1 2 3 4 5 6 7 8 9	LAW OFFICES OF ROBERT P. SPRETNAK Robert P. Spretnak, Esq. (Bar No. 5135) 8275 S. Eastern Avenue, Suite 200 Las Vegas, Nevada 89123 Telephone: (702) 454-4900 Fax: (702) 938-1055 Email: bob @ spretnak.com Attorney for Plaintiff CLARK LAW COUNSEL PLLC Dustin L. Clark, Esq. (Bar No. 10548) 10155 W. Twain Avenue, Suite 100 Las Vegas, Nevada 89147 Telephone: (702) 540-9070 Email: dustin @ clarklawcounsel.com Attorneys for Defendant	
10	UNITED STATES I	DISTRICT COURT
11	DISTRICT O	F NEVADA
12	NEDRA WILSON,	Case No.: 2:14-cv-00362-APG-NJK
13	Plaintiff,	
14	VS.	
15	GREATER LAS VEGAS ASSOCIATION OF REALTORS, a Nevada non-profit cooperative	STIPULATION AND ORDER TO EXTEND DISCOVERY
16	corporation,	
17	Defendant.	(First Request)
18		
19	Plaintiff NEDRA WILSON and Defendan	t GREATER LAS VEGAS ASSOCIATION OF
20	REALTORS, a Nevada non-profit cooperative con	poration, by and through their respective counsel
21	of record, do hereby stipulate and agree that the c	urrent discovery cutoff date of October 5, 2015,
22	be continued for a period of one hundred twenty (	120) days up to and including February 2, 2016.
23	Although the commencement of discovery initially	was stayed pending the resolution of a dispositive
24	motion, this is the first extension to the discovery	period that has been requested in this matter. <sup>1</sup>
25		
26	<sup>1</sup> This Court previously entered an order sta Doc. 23 (May 28, 2014). This was due to Defenda	aying the commencement of discovery. <i>See</i> Court nt having filed a motion to dismiss the complaint
27	in its entirety. See Court Doc. 11 (Apr. 24, 2014	). Upon the Court entering its order denying the
28	motion in part, and granting it in part, <i>see</i> Court De Stipulated Discovery Plan and Scheduling Order.	· · · · · ·

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1	1. DISCOVERY COMPLETED TO DATE:	I					
2	The parties exchanged their initial disclosures required under Fed. R. Civ. P. 26(a)(1)(A)	I					
3	within the time period set forth in the Stipulated Discovery Plan and Scheduling Order (Court Doc.	Stipulated Discovery Plan and Scheduling Order (Court Doc.					
4	40). Plaintiff supplemented her initial disclosures on April 30, 2015.	her initial disclosures on April 30, 2015.					
5	Plaintiff propounded the following written discovery:	I					
6	(1) Plaintiff's First Set of Interrogatories, on April 14, 2015, to which Defendant	I					
7	responded on June 8, 2015;	I					
8	(2) Plaintiff's First Set of Requests for Admissions, on April 14, 2015, to which	I					
9	Defendant responded on June 8, 2015; and	1					
10	(3) Plaintiff's First Set of Requests for Production of Documents, on April 14, 2015, to	I					
11	which Defendant responded on June 8, 2015.	1					
12	Defendant propounded the following written discovery:	1					
13	(1) Defendant's First Set of Interrogatories to Plaintiff, on April 8, 2015, to which	1					
14	Plaintiff responded on May 7, 2015; and	I					
15	(2) Defendant's First Request for Production of Documents to Plaintiff, on April 8, 2015,	1					
16	to which Plaintiff responded on May 7, 2015.	h Plaintiff responded on May 7, 2015.					
17	Defendant served a FOIA request on the United States Equal Employment Opportunity	ndant served a FOIA request on the United States Equal Employment Opportunity					
18	Commission on April 8, 2014.	ant ich , to ich 15, iity /en fiv. on nal rve e a					
19	2. DISCOVERY YET TO BE COMPLETED:						
20	This Court recently granted Defendant GLVAR leave to amend its answer to add seven	I					
21	counterclaims, the parties will need to supplement their initial disclosures pursuant to Fed. R. Civ.	1					
22	P. 26(a)(1). See Court Doc. 52. The parties will now exchange additional written discovery on	1					
23	issues directly related to the seven counterclaims. There also may be a minor amount of additional	I					
24	written discovery on issues relating to the original complaint. The parties also may elect to serve	1					
25	third-party subpoenae duces tecum on relevant witnesses. The parties then would undertake a	1					
26	significant number of depositions, anticipated to be at least six to ten depositions between the two	1					
27	parties, which would include former officials of Defendant, some of whom would not be under	1					
28	Defendant's control.	1					
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Defendant also intends to request, through a separately filed motion, which shall include a
 discussion of excusable neglect and good cause, permission to name an expert witness on an issue
 or issues relevant to its newly pled counterclaims.<sup>2</sup> Plaintiff does not oppose a reasonable, additional
 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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<sup>&</sup>lt;sup>2</sup> Based on the standard rule that an expert disclosure deadline is set for 60 days before the discovery cut-off, Defendant intends to ask this Court that a new expert disclosure deadline be set for December 4, 2015, and a new rebuttal expert deadline be set for 30 days later, which would be January 4, 2016.

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## **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 Any discovery deadline not extended in accordance with the Revised Discovery Plan 5. 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 CLARK LAW COUNSEL PLLC 21 By: /s/ Robert P. Spretnak By: /s/ Dustin L. Clark Robert P. Spretnak, Esq. Dustin L. Clark, Esq. 22 Attorney for Plaintiff Attorneys for Defendant 23 8275 S. Eastern Avenue, Suite 200 10155 W. Twain Avenue, Suite 100 24 Las Vegas, Nevada 89123 Las Vegas, Nevada 89147 25 26 IT IS SO ORDERED. 27 9/14/2015

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UNITED STATES MAGISTRATE JUDGE