



1       **1.       DISCOVERY COMPLETED TO DATE:**

2               The parties exchanged their initial disclosures required under Fed. R. Civ. P. 26(a)(1)(A)  
3 within the time period set forth in the Stipulated Discovery Plan and Scheduling Order (Court Doc.  
4 40). Plaintiff supplemented her initial disclosures on April 30, 2015.

5               Plaintiff propounded the following written discovery:

6               (1)       Plaintiff’s First Set of Interrogatories, on April 14, 2015, to which Defendant  
7 responded on June 8, 2015;

8               (2)       Plaintiff’s First Set of Requests for Admissions, on April 14, 2015, to which  
9 Defendant responded on June 8, 2015; and

10              (3)       Plaintiff’s First Set of Requests for Production of Documents, on April 14, 2015, to  
11 which Defendant responded on June 8, 2015.

12              Defendant propounded the following written discovery:

13              (1)       Defendant’s First Set of Interrogatories to Plaintiff, on April 8, 2015, to which  
14 Plaintiff responded on May 7, 2015; and

15              (2)       Defendant’s First Request for Production of Documents to Plaintiff, on April 8, 2015,  
16 to which Plaintiff responded on May 7, 2015.

17              Defendant served a FOIA request on the United States Equal Employment Opportunity  
18 Commission on April 8, 2014.

19       **2.       DISCOVERY YET TO BE COMPLETED:**

20              This Court recently granted Defendant GLVAR leave to amend its answer to add seven  
21 counterclaims, the parties will need to supplement their initial disclosures pursuant to Fed. R. Civ.  
22 P. 26(a)(1). *See* Court Doc. 52. The parties will now exchange additional written discovery on  
23 issues directly related to the seven counterclaims. There also may be a minor amount of additional  
24 written discovery on issues relating to the original complaint. The parties also may elect to serve  
25 third-party subpoenae duces tecum on relevant witnesses. The parties then would undertake a  
26 significant number of depositions, anticipated to be at least six to ten depositions between the two  
27 parties, which would include former officials of Defendant, some of whom would not be under  
28 Defendant’s control.

1 Defendant also intends to request, through a separately filed motion, which shall include a  
2 discussion of excusable neglect and good cause, permission to name an expert witness on an issue  
3 or issues relevant to its newly pled counterclaims.<sup>2</sup> Plaintiff does not oppose a reasonable, additional  
4 time being granted for Defendant to name an expert.

5 Defendant intends to take the deposition of Kevin Child on September 30, 2015, and Plaintiff  
6 Nedra Wilson on October 5, 2015. Defendant GLVAR intends to vacate these deposition dates,  
7 pending additional written discovery, should discovery be extended.

8 **3. REASONS WHY REMAINING DISCOVERY HAS NOT YET BEEN COMPLETED:**

9 From Plaintiff's perspective, the primary reason why discovery could not be completed within  
10 the initial 180-day discovery period was the uncertainty regarding Defendant's Motion for Leave to  
11 Amend Answer to Assert Counterclaim (Court Doc. 43). Defendant will soon file its revised First  
12 Amended Complaint," *see* Court Doc. 49-1, which will add seven counterclaims, some of which  
13 Plaintiff intends to move to dismiss. Thus, the fact that these new counterclaims have just been  
14 added to this matter precluded complete discovery from being conducted up to this time.

15 A 120-day extension is being requested because a 60-day extension is wholly insufficient due  
16 to the nature of the issues raised in the counterclaim, and due to the fact that Plaintiff's counsel is  
17 scheduled to be out of the country on vacation from September 16 through September 28. The  
18 parties are opting against requesting a 90-day extension, as that would put the close of discovery in  
19 the Christmas/New Year's Day holiday season. It is Defendant's position, as set forth in its reply  
20 in support of its Motion for Leave to Amend, the granting of the Motion for Leave to Amend does  
21 not delay the proceedings because the Association's counterclaims are substantially similar to its  
22 after-acquired-evidence affirmative defense. Nevertheless, as a result of the unavailability of  
23 Plaintiff's counsel during much of the remaining discovery period and the attendant scheduling  
24 issues, Defendant has agreed to this stipulation.

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25  
26 <sup>2</sup> Based on the standard rule that an expert disclosure deadline is set for 60 days before the  
27 discovery cut-off, Defendant intends to ask this Court that a new expert disclosure deadline be set  
28 for December 4, 2015, and a new rebuttal expert deadline be set for 30 days later, which would be  
January 4, 2016.

1 **4. REVISED DISCOVERY PLAN:**

2 1. Discovery Cut-Off Date: **February 2, 2016.**

3 2. Dispositive Motions: The date for filing dispositive motions shall be not later than  
4 **March 3, 2016**, 30 days after the discovery cut-off date. In the event that the discovery period is  
5 extended from the discovery cut-off date set forth in this Stipulation and Order to Extend Discovery  
6 (First Request), the date for filing dispositive motions shall be extended for the same duration, to be  
7 not later than 30 days from the subsequent discovery cut-off date.

8 3. Pretrial Order: The date for filing the joint pretrial order shall be not later than **April**  
9 **4, 2016**, 30 days after the date set for filing dispositive motions. In the event that dispositive motions  
10 are filed, the date for filing the joint pretrial order shall be suspended until 30 days after decision on  
11 the dispositive motions or until further order of the court.

12 4. Additional Extensions of the Discovery Period: The last day for the parties to file  
13 their Motion and/or Stipulation to Extend Discovery shall be **January 12, 2016**, twenty (21) days  
14 prior to the revised discovery cut-off.

15 5. Any discovery deadline not extended in accordance with the Revised Discovery Plan  
16 set forth above shall remain controlled by the Joint Discovery Plan and Scheduling Order (Court  
17 Doc. 40), as approved by the Court on April 9, 2015.

18 No trial date has yet been ordered.

19 DATED: September 11, 2015.

DATED: September 11, 2015.

20 LAW OFFICES OF ROBERT P. SPRETNAK

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26 IT IS SO ORDERED.

27 9/14/2015

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UNITED STATES MAGISTRATE JUDGE