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

14 **SPRING MOUNTAIN LAS VEGAS**
 15 **LIMITED LIABILITY COMPANY,**

16 **Plaintiff,**

17 **v.**

18 **FACTORY MUTUAL INSURANCE**
 19 **COMPANY,**

20 **Defendant.**

21 **CASE NO.: 2:22-cv-00625-RFB-DJA**

22 **STIPULATION AND ORDER TO EXTEND**
 23 **DISCOVERY DEADLINES**

24 **[Fourth Request]**

25 Pursuant to LR IA 6-1 and LR 26-3, the parties, by and through their respective counsel of
 26 record, hereby stipulate and request that this Court extend discovery in the above-captioned case
 27 sixty (60) days from the current deadlines. This is the fourth stipulation for an extension of
 28 deadlines. As detailed below, good cause exists in light of the outstanding party and third-party
 discovery as well as a mediation the parties are scheduling for April 18, 2024:

29 **I. DISCOVERY COMPLETED TO DATE**

- 30 1. Plaintiff Spring Mountain Las Vegas Limited Liability Company (“Spring Mountain”) filed the instant complaint on February 4, 2022.
- 31 2. On April 14, 2022, FM removed the matter to federal court.
- 32 3. On April 21, 2022, FM filed its answer. (ECF No. 6).

1 4. On June 1, 2022, the parties submitted their Discovery Plan and Proposed
2 Scheduling Order. (ECF No. 13).

3 5. On January 12, 2023, the Court approved the parties' Stipulation and Order to
4 Extend Discovery Deadlines. (ECF No. 19).

5 6. Spring Mountain has produced over 32,000 pages of documents.

6 7. FM has produced over 32,000 pages of documents.

7 8. Both Spring Mountain and FM have served subpoenas on several third-parties and
8 have received some, but not all, productions, including:

9 a. Third-party Earth Resource Group has produced 4,221 pages of documents.

10 b. Third-party Summit Restoration has produced 159 pages of documents.

11 c. Third-party P.J. Becker has produced 22,793 pages of documents.

12 d. Third-party Everest Construction has produced 658 pages of documents and
13 additionally approximately 7,000 photos.

14 e. Third-party J.S. Held has produced 16,476 pages of documents.

15 f. Third-party TY Lin has produced 9.657 pages of documents.

16 g. Third-party Aon has produced 5,742 pages of documents.

17 h. Third-party CBRE has produced 21,764 pages of documents.

18 i. Third-party Clark County has produced over 1,300 documents.

19 j. Third-party Sky Structure has produced 1,368 pages of documents.

20 k. Third-party David McKee has produced over 6,000 pages of documents

21 9. On September 12, 2022, FM served written discovery on Spring Mountain, which
22 Spring Mountain responded to on October 17, 2022. On February 23, 2023, FM served a second
23 set of written discovery, of which Spring Mountain provided initial responses on March 27, 2023.
24 On May 19, 2023, FM served an additional set of document requests, which Spring Mountain
25 responded to on July 14, 2023. FM served an additional set of document requests on February 21,
26 2024, which are outstanding. Spring Mountain has supplemented its responses to various requests,
27 and the parties are currently engaging in an ongoing meet and confer effort to resolve outstanding
28

1 issues.

2 10. On December 21, 2022, Spring Mountain served written discovery requests and
3 requests for documents on FM, which FM responded to on January 31, 2023.

4 11. FM Global has served a notice of deposition and subpoena for documents for third-
5 party Aon Risk Services West, Inc.

6 12. FM Global has served a notice of deposition for Spring Mountain Las Vegas, LLC's
7 30(b)(6) designee(s).

8 13. FM Global has served a notice of deposition and subpoena for third-party CBRE,
9 Inc.

10 14. FM Global has served a notice of deposition and subpoena for third-party Everest
11 Construction.

12 15. FM Global has served a notice of deposition and subpoena for third-party P.J.
13 Becker.

14 **B. Specific Description of Discovery that Remains to be Completed**

- 15 1. The depositions of parties and third-party witnesses;¹
16 2. Supplementation of document productions and/or discovery motion practice;
17 3. Any additional written discovery, including any necessary discovery motion
18 practice;
19 4. Completion of receipt of documents in response to subpoenas duces tecum and any
20 necessary follow-up with third parties, including any necessary discovery motion practice;
21 5. Expert disclosures and depositions; and,
22 6. Any necessary additional discovery resulting from the above.

23 **C. Reasons Why the Remaining Discovery Was Not Completed**

24 The parties aver, pursuant to LR IA 6-1, that good cause exists for the requested extension.
25

26 _____
27 ¹ In their Discovery Plan and Proposed Scheduling Order, the parties agreed not to conduct
28 depositions until the parties completed written discovery, document productions, and document
review. The parties agreed to this sequence of discovery as a cost savings measure.

1 Ample written discovery has been conducted to date and the parties have worked in good faith to
2 complete discovery, resolve any disputes, and work with one another (and third-parties) regarding
3 written discovery and subpoenas. At this juncture, the close of discovery is May 28, 2024, and the
4 disclosure of initial experts is March 28, 2024. As set forth in the Discovery Plan and Scheduling
5 Order, the parties sought to exchange documents and subpoena documents from necessary third-
6 parties and then meet and confer in good faith regarding a private mediation. (ECF No. 13). The
7 parties have done so. Based on the availability of parties (with Factual Mutual being out of state),
8 counsel, and the mediator, the parties have agreed to a mediation date of April 18, 2024, with
9 Judge Philip Pro (Ret.) with JAMS.

10 The parties seek to continue the expert disclosure deadline until after April 18, 2024, as
11 well as certain depositions to avoid the incurrence of unnecessary attorneys' fees and costs to the
12 extent the mediation is successful. Should the parties not resolve this matter at mediation, it is
13 intended that they will proceed with completing discovery under this current proposed plan.

14 In the last six months, the parties have worked towards completing their document
15 productions, with Spring Mountain supplementing its production with additional discoverable
16 documents that post-dated their prior productions (as the construction is ongoing). The parties
17 have worked towards resolving disputes with third-parties over their document productions in
18 hopes to avoid motion practice. Those efforts are ongoing.

19 Overall, the case surrounds a fire occurring on January 8, 2018 at Spring Mountain's
20 shopping center, located at 3421 South Jones Boulevard, Las Vegas, Nevada, and the resulting
21 property insurance coverage allegedly provided by FM As part of discovery, the parties have
22 subpoenaed records pertaining to the rebuilding of the areas damaged or destroyed by the fire,
23 among other related issues. To date, over 140,000 pages of documents have been produced, which
24 are currently being assessed by the parties.

25 The parties respectfully request the foregoing extension to permit completion of
26 (1) subpoena responses and productions from third-parties (and if necessary motion practice) and
27 (2) allow the parties to participate in a mediation before incurring attorneys' fees and costs
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1 associated with expert disclosures and additional depositions.

2 **D. Proposed Discovery Deadlines**

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<u>Event</u>	<u>Current Deadline</u>	<u>Proposed New Deadline</u>
4 Close of Discovery	May 28, 2024	July 29, 2024
5 Initial Expert Disclosures	March 28, 2024	May 27, 2024
6 Rebuttal Expert Disclosures	May 1, 2024	July 1, 2024
7 Dispositive Motions	June 26, 2024	August 26, 2024
8 Pre-Trial Order ²	July 30, 2024	September 30, 2024

9

10 **IT IS SO STIPULATED.**

11 Dated: March 7, 2024

12 NAYLOR & BRASTER

13 WEINBERG, WHEELER, HUDGINS,
14 GUNN & DIAL, LLC

15 By: /s/ Jennifer L. Braster

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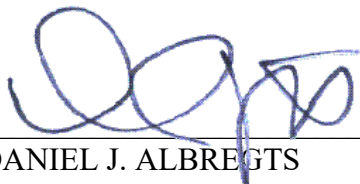
27 ² In the event that dispositive motions are filed, the date for filing the joint pretrial order shall be
28 suspended until 30 days after decision on the dispositive motions or until further order of the Court.

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ORDER

IT IS SO ORDERED that the parties stipulation to extend discovery deadlines (ECF No. 38) is GRANTED.

DATED: 3/7/2024



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE