

**JOHN PETER LEE, LTD.**  
ATTORNEYS AT LAW  
830 LAS VEGAS BLVD. SOUTH  
LAS VEGAS, NEVADA 89101  
Telephone (702) 382-4044  
Telecopier (702) 383-9950

1 JOHN PETER LEE, LTD.  
JOHN PETER LEE, ESQ.  
2 Nevada Bar No. 001768  
JOHN C. COURTNEY, ESQ.  
3 Nevada Bar No. 011092  
830 Las Vegas Boulevard South  
4 Las Vegas, Nevada 89101  
Ph: (702) 382-4044/Fax: (702) 383-9950  
5 E-Mail: [info@johnpeterlee.com](mailto:info@johnpeterlee.com)  
Attorneys for Plaintiff

6  
7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 MARIELLEN M. WALLACE, individually; ) CASE NO.: 2:10-cv-01855  
10 Plaintiff, )  
11 vs. )  
12 USAA LIFE GENERAL AGENCY, INC., )  
a foreign corporation, DOES I through X and ROE )  
13 CORPORATIONS I through X, inclusive; )  
14 Defendants. )  
15 AND ALL RELATED CLAIMS )

16 1950.023916 - tm

17 **REPORT OF PARTIES' PLANNING MEETING,**  
**STIPULATED DISCOVERY PLAN AND SCHEDULING ORDER**  
**(SPECIAL SCHEDULING REVIEW REQUESTED)**

18 1. **Meeting:** Pursuant to Local Rule 26-1, a telephonic meeting was held on December  
19 8, 2010 at 4:00 p.m. and was attended by: John C. Courtney, Esq. on behalf of Plaintiff, Mariellen  
20 M. Wallace, and Kathleen M Maynard, Esq. on behalf of Defendant, USAA Life Insurance  
21 Company, Inc.

22 2. **Date that First Defendant Appeared:** October 22, 2010.

23 3. **Date to Exchange Initial Disclosures:** January 4, 2010 in accordance with  
24 Fed.R.Civ.P. 26(a).

25 4. **Discovery Plan:** The parties propose the following discovery plan:

26 **A. Methods of Discovery:**

27 The parties intend to serve written discovery requests and take depositions, as follows:

28 i. **Maximum Number of Interrogatories by Each Party:** Standard;

- 1                   ii.     Time to Respond to Interrogatories: 30 Days;
- 2                   iii.    Maximum Number of Requests for Admissions: Standard;
- 3                   iv.    Time to Respond to Requests for Admissions: 30 Days;
- 4                   v.     Maximum Number of Depositions by Each Party: No Limitation;
- 5                   vi.    Limit on Length of Depositions: No Limitation.

6                   **B.     Subjects of Discovery:**

7                   Discovery may be conducted on all matters pursuant to Fed.R.Civ.P. 26(b).

8                   **C.     Discovery Cut-Off Date:**

9                   The parties seek special consideration in this proposed plan. Although the plan is in general  
10 accordance with LR 26-1(e), the parties are hereby requesting an additional ninety (90) days beyond  
11 the customary one-hundred eighty (180) days to conduct discovery, measured from October 22,  
12 2010, when Defendant first appeared in this case by filing its Notice of Removal.

13                  The additional time for discovery is requested for several reasons. First, there are medical  
14 issues that may involve depositions of treating physicians as well as medical experts. There will be  
15 standard of care experts regarding claims handling who will likely need to be deposed. The parties  
16 submit that as is typical in matters like this, virtually all of the discovery must be completed before  
17 experts can arrive at and testify as to their opinions.

18                  Additionally, the parties anticipate that depositions of the claims handlers will need to be  
19 taken in Texas. The individuals who will likely be witnesses on behalf of USAA are currently  
20 involved and will continue to be involved in the near future as witnesses in other litigation involving  
21 USAA. Therefore, their availability over the next few months is limited. They will have additional  
22 availability during the requested extended timeframe. The last proposed day of discovery shall be  
23 July 19, 2011, which is two-hundred seventy (270) days from the date when Defendant first  
24 appeared.

25                  **D.     Fed.R.Civ.P. 62(a)(2) Disclosures (Experts):**

26                  Disclosure of experts shall proceed according to Fed.R.Civ.P. 26(a)2 except that:

- 27                  i.     The disclosure of Plaintiff's experts and expert reports shall occur May 18,  
28                   2011, which is sixty (60) days before the discovery cut-off date;



**JOHN PETER LEE, LTD.**  
ATTORNEYS AT LAW  
830 LAS VEGAS BLVD. SOUTH  
LAS VEGAS, NEVADA 89101  
Telephone (702) 382-4044  
Telecopier (702) 383-9950

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

12. **Reservation of Rights:** All of the parties reserve their rights and this discovery plan shall not be deemed to constitute a waiver of any of the Parties' rights concerning the filing of any motion.

DATED this 13<sup>th</sup> day of December, 2010.

<del>JOHN PETER LEE, LTD.</del>	<del>THORNDAL, ARMSTRONG, DELK BALKENBUSH &amp; EISINGER</del>
By: <u>/s/ John C. Courtney, Esq.</u> JOHN PETER LEE, ESQ. Nevada Bar No. 001768 JOHN C. COURTNEY, ESQ. Nevada Bar No. 011092 830 Las Vegas Boulevard South Las Vegas, Nevada 89101 Ph: (702) 382-4044/Fax: (702) 383-9950 Email: <a href="mailto:info@johnpeterlee.com">info@johnpeterlee.com</a> Attorneys for Plaintiff	By: <u>/s/ Kathleen M. Maynard, Esq.</u> JAMES J. JACKSON, ESQ. Nevada Bar No. 003083 KATHLEEN M. MAYNARD, ESQ. Nevada Bar No. 010675 1100 East Bridger Avenue Las Vegas, Nevada 89101 Ph: (702) 366-0622/Fax: (702) 366-0327 Attorneys for Defendant

IT IS SO ORDERED this 16<sup>th</sup> day of December, 2010.



UNITED STATES MAGISTRATE JUDGE

Submitted by:  
JOHN PETER LEE, LTD.  
  
By: /s/ John C. Courtney, Esq.  
JOHN PETER LEE, ESQ.  
Nevada Bar No. 001768  
JOHN C. COURTNEY, ESQ.  
Nevada Bar No. 011092  
830 Las Vegas Boulevard South  
Las Vegas, Nevada 89101  
Ph: (702) 382-4044/Fax: (702) 383-9950  
Email: [info@johnpeterlee.com](mailto:info@johnpeterlee.com)  
Attorneys for Plaintiff