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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ROBERT G. GREENE, on behalf of himself and all others similarly situated,	)	CASE NO.: 2:09-CV-466-GMN-CWH
	)	
Plaintiff,	)	
	)	
v.	)	Consolidated with:
	)	Case No. 2:11-CV-355
JACOB TRANSPORTATION SERVICES, LLC,	)	
a Nevada Corporation dba Executive las Vegas;	)	
JIM JIMMERSON; and CAROL	)	
JIMMERSON,	)	
	)	
Defendant.	)	

**STIPULATION TO MODIFY SCHEDULING ORDER  
(SIXTH REQUEST POST-APPEAL)**

Plaintiffs and Defendants (collectively “The Parties), by and through their respective counsel of record, pursuant to Rule 26(f) of the Federal Rules of Civil Procedure (“FRCP”), Local Rule 6-1, 26-1, and 26-4, stipulate and agree to modify the deadline in the Discovery Plan and Scheduling Order and the subsequent Order granting prior requested extension (Docket Nos. 227, 233, 254, 264, and 297).

1 Pursuant to the direction of the Court at the hearing occurring on December 14, 2017  
2 before Magistrate Judge Hoffman, and as reflected in the Minutes of Proceedings (#297), the  
3 Parties hereby stipulate and agree to an extension and continuance of approximately four months  
4 from this Court's December 14, 2017 Minute Order (Docket No. 297) to the discovery cut-off  
5 date, as further stated below.  
6

7 **I.**

8 **DISCOVERY THAT HAS BEEN COMPLETED**

9 Initial disclosures, and several rounds of written discovery occurred in the Robert Greene  
10 case in 2010 and thereafter. The case proceeded to final judgment, to appeal that resulted in certain  
11 reversals as stated in the Memorandum of Decision, and the case was remanded back to the District  
12 Court for further proceedings.  
13

14 In the consolidated case, 2:11-CV-355, there have been numerous depositions by both  
15 Plaintiffs and Defendant. By Order of the court in consolidating the cases, discovery in such case  
16 was stayed. (Case No. 2:11-cv-00355-GMN-CWH, ECF # 26.)  
17

18 Since remand of the Robert Greene case to this District in 2015, Plaintiffs have served  
19 various items of written discovery. Plaintiffs have also served an expert report. Defendants have  
20 served a rebuttal expert report.

21 On February 3, 2017, the Court entered an Order (#245) that dismissed several claims,  
22 including several claims against the Jimmersons, while leaving other claims in the case.

23 On September 19, 2017, this Court granted Plaintiffs' motion for class certification of  
24 Plaintiffs' state-law Constitutional claim (#266), and on October 27, 2017, this Court granted  
25 Plaintiffs' motion to approve the form of notice for Plaintiffs' FLSA and Rule 23 actions.  
26

27 **II.**

28 **DISCOVERY THAT REMAINS TO BE COMPLETED**

Following this Court's orders granting certification (#266) and approving the form of  
notice for Plaintiffs' FLSA and Rule 23 actions, The Parties intend to conduct class-wide discovery

1 into the merits of Plaintiffs' claims and Defendants' defenses. The parties dispute the proper scope  
2 of discovery, and are currently engaged in meet-and-confer efforts on this issue, which may result  
3 in future motion practice to compel and/or for protection, if the issues are not resolved.  
4

5 **III.**

6 **REASONS DISCOVERY WAS NOT COMPLETED**

7 The Parties have been engaged in extensive motion practice in this case, both prior to  
8 appeal and post-appeal. During the earlier discovery periods, Defendants objected to providing  
9 class-wide discovery on the ground that class-wide discovery is inappropriate prior to certification.  
10 Defendants contend that they did not conduct any class discovery for this same reason.  
11

12 **IV.**

13 **PROPOSED SCHEDULE FOR COMPLETING REMAINING**  
14 **DISCOVERY AND DISPOSITIVE MOTIONS**

15 Based on the above, the Parties stipulate and agree to the following deadlines:

16 **Discovery Cut-Off Date.** The Parties propose a discovery cut-off date of: **April 14, 2018.**

17 **Amendment of Pleadings and Addition of Parties.** The most recent date of amending  
18 claims and adding parties has expired.

19 **Dispositive Motions.** The dispositive motion deadline shall be **May 14, 2018.**

20 **Disclosure of supplemental expert reports.** Any supplemental expert reports must be  
21 disclosed by **March 14, 2018.**

22 **Disclosure of rebuttal expert reports.** Any rebuttal expert reports must be disclosed by  
23 **April 14, 2018.**

24 **Pre-Trial Order.** The joint pretrial order must be filed no later than thirty (30) days after  
25 the Court's decision on any Dispositive Motions.  
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**FRCP 26(a)(3) Disclosures.** The disclosures shall be included in the joint pretrial order.

Dated: January 2, 2018.

Dated: January 2, 2018.

THIERMAN BUCK LLP

LOVATO LAW FIRM, PC.

/s/ Joshua D. Buck

/s/ Mario P. Lovato

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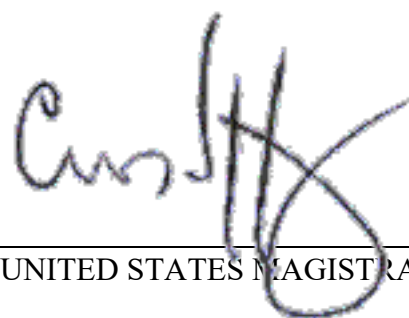
Attorney for Defendants

Attorneys for Plaintiffs

**ORDER**

**IT IS SO ORDERED.**

DATED: January 4, 2018



UNITED STATES MAGISTRATE JUDGE