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 15 HOMESITE INSURANCE COMPANY
 16 as subrogee of Traci Marx and Raymond Marx

17 **UNITED STATES DISTRICT COURT**
 18 **DISTRICT OF NEVADA**

19 HOMESITE INSURANCE COMPANY)
 20 as subrogee of Traci Marx and Raymond)
 21 Marx,)
 22 Plaintiff,)

23 v.)

24 NORCOLD, INC., NORCOLD, LLC,)
 25 THETFORD CORPORATION, THETFORD,)
 26 LLC, CAMPING WORLD OF)
 27 HENDERSON, CAMPING WORLD, INC.,)
 28 CWI, Inc. and DOES 1 through 50, Inclusive,)
 Defendants.)

TRACI MARX, RAY MARX, ALYSSA)
 DILLARD and SETH DILLARD,)

v.)

NORCOLD, INC., NORCOLD, LLC,)
 THETFORD CORPORATION, THETFORD)
 LLC, THE DYSON-KISSNER-MORAN)
 CORPORATION, CAMPING WORLD)
 HOLDINGS, INC., CAMPING WORLD,)
 INC., CWI, INC., CAMPING WORLD OF)
 HENDERSON, and DOES 1 to 50, inclusive,)
 and ROE ENTITIES 1 to 50,)
 inclusive)

Case No.: 2:21-cv-02167-RFB-DJA
 (Consolidated with Case No. 2:22-cv-00085-
 JCM-EJY)

**STIPULATION AND ORDER TO
 EXTEND DISCOVERY AND OTHER
 DEADLINES
 (Fourth Request)**

1 Pursuant to LR 6-1 and LR 26-3, the undersigned parties in the consolidated cases, by
2 and through their respective counsel of record, hereby stipulate and respectfully request that this
3 Court further extend certain deadlines contemplated by Scheduling Order currently in place. In
4 support of this Stipulation and Request, the parties state as follows:

5 **Procedural History of the Cases**

6 1. On November 5, 2021, Plaintiff Homesite Insurance Company filed its Complaint
7 against Norcold Inc., Thetford Corp., Camping World, Inc. and Camping World of Henderson in
8 the Clark County District Court of the State of Nevada (hereinafter “the Homesite Action”).

9 2. On December 8, 2021, the Court granted Camping World of Henderson’s
10 and Camping World, Inc.’s Petition for Removal of the Homesite Action to the United States
11 District Court for the District of Nevada. On December 15, 2021, the named defendants in the
12 Homesite Action filed their Answers to the Complaint under Case No. 2:21-cv-02167-RFB-DJA.

13 3. On December 14, 2021, Plaintiffs Traci Marx, Raymond Marx, Alyssa Dillard and
14 Seth Dillard (“Marx/Dillard Plaintiffs”) filed their Complaint against Norcold, Inc., Thetford
15 Corp., The Dyson-Kissner-Moran Corporation (“DKM”), Camping World Holdings, Inc.,
16 Camping World, Inc., CWI, Inc., and Camping World of Henderson (collectively “Camping
17 World Defendants”), in the Clark County District Court of the State of Nevada (hereinafter the
18 “Marx Action”).

19 4. On January 18, 2022, in the Marx Action, the Court granted Norcold, Thetford, and
20 DKM’s Petition for Removal to the United States District Court for the District of Nevada.
21 Norcold, Thetford, DKM, and the Camping World Defendants filed their Answers to the
22 Complaint in the Marx Action on January 25, 2022 and January 28, 2022 respectively under
23 Case No. 2:22-cv-00085-JCM-EJY.

24 5. On February 2, 2022, Plaintiffs in the Marx Action filed a Motion to Remand which
25 is currently pending.

26 6. On February 10, 2022, Plaintiff in the Homesite Action filed a Notice of Related Case
27 regarding the Marx Action.
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1 7. On February 16, 2022, the parties filed their Amended Joint Rule 26(f) Status Report
2 and Discovery Plan in the Homesite Action. Plaintiff and Defendants in the Homesite Action
3 served their Initial Document and Witness Disclosures.

4 8. On February 24, 2022, Norcold, Thetford, and DKM filed an Amended Proposed
5 Discovery Plan on behalf of the parties in the Marx Action

6 9. On March 14, 2022, a hearing was held before the Honorable Elayna J. Youchah in
7 the Marx Action regarding the parties' Amended Proposed Discovery Plan. The Court went
8 through various areas of dispute between the parties, and established the initial scope of
9 discovery in the Marx Action. On May 18, 2022, the Court ordered that the Marx Action, Case
10 No. 2:22-cv00085-JCM-EJY, be consolidated under the Homesite Action, Case No. 2:21-cv-
11 02167-RFB-DJA.

12 10. All parties engaged in written discovery. The parties met and conferred on the terms
13 of a protective order requested by Defendants; however, despite their best efforts, they were
14 unable to agree on the terms of the protective order. Plaintiffs filed a Joint Motion for Protective
15 Order, to which Norcold, Thetford and DKM filed their Response with alternative proposed
16 protective order (such Response being joined by the Camping World Defendants).

17 11. On July 26, 2022, Norcold filed a Motion to Compel Discovery Responses from the
18 Marx/Dillard Plaintiffs in the consolidated action. On July 26, 2022, Norcold also filed a Motion
19 to Deem Requests for Admission Admitted in the Marx Action.

20 12. On October 13, 2022, the Court granted Plaintiff Homesite's motion to amend its
21 Complaint to name CWI, Inc. as a defendant in the Homesite Action.

22 13. On October 20, 2022, the parties in the consolidated actions submitted a letter
23 requesting a status conference pursuant to Local Rule 16-2.

24 14. On October 28, 2022, Plaintiff Homesite Insurance Company filed its First Amended
25 Complaint, adding CWI, Inc. as a party.

26 15. On October 28, 2022, all Defendants filed their answers to the Homesite Plaintiff's
27 First Amended Complaint.
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1 16. On November 8, 2022, the parties filed a Joint Stipulation for Extension of Time,
2 which was granted by the Court on November 9, 2022.

3 17. On December 19, 2022, the Court held a hearing on Norcold's Motion to Compel
4 Discovery Responses from Plaintiffs and Motion to Deem Requests for Admission Admitted in
5 the Marx Action. The Court ordered that the plaintiffs file an amended complaint naming
6 Norcold LLC and Thetford LLC as defendants in the action and that plaintiffs file responses to
7 Norcold LLC's discovery requests. The Court denied Norcold's motion to deem requests for
8 admission admitted.

9 18. On January 17, 2023, Marx/Dillard Plaintiffs filed their First Amended Complaint
10 naming additional Camping World Defendants and Norcold LLC and Thetford LLC as
11 defendants. On January 31, 2023, all Defendants filed their answers to Marx/Dillard Plaintiffs'
12 First Amended Complaint.

13 19. On February 8, 2023, and thereafter, Marx/Dillard Plaintiffs filed their responses to
14 Norcold LLC's discovery requests.

15 20. On February 28, 2023, Plaintiff Homesite Insurance Company filed its Unopposed
16 Stipulation to File Second Amended Complaint to add Norcold LLC and Thetford LLC as
17 defendants to its action. On March 2, 2023, Plaintiff Homesite Insurance Company's Second
18 Amended Complaint was deemed filed by the Court.

19 21. On March 2, 2023, Plaintiff Homesite Insurance Company filed a Motion for Leave
20 to File a Third Amended Complaint to add DKM after meet and confer with Defendants Norcold
21 and Thetford where said defendants advised that they opposed Plaintiff's request to amend the
22 complaint to add DKM as a defendant.

23 22. On March 10, 2023, Plaintiff Homesite served an Amended Rule 30(b)(6) Notice of
24 Deposition of Norcold, Inc. (currently known as Norcold LLC.)

25 23. On March 13, 2023, Plaintiff Homesite Insurance Company and the Marx/Dillard
26 Plaintiffs filed their Joint Motion for Protective Order.

27 24. On March 16, 2023, Defendants Norcold LLC and Thetford LLC filed their answers
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1 to Plaintiff Homesite Insurance Company's Second Amended Complaint.

2 25. On March 16, 2023, Defendants Norcold LLC and Thetford LLC filed their response
3 in opposition to Plaintiff Homesite Insurance Company's Motion for Leave to File its Third
4 Amended Complaint to add DKM.

5 26. On March 20, 2023, Plaintiffs Marx/Dillard and Homesite Insurance Company served
6 joint notices of deposition pursuant to FRCP 30(b)(6) on Norcold, Inc. and on CWI, Inc.

7 27. On March 21, 2023, named defendants Camping World of Henderson, Camping
8 World, Inc. and CWI, Inc. filed their Joint and Separate Answer and Affirmative Defenses to
9 Plaintiff's Second Amended Complaint.

10 28. On or around March 20, 2023, the Marx/Dillard Plaintiffs filed their Notice of Intent
11 to Serve Subpoena on Non-Parties to Testify at Deposition of Christopher Justin Hillenbrand.

12 29. On March 21, 2023, Plaintiffs Marx/Dillard and Homesite served joint notices of
13 deposition pursuant to FRCP 30(b)(6) on Thetford LLC and DKM.

14 30. On March 22, 2023, Defendant Norcold served a notice of deposition of Plaintiffs
15 Alyssa Dillard, Seth Dillard, Traci Marx, and Ray Marx.

16 31. On March 22, 2023, Marx/Dillard Plaintiffs served amended and/or supplemental
17 responses to the Camping World entities' written discovery requests, including interrogatories,
18 requests for admission and requests for production.

19 32. On March 23, 2023, Plaintiff Homesite Insurance Company filed its response in
20 reply to Defendants' opposition to its Motion for Leave to File its Third Amended Complaint.

21 33. On March 27, 2023, Defendants Norcold LLC, Thetford LLC, and DKM filed their
22 response in opposition to Plaintiffs' Joint Motion for Protective Order.

23 34. On March 28, 2023, Defendants Norcold LLC and Thetford LLC filed their Motion
24 to Quash and for a Protective Order Preventing the Apex Deposition of Christopher Justin
25 Hillenbrand.

26 35. On March 29, 2023, the Court issued a minute order that Defendants' Motion to
27 Quash and for a Protective Order did not satisfy the meet and confer requirements of the Local
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1 Rules and ordered that the parties meet and confer pursuant to Local Rule IA 1-3(f).

2 36. On March 31, 2023, counsel for Plaintiffs Marx/Dillard and Defendants Norcold and
3 Thetford held a telephonic meet and confer regarding the deposition subpoena of Christopher
4 Justin Hillenbrand. The parties were not able to resolve their discovery dispute. Defendants filed
5 a declaration in support of their Motion to Quash and for Protective Order on March 31, 2023
6 pursuant to the Court's minute order.

7 37. On April 4, 2023, the Parties filed a second Joint Stipulation to Extend Discovery
8 Deadlines.

9 38. On April 6, 2023, the Court issued a minute order that the Joint Stipulation to Extend
10 Discovery Deadlines sought to extend a deadline that had already passed (the deadline to amend
11 pleadings or add parties) and did not cite excusable neglect as required under LR 26-3 and
12 ordered the parties to file their stipulation citing excusable neglect on or before April 13, 2023.

13 39. The Parties filed their Amended Joint Stipulation to Extend Discovery Deadlines,
14 removing the deadline to amend pleadings or add parties, on April 6, 2023. The Court granted
15 the Amended Stipulation on April 7, 2023.

16 40. On April 11, 2023, Marx/Dillard Plaintiffs filed their response to Defendants Norcold
17 LLC and Thetford LLCs' Motion to Quash and for a Protective Order Preventing the Apex
18 Deposition of Christopher Justin Hillenbrand.

19 41. On April 18, 2023, Defendants Norcold LLC and Thetford LLC filed their reply to
20 the Marx/Dillard Plaintiffs' response to their Motion to Quash and for a Protective Order
21 Preventing the Apex Deposition of Christopher Justin Hillenbrand.

22 42. On June 15, 2023, the Court issued an order granting Plaintiff Homesite's Motion for
23 Leave to File Amended Complaint, granting in part and denying in part Plaintiff Homesite's
24 Joint Motion for Protective Order and granting Defendants Norcold LLC and Thetford LLC's
25 Motion to Quash and for a Protective Order Preventing the Apex Deposition of Christopher
26 Justin Hillenbrand. The Court ordered the Stipulated Protective Order to be filed by July 14,
27 2023.
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1 43. On June 21, 2023, Plaintiff Homesite filed its Third Amended Complaint and
2 Demand for Jury Trial, naming The Dyson-Kissner Moran Corporation (“DKM”) as a defendant.

3 44. On July 12, 2023, the Parties filed their Joint Stipulation for Protective Order.

4 45. On July 12, 2023, Defendant DKM filed its Motion to Dismiss Plaintiff Homesite’s
5 Third Amended Complaint.

6 46. On July 18, 2023, the Court granted the Joint Stipulation for Protective Order.

7 47. On July 26, 2023, Plaintiff Homesite filed its response to Defendant DKM’s Motion
8 to Dismiss Plaintiff Homesite’s Third Amended Complaint.

9 48. On July 27, 2023, the Marx/Dillard plaintiffs served notices of deposition for certain
10 current employees and former employees/officers of defendants Norcold, LLC, Thetford, LLC
11 and DKM – Mary Pouliot, John FitzSimons, Heather Ing and Keith Stickley.

12 49. On August 2, 2023, DKM filed its Reply in Support of Motion to Dismiss Plaintiff
13 Homesite’s Third Amended Complaint Pursuant to FRCP 12(b)(6).

14 50. On August 7, 2023, Plaintiff Homesite filed the Third Stipulation for Extension of
15 Time.

16 51. On August 9, 2023, the Court granted the Parties’ Third Stipulation for Extension of
17 Time.

18 52. On August 31, 2023, the Plaintiffs disclosed their experts and expert reports.

19 53. On September 29, 2023, Homesite and the Marx/Dillard Plaintiffs served the First
20 Amended Joint Notice of Deposition of the Dyson-Kissner-Moran Corporation Pursuant to Fed.
21 R. Civ. P. 30(b)(6), First Amended Joint Notice of Deposition of Thetford, LLC, f/k/a Thetford
22 Corporation Pursuant to Fed. R. Civ. P. 30(b)(6), Second Amended Joint Notice of Deposition of
23 Norcold, LLC, f/k/a Norcold, Inc. Pursuant to Fed. R. Civ. P. 30(b)(6), and Second Amended
24 Joint Notice of Deposition of CWI, Inc. Pursuant to Fed. R. Civ. P. 30(b)(6).

25 54. On October 2, 2023, the Marx/Dillard Plaintiffs served the First Amended Notice of
26 Deposition of John Fitzsimons, First Amended Notice of Deposition of Keith Stickley, First
27 Amended Notice of Deposition of Heather Ing and First Amended Notice of Deposition of Mary
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1 Pouliot.

2 55. On October 20, 2023, Defendants Thetford LLC and Norcold LLC filed an
3 Emergency Motion for Protective Order regarding the deposition of Mary Pouliot, noticed by the
4 Marx/Dillard Plaintiffs.

5 56. On October 20, 2023, the Court issued a minute order denying the emergency nature
6 of the Defendants' Motion for Protective Order and set a hearing on the Motion for November
7 29, 2023.

8 57. On October 23, 2023, Defendant Thetford LLC filed a Motion for Protective Order
9 regarding the deposition of Heather Ing, noticed by the Marx/Dillard Plaintiffs.

10 58. On October 25, 2023, the Court issued a further minute order that the Motion would
11 also be heard on November 29, 2023. The Court also stayed all discovery until the Court issued
12 its ruling on the pending motions for protective order regarding the depositions of Ms. Pouliot
13 and Ms. Ing.

14 59. At the November 29, 2023 hearing, the Court granted the Motion for Protective Order
15 regarding the deposition of Mary Pouliot and denied the Motion for Protective Order as to the
16 deposition of Heather Ing.

17 60. On December 13, 2023, the Court issued a Minute Order setting a Hearing on DKM's
18 Motion to Dismiss Plaintiff Homesite's Third Amended Complaint for February 6, 2024. [ECF
19 No. 118].

20 61. The parties have agreed to mediate this matter with the Hon. Trevor Atkin (Ret.) on
21 February 21, 2024.

22 **Discovery Remaining**

23 1. The parties continue participating in written discovery. Specifically, the parties are in
24 the process of meeting and conferring regarding supplemental discovery responses that were
25 served by Defendants following the Court's entry of the protective order on July 18, 2023. There
26 are at least five (5) separate sets of written discovery at issue between the parties.
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1 2. The depositions of Plaintiffs Alyssa Dillard and Seth Dillard are currently
2 scheduled to occur on December 21, 2023.

3 3. The depositions of Plaintiffs Ray Marx and Traci Marx are currently scheduled to
4 occur on January 9, 2024.

5 4. Resolution of the issues regarding supplemental discovery responses to written
6 discovery described above is a necessary precondition to plaintiffs proceeding with depositions,
7 particularly corporate representative depositions pursuant to FRCP 30(b)(6). As of the date of
8 this application, the parties anticipate potentially taking the following fact depositions:

- 9 • Nyda Dell Marx;
- 10 • Rule 30(b)(6) deposition of Homesite
- 11 • Heather Ing (Thetford, LLC employee);
- 12 • Keith Stickley (former Norcold, LLC employee);
- 13 • John FitzSimons (former DKM/Thetford/Norcold officer);
- 14 • Rule 30(b)(6) depositions of Norcold LLC, Thetford LLC, and DKM;
- 15 • Rule 30(b)(6) deposition of CWI, Inc., Camping World of Henderson,
16 Camping World, Inc.

17 5. The parties may take the depositions of any and all other witnesses garnered through
18 discovery.

19 6. The parties have disclosed expert witnesses pursuant to Fed. R. Civ. P. 26.

20 7. The parties will take expert depositions.

21
22 **Why Remaining Discovery Has Not Yet Been Completed**

23 Good cause exists for the instant request for extension pursuant to Local Rule 26-3. This
24 request for an extension of time is not sought for any improper purpose or for the purpose of
25 delay. Rather, it is sought for the purpose of allowing the parties sufficient time to conduct
26 discovery and adequately prepare for trial. The parties seek additional time as discovery was
27 stayed for over 30 days pending resolution on the Defendants' motions for protective order
28 regarding the depositions of Mary Pouliot and Heather Ing noticed by Plaintiffs. Furthermore,

1 the litigation outlined above continues to give rise to complex issues and disputes that the parties
2 are attempting to resolve, including a dispute over the scope of the four Rule 30(b)(6)
3 depositions previously noticed by Plaintiffs. For these reasons, the parties jointly seek court
4 intervention to extend the deadlines as set forth below.

5 In addition, there are motions that remain pending before the Court that are intertwined
6 with the written discovery at issue between the parties, and/or the deposition discovery
7 anticipated by the parties. The motions include the Marx/Dillard plaintiffs' motion to remand
8 based on lack of diversity jurisdiction related to named Defendant Camping World of
9 Henderson, and DKM's motion to dismiss Plaintiff Homesite's Third Amended Complaint,
10 which Plaintiff Homesite opposes.

11 Due to the pending issues and developments outlined above, the parties have not been
12 able to proceed with pre-trial discovery and depositions at the rate they previously anticipated.
13 Accordingly, the parties request a further modification and extension of fact discovery and other
14 trial related deadlines to allow for the opportunity to resolve the above referenced disputes so
15 that discovery and trial preparation can proceed smoothly for the benefit of all parties.

16 **Extension of Modification of the Discovery Plan and Scheduling Order**

17 Local Rule 26-3 governs modifications or extension of the Discovery Plan and
18 Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and
19 Scheduling Order must be made no later than twenty-one (21) days before the expiration of the
20 subject deadline and must comply fully with LR 26-3.

21 This is the fourth request for extension of time in this matter. The parties respectfully
22 submit that the reasons set forth above constitute compelling reasons for the extension.

23 The following is a list of the current discovery deadlines and parties' proposed extended
24 deadlines:

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Scheduled Event	Current Deadline	New Deadline
Fact Discovery	<i>Monday January 8, 2024</i>	<i>April 15, 2024</i>
Expert Discovery	<i>Monday, January 8, 2024</i>	<i>May 15, 2024</i>
Mediation Completion Date	<i>Tuesday, February 13, 2024</i>	<i>February 29, 2024</i>
Dispositive Motions	<i>Tuesday, February 13, 2024</i>	<i>May 30, 2024</i>
Joint Pretrial Order	<i>To be set pursuant to LR 26-1 (both cases)</i>	<i>To be set pursuant to LR 26-1</i>

WHEREFORE, the parties respectfully request that this Court extend fact discovery and other deadlines in accordance with the table above.

Dated: December 18, 2023

GROTEFELD HOFFMANN LLP

/s/ Lilla Shkolnikov
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Dated: December 18, 2023

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Dated: December 18, 2023

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CORPORATION*

1 The Court notes that the parties have made substantive changes to the discovery dates, like
2 separating out fact and expert discovery and making the period between the close of fact
3 discovery and the dispositive motions deadline shorter. However, the parties have not
4 explained why they needed to change these times, rather than simply extending all dates by a
5 certain period. The Court will require a more robust explanation for changes to the
6 discovery schedule in the future. Nonetheless, the Court finds good cause to grant the
7 parties' instant stipulation.

8 IT IS THEREFORE ORDERED that the parties' stipulation (ECF No. 119) is GRANTED.



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DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

DATED: December 20, 2023