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

SARA L. WEATHERSPOON,

Plaintiff,

v.

FIRST ADVANTAGE
BACKGROUND SERVICES CORP.,

Defendant.

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

**JOINT MOTION TO EXTEND
DISCOVERY DEADLINES
(FIRST REQUEST)**

Plaintiff Sara L. Weatherspoon (“Plaintiff”) and Defendant First Advantage Background Services Corp. (“First Advantage”) (together, the “Parties”), through their counsel of record, hereby file this Joint Motion to Extend Discovery Deadlines (First Request) (the “Motion”). This Motion is filed in accordance with LR 26-3. For the reasons set forth below, the Parties respectfully request this Court to extend the current discovery deadlines by sixty (60) days. This is the first motion to extend the discovery deadlines.

1 **I. Discovery Completed to Date**

2 1. The Joint Discovery Plan and Scheduling Order (the “Discovery Plan”)
3 was entered by the Court on August 8, 2023 [Dkt. No. 16].

4 2. The Parties exchanged Initial Disclosure Statements Pursuant to Fed.
5 R. Civ. P. 26(a)(1) on July 12, 2023.

6 3. Plaintiff propounded her First Set of Requests for Production of
7 Documents, First Set of Requests for Admissions, and First Set of Interrogatories
8 (“Plaintiff’s First Set of Discovery Requests”) on First Advantage on July 17, 2023.

9 4. First Advantage responded to Plaintiff’s First Set of Discovery
10 Requests on August 16, 2023.

11 5. Plaintiff served her 30(b)(6) Notice of Deposition of Defendant First
12 Advantage Background Services Corp. on August 21, 2023. The deposition of
13 Defendant is scheduled for October 9, 2023.

14 6. Plaintiff sent First Advantage a meet and confer letter concerning First
15 Advantage’s discovery responses on September 14, 2023, in an attempt to resolve a
16 discovery dispute between the Parties without the necessity of involvement of the
17 Court. The Parties are currently in the process of resolving this dispute.

18 7. On September 14, 2023, the Parties filed their Proposed Stipulated
19 Protective Order [Dkt. No. 18], which was granted on September 18, 2023 [Dkt. No.
20 19].

1 **II. Discovery to be Completed**

2 1. Plaintiff intends to take the 30(b)(6) deposition of First Advantage,
3 which has been noticed for October 9, 2023.

4 2. Plaintiff anticipates propounding additional written discovery upon
5 First Advantage following the completion of First Advantage’s deposition, subject
6 to the testimony of First Advantage.

7 3. Plaintiff anticipates engaging in third-party discovery with non-party
8 FedEx, again subject to the testimony of First Advantage during its 30(b)(6)
9 deposition.

10 4. Dependent upon the outcome of this pending discovery, Plaintiff is
11 considering retaining an expert witness. However, the necessity of retaining such a
12 witness will depend on many aspects of the above-referenced discovery.

13 5. First Advantage anticipates serving written discovery upon Plaintiff
14 and/or serving a notice of Plaintiff’s deposition.

15 **III. Reasons Discovery Was Not Completed Within the Time Limits and**
16 **Needs to be Extended**

17 Since discovery in this matter commenced, the Parties have been diligently
18 engaged in conducting discovery. Plaintiff served written discovery requests upon
19 First Advantage as soon as she was able to do so, and First Advantage provided its
20 initial written responses within approximately thirty days, without the necessity of
several extensions. Shortly after receiving those written responses, Plaintiff served

1 a Notice of Deposition upon First Advantage, and the Parties worked together to
2 ascertain dates upon which First Advantage could produce a corporate representative
3 to serve as its 30(b)(6) witness. Concurrently, the Parties have since become engaged
4 in an informal discovery dispute, with Plaintiff seeking additional documents and
5 revised written responses to certain discovery requests from First Advantage. To
6 date, the Parties have been working amicably toward resolving this dispute without
7 the necessity of involving the Court.

8 Despite the diligence and haste on the part of the Parties, due to the shortened
9 discovery period set forth by the Court, the current deadline for disclosure of
10 Plaintiff's expert report is set for October 30, 2023, and the deadline for First
11 Advantage's rebuttal expert report is set for November 29, 2023. In order for
12 Plaintiff to properly evaluate whether an expert report is necessary for the facts of
13 this case, Plaintiff first must evaluate First Advantage's 30(b)(6) witness in order to
14 understand the specifics of the background reporting at issue and relevant to the
15 underlying facts of this case. As a general statement, after developing such facts,
16 Plaintiff has learned that experts request at least approximately one month in order
17 to properly research, draft, and finalize any such expert report. Accordingly, despite
18 the diligence on the part of the Parties in completing necessary discovery, the Parties
19 anticipate that compliance with the existing expert disclosure deadlines will not be
20 practicable and may harm the Parties' abilities to adequately support their claim(s)

1 and/or defense(s). Notably, the Parties are **only** requesting extensions to the expert
2 disclosure deadlines, and those following those deadlines. The Parties are not
3 requesting extension of any other deadlines, nor are the Parties requesting any
4 extension of any deadlines that have already passed.

5 **IV. Proposed Schedule for Completing Discovery**

	Current Date	Proposed Date
Amend Pleadings/Add Parties	September 30, 2023	September 30, 2023
Initial Expert Disclosures	October 30, 2023	December 29, 2023
Rebuttal Expert Disclosures	November 29, 2023	January 29, 2024
Close of Discovery	December 29, 2023	February 27, 2024
Dispositive Motions	January 26, 2024	March 26, 2024
Joint Pretrial Order	February 23, 2024	April 23, 2024

10 WHEREFORE, the Parties respectfully request that the Court extend the
11 current discovery deadlines by sixty (60) days.

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1 Respectfully Submitted this 25th day of September 2023.

2 /s/Michael Yancey

3 Michael Yancey, NV #16158
4 **CONSUMER ATTORNEYS**
5 2300 West Sahara Ave. Suite 800
6 Las Vegas, NV 89102
7 E: myancey@consumerattorneys.com
8 T: (480) 573-9272
9 F: (718) 715-1750

10 *Attorneys for Plaintiff*
11 *Sara L. Weatherspoon*

2 /s/ Jason Spak

3 Jason Spak
4 **FISHERBROYLES, LLP**
5 6360 Broad Street, #5262
6 Pittsburgh, PA 15206
7 E: jason.spak@fisherbroyles.com
8 T: (412) 230-8555

9 Taylor Buono
10 **WILSON ELSER MOSKOWITZ**
11 **EDELMAN & DICKER LLP**
12 6689 Las Vegas Boulevard South,
13 Suite 200
14 Las Vegas, NV 89119
15 E: taylor.buono@wilsonelser.com
16 T: (702) 727-1400
17 F: (702) 727-1401

18 *Counsel for Defendant First*
19 *Advantage Background Services*
20 *Corp.*

14 **IT IS SO ORDERED:**

15 DATED: 9/26/2023

16 

17 DANIEL J. ALBRECHTS
18 UNITED STATES MAGISTRATE JUDGE

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on September 25, 2023, I electronically filed the
3 foregoing with the Clerk of the Court using the ECF system, which will send notice
4 of such filing to all attorneys of record in this matter. Since none of the attorneys of
5 record are non-ECF participants, hard copies of the foregoing have not been
6 provided via personal delivery or by postal mail.

7 **CONSUMER ATTORNEYS**

8 By: /s/ Sierra M. Stewart
9 Sierra M. Stewart

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