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14
 15 **UNITED STATES DISTRICT COURT**
 16 **DISTRICT OF NEVADA**

17 CAESARS WORLD, INC., a Florida
 18 corporation,

19 Plaintiff,

20 v.

21 MARCEL JULY, an individual; and OCTAVIUS
 22 TOWER LLC, a Nevada limited liability
 23 company,

24 Defendants.

CASE NO.: 2:11-cv-00536-GMN-(CWH)

**FIRST AMENDED STIPULATED
 DISCOVERY PLAN AND SCHEDULING
 ORDER**

**SPECIAL SCHEDULING REVIEW
 REQUESTED**

25 Pursuant to LR 26-1(d), LR 26-1(e), LR 26-4, and Fed. R. Civ. P. 26(f), Plaintiff Caesars
 26 World, Inc. (“Caesars”), by and through its undersigned counsel of record, and Defendants
 27 Marcel July (“Mr. July”) and Octavius Tower, LLC (“OT”) (and collectively, “Defendants”), by
 28 and through their undersigned counsel, hereby submit and stipulate to the following First

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1 Amended Stipulated Discovery Plan and Scheduling Order, and agree that the following shall
2 constitute the amended discovery plan and scheduling order in this matter. The parties believe
3 that settlement potential exists for this case and have recently agreed to mediation or other
4 formal settlement discussions to attempt to bring this matter to a close. The parties thus request a
5 special scheduling review by this Court and request that the remaining deadlines in the case be
6 extended by sixty (60) days to permit the parties time to complete settlement efforts. If these
7 efforts do not prove successful, the parties believe they will be able to complete discovery and
8 trial preparation pursuant to the extended deadlines set forth below.

9 **I. AMENDED SCHEDULING ORDER PURSUANT TO LR 26-1(e).**

10 (a) **Fed. R. Civ. P. 26(f) Conference:** On June 7, 2011, the parties scheduled a
11 telephonic conference to discuss issues required by Fed. R. Civ. P. 26(f). James D. Boyle, Esq.
12 of the law firm Santoro, Driggs, Walch, Kearney, Holley & Thompson and David J. Stewart,
13 Esq. of the law firm Alston & Bird LLP appeared for Caesars. Michael W. Sanft, Esq. of Sanft
14 Law Group appeared on behalf of Defendants. Pursuant to LR 26-1(e), the parties submit and
15 stipulate to the following proposed extended deadlines:

- 16 1. **Discovery Cut-Off Date:** OT answered Caesars' Complaint on May 3,
17 2011 (Docket No. 12). Mr. July subsequently answered Caesars'
18 Complaint and asserted counterclaims on May 19, 2011 (Docket No. 15).
19 Because the primary defendant to this action, Mr. July, was then located in
20 The Netherlands, the parties requested that a date for completion of
21 discovery be set one hundred eighty (180) days from the date that Mr. July
22 filed his Answer and Counterclaim, to wit November 15, 2011. The Court
23 entered the Parties' initial Scheduling Order and Discovery Plan on June
24 13, 2011 (Docket No. 21) (the "Scheduling Order"). For the reasons set
25 forth below, the parties have agreed that an additional sixty (60) days is
26 necessary to complete discovery. Therefore, the parties have agreed to a
27 revised discovery cutoff deadline of **Monday, January 16, 2012** and
28 respectfully request that this Court grant same.



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2. **Amending the Pleadings and Adding Parties:** Pursuant to the Scheduling Order, the last day to amend the pleadings and add parties was August 17, 2011, which date was ninety (90) days prior to the previously-scheduled discovery cutoff deadline. The parties have agreed that no extension to this deadline is necessary.

3. **Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):** Pursuant to the Scheduling Order, the last day to disclose experts was September 16, 2011. Pursuant to LR 26-1(e)(3), the last day to disclose experts is sixty (60) days prior to the close of discovery. The parties have agreed to a revised deadline to disclose experts of **Tuesday, November 15, 2011.** Additionally, pursuant to the Scheduling Order, the last day to disclose rebuttal experts was October 17, 2011. Pursuant to LR 26-1(e)(3), the last day to disclose rebuttal experts is thirty (30) days after the initial disclosure of experts. The parties have agreed to a revised deadline to disclose rebuttal experts of **Thursday, December 15, 2011.**

4. **Dispositive Motions:** Pursuant to the Scheduling Order, the last day to file dispositive motions was December 15, 2011. Pursuant to LR 26-1(e)(4), the last day to file a dispositive motion is thirty (30) days after the discovery cut-off date. The parties have agreed to a revised deadline to file dispositive motions of **Wednesday, February 15, 2012.**

5. **Pretrial Order:** Pursuant to the Scheduling Order, the last day to file the pretrial order was January 16, 2012. Pursuant to LR 26-1(e)(5), the last day to file a pretrial order is thirty (30) days after the date set for filing dispositive motions. The parties have agreed to a revised deadline, to file a pretrial order, of **Wednesday, February 15, 2012.** In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after the decision on the dispositive motion or upon further order by the Court extending the time



1 period in which to file the joint pretrial order. The parties shall include the
2 disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections
3 thereto, with the joint pretrial order.

4 6. **Extension of Scheduled Deadlines:** Pursuant to LR 26-4, the last day
5 make a request to the extension of the discovery deadlines is twenty (20)
6 days before the discovery cut-off date. The parties have agreed to a
7 revised deadline to make any further request to the extension of discovery
8 deadlines of **Wednesday, December 28, 2011.**

9 7. **Interim Status Report:** The parties will submit the interim status report
10 required by LR 26-3 by **Tuesday, November 15, 2011,** which is sixty (60)
11 days prior to the discovery cutoff deadline.

12 (b) **Fed. R. Civ. P. 26(f)(2) Scope of Discovery:** The parties continue to agree that
13 discovery should extend to the full extent allowed by the Federal Rules of Civil Procedure and
14 that discovery should not be limited to any particular issues.

15 (c) **Fed. R. Civ. P. 26(f)(3) Changes:** The parties stipulate that no changes should
16 be made to the limitations on discovery imposed by Fed. R. Civ. P. 26 or LR 26-1.

17 (d) **Fed. R. Civ. P. 26(f)(4) Schedules:** At this time, the parties believe that an
18 expedited schedule pursuant to Fed. R. Civ. P. 26(f)(4) is not necessary. The parties reserve
19 their respective rights to request relief under Fed. R. Civ. P. 26(f)(4).

20 (e) Additional Information: None.

21 **II. STATEMENT OF DISCOVERY STATUS PURSUANT TO LR 26-4.**

22 In accordance with the requirements of LR 26-4, the parties hereby report as follows:

23 (a) **Statement Specifying Completed Discovery:**

24 Caesars has served initial disclosures, first interrogatories and document requests on Mr.
25 July, and first interrogatories and document requests on Octavius Tower, LLC, which requests
26 are pending.

27 (b) **Discovery Remaining to be Completed:**

28 Plaintiff anticipates that it may serve requests for admission and follow-up interrogatories



1 and document requests on Mr. July and Octavius Tower, LLC after receiving responses to its
2 pending discovery requests. Plaintiff further anticipates taking Mr. July's deposition and a
3 30(b)(6) deposition of Octavius Tower, LLC, and Caesars may take depositions of third parties
4 identified in Defendants' responses to Caesars' pending discovery requests. Caesars also
5 anticipates discovery of any experts Defendants identify.

6 (c) **Explanation as to Non-Completion of Discovery:**

7 The parties are filing this motion in advance of the current close of the discovery period
8 because they anticipate that additional time to complete discovery will be necessary if formal
9 settlement efforts between the parties does not yield a settlement. The parties request the
10 extensions set forth herein so that they may focus on efforts to resolve the case without the need
11 to engage concurrently in fact and expert discovery. The parties believe that, if they are unable
12 to settle the case, they will be able to complete all necessary discovery within the extended time
13 periods set forth above.

14 (d) **Proposed Discovery Completion Schedule:** The parties agree that the proposed
15 discovery completion schedule set forth in Section I(a)(1-7) above is the appropriate timeframe
16 for completing the discovery set forth above, to wit on or before **January 16, 2012.**

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(e) **Additional Information:** None.

Dated: September 12, 2011.

Dated: September 12, 2011.

**SANTORO, DRIGGS, WALCH,
KEARNEY, HOLLEY & THOMPSON**

SANFT LAW GROUP

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Attorneys for Plaintiff Caesars World, Inc.

IT IS SO ORDERED:



UNITED STATES DISTRICT JUDGE or
UNITED STATES MAGISTRATE JUDGE

DATED: September 13, 2011