

1 Paul Hejmanowski, Esq. (SBN #94)  
 Charles H. McCrea, Esq. (SBN #104)  
 2 PRHLAW LLC  
 3 520 South Fourth Street, Suite 360  
 Las Vegas, NV 89101  
 4 T 702.834.6166  
 paul@prhlawllc.com  
 5 charles@prhlawllc.com

6 *Attorneys for DWIGHT MANLEY*

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

12 DWIGHT MANLEY,  
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 14 **Plaintiff,**  
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 16 v.  
 17 MGM RESORTS INTERNATIONAL; MGM  
 18 GRAND HOTEL, LLC,  
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 20 **Defendants,**  
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 23  
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 28  
 AND ALL RELATED ACTIONS.

Case No. 2:22-cv-01906-MMD-DJA

**STIPULATION AND  
 ORDER TO EXTEND DISCOVERY  
 DEADLINES  
 (Second Request)**

Pursuant to Fed. R. Civ. P. 26 and 30 and Local Rule 26-3, Plaintiff and Defendants submit this Stipulation and (Proposed) Order to extend the discovery deadlines set forth in this Court's Order dated October 3, 2023 (ECF No. 45).

The parties submit the following stipulation and order for the Court's consideration to allow the parties to continue working toward the proper preparation of this case prior to a trial.

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1 **STATEMENT OF RELIEF REQUESTED**

2 The purpose of this stipulation is simply to ensure that the key depositions can progress in  
3 an efficient and fair manner for all parties and nonparties involved. This request is brought out of  
4 necessity and in good faith, all toward the goal of further allowing the parties to complete necessary  
5 discovery to prepare the case for trial.

6  
7 As can be seen below, the parties will work diligently to ensure all discovery is conducted  
8 and scheduled within the applicable deadlines. The parties have worked together and agree that  
9 the discovery deadlines need to be extended as set forth in this stipulation.

10 **STATEMENT OF DISCOVERY COMPLETED**

11 The parties submitted a Joint Proposed Discovery Plan and Scheduling Order on March  
12 16, 2023 (ECF No. 17). The Court entered a Scheduling Order Granting in Part and Denying in  
13 Part the Joint Proposed Discovery on March 17, 2023 (ECF No. 18). This is the parties' second  
14 request to extend the discovery deadlines.  
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- 16 1. On March 31, 2023, Plaintiff served his first set of written discovery requests to  
17 Defendants.
- 18 2. On May 26, 2023, Defendants served their responses to Plaintiff's first set of written  
19 discovery requests.
- 20 3. On July 24, 2023, and September 11, 2023, Defendants served supplemental responses to  
21 Plaintiff's first set of written discovery requests.
- 22 4. On August 10, 2023, Plaintiff served his second set of discovery requests to Defendants.
- 23 5. On September 11, 2023, Defendants served their responses to Plaintiff's second set of  
24 discovery requests.
- 25 6. The parties conducted numerous meet and confer communications to discuss Defendants'  
26 insufficient responses to Plaintiff's first and second set of discovery requests.
- 27 7. Plaintiff filed his Motion to Compel Discover Responses on August 16, 2023 (ECF No.  
28

1 35).

2 8. A Stipulation to Continue Briefing Schedule and Hearing (First Request) was filed on  
3 August 30, 2023 (ECF No. 37).

4 9. On September 13, 2023, a Stipulation to Continue Briefing Schedule and Hearing  
5 (Second Request) was filed (ECF No. 40).

6 10. The parties filed a Stipulation to Continue Briefing Schedule and Hearing (Third  
7 Request) on September 27, 2023 (ECF No. 42).

8 11. On October 23, 2023, the parties filed a Stipulation and Order to Withdraw Plaintiff's  
9 Motion to Compel Without Prejudice (the "Stipulation to Withdraw"). (ECF No. 49.)  
10 The Court entered an Order Granting the Stipulation to Withdraw that same day. (ECF  
11 No. 50.)

12 12. On December 6, 2023, Defendants took the deposition of LVRewards.

13 13. On December 15, 2023, Defendants took the deposition of Hal deBecker.

14 14. On December 21, 2023, Defendants issued their first sets of requests for production,  
15 interrogatories and request for admissions.

16 15. On January 22, 2024, Plaintiff responded to Defendants' first wave of written discovery.

17 16. On January 25, 2024, Plaintiff served his second request for admissions, his third request  
18 to produce documents and his third set of interrogatories.

19  
20 **DISCOVERY TO BE COMPLETED**

21 The parties have yet to complete the following discovery:

- 22 1. The depositions of the named parties;
- 23 2. The depositions of third-party percipient witnesses;
- 24 3. Expert witness disclosures and expert witness depositions; and
- 25 4. Additional written discovery which may include written discovery to one another and/or  
26 additional subpoenas to third parties.

27 The parties reserve the right to conduct additional discovery that is permitted by the Federal  
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1 Rules of Civil Procedure.

2 **GOOD CAUSE**

3 Local Rule 26-3 requires that parties requesting an extension of a deadline “made within  
4 21 days of the subject deadline must be supported by a showing of good cause.” Good cause exists  
5 to extend the existing discovery deadlines to the proposed deadlines because the parties have  
6 diligently and cooperatively participated in meet and confers to resolve ongoing discovery disputes  
7 and have diligently pursued discovery since the filing of the first revised joint plan (ECF No. 45).  
8 The parties come before the Court seeking an extension to also accommodate the unfortunate  
9 cyber-attack committed against Defendants’ properties as well as the parties’ ongoing meet and  
10 confer efforts to resolve pending discovery disputes.  
11

12 Good cause exists to extend the fact-discovery deadlines to allow for all depositions to be  
13 timely noticed and go forward. Therefore, the parties agree that an extension has become  
14 necessary.  
15

16 **PROPOSED DISCOVERY SCHEDULE**

17 The parties propose the schedule as follows:

	<u>Current</u>	<u>Proposed</u>
18 Discovery cut-off	April 2, 2024	July 2, 2024
19 Deadline for initial expert disclosures	February 1, 2024	February 15, 2024
20 Deadline for rebuttal expert disclosures	March 4, 2024	April 3, 2024
21 Deadline to file dispositive motions	June 3, 2024	August 30, 2024
22 Joint Pretrial Order	July 1, 2024	September 19, 2024

23 **CONCLUSION**

24 The parties respectfully request that the Court grant this stipulation and approve the  
25 proposed schedule as set forth above as the new discovery deadlines in this matter.  
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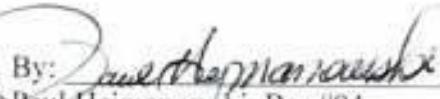
Dated: January 30, 2024.

Dated: JAN 30, 2024, 2024.

SEMENZA RICKCARD LAW

PRHLAW LLC

By: /s/ Katie L. Cannata  
Lawrence J. Semenza, III, Bar #7174  
Katie L. Cannata, Bar #14848  
10161 Park Run Dr. #150  
Las Vegas, Nevada 89145

By:   
Paul Hejmanowski, Bar #94  
Charles H. McCrea, Bar #104  
520 S. 4<sup>th</sup> St. #360  
Las Vegas, Nevada 89101

Attorneys for Defendants

Attorneys for Plaintiff

**ORDER**

Pursuant to the stipulation of the parties, the new discovery deadlines are as follows:

Discovery cut-off	July 2, 2024
Deadline for initial expert disclosures	February 15, 2024
Deadline for rebuttal expert disclosures	April 3, 2024
Deadline to file dispositive motions	August 30, 2024
Joint Pretrial Order	September 19, 2024

**IT IS SO ORDERED** this 1st day of February, 2024.



United States Magistrate Judge

## Toni Clancy

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**From:** Katie Cannata <klc@semenzarickard.com>  
**Sent:** Tuesday, January 30, 2024 3:37 PM  
**To:** Paul Hejmanowski  
**Cc:** Lawrence J. Semenza, III  
**Subject:** RE: Stipulation re discovery  
**Attachments:** SAO extend DV [SRL REDLINE].docx

Hi Paul –

Thanks for getting this prepared. I've revised the attached to account for the stipulation to withdraw Plaintiff's Motion to Compel. We also moved the dispositive motion deadline to the preceding judicial day (Sept. 2 is Labor Day).

With these changes, you may affix my e-signature.

**From:** Paul Hejmanowski <Paul@prhlawllc.com>  
**Sent:** Tuesday, January 30, 2024 3:18 PM  
**To:** Lawrence J. Semenza, III <ljs@semenzarickard.com>; Katie Cannata <klc@semenzarickard.com>  
**Subject:** Stipulation re discovery

LJ and Katie

I prepared the attached stipulation to extend dates consistent with Katie's email of Friday. I have also extended by 90 days the deadlines for dispositive motions and pretrial order because these were not mentioned in Katie's email. Let me know what comments you might have.

Paul

Paul Hejmanowski

**PRHLAW**.LLC

520 South Fourth Street, Suite 360

Las Vegas, NV 89101

T 702.834.6166 | M 702.505-3229

[paul@prhlawllc.com](mailto:paul@prhlawllc.com)

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