

1 JASON M. FRIERSON  
United States Attorney  
2 District of Nevada  
Nevada Bar No. 7709  
3 VIRGINIA T. TOMOVA  
Assistant United States Attorney  
4 Nevada Bar No. 12504  
501 Las Vegas Blvd. South, Suite 1100  
5 Las Vegas, Nevada 89101  
Telephone: (702) 388-6336  
6 Email: Virginia.Tomova@usdoj.gov

7 *Attorneys for Federal Defendants*

8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 Clarita Lehman,

11 Plaintiff,

12 v.

13 Director & Chief Executive Officer of the  
Defense Commerce Agency c/o William F.  
14 Moore, et al.,

15 Defendants.

Case No. 2:22-cv-00939-RFB-BNW

**Federal Defendants' Motion to Issue  
Scheduling Order**

(In Compliance with LR 26-1(b))

17 Defendants William F. Moore, Director and Chief Executive Officer of the  
18 Defense Commerce Agency; Lloyd J. Austin, III, Secretary of Defense; Jason M.  
19 Frierson, United States Attorney for the District of Nevada; and Merrick B. Garland,  
20 United States Attorney General (collectively referred to herein as "Federal Defendants")  
21 respectfully move the Court to issue a discovery scheduling plan with deadlines as dictated  
22 by LR 26-1(b) (and as also referenced in the proposed schedule and discovery plan),  
23 attached as **Exhibit B**.

24 The grounds for this motion are that Federal Defendants have submitted a  
25 discovery plan and scheduling order calculating all dates six (6) months out after the  
26 parties conducted a Rule 26(f) conference on September 13, 2023. *See* Correspondences,  
27 dated September 12, 2023, and September 13, 2023, attached as **Exhibit A**. The six (6)  
28 months discovery period was specifically requested by the plaintiff. *Id.* Plaintiff is now

1 challenging the date for the initial disclosures which was calculated pursuant to Rule 26  
2 (b), 14 days after the Rule 26 (f) conference. *Id.* The initial disclosure deadline is  
3 September 27, 2023. *See* Proposed Discovery Plan and Scheduling Order, attached as  
4 **Exhibit B**. Federal Defendants have explained to Plaintiff that this deadline was  
5 calculated pursuant to her request for a six (6) months discovery period and Rule 26(b).  
6 Plaintiff has refused to execute the discovery plan and scheduling order, even though such  
7 deadlines were calculated based on the plaintiff's six (6) months request for discovery. *See*  
8 **Exhibit A**. This necessitates the filing of the motion to request that the Court issue a  
9 discovery scheduling order and permit the parties to conduct discovery on the two  
10 reasonable accommodations claim, which are the only remaining claims in Plaintiff's  
11 complaint. ECF No. 25.

12 This motion is based on the following Memorandum of Points and Authorities,  
13 along with all papers and pleadings on file.

14 Respectfully submitted this 19th day of September 2023.

15 JASON M. FRIERSON  
16 United States Attorney

17 /s/ Virginia T. Tomova  
18 VIRGINIA T. TOMOVA  
Assistant United States Attorney

19  
20 **Memorandum of Points and Authorities**

21 **I. Introduction and Procedural Background**

22 Plaintiff's complaint asserts claims for alleged disability discrimination and failure  
23 to provide a reasonable accommodation under the Rehabilitation Act. Defendants sought  
24 dismissal of Plaintiff's claims in their entirety on October 17, 2022. ECF No. 7. Federal  
25 Defendants filed their Motion to Dismiss and moved to stay discovery in this matter  
26 pending the outcome of the Motion to Dismiss, because a preliminary peek at the  
27 motion's arguments demonstrated a strong likelihood of success. ECF No. 7, *see also* ECF  
28 No. 12. Plaintiff initially said she opposed Federal Defendants' Motion to Stay. *See* ECF

1 No. 12 at 1-2; ECF 12-1 at ¶ 5. Plaintiff ultimately did not file an opposition to the Motion  
2 to Stay. *See* ECF No. 17. The Court granted the Motion to Stay, and discovery remained  
3 stayed in this matter until September 5, 2023. ECF No. 25. On September 5, 2023, Judge  
4 Richard F. Boulware, II dismissed all of Plaintiff's discrimination and retaliation-based  
5 claims and allowed only two claims for reasonable accommodation based on the  
6 Rehabilitation Act to proceed. ECF No. 25. Judge Boulware also ordered the parties to  
7 participate in a Rule 26(f) conference and submit a discovery plan and scheduling order by  
8 September 19, 2023. ECF No. 25.

9       The parties conducted the Rule 26 (f) conference on September 13, 2023. **Exhibit**  
10 **A.** Plaintiff specifically requested six (6) months for discovery. *Id.* Federal Defendants  
11 prepared the discovery plan and scheduling order calculating all dates six (6) months out  
12 pursuant to Rule 26-1(b), including the 14 days initial disclosure deadline. **Exhibit B.**  
13 Plaintiff raised an objection to the 14 days initial disclosure deadline, by referring to Chief  
14 Judge Miranda Du's instruction that such deadline will be set by the Court. *See*  
15 Correspondence, dated September 15, 2023, attached as **Exhibit C.** It was explained to  
16 Plaintiff that Judge Boulware was the presiding judge in her case, that his orders must be  
17 followed, and that the discovery plan and scheduling order was prepared in compliance  
18 with Rule 26 and her request for six months of discovery. *See* Correspondence, dated  
19 September 17, 2023, attached as **Exhibit D.** It was also explained to the plaintiff that no  
20 mediations, and/or arbitrations will be fruitful as no discovery has been conducted in this  
21 case. *Id.* Plaintiff has refused to execute the discovery plan and scheduling order and has  
22 prevented the parties from conducting discovery. *See* Correspondence, dated September  
23 18, 2023, attached as **Exhibit E.** In addition, Plaintiff has made personal threats against  
24 the Assistant United States Attorney, who is counsel for the Federal Defendants. *Id.* In her  
25 September 18, 2023, correspondence, plaintiff is now requesting a special scheduling  
26 review. *Id.* However, Plaintiff's special scheduling review is not compliant with LR 26, as  
27 Plaintiff has requested six months for discovery. **Exhibit A.** If longer deadlines are  
28 proposed than the 180 days, then in addition to the information required by Rule 26(f) and

1 LR 26-1(b), Plaintiff must provide a statement of the reasons why longer or different time  
2 periods should apply to the case.

3 **II. Discussion**

4 Rule 26(f) of the Federal Rules of Civil Procedure and Local Rule 26-1 requires  
5 parties to confer regarding discovery to develop discovery plan and scheduling order after  
6 a defendant answers or otherwise responds to a complaint. The Rule 26(f) conference is  
7 usually a condition precedent to the parties conducting discovery, but that condition may  
8 be obviated by an order of the Court. *See* Fed. R. Civ. P. 26(d)(1). The Court removed the  
9 stay of discovery in this case on September 5, 2023 and ordered the parties to conduct a  
10 Fed. R. Civ. P. 26(f) conference and submit a discovery plan and scheduling order by  
11 September 19, 2023. ECF No. 25. The parties conducted the Rule 26(f) conference on  
12 September 13. **Exhibit A.** Federal Defendants submitted a discovery plan and scheduling  
13 order to Plaintiff on September 13, 2023. *Id.* The discovery plan was created based on the  
14 Plaintiff's request that discovery is conducted in six months. **Exhibit B.** On September 15,  
15 2023, Plaintiff objected to the initial disclosure deadline of September 27, 2023 (calculated  
16 14 days after the Rule 26(f) conference) and asked for the Federal Defendants to leave  
17 such deadline open for the Court to decide. **Exhibit C.** It was explained to Plaintiff that  
18 such deadline was calculated in accordance with Rule 26 and that such deadlines must be  
19 complied with to complete all discovery within the six-month period. **Exhibit D.** Plaintiff  
20 has refused to execute the discovery plan and scheduling order, and thus has prevented the  
21 parties from conducting discovery. Federal Defendants respectfully request that the Court  
22 issue a scheduling order, to allow the parties to proceed with discovery.

23 / / /

24 / / /

25 / / /

26 / / /

27 / / /

28 / / /

1 For the convenience of the Court, Federal Defendants set forth below the standard  
2 discovery and pretrial deadlines dictated by Rule 26-1(b) and as also referenced in the  
3 proposed schedule that is part of **Exhibit B**, attached hereto.

<u>Event</u>	<u>Deadline</u>
4 Initial disclosures	September 27, 2023
5 Last day to amend pleadings/add parties	December 12, 2023
6 Initial expert disclosures	January 11, 2024
7 Rebuttal expert disclosures	February 12, 2024
8 Dispositive motions	April 10, 2024
9 Close of discovery	March 11, 2024
10 Proposed joint pre-trial order	May 10, 2024 <sup>1</sup>

11 Respectfully submitted this 19th day of September 2023.

12  
13 JASON M. FRIERSON  
14 United States Attorney

15 /s/ Virginia T. Tomova  
16 VIRGINIA T. TOMOVA  
17 Assistant United States Attorney

18 **IT IS SO ORDERED.**

19   
20 **UNITED STATES MAGISTRATE JUDGE**

21  
22 **DATED:** 09/20/23

23  
24  
25  
26  
27  
28 <sup>1</sup> However, in the event that dispositive motions are filed, the proposed joint pre-trial order shall be due thirty days after the Court rules on the dispositive motions.

**Certificate of Service**

I hereby certify that on September 19, 2023, I electronically filed and served the foregoing Federal Defendants' Motion to Issue a Scheduling Order with the Clerk using CM/ECF, and also served a copy via USPS, prepaid mail to the person(s) identified below:

Clarita Lehman  
1821 Arrow Stone Court  
North Las Vegas, Nevada 89031

/s/ Garrison Carithers  
Paralegal Specialist

**Index of Exhibits**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- Exhibit A ..... 09/12/2023 and 09/13/2023 Email between Virginia Tomova and Clarita Mohlhenrich
- Exhibit B ..... Discovery Plan and Scheduling Order
- Exhibit C ..... 09/15/2023 Email between Clarita Mohlhenrich and Virginia Tomova
- Exhibit D ..... 09/17/2023 Email between Virginia Tomova and Clarita Mohlhenrich
- Exhibit E ..... 09/18/2023 Email between Clarita Mohlhenrich and Virginia Tomova

## Exhibit A

09/12/2023 and 09/13/2023

Email between Virginia Tomova  
and Clarita Mohlhenrich



**From:** [Tomova, Virginia \(USANV\)](#)  
**To:** [Clarita Mohlhenrich](#)  
**Subject:** RE: [EXTERNAL] Re: Rule 26 f conference availability  
**Date:** Wednesday, September 13, 2023 3:48:00 PM

---

Ms. Lehman,

This email is to confirm our conversation today regarding a Rule 26 f conference. After I discussed with you the discovery process regarding the two reasonable accommodation claims that are the only remaining claims in your complaint and asked whether you would like 6 months or 9 months for discovery, you asked to call me back after you consult with your husband.

I look forward to hearing back from you.

Thank you.



**Virginia T. Tomova**  
**Assistant United States Attorney**  
**District of Nevada**  
501 Las Vegas Blvd South, Suite 1100  
Las Vegas, NV 89101  
(702) 388-6533  
[Virginia.Tomova@usdoj.gov](mailto:Virginia.Tomova@usdoj.gov)

---

**From:** Clarita Mohlhenrich <claritamohlhenrich@yahoo.com>  
**Sent:** Tuesday, September 12, 2023 6:48 PM  
**To:** Tomova, Virginia (USANV) <VTomova@usa.doj.gov>  
**Cc:** Robert Lehman II <robertlehman@hotmail.com>  
**Subject:** [EXTERNAL] Re: Rule 26 f conference availability

Good afternoon Virginia,

Thank you for reaching out regarding the Rule 26 f Conference to meet and confer.

My "Off Days" are Monday's and Tuesday's, however, since you have already wasted a weeks time and you are going to be

out of the office next Monday and Tuesday (the 18th and 19th), I can meet with you on Thursday the 14th at around 4pm,

as I have to work that day.

Please advise on the meeting location via email or text message.

Thank You,

Clarita Lehman, Pro Se

Case # 2:22-CV-00939-RFB-BNW

(702) 468-0745

On Tuesday, September 12, 2023 at 09:24:30 AM PDT, Tomova, Virginia (USANV)  
<[virginia.tomova@usdoj.gov](mailto:virginia.tomova@usdoj.gov)> wrote:

Good morning Ms. Lehman:

Pursuant to the court's order we need to conduct a Rule 26 f conference and submit the discovery scheduling plan by September 19.

Please provide me with your availability for this Wednesday September 13 or September 14 for the Rule 26 f conference. I am open all day on these two dates.

I will be out of the office on September 18 and 19, so we need to submit the discovery scheduling plan by the end of business on Friday, September 15.

I look forward to hearing from you.

Thank you.

**Virginia T. Tomova**  
**Assistant United States Attorney**

**District of Nevada**

501 Las Vegas Blvd South, Suite 1100

Las Vegas, NV 89101

(702) 388-6533

[Virginia.Tomova@usdoj.gov](mailto:Virginia.Tomova@usdoj.gov)

## Exhibit B

### Discover Plan and Scheduling Order

1 JASON M. FRIERSON  
 United States Attorney  
 2 District of Nevada  
 Nevada Bar No. 7709  
 3 VIRGINIA T. TOMOVA  
 Assistant United States Attorney  
 4 Nevada Bar No. 12504  
 501 Las Vegas Blvd. South, Suite 1100  
 5 Las Vegas, Nevada 89101  
 Telephone: (702) 388-6336  
 6 Email: Virginia T. Tomova@usdoj.gov

7 *Attorneys for Federal Defendants*

8  
 9 **UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

10 Clarita Lehman,  
 11 Plaintiff,  
 12 v.  
 13 Director & Chief Executive Officer of the  
 Defense Commerce Agency c/o William  
 F. Moore, et al.,  
 14 Defendants.

Case No. 2:22-cv-00939-RFB-BNW  
**Discovery Plan and Scheduling Order**  
**(In Compliance with LR 26-1(b))**

16 Plaintiff Clarita Lehman, and Federal Defendants, by and through counsel of record  
 17 Assistant United States Attorney Virginia T. Tomova, conducted a telephonic Rule 26(f)  
 18 discovery conference on September 13, 2023. Plaintiff requested six (6) months of discovery.  
 19 The dates in this discovery plan and scheduling order were calculated allowing the parties to  
 20 conduct six months of discovery. Plaintiff has refused to sign this discovery plan and  
 21 scheduling order thus preventing the parties from conducting discovery. For these reasons,  
 22 Federal Defendants submit the following Stipulated Discovery Plan and Scheduling Order:

- 23 1. Meet and confer: The parties met and conferred on September 13, 2023.  
 24 2. Initial Disclosures: The parties will serve their initial disclosures statements  
 25 by **September 27, 2023**, which is fourteen (14) days from the Rule 26(f) discovery  
 26 conference.

27  
 28

1           3.     Discovery Cut-Off Date: The parties agree that the last day to conduct  
2 discovery, which is one hundred eighty (180) days from the 26(f) discovery conference, shall  
3 be **March 11, 2024**.

4           4.     Amending the Pleadings and Adding Parties: The parties agree that the last  
5 day to file any motion(s) to amend the pleadings and/or to add parties, which is ninety (90)  
6 days before the discovery cut-off deadline, shall be **December 12, 2023**.

7           5.     FRCP 26(A)(2) Disclosure (Experts):

8                 a. The parties agree that the last day to disclose information pertaining to  
9 expert witnesses, which is sixty (60) days before the discovery cut-off deadline, shall be  
10 **January 11, 2024**.

11                b. The parties agree that the last day to disclose information regarding  
12 rebuttal expert witnesses, which is thirty (30) days after the deadline to disclose initial expert  
13 witnesses, shall be **February 12, 2024**.

14           6.     Dispositive Motions: The parties agree that the last day to file any dispositive  
15 motions, which is thirty (30) days after the discovery cut-off deadline, shall be **April**  
16 **10, 2024**.

17           7.     Pretrial Order: The parties agree that the Joint Pretrial Order shall be filed by  
18 **May 10, 2024**, which is not more than thirty (30) days after the date set for filing dispositive  
19 motions in this case. This deadline is suspended if dispositive motions are timely filed.

20           8.     Fed. R. Civ. P. 26(a)(3) Disclosures: Unless the discovery plan otherwise  
21 provided and the Courts so orders, the disclosures required by Fed. R. Civ. P. 26(a)(3) and  
22 any objections thereto shall be included in the Joint Pretrial Order.

23           9.     Alternative Dispute Resolution: The parties certify that they have met and  
24 conferred about the possibility of using alternative dispute resolution processes, including  
25 mediation, arbitration, and if applicable, early neutral evaluation. The parties wish to  
26 conduct discovery before participating in ADR.

1 10. Alternative Forms of Case Disposition: The parties certify that they have  
2 considered, but rejected, consent to trial by magistrate judge under 28 U.S.C. § 636(c) and  
3 Fed. R. Civ. P. 30, and the use of the Short Trial Program (General Order 2013-01).

4 11. Electronic Evidence: The parties certify that they may be present evidence in  
5 electronic format to the Court at trial.

6 12. Outstanding discovery requests: The parties agree that they will not be  
7 required to respond to outstanding discovery requests previously submitted in the case. The  
8 parties may, if they wish, submit new discovery requests, including no more than 25 written  
9 interrogatories.

10 The parties anticipate their initial, supplemental, and responsive production of  
11 materials will be in .pdf and/or paper formats. Such production may be served by electronic  
12 means. Plaintiff understands Defendant’s productions of electronic files including .pdfs must  
13 typically be made via encrypted means, e.g., an encrypted disc, with password provided  
14 separately, or use of the United States’ cloud-based file exchange portal, “USAfx.” Should any  
15 technical difficulties arise with these encrypted means, counsel will make good faith efforts to  
16 meet, confer, and resolve the difficulties.

17 The parties have considered resolution and alternative dispute resolution means, and  
18 the parties may revisit these as the case proceeds.

19 The parties have considered trial by a magistrate judge and the short trial program, and  
20 the parties may revisit these as the case proceeds.

21 Respectfully submitted this 19th day of September 2023.

22 JASON M. FRIERSON  
23 United States Attorney

*/s/ Virginia T. Tomova*  
24 VIRGINIA T. TOMOVA  
25 Assistant United States Attorney

24 CLARITA LEHMAN, *Pro Se*  
25 1821 Arrow Stone Court  
26 North Las Vegas, Nevada 89031  
claritamohlhenrich@yahoo.com

27  
28

**IT IS SO ORDERED:**

**UNITED STATES MAGISTRATE JUDGE**

**DATED:** \_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Exhibit C

09/15/2023

Email between Clarita Mohlhenrich  
and Virginia Tomova



**From:** [Clarita Mohlhenrich](#)  
**To:** [Carithers, Garrison \(USANV\)](#)  
**Cc:** [Tomova, Virginia \(USANV\)](#); [Robert Lehman II](#)  
**Subject:** [EXTERNAL] Re: FOLLOW-UP: Stipulated Discovery Plan & Scheduling Order - Lehman v. Moore, et al. / 2:22-cv-00939-RFB-BNW  
**Date:** Friday, September 15, 2023 4:15:19 PM  
**Attachments:** [DPSO.pdf](#)

---

Good afternoon Gary and Virginia,

I have received your proposed Stipulated Discovery Plan and Scheduling Order that you wish to submit, however,

the dates you have entered are off by (8) days, as the first time the Defendant - Assistant U.S, Attorney Virginia T. Tomova appeared

or otherwise answered was on September 5, 2023 in Federal District Court before the Honorable Judge Richard Boulware at the

Motion To Dismiss Hearing and NOT on September 13, 2023 (the date of the Rule 26 (f) meet and confer telephone call.

I am willing to go along with the dates you have stated in the Stipulated Discovery Plan and Scheduling Order with the exception of

the date you have listed for the Initial Disclosure Statements, which is September 27, 2023.

I oppose this stipulation or date as the United States District Court Chief Judge Miranda Du has stated in the instructions regarding

Initial Disclosures is that when the Court approves the Discovery Plan and Scheduling Order, IT (The Court) will set the date for

exchanging Initial Disclosures.

Furthermore, We (The Parties) did not discuss or confer about the possibility of using ADR, Mediation, Arbitration or Early Neutral

Evaluation.

You refused to engage (me) in this conversation, even though I offered it.

I would like correspondence in paper form rather than electronic encryption or password protected.

Email is ok,

If you make these changes and they are satisfactory to me, I will electronically sign the document for your submission as I / we have

until September 19, 2023 to submit the Stipulated Discovery Plan and Scheduling Order to the Court for approval.

Thank You,

Clarita Lehman - Pro Se  
Case # 2:22-CV-00939-RFB-BNW

(702) 468-0745  
claritamohlhenrich@yahoo.com

On Friday, September 15, 2023 at 01:54:40 PM PDT, Carithers, Garrison (USANV)  
<garrison.carithers@usdoj.gov> wrote:

Good afternoon Ms. Lehman,

Following up on the below request for your review of the attached document and authorization to file the document by our office using your e-signature.

Thank you,

Gary C. Carithers "Garrison"  
Paralegal Specialist  
U.S. Attorney's Office  
District of Nevada  
[Garrison.Carithers@usdoj.gov](mailto:Garrison.Carithers@usdoj.gov)  
(702) 388-6267 (direct)  
(702) 388-6787 (fax)



SENSITIVE/PRIVILEGED COMMUNICATION; CONFIDENTIALITY NOTICE: Please be advised that any emails sent to or from this email address are subject to retention and archiving by the United States Department of Justice. If you receive this communication in error, please notify the sender immediately and permanently delete the e-mail, any attachments, and all copies from your computer. This communication may contain law enforcement sensitive privileged communications or work product, and any unauthorized copying, disclosure, interception, review or distribution of the material in this e-mail is strictly forbidden under public records laws.

---

**From:** Carithers, Garrison (USANV)  
**Sent:** Thursday, September 14, 2023 2:39 PM  
**To:** claritamohlhenrich@yahoo.com  
**Cc:** Tomova, Virginia (USANV) <VTomova@usa.doj.gov>; Minkova, Vera (USANV) <VMinkova@usa.doj.gov>  
**Subject:** Stipulated Discovery Plan & Scheduling Order - Lehman v. Moore, et al. / 2:22-cv-00939-RFB-BNW

Good afternoon Ms. Lehman,

Our office requests your authority to affix your electronic signature after you have reviewed the deadlines, which were calculated based on your request to have a six-month discovery period as opposed to nine months.

**Please respond no later than tomorrow, September 15, 2023, as to your authorization to e-sign the document. If you opt to sign the attached document, return the document signed to me by email (no later than tomorrow) to meet the court's deadline.**

Thank you in advance for your prompt attention and cooperation.

Vr,

Gary C. Carithers "Garrison"  
Paralegal Specialist  
U.S. Attorney's Office  
District of Nevada  
[Garrison.Carithers@usdoj.gov](mailto:Garrison.Carithers@usdoj.gov)  
(702) 388-6267 (direct)  
(702) 388-6787 (fax)



**SENSITIVE/PRIVILEGED COMMUNICATION; CONFIDENTIALITY NOTICE:** Please be advised that any emails sent to or from this email address are subject to retention and archiving by the United States Department of Justice. If you receive this communication in error, please notify the sender immediately and permanently delete the e-mail, any attachments, and all copies from your computer. This communication may contain law enforcement sensitive privileged communications or work product, and any unauthorized copying, disclosure, interception, review or distribution of the material in this e-mail is strictly forbidden under public records laws.

## Exhibit D

09/17/2023

Email between Virginia Tomova and Clarita  
Mohlhenrich

**From:** [Tomova, Virginia \(USANV\)](#)  
**To:** [Clarita Mohlhenrich](#)  
**Cc:** [Carithers, Garrison \(USANV\)](#); [Minkova, Vera \(USANV\)](#)  
**Subject:** RE: [EXTERNAL] Re: FOLLOW-UP: Stipulated Discovery Plan & Scheduling Order - Lehman v. Moore, et al. / 2:22-cv-00939-RFB-BNW  
**Date:** Sunday, September 17, 2023 6:30:00 PM

---

Good evening Ms. Lehman,

Thank you for your email.

As you know the discovery in this case was stayed until Judge Boulware ruled on the motion to dismiss and motion to stay on September 5. In his order which was entered on September 8, 2023, Judge Boulware ordered that the parties conduct the Rule 26 (f) conference and submit the discovery scheduling plan and order on September 19, 2023. The initial disclosure deadline is calculated pursuant to Rule 26, 14 days after the Rule 26 (f) conference. As such, the deadline will not be changed in the discovery plan and scheduling order. You have requested 6 months of discovery, as such the deadlines must be strictly followed to allow for the discovery to be completed within this time frame.

Although I appreciate you referring to Chief Judge Miranda Du, the presiding judge in our case is Judge Boulware and we must follow his orders.

As previously discussed, conducting a mediation and/or engaging in any settlement negotiations will not be fruitful as no discovery has taken place. For discovery to take place, the parties must sign off on a discovery plan and scheduling order. Also, as I have mentioned to you previously, I will be out of the office on September 18 and 19.

Please notify my office no later than 5 p.m. on September 18, 2023, if you are still unwilling to sign the discovery plan and scheduling order in the light of above.

Thank you.

Have a wonderful evening.



**Virginia T. Tomova**  
**Assistant United States Attorney**  
**District of Nevada**  
501 Las Vegas Blvd South, Suite 1100  
Las Vegas, NV 89101  
(702) 388-6533  
[Virginia.Tomova@usdoj.gov](mailto:Virginia.Tomova@usdoj.gov)

**From:** Clarita Mohlhenrich <claritamohlhenrich@yahoo.com>

**Sent:** Friday, September 15, 2023 4:15 PM

**To:** Carithers, Garrison (USANV) <GCarithers@usa.doj.gov>

**Cc:** Tomova, Virginia (USANV) <VTomova@usa.doj.gov>; Robert Lehman II <robertlehman@hotmail.com>

**Subject:** [EXTERNAL] Re: FOLLOW-UP: Stipulated Discovery Plan & Scheduling Order - Lehman v. Moore, et al. / 2:22-cv-00939-RFB-BNW

Good afternoon Gary and Virginia,

I have received your proposed Stipulated Discovery Plan and Scheduling Order that you wish to submit, however,

the dates you have entered are off by (8) days, as the first time the Defendant - Assistant U.S. Attorney Virginia T. Tomova appeared

or otherwise answered was on September 5, 2023 in Federal District Court before the Honorable Judge Richard Boulware at the

Motion To Dismiss Hearing and NOT on September 13, 2023 (the date of the Rule 26 (f) meet and confer telephone call.

I am willing to go along with the dates you have stated in the Stipulated Discovery Plan and Scheduling Order with the exception of

the date you have listed for the Initial Disclosure Statements, which is September 27, 2023.

I oppose this stipulation or date as the United States District Court Chief Judge Miranda Du has stated in the instructions regarding

Initial Disclosures is that when the Court approves the Discovery Plan and Scheduling Order, IT (The Court) will set the date for

exchanging Initial Disclosures.

Furthermore, We (The Parties) did not discuss or confer about the possibility of using ADR, Mediation, Arbitration or Early Neutral

Evaluation.

You refused to engage (me) in this conversation, even though I offered it.

I would like correspondence in paper form rather than electronic encryption or password protected.

Email is ok,

If you make these changes and they are satisfactory to me, I will electronically sign the document for your submission as I / we have

until September 19, 2023 to submit the Stipulated Discovery Plan and Scheduling Order to the Court for approval.

Thank You,

Clarita Lehman - Pro Se  
Case # 2:22-CV-00939-RFB-BNW  
(702) 468-0745  
[claritamohlhenrich@yahoo.com](mailto:claritamohlhenrich@yahoo.com)

On Friday, September 15, 2023 at 01:54:40 PM PDT, Carithers, Garrison (USANV)  
<[garrison.carithers@usdoj.gov](mailto:garrison.carithers@usdoj.gov)> wrote:

Good afternoon Ms. Lehman,

Following up on the below request for your review of the attached document and authorization to file the document by our office using your e-signature.

Thank you,

Gary C. Carithers "Garrison"

Paralegal Specialist

U.S. Attorney's Office

District of Nevada

[Garrison.Carithers@usdoj.gov](mailto:Garrison.Carithers@usdoj.gov)

(702) 388-6267 (direct)

(702) 388-6787 (fax)



SENSITIVE/PRIVILEGED COMMUNICATION; CONFIDENTIALITY NOTICE: Please be advised that any emails sent to or from this email address are subject to retention and archiving by the United States Department of Justice. If you receive this communication in error, please notify the sender immediately and permanently delete the e-mail, any attachments, and all copies from your computer. This communication may contain law enforcement sensitive privileged communications or work product, and any unauthorized copying, disclosure, interception,

review or distribution of the material in this e-mail is strictly forbidden under public records laws.

---

**From:** Carithers, Garrison (USANV)  
**Sent:** Thursday, September 14, 2023 2:39 PM  
**To:** [claritamohlhenrich@yahoo.com](mailto:claritamohlhenrich@yahoo.com)  
**Cc:** Tomova, Virginia (USANV) <[VTomova@usa.doj.gov](mailto:VTomova@usa.doj.gov)>; Minkova, Vera (USANV) <[VMinkova@usa.doj.gov](mailto:VMinkova@usa.doj.gov)>  
**Subject:** Stipulated Discovery Plan & Scheduling Order - Lehman v. Moore, et al. / 2:22-cv-00939-RFB-BNW

Good afternoon Ms. Lehman,

Our office requests your authority to affix your electronic signature after you have reviewed the deadlines, which were calculated based on your request to have a six-month discovery period as opposed to nine months.

Please **respond no later than tomorrow, September 15, 2023, as to your authorization to e-sign the document.** If you opt to sign the attached document, return the document signed to me by email (no later than tomorrow) to meet the court's deadline.

Thank you in advance for your prompt attention and cooperation.

Vr,

Gary C. Carithers "Garrison"

Paralegal Specialist

U.S. Attorney's Office

District of Nevada

[Garrison.Carithers@usdoj.gov](mailto:Garrison.Carithers@usdoj.gov)

(702) 388-6267 (direct)



(702) 388-6787 (fax)



SENSITIVE/PRIVILEGED COMMUNICATION; CONFIDENTIALITY NOTICE: Please be advised that any emails sent to or from this email address are subject to retention and archiving by the United States Department of Justice. If you receive this communication in error, please notify the sender immediately and permanently delete the e-mail, any attachments, and all copies from your computer. This communication may contain law enforcement sensitive privileged communications or work product, and any unauthorized copying, disclosure, interception, review or distribution of the material in this e-mail is strictly forbidden under public records laws.

Exhibit E

09/18/2023

Email between Clarita Mohlhenrich  
and Virginia Tomova

---

**From:** Clarita Mohlhenrich <claritamohlhenrich@yahoo.com>  
**Sent:** Monday, September 18, 2023 8:49 AM  
**To:** Tomova, Virginia (USANV) <VTomova@usa.doj.gov>  
**Subject:** Re: [EXTERNAL] Re: FOLLOW-UP: Stipulated Discovery Plan & Scheduling Order - Lehman v. Moore, et al. / 2:22-cv-00939-RFB-BNW

Good morning Ms.Virginia,

I want a Special Scheduling Review for the reasons stated in our emails and LR 26 and the Federal Rules of Civil Procedure Rule 26.

I want it stated on the Stipulated Discovery Plan and Scheduling order or I am not signing it.

I want it stated that you are not following the Judges Order LR 26 and you are not attempting in good Faith to agree on the proposed Stipulated Discovery Plan and Scheduling order.

Furthermore, I am entitled to request a Special Scheduling Review under LR 26.

Remember, I have a Paper Trail of our Correspondence.

Thank you  
Clarita Lehman

[Sent from Yahoo Mail for iPhone](#)

On Monday, September 18, 2023, 6:04 AM, Clarita Mohlhenrich <[claritamohlhenrich@yahoo.com](mailto:claritamohlhenrich@yahoo.com)> wrote:

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Sunday, September 17, 2023, 6:30 PM, Tomova, Virginia (USANV)  
<[Virginia.Tomova@usdoj.gov](mailto:Virginia.Tomova@usdoj.gov)> wrote:

Good evening Ms. Lehman,

Thank you for your email.

As you know the discovery in this case was stayed until Judge Boulware ruled on the motion to dismiss and motion to stay on September 5. In his order which was entered on September 8, 2023, Judge Boulware ordered that the parties conduct the Rule 26 (f) conference and submit the discovery scheduling plan and order on September 19, 2023. The initial disclosure deadline is calculated pursuant to Rule 26, 14 days after the Rule 26 (f) conference. As such, the deadline will not be changed in the discovery plan and scheduling order. You have requested 6 months of discovery, as such the deadlines must be strictly followed to allow for the discovery to be completed within this time frame.

Although I appreciate you referring to Chief Judge Miranda Du, the presiding judge in our case is Judge Boulware and we must follow his orders.

As previously discussed, conducting a mediation and/or engaging in any settlement negotiations will not be fruitful as no discovery has taken place. For discovery to take place, the parties must sign off on a discovery plan and scheduling order. Also, as I have mentioned to you previously, I will be out of the office on September 18 and 19.

Please notify my office no later than 5 p.m. on September 18, 2023, if you are still unwilling to sign the discovery plan and scheduling order in the light of above.

Thank you.

Have a wonderful evening.



**Virginia T. Tomova**  
**Assistant United States Attorney**

**District of Nevada**

501 Las Vegas Blvd South, Suite 1100

Las Vegas, NV 89101

(702) 388-6533

[Virginia.Tomova@usdoj.gov](mailto:Virginia.Tomova@usdoj.gov)

---

**From:** Clarita Mohlhenrich <[claritamohlhenrich@yahoo.com](mailto:claritamohlhenrich@yahoo.com)>  
**Sent:** Friday, September 15, 2023 4:15 PM  
**To:** Carithers, Garrison (USANV) <[GCarithers@usa.doj.gov](mailto:GCarithers@usa.doj.gov)>  
**Cc:** Tomova, Virginia (USANV) <[VTomova@usa.doj.gov](mailto:VTomova@usa.doj.gov)>; Robert Lehman II <[robertlehman@hotmail.com](mailto:robertlehman@hotmail.com)>  
**Subject:** [EXTERNAL] Re: FOLLOW-UP: Stipulated Discovery Plan & Scheduling Order - Lehman v. Moore, et al. / 2:22-cv-00939-RFB-BNW

Good afternoon Gary and Virginia,

I have received your proposed Stipulated Discovery Plan and Scheduling Order that you wish to submit, however,

the dates you have entered are off by (8) days, as the first time the Defendant - Assistant U.S, Attorney Virginia T. Tomova appeared

or otherwise answered was on September 5, 2023 in Federal District Court

before the Honorable Judge Richard Boulware at the

Motion To Dismiss Hearing and NOT on September 13, 2023 (the date of the Rule 26 (f) meet and confer telephone call.

I am willing to go along with the dates you have stated in the Stipulated Discovery Plan and Scheduling Order with the exception of

the date you have listed for the Initial Disclosure Statements, which is September 27, 2023.

I oppose this stipulation or date as the United States District Court Chief Judge Miranda Du has stated in the instructions regarding

Initial Disclosures is that when the Court approves the Discovery Plan and Scheduling Order, IT (The Court) will set the date for

exchanging Initial Disclosures.

Furthermore, We (The Parties) did not discuss or confer about the possibility of using ADR, Mediation, Arbitration or Early Neutral

Evaluation.

You refused to engage (me) in this conversation, even though I offered it.

I would like correspondence in paper form rather than electronic encryption or password protected.

Email is ok,

If you make these changes and they are satisfactory to me, I will electronically sign the document for your submission as I / we have

until September 19, 2023 to submit the Stipulated Discovery Plan and Scheduling Order to the Court for approval.

Thank You,

Clarita Lehman - Pro Se

Case # 2:22-CV-00939-RFB-BNW

(702) 468-0745

[claritamohlhenrich@yahoo.com](mailto:claritamohlhenrich@yahoo.com)

On Friday, September 15, 2023 at 01:54:40 PM PDT, Carithers, Garrison (USANV) <[garrison.carithers@usdoj.gov](mailto:garrison.carithers@usdoj.gov)> wrote:

Good afternoon Ms. Lehman,

Following up on the below request for your review of the attached document and authorization to file the document by our office using your e-signature.

Thank you,

Gary C. Carithers "Garrison"  
Paralegal Specialist  
U.S. Attorney's Office  
District of Nevada  
[Garrison.Carithers@usdoj.gov](mailto:Garrison.Carithers@usdoj.gov)  
(702) 388-6267 (direct)  
(702) 388-6787 (fax)



SENSITIVE/PRIVILEGED COMMUNICATION; CONFIDENTIALITY NOTICE:  
Please be advised that any emails sent to or from this email address are subject to retention and archiving by the United States Department of Justice. If you receive this communication in error, please notify the sender immediately and permanently delete the e-mail, any attachments, and all copies from your computer. This communication may contain law enforcement sensitive privileged communications or work product, and any unauthorized copying, disclosure, interception, review or distribution of the material in this e-mail is strictly forbidden under public records laws.

---

**From:** Carithers, Garrison (USANV)  
**Sent:** Thursday, September 14, 2023 2:39 PM  
**To:** [claritamohlhenrich@yahoo.com](mailto:claritamohlhenrich@yahoo.com)  
**Cc:** Tomova, Virginia (USANV) <[VTomova@usa.doj.gov](mailto:VTomova@usa.doj.gov)>; Minkova, Vera (USANV) <[VMinkova@usa.doj.gov](mailto:VMinkova@usa.doj.gov)>  
**Subject:** Stipulated Discovery Plan & Scheduling Order - Lehman v. Moore, et al. / 2:22-cv-00939-RFB-BNW

Good afternoon Ms. Lehman,

Our office requests your authority to affix your electronic signature after you have reviewed the deadlines, which were calculated based on your request to have a six-month discovery period as opposed to nine months.

Please **respond no later than tomorrow, September 15, 2023, as to your authorization to e-sign the document.** If you opt to sign the attached document, return the document signed to me by email (no later than tomorrow) to meet the court's deadline.

Thank you in advance for your prompt attention and cooperation.

Vr,

Gary C. Carithers "Garrison"  
Paralegal Specialist  
U.S. Attorney's Office  
District of Nevada  
[Garrison.Carithers@usdoj.gov](mailto:Garrison.Carithers@usdoj.gov)  
(702) 388-6267 (direct)  
(702) 388-6787 (fax)





SENSITIVE/PRIVILEGED COMMUNICATION; CONFIDENTIALITY NOTICE:  
Please be advised that any emails sent to or from this email address are subject to retention and archiving by the United States Department of Justice. If you receive this communication in error, please notify the sender immediately and permanently delete the e-mail, any attachments, and all copies from your computer. This communication may contain law enforcement sensitive privileged communications or work product, and any unauthorized copying, disclosure, interception, review or distribution of the material in this e-mail is strictly forbidden under public records laws.