

1 Justin C. Jones, Esq.
 Nevada State Bar No. 8519
 2 Nicole E. Lovelock, Esq.
 Nevada State Bar No. 11187
 3 Stephen A. Davis, Esq.
 Nevada State Bar No. 14185
 4 **JONES LOVELOCK**
 6600 Amelia Earhart Ct., Suite C
 5 Las Vegas, Nevada 89119
 Telephone: (702) 805-8450
 6 Facsimile: (702) 805-8451
 Email: jjones@joneslovelock.com
 7 Email: nlovelock@joneslovelock.com
 Email: sdavis@joneslovelock.com

8 *Attorneys for L.L.O., Inc. dba*
 9 *ACME Electric, TAB Contractors, Inc.,*
 10 *and Liberty Mutual Insurance Company*

JONES LOVELOCK
 6600 Amelia Earhart Ct., Suite C
 Las Vegas, NV 89119

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

14 KIEWIT INFRASTRUCTURE WEST CO., a
 Delaware corporation,

15 Plaintiff,

16 v.

17 L.L.O., INC. dba ACME ELECTRIC, a Nevada
 corporation; TAB CONTRACTORS, INC., a
 18 Nevada corporation; LIBERTY MUTUAL
 INSURANCE COMPANY, a Massachusetts
 19 corporation,

20 Defendants.

CASE NO.: 2:20-cv-00493-RFB-DJA

**STIPULATION TO EXTEND
 DISCOVERY DEADLINES
 (FOURTH REQUEST)**

21 AND RELATED COUNTER-CLAIM AND
 22 THIRD-PARTY CLAIM

23 It is hereby stipulated by and between Plaintiff / Counterdefendant / Third-Party Defendant
 24 Kiewit Infrastructure West Co. ("Kiewit"), Third-Party Defendant Travelers Casualty and Surety
 25 Company of America ("Travelers"), Defendants / Counterclaimants / Third-Party Plaintiffs L.L.O.
 26 Inc. dba Acme Electric ("ACME") and TAB Contractors, Inc. ("TAB"), and Defendant Liberty
 27 Mutual Insurance Co. ("Liberty", together with ACME and TAB, the "Subcontractors"), by and
 28 through their respective counsel of record, to extend discovery deadlines from May 17, 2022 to

1 September 14, 2022 (the “Stipulation”), for the reasons stated herein.

2 **A. Discovery completed to date.**

ITEM	DATE
Rule 26(f) Conference	June 17, 2020
Subcontractors’ Initial FRCP Rule 26(a) Disclosure	July 8, 2020
Kiewit’s Initial FRCP Rule 26(a) Disclosure	July 8, 2020
Subcontractors’ First Supplemental Disclosure	July 31, 2020
Kiewit’s First Supplemental Initial Disclosure	August 3, 2020
Subcontractors’ Second Supplemental Disclosure	August 5, 2020
Subcontractors’ First Requests for Production of Documents to Kiewit	August 10, 2020
Kiewit’s Initial Production of Documents	August 24, 2020
Kiewit’s First Requests for Production of Documents to ACME	August 31, 2020
Kiewit’s First Requests for Production of Documents to TAB	August 31, 2020
Kiewit’s First Interrogatories to ACME	August 31, 2020
Kiewit’s First Requests for Admission to ACME	August 31, 2020
Kiewit’s Amended First Requests for Admissions to ACME	September 1, 2020
Kiewit’s First Interrogatories to TAB	September 1, 2020
Kiewit’s Responses to the Subcontractors’ First Requests for Production of Documents to Kiewit	September 16, 2020
Kiewit’s First Production of Documents	September 24, 2020
Kiewit’s Second Supplemental Initial Disclosures	September 30, 2020
ACME’s Responses to Kiewit’s Amended Requests for Admissions	October 27, 2020
ACME’s Responses to Kiewit’s Request for Production of Documents	October 27, 2020
ACME’s Responses to Kiewit’s Interrogatories	October 27, 2020
TAB’s Responses to Kiewit’s Interrogatories	October 27, 2020
Subcontractors’ Third Supplemental Disclosure	October 27, 2020
Kiewit’s Second Set of Interrogatories to ACME	October 29, 2020

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JONES LOVELOCK
6600 Amelia Earhart Ct., Suite C
Las Vegas, NV 89119

JONES LOVELOCK
 6600 Amelia Earhart Ct., Suite C
 Las Vegas, NV 89119

ITEM	DATE
ACME's Responses to Kiewit's Second Set of Interrogatories	December 7, 2020
ACME's First Set of Interrogatories to Kiewit	February 11, 2021
ACME's First Set of Requests for Admission to Kiewit	February 11, 2021
Subcontractors' Second Set of Requests for Production of Documents to Kiewit	February 11, 2021
TAB's First Set of Interrogatories to Kiewit	February 11, 2021
Subcontractors' Fourth Supplemental Disclosure	February 12, 2021
Kiewit's Third Supplemental Initial Disclosure	February 17, 2021
Subcontractors' Fifth Supplemental Disclosure	March 1, 2021
Kiewit's Supplemental Disclosure of Schedules in Native Form	March 9, 2021
Kiewit's Fourth Supplemental Initial Disclosure	March 15, 2021
Kiewit's Fifth Supplemental Initial Disclosure	March 29, 2021
Kiewit's Supplemental Disclosure of Documents	March 30, 2021
Kiewit's Supplemental Disclosure of Documents	April 14, 2021
Kiewit's Supplemental Disclosure of Documents	April 15, 2021
Kiewit's Sixth Supplemental Initial Disclosure	April 15, 2021
Kiewit's Supplemental Disclosure of Documents	April 16, 2021
Kiewit's Seventh Supplemental Initial Disclosure	April 16, 2021
Kiewit's Eighth Supplemental Initial Disclosure	April 29, 2021
Subcontractors' Subpoena Duces Tecum issued to Clark County Public Works	May 7, 2021
Subcontractors' Subpoena Duces Tecum issued to the Narwhal Group	May 7, 2021
Subcontractors' Subpoena Duces Tecum issued to the Nevada Department of Transportation	May 7, 2021
Subcontractors' Subpoena Duces Tecum issued to CH2M Hill	May 7, 2021
Subcontractors' Subpoena Duces Tecum issued to NVEnergy	May 7, 2021
Subcontractors' Subpoena Duces Tecum issued to Clark County Public Works	May 7, 2021
Subcontractors' Subpoena Duces Tecum issued to Atkins North America	May 7, 2021

JONES LOVELOCK
 6600 Amelia Earhart Ct., Suite C
 Las Vegas, NV 89119

ITEM	DATE
Kiewit's Supplemental Disclosure of Documents	May 17, 2021
Kiewit's Ninth Supplemental Initial Disclosure	May 19, 2021
Subcontractors' Public Records Request to the Nevada Department of Transportation	May 25, 2021
Subcontractors' Seventh Supplement to Initial Disclosure	June 15, 2021
Kiewit's Tenth Supplemental Initial Disclosure	June 25, 2021
Kiewit's Supplemental Production of Documents	June 25, 2021
Kiewit's Notice of Errata to Tenth Supplemental Initial Disclosures	June 28, 2021
Subcontractors' Eighth Supplement to Initial Disclosure	July 1, 2021
Kiewit's Eleventh Supplemental Initial Disclosure	July 6, 2021
Kiewit's Supplemental Production of Documents	July 6, 2021
Kiewit's Supplemental Production of Documents	July 7, 2021
Kiewit's Twelfth Supplemental Initial Disclosure	July 8, 2021
Kiewit's Supplemental Production of Documents	July 16, 2021
Kiewit's Supplemental Production of Documents	July 18, 2021
Kiewit's Thirteenth Supplemental Initial Disclosure	July 20, 2021
Kiewit's Supplemental Production of Documents	July 22, 2021
Kiewit's Fourteenth Supplemental Initial Disclosure	July 23, 2021
Kiewit's Fifteenth Supplemental Initial Disclosure	July 28, 2021
Kiewit's Supplemental Production of Documents	July 28, 2021
Subcontractors' Ninth Supplement to Initial Disclosure	August 26, 2021
Kiewit's Interrogatories to ACME, Set 3	September 28, 2021
Kiewit's Interrogatories to TAB, Set 2	September 28, 2021
Kiewit's Requests for Production of Documents to ACME, Set 2	September 28, 2021
Kiewit's Requests for Production of Documents to TAB, Set 2	September 28, 2021
Kiewit's Supplemental Production of Documents	October 8, 2021

ITEM	DATE
Subcontractors' Tenth Supplement to Initial Disclosure	October 21, 2021
Subcontractors' Eleventh Supplement to Initial Disclosure	November 16, 2021
Kiewit's Interrogatories to ACME, Set 3	November 16, 2021
Kiewit's Interrogatories to TAB, Set 2	November 16, 2021
Kiewit's Requests for Production of Documents to ACME, Set 2	November 16, 2021
Kiewit's Requests for Production of Documents to TAB, Set 2	November 16, 2021
First Amended Stipulation Regarding Interrogatories and Deposition of 30(b)(6) Witnesses [Dkt. 94]	November 18, 2021

B. Discovery to be completed.

The parties are continuing to conduct discovery. Third party subpoenas have been issued and served by the Subcontractors, and further third-party subpoenas may be necessary. The Parties need to conduct numerous depositions and serve their expert reports upon each other.

C. Reasons why discovery has not or will not be completed by the current deadline.

This litigation pertains to a dispute between the parties for construction work performed on Project Neon, the largest public works project in Nevada history, with competing claims and counterclaims seeking millions of dollars in damages. Kiewit and the Subcontractors worked on Project Neon for several years, generating and accumulating hundreds of thousands of documents and electronically stored information (“ESI”) during the project, involving numerous personnel and entities.

Kiewit and Subcontractors are working through discovery issues related to ESI disclosures and discovery responses. These discovery issues have impacted the parties' ability to notice depositions of fact witnesses and impacted Subcontractors' experts' ability to form expert opinion regarding the claims, defenses, and damages at issue in this action. Based upon such issues, the Parties are unable to conduct depositions of project personnel and the parties' Rule 30(b)(6) designees or have their expert witnesses complete their reports.

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JONES LOVELOCK
 6600 Amelia Earhart Ct., Suite C
 Las Vegas, NV 89119

1 The parties are currently contemplating mediation to resolve their differences before this
 2 action goes to trial. However, to have a meaningful mediation session, the parties need additional
 3 time in discovery.

4 Given the sheer amount of documents produced to date, the remaining documents that need
 5 to be produced by both parties, the expert reports that need to be prepared and disclosed, and the
 6 depositions that need to be taken, there is good cause to extend the discovery deadlines as set forth
 7 below.

8 **D. Proposed schedule for completing discovery.**

DEADLINE	CURRENT	PROPOSED
Discovery Cutoff	May 17, 2022	September 14, 2022
Amend Pleadings and Add Parties	February 16, 2022	May 17, 2022
Expert Disclosures	March 18, 2022	June 16, 2022
Rebuttal Expert Disclosures	April 19, 2022	August 15, 2022
Dispositive Motions	June 16, 2022	October 17, 2022
Joint Pretrial Order	July 19, 2022	November 16, 2022

17 **E. Good cause exists to extend the discovery deadline.**

18 LR 26-3 requires that any stipulation made to extend discovery be made before 21 days of the
 19 discovery deadline and be supported by good cause and satisfy the requirements of LR IA 6-1. The
 20 good cause standard under LR 26-3 is the same as the good cause standard under Fed. R. Civ. P.
 21 16(b)(4). *Winfeld v. Wal-mart Stores, Inc.*, 2:14-cv-01034-MMD-CWH, 2016 WL 3360658, at *1
 22 (D. Nev. Jun. 9, 2016). “Good cause to extend a discovery deadline exists ‘if it cannot reasonably be
 23 met despite the diligence of the part[ies] seeking extension.’” *Nunez v. Harper*, 2:13-cv-0392-GMN-
 24 NJK, 2014 WL 2808985, at *2 (D. Nev. June 20, 2014) (*quoting Johnson v. Mammoth Recs., Inc.*,
 25 975 F.2d 604, 609 (9th Cir. 2002)).

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1 Good cause exists to extend the discovery deadlines. The parties still have a significant
2 amount of discovery to complete and are contemplating non-binding mediation. Thus, a discovery
3 extension is warranted under these circumstances, and good cause exists to grant this Stipulation.

4 Dated: December 17, 2021.

5 **JONES LOVELOCK**

6 /s/ Nicole E. Lovelock
7 Justin C. Jones, Esq. (NVBN 8519)
8 Nicole E. Lovelock, Esq. (NVBN 11187)
9 Stephen A. Davis, Esq. (NVBN 14185)
6600 Amelia Earhart Ct., Suite C
Las Vegas, Nevada 89119

10 *Attorneys for L.L.O., Inc. dba*
11 *ACME Electric, TAB Contractors, Inc.,*
and Liberty Mutual Insurance Company

12 Dated: December 17, 2021.

13 **WATT, TIEDER, HOFFAR &**
14 **FITZGERALD, L.L.P.**

15 /s/ David McPherson
16 David F. McPherson (admitted pro hac vice)
17 Rebecca S. Glos (admitted pro hac vice)
4 Park Plaza, Suite 1000
Irvine, California 92614

18 *Attorneys for Kiewit Infrastructure West Co.*
and Travelers Casualty and Surety Company of
America

19 **ORDER**

20 IT IS SO ORDERED.

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UNITED STATES MAGISTRATE JUDGE

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25 Dated: December 20, 2021

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JONES LOVELOCK
6600 Amelia Earhart Ct., Suite C
Las Vegas, NV 89119

CERTIFICATE OF SERVICE

I certify that on December 17, 2021, I electronically filed the foregoing **STIPULATION TO EXTEND DISCOVERY DEADLINES (FOURTH REQUEST)** with the Clerk of this Court, using the CM/ECF System.

David R. Johnson, Esq
LAW OFFICES OF DAVID R. JOHNSON,
PLLC
8712 Spanish Ridge Avenue
Las Vegas, NV 89148
Email: david@drjohnsonpllc-law.com

*Attorney for Kiewit Infrastructure West Co.
and Travelers Casualty and Surety Company
of America*

David F. McPherson, Esq.
Rebecca S. Glos, Esq.
WATT, TIEDER, HOFFAR & FITZGERALD,
L.L.P.
4 Park Plaza, Suite 1000
Irvine, California 92614
Email: rglos@watttieder.com
Email: dmcpherson@watttieder.com

*Attorneys for Kiewit Infrastructure West Co. and
Travelers Casualty and Surety Company of
America*

/s/ Julie Linton
An Employee of JONES LOVELOCK

JONES LOVELOCK
6600 Amelia Earhart Ct., Suite C
Las Vegas, NV 89119

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