

1 LESLIE MARK STOVALL, ESQ.  
 Nevada Bar No. 2566  
 2 ROSS MOYNIHAN, ESQ.  
 Nevada Bar No. 11848  
 3 STOVALL & ASSOCIATES  
 4 2301 Palomino Lane  
 Las Vegas, NV 89107  
 5 Telephone: (702) 258-3034  
 6 E-service: court@lesstovall.com  
 Attorney for Defendant Dennis Wise

7  
 8 UNITED STATES DISTRICT COURT  
 9 DISTRICT OF NEVADA

10	UNIVERSAL NORTH AMERICA	)	
11	INSURANCE COMPANY, a Texas	)	
	Business entity,	)	
12		)	Case No.: 2:19-cv-01303-APG-BNW
	Plaintiff,	)	
13	vs.	)	
		)	
14	JOSEPH DEBLANCO, a Nevada resident;	)	
15	And DENNIS WISE, a Nevada resident.	)	
		)	
16	Defendants.	)	
17		)	

18 **DEFENDANT DENNIS WISE’S UNOPPOSED MOTION TO EXTEND DISCOVERY**  
 19 **DEADLINES [SECOND REQUEST]**

20 Defendant Dennis Wise, by and through his counsel of record, does hereby request an  
 21 order from this court extending the remaining deadlines in the current Discovery Plan and  
 22 Scheduling Order in this matter. This is the second request for an extension of deadlines. The  
 23 first request was made on March 2, 2020 (ECF No. 23) and was granted by the court on March  
 24 19, 2020 (ECF 24). Mr. Wise’s second motion for an extension of discovery was filed with the  
 25 court on June 2, 2020 (ECF No. 25). That motion was denied without prejudice by ECF No. 26  
 27 due to the failure to comply with LR26-6(c). Mr. Wise now re-files the motion with a  
 28 declaration in compliance with LR26-6(c).

1                    **DECLARATION OF DEFENDANT’S COUNSEL IN SUPPORT OF MOTION**

2                    Ross Moynihan, Esq. declares and states the following:

3                    1.            That I am licensed to practice law in Nevada and am counsel for defendant  
4 Dennis Wise.

5                    2.            That I caused to be filed ECF No. 25, Mr. Wise’s motion to extend discovery  
6 deadlines second request.

7                    3.            That the motion was denied without prejudice by ECF No. 26 due to the failure  
8 to comply with LR26-6(c).

9                    4.            That I have since communicated with counsel for the two other parties, Max  
10 Corrick, Esq. for plaintiff Universal North America Insurance Company and Bradley Johnson,  
11 Esq. for defendant Joseph DeBlanco.

12                    5.            Through these communications all parties have agreed to an extension of  
13 discovery and have agreed to the proposed discovery plan detailed below.

14                    6.            I declare under penalty of perjury that the foregoing is true and correct.

15                    DATED that 20<sup>th</sup> day of July, 2020.

16                    */s/ Ross Moynihan*

17                    \_\_\_\_\_  
18 ROSS MOYNIHAN, ESQ.

19                    **DISCOVERY COMPLETED TO DATE**

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- 22
- 23                    • The Parties conducted their FRCP 26(f) conference October 3, 2019.
- 24                    • Plaintiff served its FRCP 26(a) Initial Disclosures on December 17, 2019.
- 25                    • Defendant Dennis Wise served his FRCP 26(a) Initial Disclosures on January 6, 2020.
- 26                    • Defendant Dennis Wise served Requests for Production of Documents upon Plaintiff on  
27 December 12, 2019.
- 28

- 1 • Plaintiff responded to Defendant Dennis Wise’s requests for production on January 21,  
2 2020.
- 3 • On December 12, 2019, Defendant Dennis Wise served subpoenas for deposition on two  
4 attorneys, John Keating and Bryce Buckwalter, who were hired by the Plaintiff in this  
5 case to represent Defendant Joseph DeBlanco in Clark County District Court case Wise  
6 v. DeBlanco, case no. A-16-734723-C. Defendant Wise agreed to continue these  
7 depositions due to availability and so that agreements could be made regarding the scope  
8 of the depositions.  
9

10  
11 **DISCOVERY TO BE COMPLETED AND REASONS FOR**  
12 **EXTENSION OF DISCOVERY**

13 Discovery to be completed includes:

- 14 • The Parties’ continued supplementation of FRCP 26(a) Initial Disclosures as discovery  
15 continues.
- 16 • Additional written discovery propounded by and upon Plaintiff and the Defendants.  
17 Depositions of attorneys John Keating and Bryce Buckwalter.
- 18 • Deposition of Defendant Joseph DeBlanco.
- 19 • Deposition of Plaintiff’s Rule 30(b)(6) witness regarding the facts of this case.
- 20 • Depositions of additional fact witnesses.
- 21 • FRCP 26(a)(2) designation of initial and rebuttal expert witnesses.
- 22 • Depositions of initial and rebuttal expert witnesses.
- 23 • Additional written discovery and depositions as necessary.
- 24
- 25

26 In his March 2, 2020 first request for an extension of discovery deadlines (ECF No. 23),  
27 defendant Wise stated:  
28

1 Defendant submits, pursuant to Local Rule 6-1, that good cause exists for the  
2 requested extension of time. This is a declaratory relief action filed on July 29,  
3 2019 in which the Plaintiff seeks a declaration that it is not obligated to provide  
4 certain coverage to Defendant DeBlanco in relation to the claims asserted in state  
5 court case A-16-734723-C, which was filed by Dennis Wise on April 7, 2016.  
6 Among the defenses in this case are waiver and estoppel, which require the  
7 parties to investigate the Plaintiff's claims file as it relates to the communications  
8 between the parties on the issue of coverage and reservation of rights. Through  
9 the Plaintiff's disclosures and through its responses to requests for production,  
10 the Plaintiff asserts a privilege over the documents that would show the nature  
11 and extent of these communications, which may lead to motion practice that  
12 would have to be resolved prior to the deposition and expert discovery listed  
13 above. Defendant requires additional time to resolve these issues which  
14 necessitates this request for an extension in discovery. As noted above, the  
15 plaintiff agrees to the extension of discovery requested in this motion.

16 The court granted the defendant Wise's motion to extend deadlines on March 19, 2020  
17 (ECF 24). At the time of this order, during the month of March, the defendant's counsel's office  
18 suffered a 75% loss of staff due to concerns over the Coronavirus and a full office closure after  
19 a remaining staff member's exposure to the Coronavirus. The result has been a major  
20 diminishment in defense counsel's office's output which has prevented the completion of  
21 needed discovery in this case and which necessitates this request for a further extension of time.  
22 Furthermore, in light of the current health crisis, defendant anticipates delays in taking the  
23 depositions of fact witnesses (both in state and out of state) and expert witnesses and has  
24 factored the anticipated delay into the below request for extension of time.

25 It should also be noted that the result of the upcoming trial in Clark County District  
26 Court case Wise v. DeBlanco, case no. A-16-734723-C will have an impact on this case, and  
27 may render this case moot. That case was set for trial on April 20, 2020 but was continued to a  
28 five week trial stack beginning on September 8, 2020. Case no. A-16-734723-C is in the  
number one position on that stack, meaning that if the Clark County District Court resumes jury  
trials by that time, the case will go to trial during the 5 week stack which ends on October 9,

1 2020. In this case and through this motion, Defendant Wise further proposes the discovery plan  
2 below that is coordinated with the State case trial, and that will afford the parties ample time to  
3 complete the above detailed discovery.  
4

5 Based on the above, defendant Wise submits that good cause exists for the proposed  
6 extension of discovery and requests that this motion be granted by the court.

7 **EXISTING DISCOVERY PLAN**

8 Interim Status Report	January 31, 2020
9 Initial Expert Disclosure Deadline	June 2, 2020
10 Rebuttal Expert Disclosure Deadline	July 2, 2020
11 Amend Pleadings and Add Parties	January 31, 2020
12 Discovery Cut-Off Date	August 3, 2020
13 Dispositive Motion Deadline	September 3, 2020
14 Pre-Trial Order	October 2, 2020

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**[PROPOSED] NEW DISCOVERY PLAN**

Interim Status Report	Unchanged
Initial Expert Disclosure Deadline	December 9, 2020
Rebuttal Expert Disclosure Deadline	January 11, 2021
Amend Pleadings and Add Parties	Unchanged
Discovery Cut-Off Date	February 11, 2021
Dispositive Motion Deadline	March 11, 2021
Pre-Trial Order	April 12, 2021

DATED this 20<sup>th</sup> day of July 2020.

IT IS ORDERED that the unopposed motion is GRANTED in part and DENIED in part.

IT IS ORDERED that the discovery deadlines are extended by 90 days, rather than the approximately 6 months requested in the motion. The motion is otherwise DENIED. The Court will consider an additional extension if the parties cannot safely complete discovery within this enlarged period.

STOVALL & ASSOCIATES

/s/ Ross Moynihan  
 LESLIE MARK STOVALL, ESQ.  
 Nevada Bar No. 2566  
 ROSS MOYNIHAN, ESQ.  
 Nevada Bar No. 11848  
 2301 Palomino Lane  
 Las Vegas, Nevada 89107  
*Attorneys for Defendant Dennis Wise*

**IT IS SO ORDERED**

**DATED:** July 24, 2020

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**BRENDA WEKSLER**  
**UNITED STATES MAGISTRATE JUDGE**