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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FRANK FELDHOUSE, individually,

Plaintiff,

v.

FIDELITY AND GUARANTY  
INSURANCE COMPANY, an entity of  
unknown origin, DOES I-X, and ROE  
CORPORATIONS I-X, inclusive,  
Defendants.

CASE NO.: 2:11-cv-00311-ECR-GWF

**INTERIM STATUS REPORT**  
**(pursuant to LR 26-3) and JOINT**  
**REQUEST TO EXTEND**  
**DISCOVERY DEADLINES (FIRST**  
**REQUEST)**

Plaintiff, FRANK FELDHOUSE, and Defendant, FIDELITY AND  
GUARANTY INSURANCE COMPANY, by and through their undersigned counsel,



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1 submit to the Court its Interim Status Report pursuant to LR 26-3 and Joint Request  
2 to Extend Discovery Deadlines, pursuant to LR 26-4, and for cause state:

3 **I. Local Rule 6-1**

4 Under LR 6-1(b) every stipulation to extend time must inform the court of  
5 any previous extensions granted and state the reason for the extension requested.  
6

7 **A. The Requirement of Local Rule 6-1 Are Satisfied**

8 This is the first request for extension filed by the parties.

9 **II. Local Rule 26-4**

10 Under LR 26-4, an application to extend any date set by the discovery plan  
11 must be received no later than 20 days before the discovery cut-off date or any  
12 extension thereof. Further, a request to extend any date set by a discovery plan must  
13 be supported by a showing of good cause.  
14

15 **A. The Time Requirements of Local rule 26-4 Are Satisfied**

16 The current discovery cut-off date is August 24, 2011. This stipulation is  
17 being filed on June 21, 2011. Therefore, the twenty (20) day requirement for  
18 requesting an extension under LR 26-4 is satisfied.  
19

20 **B. There is Good Cause for the Extension**

21 Plaintiff filed his original Complaint on October 18, 2010. Accordingly,  
22 Fidelity and Guaranty Insurance Company was served a copy of the initial Complaint  
23 in this matter on January 31, 2011. Plaintiff was not required to file any motions  
24 requesting permission to amend his original Complaint.  
25

26 On February 25, 2011, Defendant, Fidelity and Guaranty Insurance Company  
27 filed and served its Notice of Removal pursuant to 28 U.S.C. § 1441. Accordingly,  
28



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1 Defendant filed the Notice of Removal within 30 days of service of the Amended  
2 Complaint. Also, on February 25, 2011, Defendant, Fidelity and Guaranty Insurance  
3 Company filed its Notice of Removal of Action to U.S. District Court with the  
4 Eighth Judicial District Court in Clark County, Nevada.  
5

6 The parties participated in a Rule 26(f) conference on March 10, 2011. The  
7 Parties exchanged their initial disclosures on or about April 21, 2011. On March 16,  
8 2011, the parties submitted their proposed Stipulated Discovery Plan and Scheduling  
9 Order.  
10

11 This matter involves a UIM/UM claim stemming from an alleged automobile  
12 accident occurring on November 23, 2004. Plaintiff, Frank Feldhouse was the driver  
13 of a 1999 Ford F250 pick-up truck traveling north bound on Nellis Blvd. in Las  
14 Vegas, Nevada, when he was rear ended by a 2003 Ford Ranger driven by Ashley  
15 Jenik. Ashley Jenik was driving a vehicle owned by Matthew Wilson. On  
16 November 17, 2006, Plaintiff filed a Complaint in Clark County, District Court  
17 against Jenik and Wilson.

18 It was later discovered that Ashley Jenik was an uninsured or underinsured  
19 driver. However, Plaintiff was allegedly covered by an insurance policy from  
20 Fidelity and Guaranty Insurance Company for underinsured/uninsured motorist  
21 coverage. Plaintiff filed suit in Clark County, District Court against Fidelity and  
22 Guaranty Insurance Company on October 18, 2010 for breach of contract and breach  
23 of implied covenant of good faith and fair dealing.  
24

25 Defendant has sought out in excess of fifteen (15) subpoenas to potential  
26 providers in attempt to verify Plaintiff's medical specials. Plaintiff recently executed  
27 a medical authorization for medical records. The extension is sought due to the  
28



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1 complexity of Plaintiff's damages and the Plaintiff's amount of medical information  
2 still outstanding by third party providers.  
3

4 **C. In Accordance with the Requirements of LR 26-4, the Parties Set**  
5 **Forth the Following with Regards to their Request to Extend the**  
6 **Discovery Deadlines**

7 **Proposed Schedule:**

- 8 1. Close of Discovery: November 22, 2011
- 9 2. Final Date to Amend Pleadings: N/A (past)
- 10 3. Final Date for Expert Disclosure: September 23, 2011
- 11 4. Final Date for Rebuttal Expert Disclosure: October 23, 2011
- 12 5. First Interim Status Report Due: June 25, 2011
- 13 6. Second Interim Status Report Due: September 23, 2011
- 14 7. Final Date to File Dispositive Motions: December 22, 2011
- 15 8. Pre-Trial Order Deadline: January 21, 2012
- 16 9. Settlement Conference: N/A.
- 17 10. Calendar Call: N/A
- 18 11. Trial: N/A

19 **Schedule Currently in Effect:**

- 20 1. Close of Discovery: August 24, 2011
- 21 2. Final Date to Amend Pleadings: N/A (past)
- 22 3. Final Date for Expert Disclosure: June 25, 2011
- 23 4. Final Date for Rebuttal Expert Disclosure: July 25, 2011
- 24 5. First Interim Status Report Due: June 25, 2011
- 25 6. Second Interim Status Report Due: N/A



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- 1           7.     Final Date to File Dispositive Motions: September 23, 2011
- 2           8.     Pre-Trial Order Deadline: October 23, 2011
- 3           9.     Settlement Conference: N/A.
- 4           10.    Calendar Call: N/A
- 5           11.    Trial: N/A

7           **Discovery Completed:**

8           The parties have exchanged disclosures required by Fed. R. Civ. P. 26(a) (1)  
9           and multiple supplements have been served. The parties have exchanged written  
10          discovery and responses. Subpoenas have been issued and some of the records  
11          received. Plaintiff's deposition is scheduled on June 30, 2011. Additional medical  
12          and loss wage records are being requested.

14          **Discovery Remaining to be Completed:**

- 15          1.           Plaintiff's Discovery Disputes: N/A.
  - 16           a.        All other discovery issues have been resolved at this time.
- 17          2.           Defendant's Discovery Disputes: N/A.
  - 18           a.        All other discovery issues have been resolved at this time.

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1           Therefore, good cause existing, counsel jointly request that this Honorable  
2 Court allow them an additional ninety (90) days to complete discovery with the other  
3 matter outlined in the Court's Scheduling Order  
4

5           DATED this 21<sup>st</sup> day of June, 2011.

6           **THE POWELL LITIGATION**  
7           **GROUP**

6           **MORAN LAW FIRM, LLC**

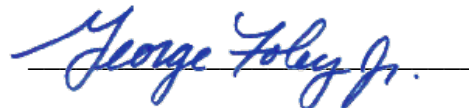
8  
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10          **PAUL D. POWELL, ESQ.**  
11          Nevada Bar No. 7488  
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Attorney for Defendant,  
FIDELITY AND GUARANTY  
INSURANCE COMPANY

16           **IT IS SO ORDERED.**

17  
18           

19           U.S. Magistrate Judge

20           Dated: \_\_ June 22, 2011        \_\_



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