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5 *Attorney for Plaintiff*  
*Sara L. Weatherspoon*

6 **IN THE UNITED STATES DISTRICT COURT**  
 7 **FOR THE DISTRICT OF NEVADA**

8 SARA L. WEATHERSPOON,  
 9  
 Plaintiff,

Case No.: 2:23-cv-00548-GMN-DJA

10 v.

**JOINT ~~PROPOSED~~ DISCOVERY  
 PLAN AND SCHEDULING ORDER**

11 FIRST ADVANTAGE  
 12 BACKGROUND SERVICES CORP.,  
 13 Defendant.

**SPECIAL SCHEDULING REVIEW  
 REQUESTED**

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 15  
 16 Plaintiff Sara L. Weatherspoon (“Plaintiff” or “Ms. Weatherspoon”) and  
 17 Defendant First Advantage Background Services Corp. (“Defendant” or “First  
 18 Advantage”) (together, the Parties”), by and through their counsel of record, hereby  
 19 submit their Joint Proposed Discovery Plan Scheduling Order pursuant to Federal  
 20 Rule of Civil Procedure 16 and 26, as well as LR II 26-1.

It is hereby requested that the Court enter the following discovery plan and

1 scheduling order.

2 Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1(a), a telephonic meeting  
3 was held on **June 28, 2023**.

4 **I.** Whether the Parties have exchanged initial disclosure statements under  
5 Rule 26(a).

6 The Parties exchanged initial disclosures on **July 12, 2023**.

7 **II. Discovery Cut-Off Date**

8 Discovery will take 240 days, measured from the appearance of the first  
9 Defendant, which was on **May 3, 2023**. (Doc. 7) The discovery cut-off date,  
10 therefore, will be **December 29, 2023**.

11 **Special Statement of Reason for Additional Time Period:** The Parties  
12 respectfully request a time period of 60 days longer than the prescribed time period  
13 for completion of discovery, which is prescribed as 180 days from the appearance  
14 of the first Defendant, which was on **May 3, 2023**. Complying with this requirement  
15 would place the discovery deadline as approximately October 29, 2023, which  
16 would not give the Parties sufficient time to complete the necessary discovery.  
17 Accordingly, the Parties request a time period of 240 days, with the cut-off date  
18 scheduled as noted above for **December 29, 2023**.

19 **III. Amending the Pleadings and Adding Parties**

20 Pursuant to LR 26-1(b)(2), the deadline for filing motions to amend the

1 pleadings or to add parties is **90 days** before the close of discovery, therefore the  
2 deadline will be **September 30, 2023**.

3 **IV. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts)**

4 Pursuant to LR 26-1(b)(3), unless the discovery plan otherwise provides and  
5 the court so orders, the deadlines in Fed. R. Civ. P. 26(a)(2)(D) for expert disclosures  
6 are modified to require that the disclosures be made **60 days** before the discovery  
7 cut-off date and that rebuttal-expert disclosures be made **30 days** after the initial  
8 disclosure of experts.

9 Therefore, expert disclosures deadline will be **October 30, 2023**.

10 Rebuttal expert disclosures deadline will be **November 29, 2023**.

11 **V. Dispositive Motions**

12 Pursuant to LR 26-1(b)(4), unless the discovery plan otherwise provides and  
13 the court so orders, the deadline for filing dispositive motions is **30 days** after the  
14 discovery cut-off date.

15 Therefore, the deadline for filing dispositive motions is **January 26, 2024**.

16 **VI. Pretrial Order**

17 Pursuant to LR 26-1(b)(5), unless the discovery plan otherwise provides and  
18 the court so orders, the deadline for the joint pretrial order is **30 days** after the  
19 dispositive-motion deadline.

20 If no dispositive motions are filed, the deadline for the joint pretrial order,

1 Fed. R. Civ. P. 26(a)(3) disclosures, and any objections to them is **February**  
2 **23, 2024.**

3 If dispositive motions are filed, the deadline for filing the joint pretrial order,  
4 Fed. R. Civ. P. 26(a)(3) disclosures, and any objections to them will be suspended  
5 until **30 days** after decision on the dispositive motions or further court order.

### 6 **VII. Fed. R. Civ. P. 26(a)(3) Disclosures**

7 In accordance with LR 26-1(b)(6), the disclosures required by Fed. R. Civ. P.  
8 26(a)(3) and any objections to them must be included in the joint pretrial order.

9 If dispositive motions are filed, the deadline for filing the joint pretrial order,  
10 Fed. R. Civ. P. 26(a)(3) disclosures, and any objections to them will be suspended  
11 until **30 days** after decision on the dispositive motions or further court order.

### 12 **VIII. Alternative Dispute Resolution**

13 The parties certify that they met and conferred about the possibility of using  
14 alternative dispute-resolution processes including mediation, arbitration, and if  
15 applicable, early neutral evaluation, but have not come to any agreement at this time.

16 The assistance of a magistrate judge in facilitating a settlement conference  
17 after the Parties engage in initial discovery may be useful. Other than that, the Parties  
18 do not believe that this case is suitable for reference to arbitration or early neutral  
19 evaluation.

### 20 **IX. Alternative Forms of Case Disposition**

1 The parties further certify that they considered consent to trial by a  
2 magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of  
3 the Short Trial Program (General Order 2013-01).

4 The parties do not consent to trial by a Magistrate Judge.

5 The parties do not consent to the use of the Short Trial Program (General  
6 Order 2013-01).

7 **X. Electronically Stored Information (“ESI”) and Electronic**  
8 **Evidence**

9 The parties certify that they intend to present evidence in electronic format to  
10 jurors for the purposes of jury deliberations. The parties will consult the court’s  
11 website or contact the assigned judge’s courtroom administrator for instructions  
12 about how to prepare evidence in an electronic format and other requirements for  
13 the court’s electronic jury evidence display system.

14 The parties have discussed the retention and production of electronic data. The  
15 parties agree that service of discovery via electronic means, including electronic files  
16 copied to compact disc, pursuant to Fed. R. Civ. 5(b), is sufficient, and the parties  
17 retain the right to serve by mail and receive three additional days for mailing  
18 provided for in Fed. R. Civ. P. 6(d). The parties reserve the right to revisit this issue  
19 if a dispute or need arises. The parties further intend to present evidence in electronic  
20 format to jurors for the purposes of jury deliberations. To the extent discovery

1 requests are served on a Saturday, Sunday, or legal holiday, service will be deemed  
2 effective on the next day that is not a Saturday, Sunday, or legal holiday.

3 **XI. Protection of Privileged/Trial Preparation Material:**

4 If a party discovers it has inadvertently disclosed privileged or trial  
5 preparation material, it agrees to notify the opposing party in writing within 30 days  
6 of the discovery that such document(s) have been disclosed, which written  
7 notification will set forth the basis for the claim that the items disclosed are  
8 privileged or trial preparation material. If the party receiving the disclosure agrees  
9 that the inadvertently produced items are privileged or trial preparation material, it  
10 will return all such items to the producing party without the retention of any copies.

11 If the receiving party disputes that the items are privileged or trial preparation  
12 materials, it will within 30 days of written notification of the inadvertent disclosure,  
13 present the disputed items inadvertently disclosed to the court under seal for a  
14 decision with respect thereto (without the retention of copies), including with such  
15 submission the producing party's written notification and any statement the  
16 receiving party wishes to make in support of its position that the items are not  
17 privileged or trial preparation material. If the receiving party disclosed the  
18 inadvertently produced privileged or trial preparation materials before being notified  
19 of the inadvertent disclosure, it will take reasonable steps to retrieve the materials  
20 pending resolution of the matter.

**XII. Electronic Service of Discovery**

The Parties agree that pursuant to Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure, the exchange of pleadings and other papers, including discovery requests, responses, and ESI, shall be in PDF format, and served via email or a secure file transfer protocol, rather than US Mail. All documents served electronically will be deemed as if served by mail.

The parties also agree, upon request, to promptly (no later than the second business day after the day of service) provide the sending party with confirmation of receipt of the service by email. The format to be used for attachments to any email message shall be Adobe Acrobat (.pdf). The parties agree to serve their written discovery requests in both Microsoft Word (.docx) and Adobe Acrobat (.pdf) format. If an error or delayed delivery message is received by the sending party, that party shall promptly (within one business day of receipt of such message) notify the intended recipient of the message and serve the pleading or other papers by other authorized means, including mail service.

<b>PARTY:</b>	<b>E-MAIL SERVICE ADDRESSES:</b>
<b>Plaintiff</b>	<a href="mailto:myancey@consumerattorneys.com">myancey@consumerattorneys.com</a> <a href="mailto:jristvedt@consumerattorneys.com">jristvedt@consumerattorneys.com</a> <a href="mailto:nclark@consumerattorneys.com">nclark@consumerattorneys.com</a>
<b>Defendant</b>	<a href="mailto:Jason.Spak@fisherbroyles.Com">Jason.Spak@fisherbroyles.Com</a> <a href="mailto:Taylor.Buono@wilsonelser.Com">Taylor.Buono@wilsonelser.Com</a>

The parties anticipate that depositions, if any, will take place remotely via

1 videoconference or as all parties, including the deponents, otherwise agree. The  
2 parties will determine the manner of depositions based on the circumstances  
3 prevailing when the parties confer to schedule depositions.

4 **XIII. Extension of Discovery Deadline**

5 LR 26-3 governs modifications or extensions to this discovery plan and  
6 scheduling order.

7  
8 **IT IS SO ORDERED:**

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DANIEL J. ALBRECHTS  
UNITED STATES MAGISTRATE JUDGE

12  
13 **DATED:** August 8, 2023

14  
15 Respectfully submitted this 7<sup>th</sup> day of August 2023,

16 */s/Michael Yancey*  
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*John Doe*



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*Counsel for Defendant First Advantage  
Background Services Corp.*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 7, 2023, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send notice of such filing to all attorneys of record in this matter.

/s/ Nataly Clark