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25 *CLARK COUNTY; DANNY HORVAT;*
26 *STEPHEN DIGIOVANNI; and JEROME STUEVE*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

18 SOUTHERN NEVADA FIRE PROTECTION,
19 INC. dba N F P, a Nevada corporation,

20 Plaintiff,

21 vs.

22 CLARK COUNTY, a political subdivision of the
23 State of Nevada; DANNY HORVAT, an
24 Individual; STEPHEN DIGIOVANNI, an
25 Individual; JEROME STUEVE, an Individual;
26 DOES I through X, inclusive; and ROE
27 CORPORATIONS I through X, inclusive,

28 Defendants.

Case Number:
2:21-cv-01843-JCM-DJA

**STIPULATION AND
ORDER TO EXTEND DISCOVERY
DEADLINES**

(FOURTH REQUEST)

Pursuant to Local Rule IA 6-1, LR 7-1 and LR 26-3, Plaintiff SOUTHERN NEVADA
FIRE PROTECTION dba N F P (“Plaintiff”), by and through its counsel of record, the law firm

1 of Hayes Wakayama Juan, and Defendants CLARK COUNTY, DANNY HORVAT, STEPHEN
2 DIGIOVANNI and JEROME STUEVE (“Defendants”), by and through their counsel of record,
3 the law firm of OLSON CANNON GORMLEY & STOBERSKI, respectfully submit the
4 following Stipulation and Order to Extend Discovery Deadlines (Fourth Request) for a period of
5 ninety (90) days as follows:

6 **I. DISCOVERY COMPLETED TO DATE**

7 The Parties’ Stipulated Discovery Plan and [Proposed] Scheduling Order (Third Request)
8 [ECF No.30] was submitted on January 18, 2023, and the Court granted [ECF No. 31] on January
9 19, 2023.

10 **A. PLAINTIFF’S DISCOVERY**

11 1. On January 21, 2022, Plaintiff served its Initial Disclosure of Witnesses and
12 Documents.

13 2. On February 9, 2022, Plaintiff served its First Set of Interrogatories and First set of
14 Request for Production of Documents each to Clark County, Danny Horvat, Jerome Stueve, and
15 Stephen DiGiovanni.

16 3. On April 1, 2022, Plaintiff served its Answers to Defendants Clark County and
17 Jerome Stueve’s First Set of Interrogatories and First Set of Request for Production of Documents.

18 4. On June 23, 2022, Plaintiff served its First Supplemental Response to Clark
19 County’s First Request for Production of Documents and First Supplemental Disclosure of
20 Witnesses and Documents.

21 5. On November 30, 2022, Plaintiff took the deposition of Lauren Gilbert.

22 6. On January 4, 2023, Plaintiff served its Second Disclosure of Witnesses and
23 Documents.

24 7. On January 23, 2023, Plaintiff took the deposition of Danny Horvat.

25 **B. DEFENDANTS’ DISCOVERY**

26 1. On January 20, 2022, Defendants served their Initial Disclosure of Witnesses and
27 Documents.

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1 2. On February 8, 2022, Defendant Clark County served its First Set of Interrogatories
2 and First Set of Request for Production of Documents to Plaintiff, and Defendant Jerome Stueve
3 served his First Set of Interrogatories to Plaintiff.

4 3. On April 1, 2022, Defendants Clark County, Danny Horvat, Jerome Stueve, and
5 Stephen DiGiovanni each served their responses to Plaintiff's First Set of Interrogatories and First
6 set of Request for Production of Documents.

7 4. On May 9, 2022, Defendants served their First Supplemental Disclosure of
8 Witnesses and Documents which was lost in the mail, therefore, was hand delivered to Plaintiff's
9 office via runner service on May 17, 2022.

10 5. On May 11, 2022, Defendants served their Second Supplemental Disclosure of
11 Witnesses and Documents.

12 6. On August 17, 2022, Defendants served their Third Supplemental Disclosure of
13 Witnesses and Documents.

14 7. On August 22, 2022, Defendants served their Fourth Supplemental Disclosure of
15 Witnesses and Documents.

16 8. On September 8, 2022, Defendants served their Fifth Supplemental Disclosure of
17 Witnesses and Documents.

18 9. On January 27, 2023, Defendants served their Sixth Supplemental Disclosure of
19 Witnesses and Documents.

20 10. On March 8, 2023, Defendants served their Seventh Supplemental Disclosure of
21 Witnesses and Documents. [Defendants have now disclosed 93,677 pages of documents].

22 11. On March 10, 2023, Defendants re-noticed the deposition of Chris Huskey for the
23 third time.

24 12. On March 27, 2023, Defendants noticed the deposition of third-party witness
25 Bobby Tavakoki for June 1, 2023.

26 13. On April 4, 2023, Defendants re-noticed the deposition of Don Blunt for the sixth
27 time.
28

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1 **II. DISCOVERY REMAINING**

- 2 1. Depositions of Defendants Steve DiGiovanni and Jerry Stueve.
- 3 2. Depositions of Plaintiffs' principal, Don Blunt, and Plaintiffs' agent, Chris Huskey.
- 4 3. Deposition of Bobby Tavakoli (from On Guard).
- 5 4. Deposition of John Spargo.
- 6 5. Additional written discovery, if necessary.
- 7 6. Plaintiff's and Defendants' initial expert disclosure and all Parties discourse of
- 8 rebuttal experts.
- 9 7. Additional discovery the parties deem necessary throughout the course of discovery
- 10 and further litigation.

11 **III. REASONS WHY DISCOVERY HAS NOT BEEN COMPLETED**

12 This request for an extension is made by agreement among the parties to complete fact

13 discovery and obtain all necessary records and depositions. The Parties have not be able to

14 adequately complete discovery, including but not limited to deposition of key witnesses before the

15 current discovery cutoff due to Plaintiff's principal officer (Don Blunt) recovering from a serious

16 illness, undergoing surgeries, and having a family emergency in Columbia which caused the

17 deposition of defense witness Steve DiGiovanni being rescheduled seven (7) times and the

18 deposition of Mr. Blunt being rescheduled six (6) times. In addition, the father of plaintiff's lead

19 counsel is undergoing emergency brain surgery within the week and is the primary caregiver. Mr.

20 DiGiovanni also became sick and had to quarantine as well causing his deposition to be

21 rescheduled for this reason as well. The parties have been anxiously engaged in scheduling and

22 taking these key depositions; however, they have experienced these several unexpected obstacles

23 that have interfered with their ability to complete these depositions to date.

24 The Parties have met and conferred regarding the existing discovery deadlines, and the

25 Parties agree that the existing discovery deadlines should be extended to allow the Parties to

26 complete the investigation of the facts and circumstances in this case.

27 This Stipulation constitutes the parties' fourth request for an extension and is being entered

28 in good faith and not for purposes of delay.

1 **IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY**

2 The parties propose the following schedule:

<u>EVENT</u>	<u>CURRENT DEADLINE</u>	<u>PROPOSED</u>
Close of Discovery	June 29, 2023	September 29, 2023
Final date to file motions to amend pleadings or add parties	April 20, 2023	July 20, 2023
Initial Expert Disclosure	May 4, 2023	August 4, 2023
Rebuttal Expert Disclosure	June 1, 2023	September 1, 2023
Dispositive Motions	August 1, 2023	November 1, 2023
Joint Pretrial Order	August 29, 2023	November 29, 2023

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This request for an extension of time is not sought for any improper purpose or other purpose of delay. The parties have worked together at moving discovery forward and have conducted significant discovery up to this point. The parties respectfully submit that the reasons set forth above constitute good cause for the discovery extension.

IT IS SO STIPULATED.

ORDER

Dated this 7th day of April, 2023

Dated this 7th day of April, 2023

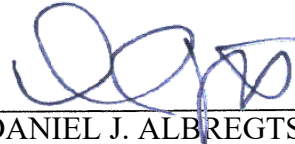
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**OLSON CANNON GORMLEY &
STOBERSKI**

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*Attorneys for Defendants, Clark
County; Danny Horvat; Stephen
DiGiovanni; Jerome Stueve*

IT IS SO ORDERED:



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

DATED: April 10, 2023

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From: Liane K Wakayama <lkw@hwlawnv.com>
Sent: Friday, April 7, 2023 4:25 PM
To: Tom Dillard; Javie-Anne Bauer; Linda Roth
Cc: Jessica Kaufman
Subject: Re: Southern Nevada Fire Protection v. Clark County

Please just change "surgery" to "surgeries." Then, you have permission to affix my e-signature. Thank you.

Liane K. Wakayama, Esq.
Founding Partner
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Sent from my iPhone

From: Tom Dillard <tdillard@ocgas.com>
Sent: Friday, April 7, 2023 4:10:32 PM
To: Javie-Anne Bauer <jbauer@hwlawnv.com>; Linda Roth <lroth@ocgas.com>; Liane K Wakayama <lkw@hwlawnv.com>
Cc: Jessica Kaufman <jkaufman@ocgas.com>
Subject: RE: Southern Nevada Fire Protection v. Clark County

Please see attached revised draft for Liane's review. Thank you.

Thomas D. Dillard, Jr., Esq., Shareholder
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From: Javie-Anne Bauer <jbauer@hwlawnv.com>
Sent: Friday, April 7, 2023 3:23 PM
To: Linda Roth <lroth@ocgas.com>; Liane K Wakayama <lkw@hwlawnv.com>
Cc: Tom Dillard <tdillard@ocgas.com>; Jessica Kaufman <jkaufman@ocgas.com>
Subject: RE: Southern Nevada Fire Protection v. Clark County