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10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

In re J&J Investment Litigation

Case No. 2:22-cv-00529-GMN-NJK

Assigned for All Purposes to:
Hon. Gloria M. Navarro

15 GEOFF WINKLER, as court-appointed
 16 receiver for J&J Consulting Services, Inc.,
 an Alaska corporation; J&J Consulting
 17 Services, Inc., a Nevada corporation, and
 J and J Purchasing LLC, Florida limited
 18 liability company,

Case No. 2:23-cv-00703-APG-NJK

JOINT STIPULATION AND
~~**PROPOSED**~~ **ORDER**
REGARDING DISCOVERY
COORDINATION AND CASE
SCHEDULE

Plaintiff,

v.

(SECOND REQUEST)

20 WELLS FARGO BANK, N.A.,
 21 Defendant.

23 Plaintiffs Barrett Henzel, Allan Carso, Gary Lundin, Joshua Luekenga, Craig Rodney
 24 Michaelis, Bryce Kelly, Clint McDaniel, and Dan Michael (collectively, "Class Plaintiffs"); Plaintiff
 25 Geoff Winkler, as court-appointed receiver for J&J Consulting Services, Inc., J&J Consulting
 26 Services, Inc., and J and J Purchasing LLC ("Receiver"; with the Class Plaintiffs, "Plaintiffs"); and
 27 Defendant Wells Fargo Bank, N.A. ("Wells Fargo") (collectively, the "Parties") hereby stipulate as

28 **STIPULATION REGARDING DISCOVERY COORDINATION AND CASE SCHEDULE**

Case No. 2:22-cv-00529-GMN-NJK
 Case No. 2:23-cv-00703-APG-NJK

1 follows:

2 WHEREAS, on May 4, 2023, the Receiver filed a complaint against Wells Fargo (the
3 “Receiver Action”);

4 WHEREAS, the Receiver Action involves allegations, claims, and theories of liability similar
5 to those in *In re J&J Investment Litigation*, No. 2:22-cv-00529-GMN-NJK (D. Nevada) (the “Class
6 Action”; with the Receiver Action, the “Actions”), including allegations that: Matthew Beasley ran
7 a massive Ponzi scheme centered in Las Vegas, Nevada, Wells Fargo was allegedly aware of
8 Beasley’s tortious conduct, and Wells Fargo allegedly accepted deposits and processed transactions
9 that substantially assisted the scheme;

10 WHEREAS, the Parties anticipate that discovery will substantially overlap between the two
11 Actions;

12 WHEREAS, in the absence of coordination, certain witnesses deposed in the Class Action
13 may need to be deposed again in the Receiver Action, leading to duplication of effort and increasing
14 overall discovery cost;

15 WHEREAS, to minimize burdens on the Court and the Parties, the Parties propose to
16 coordinate discovery between the cases to the extent practicable in order to avoid the unnecessary
17 expenditure of time, effort, and expense by the parties, courts, and witnesses associated with
18 duplicative discovery, *see* Manual Complex Lit. § 10.22 (4th ed.) (“Traditional procedures in which
19 . . . each attorney files motions, presents arguments, and examines witnesses, may waste time and
20 money, confuse and misdirect the litigation, and burden the court unnecessarily. Instituting special
21 procedures for coordination of counsel early in the litigation will help to avoid these problems.”);

22 WHEREAS, the parties to the Class Action have completed an initial deposition, but propose
23 to defer additional depositions of party witnesses for approximately 30 days to allow for Wells
24 Fargo’s expedited production and review of documents in the possession of the Receiver and the
25 Receiver’s expedited production and review of documents in the possession of Wells Fargo, pursuant
26 to agreements among the parties, thereby giving the parties to the Receiver Action the opportunity
27 to participate in depositions in the Class Action on a coordinated basis;

1 WHEREAS, during the 30-day time period when the Receiver and Wells Fargo exchange
2 documents, the Parties will only be holding party depositions in abeyance so that the Receiver might
3 participate in those depositions, and the Parties in the Class Action will continue with written
4 discovery, the production of documents and any third party depositions agreed to by all parties;

5 WHEREAS, the parties respectfully submit that good cause exists to modify the case
6 schedule by extending all deadlines by 30 to 40 days as set forth in the chart below, because absent
7 modification, certain witnesses may need to be deposed twice, and other discovery may need to be
8 duplicated, wasting the resources of the Parties and the Court;

9 WHEREAS, the parties respectfully submit that the good cause for the proposed modification
10 to the schedule exists, in that the changes will expedite resolution of the Receiver Action, further the
11 efficient adjudication of both actions, avoid possible motion practice, and eliminate the potential
12 prejudice and added expense associated with duplicative discovery;

13 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between the Parties
14 by and through their counsel, subject to the Court's approval, that:

- 15 1. On an agreed date, all documents and written discovery previously produced by Wells
16 Fargo in the Class Action will be reproduced to the Receiver and the Receiver will likewise
17 produce to Wells Fargo the categories of documents agreed to by the Receiver and Wells
18 Fargo in a letter dated May 30, 2023.
- 19 2. Wells Fargo will be permitted to take up to 20 depositions, excluding expert depositions.
- 20 3. Class Plaintiffs and the Receiver, collectively, will be permitted to take up to 20
21 depositions, excluding expert depositions. If either Class Plaintiffs or the Receiver notices
22 a deposition, it will count towards the 20 deposition limit even if either Class Plaintiffs'
23 counsel or the Receiver's counsel does not attend.
- 24 4. Expert depositions will not count toward any party's 20 fact witness deposition limit.
- 25 5. No witness shall be deposed more than once, absent agreement of all parties or by order
26 of the Court.

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- 6. Deposition notices shall be served on all parties in the Receiver Action and the Class Action, and testimony shall be admissible to the same extent in either action.
- 7. Depositions shall be limited to 7.5 hours. Receiver counsel and Class counsel will allocate time for questioning by mutual agreement.
- 8. Wells Fargo and the Receiver agree to a limited waiver of Fed. R. Civ. P. 26(d)(1)'s requirement that no discovery be propounded prior to the Rule 26(f) conference. However, discovery in the Receiver Action will otherwise proceed normally under the Federal Rules of Civil Procedures and Local Rules.
- 9. The Receiver and Wells Fargo stipulate and agree that this stipulation will not be deemed a waiver of any of Wells Fargo's defenses, or Wells Fargo's right to move to dismiss the Receiver's Complaint, or right to move for a stay of discovery other than the discovery set forth above.
- 10. In the Receiver Action, Wells Fargo and the Receiver will file a protective order substantively identical to the one entered by the Court in the Class Action to govern the use of confidential information.
- 11. Case deadlines in the Class Action will be extended as shown below:

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	Current Deadline	New Deadline
1. Fact Discovery Cutoff	August 29, 2023	October 6, 2023
2. Fed. R. Civ. P. 26(a)(2) Expert Disclosures	July 31, 2023	September 7, 2023
3. Rebuttal Expert Disclosures	August 29, 2023	October 6, 2023
4. Expert Discovery Cut-off	September 28, 2023	November 6, 2023
5. Plaintiffs' Motion for Class Certification Deadline	October 9, 2023	November 15, 2023
6. Defendant's Deadline to Respond to Motion for Class Certification	November 8, 2023	December 22, 2023
7. Dispositive Motions Deadline	January 18, 2024	February 23, 2024
8. Joint Pretrial Order	February 20, 2024	March 30, 2024
9. Fed. R. Civ. P. 26(a)(3) Pretrial Disclosures	February 20, 2024	March 30, 2024

IT IS SO STIPULATED.

Dated: May 30, 2023

IT IS SO ORDERED.

Dated: June 27, 2023

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Nancy J. Koppe
United States Magistrate Judge

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