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 NEVADA and PULTE HOME  
 9 CORPORATION

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12	PN II, INC. dba PULTE HOMES OF	)	CASE NO.: 2:14-CV-01382-APG-VCF
13	NEVADA, a Nevada Corporation; and	)	
14	PULTE HOME CORPORATION, a	)	<b>STIPULATION AND ORDER TO REVISE</b>
15	Michigan corporation,	)	<b>AND AMEND THE STIPULATED</b>
16	Plaintiffs,	)	<b>DISCOVERY PLAN AND SCHEDULING</b>
17	vs.	)	<b>ORDER (#14)</b>
18	ASPEN MANUFACTURING, LTD., a	)	<b>[SECOND REQUEST]</b>
19	Texas Limited Liability Corporation; and	)	
20	DOES 1-100,	)	
21	Defendants.	)	

22  
 23 Plaintiffs and Defendant, acting by and through counsel, stipulate that the Discovery  
 24 Plan and Scheduling Order (#14) be revised and amended to reflect new agreed upon  
 25 deadlines and dates. The reason for this revision and amendment is that Defendant is currently  
 26 involved in state court litigation involving the same evaporator coil that is at issue in this  
 27 matter. The state court matter is entitled *The Seasons Homeowners Association v. Richmond*  
 28 *American Homes of Nevada, et al.*, Case No. A-13-676550-D. In the *Seasons* case, the Special

1 Master has issued an Amended Case Agenda that requires the Defendants in that matter,  
2 including Aspen Manufacturing, Ltd., to deposit its expert reports on October 9, 2015. In light  
3 of the similarity between this case and the *Seasons* case, the parties have agreed that an earlier  
4 disclosure of expert witnesses in this matter could have a significant negative impact on the  
5 *Seasons* litigation.  
6

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

12 **1. Date First Defendant Answered**

13 Unchanged.

14 **2. Meeting**

15 Unchanged

16 **3. Initial Disclosures**

17 Unchanged

18 **4. Discovery Plan**

19 Unchanged

20 **5. Discovery Cut Off Date**

21 Discovery is proposed to close on **January 26, 2016**. This extension is requested so  
22 that the Federal Court action can more closely track the State Court action.  
23

24 **6. Amending the Pleadings and Adding Parties**

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

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

Disclosures identifying experts shall be made **October 27, 2015**. Disclosures identifying rebuttal experts shall be made **November 27, 2015**.

**8. Dispositive Motions**

The parties shall have until **February 26, 2016** 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 **March 28, 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.

**11. Interim Status Report**

An interim status report shall be submitted by the parties by **November 27, 2015**, which is no later than sixty (60) days before the discovery cut off. The interim status report will state the time the parties estimate will be required for trial, giving three (3) alternative available trial dates, and stating whether, in the opinion of counsel who will try the case, trial will be eliminated or its length affected by substantive motions. This status report shall be signed by counsel for each party.

**12. Later Appearing Parties**

Unchanged.

**13. Extensions or Modifications of the Discovery Plan and Scheduling Order**

**Pursuant to LR 26-4**

Unchanged.

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**14. Mediation**

Unchanged.

**15. Protective Order**

Unchanged.

DATED this 24<sup>th</sup> day of August, 2015.

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KOELLER, NEBEKER, CARLSON  
& HALUCK, LLP

THORNDAL, ARMSTRONG, DELK,  
BALKENBUSH & EISINGER

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ASPEN MANUFACTURING, INC.

**ORDER**

IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

DATED: August 24, 2015

Respectfully Submitted by,  
KOELLER, NEBEKER CARLSON  
& HALUCK, LLP

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