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5	Attorneys for Defendants Frias Transportation Management;		
6	Virgin Valley Cab Company, Inc.; Ace Cab, Inc.;  A-N.L.V. Cab Co.; Union Cab Co.; and		
7	Vegas-Western Cab, Inc.		
8			
9	UNITED STATES DISTRICT COURT		
10	DISTRICT OF NEVADA		
11		OF NEVADA	
12	TADIOS TESSEMA, INDIVIDUALLY, and as the former UNIT CHAIR of the FRIAS		
13	TRANSPORTATION BARGAINING UNIT, LOCAL 711A, UNITED STEEL, PAPER AND FORESTRY, RUBBER,	Case No.: 2:13-cv-01782-APG-VCF	
14	MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS		
15	INTERNATIONAL UNION,	DISCOVERY AND DISPOSITIVE MOTION	
16	Plaintiff,	DEADLINES	
17	v.	(Third Request)	
18	UNITED STEEL, PAPER AND FORESTRY, RUBBER,		
19	MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS		
20	INTERNATIONAL UNION; LEO W. GERARD; ROBERT LaVENTURE;		
21	MANUEL ARMENTA; CHRIS YOUNGMARK; ACE CAB, INC.; UNION		
22	CAB CO.; VEGAS-WESTERN CAB, INC.; A-N.L.V. CAB CO.; VIRGIN VALLEY		
23	CAB COMPANY, INC.; FRIAS TRANSPORTATION MANAGEMENT,		
24	DOES I-X and ROES XI-XX,		
25	Defendants.		
26	The parties, by and through their respective counsel of record, hereby stipulate and agree		
27	as follows:		
28			
JACKSON LEWIS P.C. LAS VEGAS			

- 1. On June 16, 2014, this Court entered its Order setting out the discovery plan and scheduling order dates (Dkt. #74).
- 2. This is the second request by the parties to amend the Court's June 16, 2014 scheduling order.
- 3. The parties deferred significant discovery until the Court ruled on Defendants Frias Transportation Management; Virgin Valley Cab Company, Inc.; Ace Cab, Inc.; A-N.L.V. Cab Co.; Union Cab Co. and Vegas-Western Cab, Inc.'s (hereinafter collectively referred to as "Frias Defendants") Partial Motion to Dismiss (Dkt. #31), Defendants United Steelworkers, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union; Leo W. Gerard; Robert LaVenture; Manuel Armenta; and Chris Youngmark's (hereinafter collectively referred to as "Union Defendants") Motion for Partial Judgment on the Pleadings (Dkt. #47); and Plaintiff Tadios Tessema's (hereinafter referred to as "Plaintiff") Motion for Expedited Declaratory Relief (Dkt. #37). The Union Defendants propounded discovery on August 8, 2014.
- 4. On September 9, 2014, the Court conducted a hearing respecting the aforementioned motions and entered its Order (Dkt. #77) on September 17, 2014. The Plaintiff filed a Motion to Alter or Amend Judgment or in the Alternative Relief from Final Judgment (Dkt. #78). Union Defendants and Frias Defendants filed their responses on November 4, 2014 (Dkts. #81 and 82, respectively). Plaintiff filed his reply (Dkt. #87) on November 18, 2014.
- 5. This extension is necessary based on counsels' schedules, the availability of witnesses, the time needed to complete all reasonable discoveries and the opportunity to consider the Court's ruling on the Plaintiff's Motion to Alter or Amend Judgment.
- 6. On March 26, 2015, the Court extended discovery through August 1, 2015. (Dkt. #95).

7. The Court denied Plaintiff's Motion to Alter or Amend Judgment on May 29, 2015. (Dkt. #97). Since that time, the parties have discussed the possibility of resolving the lawsuit, allowing both sides to avoid the potentially significant cost and expense of discovery. This process was made more difficult because Plaintiff has relocated out of town, and there was a management change at Cab Companies.

- 8. Because the parties wish to exhaust their efforts to resolve the suit without engaging in discovery, further discovery has been deferred.
- 9. The following extension is necessary to allow the parties to complete discovery in the event that the case is not resolved. The parties do not anticipate needing any further extensions.

## PROPOSED SCHEDULE

- 1. <u>Discovery</u>. The parties stipulate and agree that the discovery period shall be extended four (4) months from August 1, 2015 to November 30, 2015 with all written discovery to be propounded in time such that responses shall be due no later than November 30, 2015.
- 2. <u>Expert Disclosures</u>. The disclosures of experts and experts' reports shall be due no later than October 1, 2015 which is not later than sixty (60) days before the proposed discovery deadline. The disclosure of rebuttal experts and their reports shall be due no later than October 30, 2015 which is not later than thirty (30) days after expert disclosures.
- 3. <u>Interim Status Report</u>. An interim status report shall be filed no later than October 1, 2015 which is sixty (60) days before the proposed discovery deadline.
- 4. <u>Dispositive Motions</u>. The parties shall have through and including December 29, 2015 to file dispositive motions which is thirty (30) days after the proposed discovery deadline.
- 5. <u>Pretrial Order</u>. If no dispositive motions are filed, the Joint Pretrial Order shall be filed January 28, 2016 which is thirty (30) days after the date set for the filing of dispositive

motions. In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after decision on the dispositive motions or by further order of the Court.

- 6. <u>Amending the Pleadings and Adding Parties</u>. The last day to file motions to amend pleadings or add parties shall be no later than October 1, 2015 which is not later than sixty (60) days before the close of discovery.
- 7. 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 by November 9, 2015, which is twenty-one (21) days before the expiration of the subject deadline. All requests for extension shall fully comply with LR 26-4.

1	This stipulation is sought in good faith and not for the purpose of delay. Only one prior	
2	request for an extension of scheduling deadlines has been made.	
3	Dated this day of July, 2015.	
4		
5	LAW OFFICE OF DAN WINDER, P.C.	JACKSON LEWIS P.C.
6	/s/ Dan M. Winder	/s/ Paul T. Trimmer
7	Dan M. Winder 3507 W. Charleston Blvd.	Paul T. Trimmer 3800 Howard Hughes Parkway, Suite 600
- 8	Las Vegas, Nevada 89102	Las Vegas, Nevada 89169
9	Attorneys for Plaintiffs	Attorneys for Defendants Frias Transportation Management;
10		Virgin Valley Cab Company, Inc.; Ace Cab, Inc.; A-N.L.V. Cab Co.; Union Cab Co.; and
11		Vegas-Western Cab, Inc.
12	GILBERT & SACKMAN,	
13	A Law Corporation	The time to amend the pleadings and add parties has expired and is not extended by this Order.
14	/s/ Joshua F. Young Joshua F. Young	-
15	3699 Wilshire Boulevard, Suite 1200 Los Angeles, California 90010-2732	
16	Los Angeles, Camornia 90010-2732	
17	Attorneys for Union Defendants	
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19	IT IS SO ORDERED.	
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21		JUDGE/MAGISTRATE, U.S. District Court
22		7-28-2015 <b>Dated:</b>
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JACKSON LEWIS P.C.		_
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