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*Attorneys for Caesars World, Inc.*

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

18 CAESARS WORLD, INC., a Florida  
 19 corporation,  
 20  
 Plaintiff,  
 21  
 v.  
 22  
 MARCEL JULY, an individual; and OCTAVIUS  
 23 TOWER LLC, a Nevada limited liability  
 24 company,  
 25  
 Defendants.

CASE NO.: 2:11-cv-00536-GMN-CWH  
**SECOND AMENDED STIPULATED  
 DISCOVERY PLAN AND SCHEDULING  
 ORDER**  
**(Second Request)**  
**SPECIAL SCHEDULING REVIEW  
 REQUESTED**

26 Pursuant to LR 26-1(d), LR 26-1(e), LR 26-4, and Fed. R. Civ. P. 26(f), Plaintiff Caesars  
 27 World, Inc. (“Caesars”), by and through its undersigned counsel of record, and Defendants  
 28

1 Marcel July (“Mr. July”) and Octavius Tower LLC (“OT”) (collectively, “Defendants”), by and  
2 through their undersigned counsel of record, hereby submit and stipulate to the following Second  
3 Amended Stipulated Discovery Plan and Scheduling Order, and agree that the following shall  
4 constitute the amended discovery plan and scheduling order in this matter.

5 On September 12, 2011, the parties filed their First Amended Stipulated Discovery Plan  
6 and Scheduling Order (“Revised Scheduling Order”) requesting an extension to the then current  
7 case deadlines to allow the parties time to focus on efforts to settle the case without the need to  
8 engage concurrently in fact and expert discovery. The Court entered the Revised Scheduling  
9 Order on September 13, 2011.

10 On October 18, 2011, the parties concluded their efforts to settle the case and returned to  
11 their discovery efforts. Caesars has agreed to provide Mr. July and OT with a courtesy extension  
12 until Friday, October 28, 2011, to respond to Caesars’ outstanding document requests and  
13 interrogatories. However, as a result of that extension, Caesars will not have sufficient time to  
14 evaluate those responses prior to the current November 15, 2011, deadline to disclose case in  
15 chief experts. Accordingly, the parties request a special scheduling review by this Court and  
16 request that the remaining deadlines in the case be extended by thirty (30) days. The parties do  
17 not anticipate any further extensions and believe they will be able to complete discovery and trial  
18 preparation pursuant to the extended deadlines set forth below.

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

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

- 26 1. **Discovery Cut-Off Date:** OT answered Caesars’ Complaint on May 3,  
27 2011 (Docket No. 12). Mr. July subsequently answered Caesars’  
28 Complaint and asserted counterclaims on May 19, 2011 (Docket No. 15).

1 Because the primary defendant to this action, Mr. July, was then located in  
2 The Netherlands, the parties requested that a date for completion of  
3 discovery be set one hundred eighty (180) days from the date that Mr. July  
4 filed his Answer and Counterclaim, to wit November 15, 2011. The Court  
5 entered the Parties' initial Scheduling Order and Discovery Plan on June  
6 13, 2011 (Docket No. 21) (the "Scheduling Order"). On September 12,  
7 2011, the Parties filed their Revised Scheduling Order and requested that  
8 the date for completion of discovery be extended by sixty (60) days, until  
9 January 16, 2012 (Docket No. 32). The Court entered the parties' Revised  
10 Scheduling Order on September 13, 2011 (Docket No. 34). For the  
11 reasons set forth below, the parties have agreed that an additional thirty  
12 (30) days is necessary to complete discovery. Therefore, the parties have  
13 agreed to a revised discovery cutoff deadline of **Wednesday, February**  
14 **15, 2012** and respectfully request that this Court grant same.

- 15 2. **Amending the Pleadings and Adding Parties:** Pursuant to the Revised  
16 Scheduling Order, the last day to amend the pleadings and add parties was  
17 August 17, 2011, which date was ninety (90) days prior to the initially  
18 scheduled discovery cutoff deadline. The parties have agreed that no  
19 extension to this deadline is necessary.
- 20 3. **Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):** Pursuant to the Revised  
21 Scheduling Order, the last day to disclose experts is November 15, 2011.  
22 Pursuant to LR 26-1(e)(3), the last day to disclose experts is sixty (60)  
23 days prior to the close of discovery. The parties have agreed to a revised  
24 deadline to disclose experts of **Friday, December 16, 2011**. Additionally,  
25 pursuant to the Revised Scheduling Order, the last day to disclose rebuttal  
26 experts is December 15, 2011. Pursuant to LR 26-1(e)(3), the last day to  
27 disclose rebuttal experts is thirty (30) days after the initial disclosure of  
28 experts. The parties have agreed to a revised deadline to disclose rebuttal

1 experts of **Monday, January 16, 2012.**

2 4. **Dispositive Motions:** Pursuant to the Revised Scheduling Order, the last  
3 day to file dispositive motions is February 15, 2012. Pursuant to LR 26-  
4 1(e)(4), the last day to file a dispositive motion is thirty (30) days after the  
5 discovery cut-off date. The parties have agreed to a revised deadline to  
6 file dispositive motions of **Friday, March 16, 2012.**

7 5. **Pretrial Order:** Pursuant to the Revised Scheduling Order, the last day to  
8 file the pretrial order is March 15, 2012 (errantly identified by the parties  
9 in the First Amended Stipulated Discovery Plan and Scheduling Order as  
10 February 15, 2012). Pursuant to LR 26-1(e)(5), the last day to file a  
11 pretrial order is thirty (30) days after the date set for filing dispositive  
12 motions. The parties have agreed to a revised deadline, to file a pretrial  
13 order, of **Monday, April 16, 2012.** In the event dispositive motions are  
14 filed, the date for filing the joint pretrial order shall be suspended until  
15 thirty (30) days after the decision on the dispositive motion or upon further  
16 order by the Court extending the time period in which to file the joint  
17 pretrial order. The parties shall include the disclosures required by Fed. R.  
18 Civ. P. 26(a)(3), and any objections thereto, with the joint pretrial order.

19 6. **Extension of Scheduled Deadlines:** Pursuant to LR 26-4, the last day  
20 make a request to the extension of the discovery deadlines is twenty (20)  
21 days before the discovery cut-off date. The parties have agreed to a  
22 revised deadline to make any further request to the extension of discovery  
23 deadlines of **Thursday, January 26, 2011.**

24 7. **Interim Status Report:** The parties will submit the interim status report  
25 required by LR 26-3 by **Friday, December 16, 2011,** which is sixty (60)  
26 days prior to the discovery cutoff deadline.

27 (b) **Fed R. Civ. P. 26(f)(2) Scope of Discovery:** The parties continue to agree that  
28 discovery should extend to the full extent allowed by the Federal Rules of Civil Procedure and



1 that discovery should not be limited to any particular issues.

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

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

7 (e) Additional Information: None.

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

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

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

11 Caesars has served initial disclosures as well as first interrogatories and document  
12 requests on Mr. July, and first interrogatories and document requests on Octavius Tower LLC,  
13 which requests are pending.

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

15 Plaintiff anticipates that it may serve requests for admission and additional interrogatories  
16 and document requests on Mr. July and OT after receiving responses to its outstanding discovery  
17 requests. Plaintiff further anticipates taking Mr. July's deposition and a 30(b)(6) deposition of  
18 OT. Caesars may also take depositions of any third parties identified in Defendants' responses to  
19 Caesars' pending discovery requests. Caesars also anticipates discovery of any experts  
20 Defendants identify.

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

22 The parties have engaged in discussions regarding settlement but have been unable to  
23 reach resolution. Settlement efforts have now concluded, and Caesars has agreed to provide Mr.  
24 July and OT with a courtesy extension until Friday, October 28, 2011, to respond to outstanding  
25 discovery requests from Caesars. That extension will not give Caesars sufficient time to evaluate  
26 the Defendants' discovery responses prior to the current November 15, 2011 deadline to disclose  
27 case in chief experts. The parties do not anticipate any further extensions, provided all current  
28 discovery deadlines are met, and believe they will be able to complete discovery and trial



1 preparation pursuant to the extended deadlines set forth below.

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

5 (f) **Additional Information:** None.

6

7 Dated: October 27, 2011.

Dated: October 27, 2011.

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

**SANFT LAW GROUP**

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21 *Admitted Pro Hac Vice*

22 *Attorneys for Plaintiff Caesars World, Inc.*

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IT IS SO ORDERED:

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UNITED STATES DISTRICT JUDGE or  
UNITED STATES MAGISTRATE JUDGE

27

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DATED: \_\_\_\_\_