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14 **UNITED STATE DISTRICT COURT**
 15 **DISTRICT OF NEVADA**

16 PN II, INC. dba PULTE HOMES OF NEVADA,
 17 a Nevada Corporation; and PULTE HOME
 18 CORPORATION, a Michigan corporation,
 19
 20 Plaintiffs,
 21 vs.
 22 ASPEN MANUFACTURING, LTD., a Texas
 23 Limited Liability Corporation; and DOES 1-100,
 24
 25 Defendants.

CASE NO. 2:14-cv-01382-APG-VCF

**STIPULATION AND ORDER TO
 REVISE AND AMEND THE
 STIPULATED DISCOVERY
 PLAN AND SCHEDULING
 ORDER (#12)**

24 Plaintiff and Defendant, acting by and through counsel, stipulate that the
 25 Discovery Plan and Scheduling Order (#12) be revised and amended to reflect new
 26 agreed upon deadlines and dates. The reason for this revision and amendment is that
 27 Defendant is currently involved in state court litigation involving the same evaporator coil

Stipulation And Order To Revise And Amend The Stipulated Discovery Plan And
 Scheduling Order (#12)

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1 that is at issue in this matter. The state court matter is entitled *The Seasons Homeowners*
2 *Association v. Richmond American Homes of Nevada, et al.*, Case No. A-13-676550-D. In the
3 *Seasons* case, the Special Master has issued a Case Management Order that requires the
4 Defendants in that matter, including Aspen Manufacturing, Ltd., to deposit its expert
5 reports on September 11, 2015. In light of the similarity between this case and the *Seasons*
6 case, the parties have agreed that an earlier disclosure of expert witnesses in this matter
7 could have a significant negative impact on the *Seasons* litigation.
8

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10 As the issues involving the evaporator coils are virtually identical between this
11 Federal Court action and the State Court action, and in order to maintain consistency
12 between the two litigations, Plaintiff and Defendant, herein, respectfully request that the
13 Stipulated Discovery Plan and Scheduling Order (#12) more closely track the State
14 Court's Case Management Order. As such, the parties agree to the following new
15 deadlines:
16

17
18 **1. Date First Defendant Answered**

19 Unchanged.

20 **2. Meeting**

21 Unchanged

22
23 **3. Initial Disclosures**

24 Unchanged

25
26 **4. Discovery Plan**

27 Unchanged

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5. Discovery Cut Off Date

Discovery is proposed to close on **November 27, 2015**. This extension is requested so that the Federal Court action can more closely track the State Court action.

6. Amending the Pleadings and Adding Parties

The parties shall have ninety (90) days prior to the close of discovery within which to amend the pleadings or add additional parties. The last day for amending pleadings or adding parties shall be **August 27, 2015**.

7. Fed. R. Civ. Proc. 26(a)(2) and LR 26-1(e)(3) Disclosures (Experts)

Disclosures identifying experts shall be made **August 28, 2015**. Disclosures identifying rebuttal experts shall be made **September 28, 2015**.

8. Dispositive Motions

The parties shall have until **December 28, 2015** to file dispositive motions. This is thirty (30) days after the close of discovery.

9. Pretrial Order

The Joint Pretrial Order shall be filed by **January 27, 2016**, which is no later than 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.

10. Stipulation Regarding Limitations or Conditions or Additional Discovery

Unchanged.



1 DATED this 14th day of July, 2015.

2 THORNDAL, ARMSTRONG, DELK, 3 BALKENBUSH & EISINGER 4 /s/ <i>Philip Goodhart</i> 5 _____ 6 CHRISTOPHER J. CURTIS, ESQ. 7 Nevada Bar No. 4098 8 PHILIP GOODHART, ESQ. 9 Nevada Bar No. 5332 10 1100 Bridger Avenue 11 Las Vegas, Nevada 89101 12 Attorney for Defendant, 13 ASPEN MANUFACTURING, LTD.	KOELLER, NEBEKER, CARLSON & HALUCK, LLP /s/ <i>Alicia A. Young</i> _____ JASON W. WILLIAMS, ESQ. Nevada Bar No. 8310 ALICIA A. YOUNG, ESQ. Nevada Bar No. 10891 300 South Fourth Street Suite 500 Las Vegas, Nevada 89101 Attorney for Plaintiff, PULTE HOMES OF NEVADA
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12 **ORDER**

13 IT IS SO ORDERED.

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16 _____
17 UNITED STATES MAGISTRATE JUDGE

18 DATED: July 14, 2015

19 Respectfully Submitted by,

20 THORNDAL, ARMSTRONG, DELK,
21 BALKENBUSH & EISINGER

22 /s/ *Philip Goodhart*
23 _____

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