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 17 *Attorneys for Plaintiff*

18 **UNITED STATES DISTRICT COURT**  
 19 **DISTRICT OF NEVADA**

20 SHARON STOLTZFUS, an individual;  
 21  
 22 Plaintiff,

23 v.

24 BROTHERHOOD MUTUAL INSURANCE  
 25 COMPANY, an Indiana insurance company;  
 26 BROTHERHOOD MUTUAL INSURANCE  
 27 SERVICES, LLC, an Indiana limited liability  
 28 company; and ROE BUSINESS ENTITIES I  
 to X, inclusive; collectively,  
 Defendants.

Case No.: 2:23-cv-01100

**REVISED<sup>1</sup> [PROPOSED] JOINT  
 CONFERENCE REPORT UNDER RULE  
 26(f) AND STIPULATED DISCOVERY  
 PLAN AND SCHEDULING ORDER**

**SUBMITTED IN COMPLIANCE WITH  
 LR 26-1(b)**

<sup>1</sup> Revisions to the original Joint Conference Report Under Rule 26(f) and Stipulated Discovery Plan and Scheduling Order, ECF 6, are in bold.

1 Plaintiff SHARON STOLTZFUS, by and through her attorneys of the law firms of  
2 LOBELLO LAW OFFICES LLC and GALLIAN WELKER & ASSOCIATES, L.C., and Defendants  
3 BROTHERHOOD MUTUAL INSURANCE COMPANY and BROTHERHOOD MUTUAL  
4 INSURANCE SERVICES, LLC (collectively, “Defendants”), by and through the law firm of  
5 CHRISTIAN, KRAVITZ, DICHTER, JOHNSON & SLUGA, LLC, hereby submit this Joint Conference  
6 Report under Fed. R. Civ. P. Rule 26(f) and Stipulated Discovery Plan and Scheduling Order,  
7 Submitted in Compliance with LR 26-1(b).

8 The instant matter was initiated in this Court by Defendants’ Notice of Removal [ECF No.  
9 1] of Eighth Judicial District Court Case No. A-23-872524-C on July 14, 2023, pursuant to 28  
10 U.S.C. § 1332, which prior case was filed on June 16, 2023. Service in Case No. A-23-872524-C  
11 was effected on both Defendants on June 30, 2023. Plaintiff did not oppose the Notice of  
12 Removal, and Defendants filed their Answer herein on July 14, 2023. *See* ECF No. 3.

13 On August 2, 2023, pursuant to Fed. R. Civ. P. Rule 26(f) and LR 26-1(a), attorneys C.  
14 Conrad LoBello, Esq., on behalf of Plaintiff, and Scott B. Van Alfen, Esq., on behalf of  
15 Defendants, communicated regarding preservation and presentation of discovery and a proposed  
16 discovery plan. The Parties are not currently aware of any issues about disclosure, discovery, or  
17 preservation of electronically stored information. Other than as described herein at paragraph 2,  
18 the Parties agree that no changes should be made in the limitations on discovery imposed under  
19 the Federal Rules of Civil Procedure or by local rule. Subject to reasonable best estimates of time  
20 by respective counsel for disposition of the pending motions to dismiss and filing of answers by  
21 Defendants, counsel for the Parties hereby submit the following Stipulated Discovery Plan and  
22 Scheduling Order:

- 23 1) Initial Pre-Trial Disclosure Date, pursuant to Fed. R. Civ. P. Rule 26(a)(1)(C): The  
24 parties propose that they shall make their initial disclosures of information required  
25 by Fed. R. Civ. P. 26(a)(1) by **Wednesday, September 6, 2023**. No changes need be  
26 made to the form or requirements of such disclosures.
- 27 2) Areas of Discovery: Discovery will be conducted on all issues including, but not  
28 limited to, all claims and defenses within the scope of the pleadings consistent with

1 the Federal Rules of Civil Procedure and the Local Rules of this District. Discovery,  
2 unless otherwise ordered by the Court, shall be limited as follows:

- 3 a. Depositions (fact and expert) Pursuant to Fed. R. Civ. P. 30 – no limit;
  - 4 b. Interrogatories Pursuant to Fed. R. Civ. P. 33 – twenty-five (25) per party;
  - 5 c. Requests to Produce Pursuant to Fed. R. Civ. P. 34 – forty (40) per party;
  - 6 d. Requests for Admissions Pursuant to Fed. R. Civ. P. 36 – forty (40) per party.
- 7 3) Discovery Cut-Off Date: The discovery period is **October 14, 2024**, fifteen (15)  
8 months from the date Defendants filed their answer.

9 **Good cause exists for the requested fifteen (15) month discovery period as the**  
10 **discovery period is based upon several issues in this matter. First, the sheer**  
11 **number of medical providers and doctors with which Plaintiff has treated is**  
12 **significant. While the Defendant does not intend to depose all of them, there are**  
13 **over twenty-three (23) medical doctors and providers, with many of the**  
14 **providers being significant with regard to the claimed injuries. Second, this case**  
15 **involves two separate motor vehicle accidents, one in Las Vegas that occurred**  
16 **in 2017 and a second accident that occurred in Utah in 2018. Defendant will seek**  
17 **discovery regarding prior medical care and treatment and how it relates to the**  
18 **treatment after each of these motor vehicle accidents. Third, because there are**  
19 **two accidents in two different states (Nevada and Utah), there are witnesses that**  
20 **need to testify in different states. Therefore, the depositions of those persons will**  
21 **need to be taken. Finally, the significance of Plaintiff's claim for money damages**  
22 **is such that the fifteen (15) months is necessary to that so that this matter may**  
23 **be in a position to be resolved at the end of the discovery process.**

- 24 4) Expert Discovery Cut-Off Date: The discovery period for experts is until **January**  
25 **14, 2025**, eighteen (18) months from the date Defendants filed their Answer.
  - 26 5) Deadline for Amending the Pleadings and Adding Parties: **July 16, 2024.**
- 27  
28

1 This is ninety (90) days before the discovery cut-off date and does not exceed the  
2 outside limit LR 26-1(b)(2) presumptively sets of not less than ninety (90) days prior  
3 to the close of discovery for filing such motions.

4 6) Deadline to Disclose Experts and Expert Reports: **August 15, 2024**

5 This deadline is sixty (60) days before the discovery cut-off date.

6 7) Deadline for Rebuttal Experts and Rebuttal Expert Reports: **September 14, 2024**

7 This deadline is thirty (30) days after expert disclosure.

8 8) Deadline for Dispositive Motions: **February 13, 2025**

9 This is thirty (30) days after the discovery cut-off date and does not exceed the outside  
10 limit of thirty (30) days following the discovery cut-off date that LR 26-1(b)(4)  
11 presumptively sets for filing dispositive motions.

12 9) Deadline for Joint Pretrial Order: **March 11, <sup>2025</sup>~~2024~~**. This is thirty-one (31) days after  
13 the dispositive motion deadline. If any dispositive motions are filed, the deadline for  
14 filing the joint pretrial order will be suspended until thirty (30) days after the Court  
15 renders a decision on the dispositive motions or enters further Court order. The  
16 disclosures required by Fed. R. Civ. P. Rule 26(a)(3) and any objections to them must  
17 be included in the joint pretrial order.

18 10) Trial Readiness and Length: This case should be ready for trial by **May 5, 2025**. It is  
19 anticipated that a jury trial will last ten (10) days.

20 11) Settlement: The parties have not discussed settlement at this time.

21 12) Alternative Dispute Resolution: With regard to alternative dispute resolution  
22 processes including mediation and arbitration, the Parties do not believe arbitration,  
23 mediation, or early neutral evaluation to be appropriate at this time but remain willing  
24 to discuss the possibility throughout the duration of litigation.

25 13) Alternative Forms of Case Disposition: With regard to trial by a magistrate judge  
26 under 28 U.S.C. § 636(c) and Fed. R. Civ. P. Rule 73 or the use of the Short Trial  
27 Program (General Order 2013-01), the Parties do not consent to trial by a magistrate  
28 judge or the use of the Short Trial Program.



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- a. A statement specifying the discovery completed;
- b. A specific description of the discovery that remains to be completed;
- c. The reasons why the deadline was not satisfied or the remaining discovery was not completed within the time limits set by the discovery plan; and
- d. A proposed schedule for completing all remaining discovery.

**IT IS SO STIPULATED.**

DATED this 2<sup>nd</sup> day of August 2023.

LOBELLO LAW OFFICES LLC

/s/ Charles C. LoBello

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*Attorneys for Plaintiff*

DATED this 2<sup>nd</sup> day of August 2023.

CHRISTIAN, KRAVITZ, DICHTER,  
JOHNSON & SLUGA, LLC

/s/ Scott B. Van Alfen

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*Attorneys for Defendant BROTHERHOOD  
 MUTUAL INSURANCE COMPANY and  
 BROTHERHOOD MUTUAL INSURANCE  
 SERVICES, LLC*

**IT IS SO ORDERED.**

DATED:    August 14, 2023           

  
 \_\_\_\_\_  
 UNITED STATES MAGISTRATE JUDGE

**Charles LoBello**

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**From:** Scott Van Alfen <SVanAlfen@ksjattorneys.com>  
**Sent:** Thursday, August 10, 2023 9:03 AM  
**To:** Charles LoBello  
**Cc:** Mike Welker  
**Subject:** RE: Stoltzfus adv. Brotherhood Insurance

Charles,

I reviewed Paragraph 3 of the Revised Discovery Plan and Scheduling Order, and am in agreement with the revisions of paragraph 3.

You can go ahead and apply my electronic signature and file the document

Thanks

Scott Van Alfen

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**From:** Charles LoBello <clobello@lobellolawlv.com>  
**Sent:** Thursday, August 10, 2023 8:56 AM  
**To:** Scott Van Alfen <SVanAlfen@ksjattorneys.com>  
**Cc:** Mike Welker <welker@utahcase.com>  
**Subject:** RE: Stoltzfus adv. Brotherhood Insurance

Scott,

Please see attached Revised Discovery Plan and Scheduling Order and advise as to whether I may affix your electronic signature.

*C. Conrad LoBello, Esq.*



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