

**KOLESAR & LEATHAM**  
400 S. Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145  
TEL: (702) 362-7800 / FAX: (702) 362-9472

1 KURT C. FAUX, ESQ.  
Nevada Bar No. 003407  
2 WILLI H. SIEPMANN, ESQ.  
Nevada Bar No. 002478  
3 **THE FAUX LAW GROUP**  
1540 W. Warm Springs Road, #100  
4 Henderson, Nevada 89014  
Telephone: (702) 458-5790  
5 Facsimile: (702) 458-5794  
E-Mail: kfaux@fauxlaw.com  
6 wsiepmann@fauxlaw.com

7 ALAN J. LEFEBVRE, ESQ.  
Nevada Bar No. 000848  
8 WILLIAM D. SCHULLER, ESQ.  
Nevada Bar No. 011271  
9 COLBY L. BALKENBUSH, ESQ.  
Nevada Bar No. 013066  
10 **KOLESAR & LEATHAM**  
400 South Rampart Boulevard, Suite 400  
11 Las Vegas, Nevada 89145  
Telephone: (702) 362-7800  
12 Facsimile: (702) 362-9472  
E-Mail: alefebvre@klnevada.com  
13 wschuller@klnevada.com  
cbalkenbush@klnevada.com

14 Attorneys for Plaintiff,  
15 FIDELITY AND DEPOSIT COMPANY OF  
16 MARYLAND

17 **UNITED STATES DISTRICT COURT**  
18 **DISTRICT OF NEVADA**

19 FIDELITY AND DEPOSIT COMPANY OF  
20 MARYLAND, a Maryland corporation,

21 Plaintiff,

22 vs.

23 BIG TOWN MECHANICAL, LLC, a Nevada  
limited liability company; TRAVELERS  
24 CASUALTY AND SURETY COMPANY OF  
AMERICA, a Connecticut corporation; DOES I  
25 through X; and ROE CORPORATIONS I-X;  
inclusive,

26 Defendants.  
27  
28

CASE NO.: 2:13-cv-00380-JAD-GWF

**STIPULATION TO ALLOW THE  
DEPOSITION OF DAVID WATKINS  
TO OCCUR AFTER THE  
SEPTEMBER 7, 2017 DISCOVERY  
CUT-OFF**

1 TRAVELERS CASUALTY AND SURETY  
2 COMPANY OF AMERICA, a Connecticut  
corporation,

3 Counterclaimant,

4 vs.

5 FIDELITY AND DEPOSIT COMPANY OF  
6 MARYLAND, a Maryland corporation, and  
MOES I-X, inclusive,

7 Counter-Defendants.

8 FIDELITY AND DEPOSIT COMPANY OF  
9 MARYLAND, a Maryland corporation,

10 Third-Party Plaintiff,

11 vs.

12 CONTROLCO, a California corporation; DOES  
13 I through X; and ROE CORPORATION I-X,  
inclusive,

14 Third-Party Defendant.

15  
16 Plaintiff Fidelity & Deposit Company of Maryland (“F&D”), Defendant Travelers  
17 Casualty and Surety Company of America (“Travelers”), and Third-Party Defendant Controlco  
18 (“Controlco”) (collectively, “Parties”), by and through their respective counsel, stipulate and  
19 agree to allow the deposition of David Watkins to take place on September 22, 2017, which is  
20 after the September 7, 2017 discovery deadline.

21 **Background**

22 1. Pursuant to this Court’s most recent scheduling order [ECF No. 192]<sup>1</sup>, the  
23 discovery deadline is September 7, 2017.

24 2. The Parties have worked diligently to complete all depositions by September 7,  
25 2017, including taking multiple depositions on the same day and on weekends.

26  
27  
28 <sup>1</sup> The Court did modify some of the deadlines in [ECF No. 192] in a July 5, 2017 Minute Order [ECF No. 248].  
However, none the modified deadlines set forth in [ECF No. 248] are affected by this stipulation.

1           3.       The final deposition in this matter will be the deposition of David Watkins, which  
2 was initially set for September 7, 2017 in St. Louis, Missouri.<sup>2</sup> Mr. Watkins was the project  
3 manager for Perini Management Services, Inc. (“Perini”) which was F&D’s completion  
4 contractor on the five FAST Projects that are the subject of this litigation and is thus a key  
5 percipient witness.

6           4.       Due to family medical issues, F&D’s Counsel and Travelers’ Counsel are unable  
7 to travel to St. Louis for Mr. Watkin’s deposition on September 7, 2017. Further due to Mr.  
8 Watkin’s schedule, the next available date for him to be deposed that is convenient for all Parties  
9 is September 22, 2017. The deposition on September 22, 2017 would take place in Las Vegas  
10 instead of St. Louis.

11          5.       In light of the above, good cause exists to allow the deposition of Mr. Watkin’s to  
12 go forward on September 22, 2017 in Las Vegas, even though the deposition would take place  
13 after the September 7, 2017 discovery deadline.

14          6.       Granting this stipulation will not delay the resolution of this litigation as the  
15 Parties are not requesting an extension of any court ordered deadlines.

16       DATED this 6<sup>th</sup> day of September, 2017.

16       DATED this 6<sup>th</sup> day of September, 2017.

17       **KOLESAR & LEATHAM**

17       **CARNEY BADLEY SPELLMAN**

19       By /s/ Colby L. Balkenbush, Esq.  
20       ALAN J. LEFEBVRE, ESQ.  
21       WILLIAM D. SCHULLER, ESQ.  
22       COLBY L. BALKENBUSH, ESQ.  
23       400 South Rampart Blvd., Suite 400  
24       Las Vegas, NV 89145

19       By /s/ Christopher A. Wright, Esq.  
20       CHRISTOPHER A. WRIGHT, ESQ. *pro hac vice*  
21       701 Fifth Avenue, Suite 3600  
22       Seattle, WA 98104

23       Attorneys for Fidelity & Deposit  
24       Company of Maryland

23       Attorneys for Travelers Casualty and Surety  
24       Company of America

28       <sup>2</sup> This stipulation is without prejudice to F&D’s Motion to Re-Open Limited Discovery [ECF No. 276].

1 DATED this 6<sup>th</sup> day of September, 2017.

2 **LIPSON, NEILSON, COLE, SELTZER**  
3 **& GARIN, P.C.**

4  
5 By /s/ David A. Markman, Esq.  
6 J. WILLIAM EBERT, ESQ.  
7 DAVID A. MARKMAN, ESQ.  
8 9900 Covington Cross Drive, Suite 120  
9 Las Vegas, NV 89144  
10  
11 Attorneys for Controlco

12 **ORDER**

13 Pursuant to the above Stipulation of the Parties, the Court hereby ORDERS that David  
14 Watkins may be deposed on September 22, 2017 in Las Vegas, Nevada even though the  
15 deposition will take place after the September 7, 2017 discovery deadline.

16 IT IS SO ORDERED this 7<sup>th</sup> day of September, 2017.

17   
18 \_\_\_\_\_  
19 UNITED STATES MAGISTRATE JUDGE  
20  
21  
22  
23  
24  
25  
26  
27  
28