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12
 13 UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA
 14



15 NATALIE NELSON, individually and as)
 natural mother and legal guardian of minor)
 16 child Alexander L.; RICHARD E. NELSON,)
 maternal grandfather of Alexander L.;)
 17 CATHERINE R. NELSON, maternal)
 18 grandmother of Alexander L.;)
 19)
 20 Plaintiffs,)
 21 vs.)
 22 MICHAEL WILLDEN, Director of the)
 Nevada Department of Health and Human)
 23 Services; AMBER HOWELL, Administrator)
 of the Nevada Division of Child and Family)
 24 Services; DONALD BURNETTE, Clark)
 County Manager; CLARK COUNTY; LISA)
 25 RUIZ-LEE, Director of Clark County)
 Department of Family Services; DOES I-X,)
 26 inclusive; DOES XI-XX, inclusive;)
 27)
 28 Defendants.)

CASE NO.: 2:13-CV-00050

JOINT MOTION TO AMEND DISCOVERY
PLAN AND SCHEDULING ORDER
(SECOND REQUEST)

1 The above-named parties, by an through their respective counsel of record, hereby move
2 this Honorable Court to Amend the Discovery Plan and Scheduling Order in this matter and state
3 as follows:

4 A. Meeting. Pursuant to Fed. R.Civl P. 26(f) and LR 26 26-1(a), the parties a
5 meeting was held on April 9, 2014 and was attended by:

- 6 1. Peter S. Christiansen, Esq., for Plaintiffs;
- 7 2. Shannon C. Richards, Esq., for Defendants Amber Howell and Michael Wilden
- 8 3. Felicia Galati, Esq., for Defendants Donald Burnette, Clark County, and Lisa
9 Ruiz-Lee.

10 B. Pre-Discovery Disclosures. The parties exchanged initial disclosures on or about
11 Thursday, April 4, 2013, pursuant to FRCP 26(f)(6).

12 C. Discovery Plan. On March 27, 2013, this Court entered an order approving the
13 parties Discovery Plan and Scheduling Order (#19). Thereafter, the parties engaged in some
14 written discovery and made other disclosures in this case. On October 2, 2013, this Court stayed
15 discovery, pursuant to a stipulation of the parties, in part, to allow the parties to engage in
16 settlement negotiations. On January 22, 2014, the parties attended a settlement conference
17 before Magistrate Judge Nancy Koppe (#43). Unfortunately, the parties were not able to resolve
18 this matter. *Id.* Accordingly, on that same date, this case was returned to the normal litigation
19 track. *Id.* The parties submitted an Amended Discovery Plan (#45) which was approved by this
20 Court and filed January 30, 2014.

21 On February 12, 2014, the Court granted Defendant Howell and Wilden's Motion to
22 Dismiss (#13) as to those Defendants and order that Plaintiffs file an amended complaint within
23 14 days of the date of the Order. On February 26, 2014, Peter S. Christiansen of Eglet Wall
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1 Christiansen filed a Notice of Association of Counsel as for Plaintiff Natalie Nelson as legal
2 guardian of minor child Alexander L (#47) and on the same date Plaintiffs filed their First
3 Amended Complaint (#48). On March 18, 2014, Defendants Howell and Wilden filed a Motion
4 to Dismiss Amended Complaint (#54).

5 Since the filing of the original complaint in this case the parties have engaged in the
6 following discovery:
7

- 8 1. On June 14, 2013, Defendant Clark County served requests for admission on
9 Richard Nelson, Catherine Nelson and Natalie Nelson respectively.
- 10 2. On June 14, 2013, Defendant Clark County served interrogatories and request for
11 production of documents on Richard Nelson, Catherine Nelson and Natalie
12 Nelson respectively.
- 13 3. On July 18, 2013, Defendant Clark County served second sets of interrogatories
14 on Richard Nelson, Catherine Nelson and Natalie Nelson respectively.
- 15 4. On July 18, 2013, Defendant Clark County served second requests for admission
16 on Richard Nelson and Catherine Nelson respectively.
- 17 5. On July 22, 2013, Plaintiffs' served their first sets of interrogatories and request
18 for production of documents on Clark County, Lisa Ruiz-Lee and Donald
19 Burnette respectively.
- 20 6. On August 15, 2013, Defendants Michael Willden and Amber Howell served
21 their first set of interrogatories and request for production on Natalie Nelson.
- 22 7. On August 29, 2013, Defendant Clark County served third sets of interrogatories
23 on Richard Nelson, Catherine Nelson and Natalie Nelson respectively.
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8. On March 21, 2014, Plaintiff Natalie Nelson served her first request for production of documents on Defendants Clark County, Donald Burnette and Lisa Ruiz-Lee.

9. On March 21, 2014, Plaintiff Natalie Nelson served her first request for production of documents on Defendants Michael Willden and Amber Howell.

10. On March 21, 2014, Plaintiff Natalie Nelson served her first set of interrogatories on Defendant Michael Willden.

11. On March 21, 2014, Plaintiff Natalie Nelson served her first set of interrogatories on Defendant Amber Howell.

12. On March 21, 2014, Plaintiff Natalie Nelson served her second set of interrogatories on Defendant Lisa Ruiz-Lee.

13. On April 2, 2014, Plaintiff Natalie Nelson served her second set of requests for production of documents on Defendants Michael Willden and Amber Howell.

Counsel have been working diligently to secure workable dates for depositions of the parties and witnesses in the matter, including Defendant Howell. However, Defendant Howell is on maternity leave until mid-June 2014.

The parties have communicated and propose the following discovery plan so that they can engage in and complete discovery to be adequately prepared for trial:

1. Discovery will be needed regarding the following subjects:
 - a. Claims set forth in the First Amended Complaint
 - b. Defenses relevant to the causes of action
 - c. Any counterclaims, cross-claims and/or third-party complaints that may be filed by the Defendants that have not yet answered.

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2. Discovery Cut-Off Date(s). Discovery will take 280 days to be completed. Therefore, all discovery shall be completed on or before January 28, 2015.

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

a. The initial disclosure of experts and expert reports shall occur on November 28, 2014, which is 60 days before the discovery cut-off date; and

b. The disclosure of rebuttal experts and their reports shall occur on December 29, 2015 which is thirty (30) days before the discovery cut-off date.

D. Other Items.

1. Amending the Pleadings and Adding Parties. The parties shall have until October 30, 2014 to file any motions to amend the pleadings or to add parties as pursuant to LR-26(2), which is not later than ninety (90) days prior to the close of discovery.

2. Interim Status Report. The parties shall file the interim status report required by LR 26-3, by November 28, 2014. Undersigned counsel certify that they have read LR 26-3 and that this date is not later than sixty (60) days before the discovery cut-off date.

3. Dispositive Motions. The parties shall have until February 27, 2015, to file dispositive motions. This is thirty (30) days after the discovery cut-off date and does not exceed the outside limit of thirty (30) days following the discovery cut-off date that LR 26-1(e)(4) presumptively sets for filing

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dispositive motions.

4. Pretrial Order. The pretrial order shall be filed by March 27, 2015, which is not more than thirty (30) days after the date set for filing dispositive motions in the case. In the event dispositive motions are filed, the date set for filing the joint pretrial order shall be suspended until thirty (30) after the decision of the dispositive motions or further order of the court. The disclosures required by Fed. R.Civ.P. 26E(5) shall be made in the joint pretrial order.

5. Later Appearing Parties. A copy of this discovery plan and scheduling order shall served on any person served after it is entered or, if additional defendants should appear, within five (5) days of their first appearance. This discovery plan and scheduling order shall apply to such later-appearing party(ies), unless the Court, on motion and for good cause shown, orders otherwise.

6. Extensions or modifications of the Discovery Plan and Scheduling Order. LR 26-4 governs modifications or extensions of this discovery plan and scheduling order. Any stipulation or motion must be made not later than ²¹ ~~twenty (20)~~ days before the ~~discovery cut-off date~~ expiration of the subject deadline and comply fully with LR 26-4.

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Respectfully submitted on this 22nd day of April, 2014.

EGLET WALL CHRISTIANSEN

SAGGESE & ASSOCIATES, LTD.

/s/ Peter S. Christiansen

/s/ Marc A. Saggese

By

By

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/s/ Felicia Galati

/s/ Shannon C. Richards

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IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

DATED: 5-9-2014