANY, a California corporation; FIRST
 16 SPECIALTY INSURANCE
 CORPORATION, a Missouri corporation
 17 GREENWICH INSURANCE COMPANY, a
 Connecticut corporation; INTERSTATE
 18 FIRE & CASUALTY COMPANY, an Illinois
 corporation; LEXINGTON INSURANCE
 19 COMPANY, a Delaware corporation;
 NAVIGATORS SPECIALTY INSURANCE
 20 COMPANY, a New York corporation;
 SCOTTSDALE INDEMNITY COMPANY,
 21 an Ohio corporation; ST. PAUL FIRE &
 MARINE INSURANCE COMPANY, a
 22 Connecticut corporation; NATIONAL FIRE
 & MARINE INSURANCE COMPANY, a
 23 Nebraska corporation; IRONSHORE
 SPECIALTY INSURANCE COMPANY, an
 24 Arizona corporation; and ZURICH
 25 AMERICAN INSURANCE COMPANY, a
 New York corporation,

26 Defendants.
 27
 28

Case No.: 2:19-cv-01034-JCM-DJA

**STIPULATION AND [PROPOSED]
 ORDER TO EXTEND DISCOVERY
 DEADLINES**

(Second Request)

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1 Plaintiff Centex Homes (“Centex”) and Defendants Financial Pacific Insurance Company
2 (“Financial Pacific”), First Specialty Insurance Corporation (“First Specialty”), Greenwich
3 Insurance Company (“Greenwich”), Interstate Fire & Casualty Company (“Interstate”), Lexington
4 Insurance Company (“Lexington”), Navigators Specialty Insurance Company (“Navigators”),
5 Scottsdale Indemnity Company (“Scottsdale”), St. Paul Fire & Marine Insurance Company (“St.
6 Paul”), Ironshore Specialty Insurance Company (“Ironshore”), and Zurich American Insurance
7 Company (“Zurich” and together with Financial Pacific, First Specialty, Greenwich, Interstate,
8 Lexington, Navigators, Scottsdale, St. Paul, and Ironshore, the “Defendants”),¹ by and through
9 their respective counsel of record, hereby stipulate to extend certain deadlines within the Order
10 entered by this Court on July 27, 2020 by sixty (60) days pursuant to LR 26-4. (ECF No. 68). This
11 is the second stipulation to extend discovery deadlines.

12 Centex and Defendants (together, the “Parties”) require additional time for discovery
13 because they have made significant progress towards settlement since their last extension request
14 on July 24, 2020. The Parties want to continue to try to resolve the case informally without
15 incurring expert costs. To date, Centex has settled with over half of the Defendants (namely,
16 National Fire & Marine Insurance Company, Interstate, Greenwich, Ironshore, Zurich, Scottsdale,
17 First Specialty and Lexington) and is working to finalize those settlement agreements. In addition,
18 Centex has had meaningful settlement negotiations with the remaining defendants. The Parties’
19 expert reports are due on October 15, 2020; however, the Parties do not want to expend resources
20 that could be used for settlement on preparing expert reports in light of the progress they have
21 made with regard to settlement negotiations.

22 Good cause exists for the requested extension. The Parties have been diligent both in
23 performing discovery and in their settlement efforts. The Parties seek an extension to avoid
24 expending the significant costs associated with expert reports while the parties continue to try to
25 settle this case. This Stipulation is submitted more than twenty-one (21) days before the expiration
26 of the first deadline that parties stipulate to continue: The expert disclosure deadline, which is

27 _____
28 ¹ National Fire & Marine Insurance Company and Interstate Fire & Casualty Company were both
dismissed from the case. (ECF No. 67 and No. 74 respectively)

1 currently October 15, 2020.

2 **1. Discovery That Has Been Completed**

3 The Parties have completed the following discovery:

- 4 • National Fire served its initial disclosures on October 29, 2019;
- 5 • Centex, Financial Pacific, First Specialty, and Lexington served initial disclosures on
- 6 October 30, 2019;
- 7 • St. Paul served requests for production on Centex dated October 30, 2019;
- 8 • St. Paul served its initial disclosures on October 31, 2019;
- 9 • Greenwich served its initial disclosures on November 8, 2019;
- 10 • Ironshore served its initial disclosures on November 14, 2019;
- 11 • Centex served its responses to St. Paul's requests for production on January 15, 2020;
- 12 • Navigators provided its initial disclosures on February 18, 2020;
- 13 • Centex served requests for admission, requests for production and interrogatories on
- 14 Financial Pacific, First Specialty, National Fire, and Navigators on March 3, 2020;
- 15 • Centex served Lexington with requests for admission, requests for production, and
- 16 interrogatories on March 4, 2020;
- 17 • Centex served requests for admission, requests for production and interrogatories on
- 18 Greenwich and St. Paul on March 6, 2020;
- 19 • Centex served requests for admission, requests for production and interrogatories on
- 20 Ironshore on March 11, 2020;
- 21 • Centex served requests for production on Scottsdale and requests for admission,
- 22 requests for production and interrogatories on Zurich on March 25, 2020;
- 23 • First Specialty responded to Centex's requests for admission, requests for production
- 24 and interrogatories on April 1, 2020;
- 25 • St. Paul and Greenwich responded to Centex's requests for admission, requests for
- 26 production and interrogatories to each of them on April 7, 2020;
- 27 • Zurich served its initial disclosures on April 22, 2020;
- 28 • Centex served its first supplemental disclosures on April 23, 2020;

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- 1 • Financial Pacific responded to Centex’s requests for admission, requests for production
- 2 and interrogatories on May 4, 2020;
- 3 • Navigators supplemented its initial disclosures on May 12, 2020;
- 4 • Centex served a second set of requests for production on Navigators on May 12, 2020;
- 5 • Financial Pacific served requests for admission, requests for production and
- 6 interrogatories on Centex on May 28, 2020;
- 7 • Ironshore served requests for admission, requests for production and interrogatories on
- 8 Centex on May 29, 2020;
- 9 • Navigators responded to Centex’s second set of requests for production on June 9,
- 10 2020;
- 11 • Zurich responded to Centex’s requests for admission, requests for production and
- 12 interrogatories on June 16, 2020;
- 13 • Centex responded to Financial Pacific’s requests for admission, requests for production
- 14 and interrogatories on June 29, 2020;
- 15 • Centex served its second supplemental disclosure on June 29, 2020;
- 16 • Navigators served requests for admission, requests for production and interrogatories
- 17 on Centex on July 13, 2020;
- 18 • Navigators responded to Centex’s requests for admission and requests for production
- 19 on July 13, 2020;
- 20 • Zurich produced additional documents on July 23, 2020;
- 21 • Scottsdale made its initial disclosures on July 29, 2020; and
- 22 • Centex served Financial Pacific and First Specialty with a second set of requests for
- 23 production on August 10, 2020.

24 **2. Discovery That Remains to be Completed**

25 If the case is not resolved, the Parties must complete the following discovery:

- 26 • The Parties will disclose expert witnesses and produce expert reports and possibly
- 27 rebuttal reports to any expert report produced by other parties;
- 28 • Defendants will serve written discovery and follow-up written discovery, including

1 Interrogatories, Requests for Production and Requests for Admissions on Centex and
2 one another;

- 3 • Defendants will take the depositions of Rule 30(b)(6) witnesses, other percipient
4 witnesses, and expert witnesses of Centex and each other;
- 5 • The Parties will respond to the outstanding written discovery requests and issue any
6 appropriate further written discovery;
- 7 • Centex will take the depositions of the Rule 30(b)(6) witnesses for all Defendants;
- 8 • Centex will take the depositions of any and all claim adjusters identified by any of the
9 Defendants; and
- 10 • Centex will take the depositions of experts disclosed by the Defendants.

11 **3. Reasons Why Remaining Discovery Was Not Completed**

12 Discovery has not been completed because the Parties have been trying to resolve the case.
13 The Parties have made substantial progress towards resolving the case after completing mediation
14 and since the last discovery extension. The Parties' time, attention, and resources would be better
15 spent focusing on settlement rather than incurring additional expert costs that may delay
16 resolution.

17 **4. Proposed Schedule for Completing All Remaining Discovery**

18 The Parties hereby stipulate to the following schedule for completing all remaining
19 discovery:

20 **Discovery Cut-Off Date.**

21 The amended discovery cut-off date is **February 12, 2021.**

22 **Fed. R. Civ. P. 26(a)(2) Disclosure (Experts).**

23 Disclosures identifying experts and final expert reports shall be made by **December 14,**
24 **2020.** This is 60 days before the discovery cut-off date. Rebuttal expert disclosures shall be made
25 by **January 13, 2021,** which is 30 days from the initial disclosure of experts.

26 **Dispositive Motions.**

27 The parties shall have until **March 15, 2021** to file dispositive motions, which is the next
28 business day after 30 days from the close of discovery.

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Joint Pretrial Order.

The Joint Pretrial Order shall be filed no later than **April 14, 2021**, which is thirty (30) days after the date set for the filing of dispositive motions. In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after decision on the dispositive motions or by further order of the Court.

Dated: September 24, 2020 PAYNE & FEARS LLP By: <u>/s/ Sarah J. Odia</u> Scott S. Thomas, Esq. Sarah J. Odia, Esq. 6385 S. Rainbow Blvd., Suite 220 Las Vegas, NV 89118 Telephone: (702) 851-0300 Attorneys for Plaintiff CENTEX HOMES	Dated: September 24, 2020 BARRETT & MATURA, P.C. By: <u>/s/ Kevin C. Barrett</u> Kevin C. Barrett, Esq. 7575 Vegas Drive, Suite 150C Las Vegas, NV 89128 Telephone: (702) 833-1033 Attorney for Defendant NAVIGATORS SPECIALTY INSURANCE COMPANY
Dated: September 24, 2020 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP By: <u>/s/ Chad Butterfield</u> Chad Butterfield, Esq. 300 South Fourth Street, 11 th Floor Las Vegas, NV 89101 Telephone: (702) 727-1400 Attorney for Defendant GREENWICH INSURANCE COMPANY	Dated: September 24, 2020 YARON & ASSOCIATES By: <u>/s/ George Yaron</u> George Yaron, Esq. 1300 Clay Street, Suite 800 Oakland, CA 94612 Telephone: (415) 658-2929 Attorney for Defendant FINANCIAL PACIFIC INSURANCE COMPANY
Dated: September 24, 2020 LEWIS BRISBOIS BISGAARD & SMITH LLP By: <u>/s/ Priscilla L. O'Briant</u> Robert Freeman, Jr., Esq. Priscilla Louise O'Briant, Esq. 6385 S. Rainbow Blvd., Suite 600 Las Vegas, NV 89118 Telephone: (702) 893-3383 Attorneys for Defendant SCOTTSDALE INDEMNITY GROUP	Dated: September 24, 2020 GRAD LAW FIRM By: <u>/s/ Laleaque Grad</u> Laleaque Grad, Esq. 8275 S. Eastern Avenue, Suite 200-352 Las Vegas, NV 89123 Telephone: (702) 990-8387 Attorney for Defendant FIRST SPECIALTY INSURANCE CORPORATION

(Signatures continued on the next page)

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Dated: September 24, 2020
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Attorney for Defendant ZURICH
AMERICAN INSURANCE COMPANY

ORDER

IT IS SO ORDERED.

DATED: September 25, 2020


UNITED STATES MAGISTRATE JUDGE