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21 ATTORNEYS FOR PLAINTIFF AND THE PROPOSED CLASS

22 **UNITED STATES DISTRICT COURT**
 23 **DISTRICT OF NEVADA**

24 DANNY WANEK and JUAN DUARTE, as
 25 representatives of a class of similarly situated
 26 persons, and on behalf of the Caesars
 27 Entertainment Corporation Savings &
 28 Retirement Plan,

Plaintiffs,

v.

29 RUSSELL INVESTMENTS TRUST
 30 COMPANY, CAESARS HOLDINGS, INC.,
 31 THE PLAN INVESTMENT COMMITTEE,
 32 and THE 401(K) PLAN COMMITTEE.

Defendants.

Case No. 2:21-cv-00961-CDS-BNW

**JOINT MOTION TO EXTEND CASE
 DEADLINES**

(FIRST REQUEST FOR EXTENSION)

1 Plaintiffs Danny Wanek and Juan Duarte (“Plaintiffs”), as representatives of a proposed
2 class of similarly situated persons, and on behalf of the Caesars Entertainment Corporation Savings
3 & Retirement Plan, and Defendants Russell Investments Trust Company, Caesars Holdings, Inc.,
4 the Plan Investment Committee, and the 401(k) Plan Committee (“Defendants”) (collectively, the
5 “Parties”), by and through their undersigned counsel, hereby jointly request that the Court extend
6 the deadlines in the Court’s Amended Scheduling Order (ECF No. 115) as specified below:

7 WHEREAS, the Court issued the original Scheduling Order in this case on October 12,
8 2021 (ECF No. 63), while Defendants’ Motions to Dismiss were pending;

9 WHEREAS, the original Scheduling Order listed placeholder dates to be adjusted based on
10 the timing of the Court’s decision on Defendants’ Motions to Dismiss;

11 WHEREAS, the Court issued an Amended Scheduling Order on April 20, 2023 (ECF No.
12 115) listing specific dates for each deadline;

13 WHEREAS, after the Court issued the Amended Scheduling Order, Defendants began the
14 process of identifying custodians, collecting additional potentially responsive materials and
15 electronically stored information (“ESI”), and engaging vendors to assist with processing and
16 reviewing the materials and ESI. Due to the volume of additional materials and ESI that needed to
17 be collected, the process of identifying and collecting materials and ESI potentially responsive to
18 Plaintiffs’ requests for production of documents has taken longer than anticipated;

19 WHEREAS, the Parties have already produced tens of thousands of documents and
20 document productions are still ongoing;

21 WHEREAS, the Parties have conducted depositions of representatives from each party and
22 are in the process of scheduling additional depositions;

23 WHEREAS, Plaintiffs’ Motion for Leave to File an Amended Complaint adding two
24 additional Named Plaintiffs and reinstating their claim for co-fiduciary liability against the Caesars
25 Defendants remains pending;

26 WHEREAS, this motion is not the result of unnecessary delay or a lack of diligence in
27 conducting discovery by any party;

28 WHEREAS, the current deadline to complete fact discovery is February 7, 2024;

1 WHEREAS, the Parties request to extend the fact discovery deadline and, as a result, each
2 of the affected deadlines below, by roughly 90 days (accounting for holidays, weekends, or other
3 scheduling conflicts);

4 WHEREAS, Federal Rule of Civil Procedure 16(b)(4) requires a showing of good cause
5 and the judge’s consent in order to extend case deadlines. Pursuant to Ninth Circuit caselaw, “[t]he
6 proper procedure, when additional time for any purpose is needed, is to present to the Court a timely
7 request for an extension before the time fixed has expired[.]” *Shields v. Baker*, 2020 WL 8991812,
8 at *2 (D. Nev. May 5, 2020) (quotation omitted). “Additionally, courts have inherent power to
9 control their dockets.” *Id.* (citing *Hamilton v. Copper & Steel Corp. v. Primary Steel, Inc.*, 898 F.2d
10 1428, 1429 (9th Cir. 1990)); *see also Nelson v. Safeco Ins. Co. of Illinois*, 2011 WL 12848, at *2
11 (D. Nev. Jan. 4, 2011) (exercising discretion to extend deadlines despite a party’s lack of diligence).
12 Courts generally find good cause where parties must review thousands of documents before the
13 close of discovery and where other motions filed during the discovery period remain pending. *See,*
14 *e.g., Internet Sports Int’l, Ltd., v. Amelco USA, LLC*, 2023 WL 6540193, at *1 (D. Nev. Oct. 6,
15 2023) (granting request for extension where “thousands of documents” would take “significant time
16 to review”); *Hampton v. Nevada*, 2021 WL 3573640, at *2 (D. Nev. July 29, 2021) (granting motion
17 to extend deadlines where motion to amend the complaint remained pending); *Cervantes v. Scott*,
18 2020 WL 1816294, at *2 (D. Nev. Apr. 9, 2020) (granting request to extend deadlines where a
19 motion for reconsideration remained pending).

20 WHEREAS, the parties have demonstrated that there is good cause to reasonably extend
21 the below deadlines. The voluminous document productions in this case require time to gather,
22 review, and produce. The requested extension will allow the Parties time to review the documents
23 before completing additional depositions and allow the Parties additional time after the holidays to
24 coordinate the schedules of the multiple parties required to conduct each deposition. Further, the
25 discovery period will account for any delays in the production of responsive materials and ESI and
26 allow the Parties to continue to diligently pursue discovery. Finally, extending the discovery period
27 will allow the Court additional time to rule on Plaintiffs’ Motion for Leave to File a Fourth
28

1 Amended Complaint and additional time for the Parties to conduct depositions of the additional
2 Named Plaintiffs if the motion is granted.

3
4
5 WHEREAS, counsel for the Parties have conferred and agreed to the following deadlines:

6 Event	Proposed Date
7 Fact Discovery Deadline	May 7, 2024
8 Deadline for Plaintiffs to serve their expert reports	June 7, 2024
9 Deadline Defendants to serve their expert reports	July 19, 2024
10 Deadline for Plaintiffs to serve their rebuttal expert reports	August 16, 2024
11 Deadline for expert discovery	September 6, 2024
12 Deadline for summary judgment motions	September 16, 2024

13
14 WHEREAS, this request is not made for purposes of delay; and

15 WHEREAS, this is the first request for an extension of time for the subject deadlines;

16 IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, that
17 the Parties will abide by the following deadlines:

18 Event	Proposed Date
19 Fact Discovery Deadline	May 7, 2024
20 Deadline for Plaintiffs to serve their expert reports	June 7, 2024
21 Deadline Defendants to serve their expert reports	July 19, 2024
22 Deadline for Plaintiffs to serve their rebuttal expert reports	August 16, 2024
23 Deadline for expert discovery	September 6, 2024
24 Deadline for summary judgment motions	September 16, 2024

1 Dated: December 29, 2023

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3 /s/ Benjamin J. Bauer

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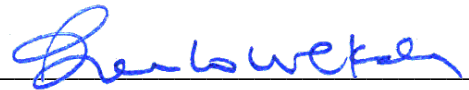
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*Attorneys for Defendant Russell Investments
Trust Company*

DATED: 1/2/2024

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE
UNITED STATES MAGISTRATE JUDGE