

1 Don Springmeyer, Esq. (NBN 1021)
 2 KEMP JONES, LLP
 3 3800 Howard Hughes Parkway, 17th Floor
 4 Las Vegas, NV 89169
 5 Tel: (702) 385-6000
 6 Email: d.springmeyer@kempjones.com

7 Miles N. Clark (NBN 13848)
 8 LAW OFFICES OF MILES N. CLARK, LLC
 9 5510 S. Fort Apache Rd., Suite 30
 10 Las Vegas, NV 89148-7700
 11 Tel: (702) 856-7430
 12 Email: miles@milesclarklaw.com

13 *Co-Liaison Counsel for Plaintiffs and the Class*

14 *(Additional Counsel Listed on Signature Page)*

15 **UNITED STATES DISTRICT COURT**
 16 **DISTRICT OF NEVADA**

17 In re: MGM Resorts International Data
 18 Breach Litigation

19 Case No.: 2:20-CV-00376-GMN-NJK

20 **STIPULATION AND ~~PROPOSED~~ ORDER**
 21 **REGARDING MODIFICATION OF**
 22 **DISCOVERY SCHEDULE (First Request)**

23
24
25
26
27
28

1 Pursuant to Federal Rules of Civil Procedure 16 and Civil Local Rules IA 6-1 and 6-2,
2 Plaintiffs Ryan Bohlim, Duke Hwynn, Andrew Sedaghatpour, Gennady Simkin, Robert Taylor,
3 Michael Fossett, Victor Wukovits, Kerri Shapiro, Julie Mutsko, Larry Lawter, individually and on
4 behalf of those similarly situated (collectively, “Plaintiffs”) and Defendant MGM Resorts
5 International (“MGM”) (collectively, the “Parties”), stipulate to and request the following
6 modification of the Case Management Schedule [ECF No. 143], seeking (1) a brief extension of the
7 interim fact discovery cutoff by three months, and (2) adjustments to other case deadlines
8 accordingly. Notwithstanding the Parties’ diligence in propounding and responding to discovery,
9 this request is necessary to complete approximately 17 contemplated depositions, which is
10 complicated by the upcoming holidays, the geographical dispersion of witnesses, the need to
11 complete and review document productions for purposes of examining witnesses at deposition,
12 complications related to the fact that the vast majority of MGM witnesses no longer work for the
13 company; as well as the need to work through certain third-party discovery disputes that the parties
14 have been diligently attempting to resolve cooperatively and without the need for Court
15 intervention, and the need to investigate the potential relationship between this case and a
16 subsequent security incident MGM experienced in September 2023. This is the Parties’ first request
17 to modify the case management schedule.

18 **Modification of the Case Management Schedule**

19 WHEREAS, on December 29, 2022, the Court entered the interim fact discovery cutoff
20 deadline for December 19, 2023, and also set the following deadlines: Initial class certification
21 experts: January 18, 2024; Rebuttal class certification experts: March 4, 2024; Class certification
22 expert discovery cutoff: April 3, 2024; Motion for class certification: April 24, 2024; Motion(s)
23 to exclude class certification experts: April 24, 2024; Private mediation deadline: July 17, 2024;
24 Joint status report regarding private mediation: July 24, 2024. (ECF No. 143).

25 WHEREAS, the Parties have engaged in and completed significant discovery, including
26 by (a) serving and responding to multiple discovery requests and interrogatories since February
27 2023, and meeting and conferring regarding the same (41 requests for production and 7
28 interrogatories propounded by Plaintiffs; 41 requests for production, 17 requests for admission,

1 and 10 interrogatories propounded by MGM); (b) MGM's production of over 12,000 documents;
2 (c) Plaintiffs' production of approximately 5,000 documents; (d) the Parties' ongoing and
3 extensive review of those documents; (d) meeting and conferring to discuss the scope of discovery
4 responses and the scheduling of depositions in a cooperative fashion to avoid burdening the Court
5 with needless motion practice; (e) Plaintiffs' deposition of a third-party in this case and serving
6 two other third-party document and deposition subpoenas;

7 WHEREAS, the Parties anticipate substantially completing their document productions in
8 the coming weeks, including the additional production of approximately 800 documents by
9 Plaintiffs; and an additional volume of documents from MGM; however, the Parties still need to
10 complete 15 agreed-upon party depositions and 2 contemplated third-party depositions, all of
11 which is complicated by the upcoming holidays, the geographical dispersion of witnesses, the need
12 to complete and review document productions for purposes of examining witnesses at deposition,
13 as well as additional complications related to the fact that the vast majority of MGM witnesses no
14 longer work for the company;

15 WHEREAS, Plaintiffs have served third-party deposition subpoenas and anticipate
16 potential discovery motion practice in the forum where one third-party is located if the Parties
17 cannot resolve matters informally;

18 WHEREAS, the Parties are discussing further discovery arising from the September 10,
19 2023 security incident that impacted MGM, which they have sought to explore with counsel in
20 this case and counsel in *Lackey v. MGM Resorts International*, Case No. 2:23-cv-01549 (D. Nev.
21 2023);

22 WHEREAS, Plaintiffs contend that discovery regarding the September 2023 security
23 incident may be relevant to the scope and terms of potential injunctive relief in this case and is
24 therefore necessary prior to filing their motion for class certification;

25 WHEREAS, Defendants contend that discovery regarding the September 2023 security
26 incident does not bear on the 2019 security incident, which involved a different threat actor, threat
27 vector, and systems;

28 WHEREAS, notwithstanding the Parties' disagreement over the relevance of discovery

1 regarding the September 2023 security incident, they have been working cooperatively to resolve
2 that dispute without the need for motion practice that otherwise would burden the Court;

3 WHEREAS, the Parties require a modest three-month extension to complete depositions
4 and to resolve any outstanding discovery disputes concerning third-party discovery and the 2023
5 security incident, in order to adequately and fully brief class certification and otherwise litigate the
6 case;

7 WHEREAS, the Parties met and conferred telephonically on October 17, 2023, and
8 October 31, 2023, and have reached an agreement;

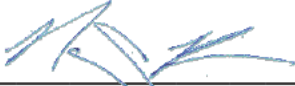
9 Accordingly, **IT IS HEREBY STIPULATED AND AGREED** between the Parties, and
10 subject to Court approval, that:

11 1. The fact discovery cutoff deadline is extended from December 19, 2023, to March
12 19, 2024;

13 2. All other deadlines are correspondingly extended by three months, to correspond
14 to the following deadlines:

Event	Prior Deadline (ECF No. 133).	(Proposed) Updated Deadline
Fact discovery cutoff	December 19, 2023	March 19, 2024
Initial class certification experts	January 18, 2024	April 18, 2024
Rebuttal class certification experts	March 4, 2024	June 4, 2024
Class certification expert discovery cutoff	April 3, 2024	July 3, 2024
Motion for class certification	April 24, 2024	July 24, 2024
Motion(s) to exclude class certification experts	April 24, 2024	July 24, 2024
Private mediation deadline	July 17, 2024	October 17, 2024
Joint status report regarding private mediation	July 24, 2024	October 24, 2024

23
24 IT IS SO ORDERED.
25 Dated: November 8, 2023

26
27 
28 _____
Nancy J. Koppe
United States Magistrate Judge

1 DATED this 6th day of November, 2023.

2 HUNTON ANDREWS KURTH LLP

KEMP JONES, LLP

3 /s/ Jason J. Kim

/s/ Don Springmeyer

4 Anne Marie Mortimer (*pro hac vice*)
5 Jason J. Kim (*pro hac vice*)
6 550 South Hope Street, Suite 2000
7 Los Angeles, California 90071-2627

Don Springmeyer, Esq. (NBN 1021)
3800 Howard Hughes Parkway, 17th Floor
Las Vegas, Nevada 89169

8 Todd L. Bice, Esq. (NBN 4534)
9 Brianna Smith, Esq. (NBN 11795)
10 PISANELLI BICE PLLC
11 400 South 7th Street, Suite 300
12 Las Vegas, Nevada 89101

Miles N. Clark, Esq. (NBN 13848)
LAW OFFICES OF MILES N. CLARK, LLC
5510 S. Fort Apache Rd., Suite 30
Las Vegas, Nevada 89148-7700

Co-Liaison Counsel for Plaintiffs and the Class

13 Neil K. Gilman (*pro hac vice*)
14 HUNTON ANDREWS KURTH LLP
15 2200 Pennsylvania Avenue, NW, Suite 900
16 Washington, D.C 20037-1701

E. Michelle Drake (*pro hac vice*)
BERGER MONTAGUE, PC
1229 Tyler Street NE, Suite 205
Minneapolis, Minnesota 55413

17 *Attorneys for Defendant*
18 *MGM Resorts International*

Michael Dell'Angelo (*pro hac vice*)
Reginald Streater
Mark DeSanto
BERGER MONTAGUE, PC
1818 Market Street, Suite 3600
Philadelphia, Pennsylvania 19103

Douglas J. McNamara (*pro hac vice*)
Karina G. Puttieva (*pro hac vice*)
COHEN MILSTEIN SELLERS & TOLL, PLLC
1100 New York Ave., 5th Floor
Washington, D.C. 20005

Claire L. Torchiana (*pro hac vice*)
COHEN MILSTEIN SELLERS & TOLL, PLLC
88 Pine Street, 14th Fl.
New York, New York 10005

25 David M. Berger (*pro hac vice*)
26 Eric H. Gibbs (*pro hac vice*)
27 GIBBS LAW GROUP, LLP
28 1111 Broadway, Suite 2100
Oakland, California 94607

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

John A. Yanchunis (*pro hac vice*)
Jean S. Martin (*pro hac vice*)
Marcio Valladares (*pro hac vice*)
MORGAN & MORGAN
COMPLEX LITIGATION GROUP
201 N. Franklin Street, 7th Floor
Tampa, Florida 33602

Co-Lead Counsel for Plaintiffs and the Class