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14
 15 **UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEVADA**

16 GARY YAGHYAZARIAN and ELENA
 THORMAHLEN, individually and on
 17 behalf of all others similarly situated,
 18
 Plaintiffs,
 19 vs.
 20 PROGRESSIVE DIRECT INSURANCE
 COMPANY and PROGRESSIVE
 21 NORTHERN INSURANCE COMPANY,
 Ohio corporations,
 22
 Defendants.
 23

Case No.: 2:22-cv-01339-CDS-VCF

**JOINT STIPULATION FOR
 EXTENSION OF TIME FOR CLASS
 CERTIFICATION BRIEFING,
 EXPERT DISCLOSURES, AND TO
 AMEND THE CASE
 MANAGEMENT ORDER**



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1 Plaintiffs Gary Yaghyazarian and Elena Thormahlen and Defendants
2 Progressive Direct Insurance Company and Progressive Northern Insurance Company
3 jointly move to modify the Amended Case Management Order entered by this Court
4 on June 16, 2023 [D.E. 62], and state as follows:
5

6 1. District courts have inherent power to control their own dockets.
7
8 *Hamilton Copper & Steel Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir.
9 1990).

10 2. This case is one of 35 related class actions Progressive and its affiliates
11 challenging the calculation of the Projected Sold Adjustment (“PSA”) in valuing
12 total-loss claims (the “PSA Cases”). King & Spalding LLP represents the defendants
13 in all the PSA Cases, and Shamis & Gentile P.A., Edelsberg Law P.A., Normand
14 PLLC, and Carney Bates & Pulliam represent nearly all plaintiffs in the PSA Cases.
15

16 3. On June 16, 2023, this Court granted the Parties’ Motion to Amend the
17 Case Management Order to allow sufficient time for the voluminous and time-
18 intensive document production of a sample of 150 claim files Plaintiffs requested
19 from Defendants and to conduct depositions. The Amended Case Management Order
20 extended, *inter alia*, the deadline for Plaintiffs’ to file their Motion for Class
21 Certification and serve their Expert Disclosures to December 7, 2023. *Id.*
22
23

24 4. The Parties have been diligently working to meet the deadlines
25 transcribed in the Amended Case Management Order, however, Plaintiffs’ require
26
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1 additional time to review and analyze the 150 sample claim files Defendants
2 produced, confer with experts, and to file their Motion for Class Certification.
3

4 5. By this Motion, the Parties respectfully seek a 55-day extension of the
5 deadline for Plaintiffs’ to file their Motion for Class Certification and serve their
6 Expert Disclosures.
7

8 6. Accordingly, to allow the same amount of time as the Case Management
9 order allotted, the Parties also respectfully request a 55-day extension to the other
10 deadlines below.
11

12 7. Federal Rule of Civil Procedure 6(b) permits a court to grant an
13 extension of time for good cause and, “like all the Federal Rules of Civil Procedure,
14 [is] to be liberally construed to effectuate the general purpose of seeing that cases
15 are tried on the merits.” *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1254, 1258-59
16 (9th Cir. 2010) (quoting *Rodgers v. Watt*, 722 F.2d 456, 459 (9th Cir.1983)).
17 Consequently, requests for extensions of time made before the applicable deadline
18 has passed should ‘normally ... be granted in the absence of bad faith on the part of
19 the party seeking relief or prejudice to the adverse party.’ *Id.* (quoting 4B Charles
20 Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 1165 (3d ed.
21 2004)).
22
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25 8. Further, “Plaintiff[s]’ request for an extension of less than two months
26 ...is reasonable.” *Godinez v. L. Offs. of Clark Garen*, No.
27
28

1 SACV1600828CJCDFMX, 2016 WL 4527512, at *2 (C.D. Cal. Aug. 30, 2016)

2 9. Thus, the Parties request that the Court amend the case management
3 order to set new deadlines for expert reports and class certification briefing.
4

5 10. The Parties have worked diligently to meet all deadlines set by the
6 scheduling order, and have made significant strides, including the completion of fact
7 discovery and depositions. However, due to the demands of the other PSA Cases,
8 accounting for the travel schedules of Counsel and Plaintiffs’ experts during the
9 holiday season, and the multitude of discovery that still needs to be reviewed, the
10 Parties respectfully request a slight modification to the Amended Case Management
11 Order.
12
13

14 11. For the reasons discussed above, good cause exists for modifying the
15 Amended Case Management Order.
16

17 12. This Motion is made in good faith, not for delay or any dilatory tactic,
18 and no party will be unduly prejudiced or harmed by the grant of this Motion.
19

20 WHEREFORE, Plaintiffs and Defendants respectfully request the following
21 modifications detailed below:
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23

	Current Deadline	Proposed Deadline
Plaintiffs’ Expert Disclosures	December 7, 2023	January 31, 2024
Plaintiffs’ Motion for Class Certification	December 7, 2023	January 31, 2024

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1 Defendants' Expert Disclosures	February 12, 2024	April 8, 2024
2 Defendants' Opposition to Class Certification	February 12, 2024	April 8, 2024
3 Plaintiffs' Reply in Support of Class Certification	March 26, 2024	May 20, 2024

8 Respectfully submitted,

9 **KAZEROUNI LAW GROUP, APC**

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Counsel for Defendants

21 **IT IS SO ORDERED:**

22 DATED: 12-6-2023

24 _____
 25 Hon. Cam Ferenbach
 26 UNITED STATES MAGISTRATE JUDGE

1 CERTIFICATE OF SERVICE

2 I hereby certify that on December 5, 2023, I electronically filed the foregoing
3 document with the Clerk of the Court using CM/ECF. I also certify that the foregoing
4 document is being served this day on all counsel identified below via transmission of
5 Notices of Electronic Filing generated by CM/ECF or in some other authorized manner.
6

7
8 Respectfully submitted,

9 KAZEROUNI LAW GROUP, APC

10 /s/ Gustavo Ponce

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