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7  
 8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 WITS BASIN PRECIOUS MINERALS  
 11 INC., LEE LEVINE, MICHAEL LEPORE,  
 MARK MCLAIN, MORTON WALDMAN,  
 12 ALLAN STALLER, THOMAS MCADAM,  
 ARTHUR BROWN, and DJ SIKKA,  
 13 Plaintiffs,

14 v.

15 STANDARD METALS PROCESSING,  
 16 INC., f/k/a STANDARD GOLD, INC., a  
 Nevada Corporation,

17 Defendants.  
 18

CASE NO.: 2:14-cv-1459-GMN-CWH

**STIPULATION AND [PROPOSED] ORDER  
 TO EXTEND DISCOVERY DATES AND  
 DEADLINES  
 (SECOND REQUEST)**

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 20 Plaintiffs, WITS BASIN PRECIOUS MINERALS INC., LEE LEVINE, MICHAEL  
 21 LEPORE, MARK McLAIN, MORTON WALDMAN, ALLAN STALLER, THOMAS  
 22 McADAM ARTHUR BROWN, and DJ SIKKA ("Plaintiffs"), for good cause shown, hereby  
 23 stipulate and agree, and Defendant STANDARD METALS PROCESSING, INC., f/k/a  
 24 STANDARD GOLD, INC. ("Defendant") (Plaintiffs and Defendant are collectively referred to as  
 25 the "Parties"), by and through their respective counsel of record, pursuant to Local Rule ("LR")  
 26 26-4 and LR 6-1, does not object and hereby stipulates and agrees as follows:

27 **I. DISCOVERY COMPLETED TO DATE:**

28 Early meeting of counsel pursuant to Fed. R. Civ. P. 26(f) and LR 26-1;

1 Defendant propounded its "First Set of Requests for Production of Documents to Plaintiff  
2 Wits Basin Precious Metals, Inc.," "First Set of Interrogatories to Plaintiff Wits Basin Precious  
3 Metals, Inc.," and "First Set of Requests for Admissions to Plaintiff Wits Basin Precious Metals,  
4 Inc."<sup>1</sup> Due to Plaintiffs' counsel's change of law firms, copies of Defendant's written discovery  
5 requests have just been received by Plaintiffs. The Parties previously agreed that Plaintiff Wits  
6 Basin Precious Minerals Inc. had up to and including June 19, 2015 in which to provide  
7 responses thereto. Review and verification of the discovery responses by representatives of Wits  
8 Basin will not be completed by the current June 19, 2015 deadline. Plaintiffs have requested and  
9 Defendant does not object to extend this deadline to, and including, July 1, 2015.

10 **II. DISCOVERY THAT REMAINS TO BE COMPLETED:**

11 Defendant made its initial disclosures on May 7, 2015;

12 Plaintiffs will make their initial disclosures July 1, 2015;

13 Plaintiffs must respond to Defendant's pending written discovery, the responses to which  
14 are due on July 1, 2015;

15 Plaintiffs must serve its written discovery for Defendant's Responses;

16 The Parties will schedule and take the depositions of Plaintiffs, Defendant and FRCP  
17 30(b)(6) business entity witnesses;

18 Expert depositions will be taken if experts are disclosed; and

19 Additional written discovery between the Parties, as needed, including, but not limited to,  
20 interrogatories, requests for production of documents and requests for admissions; and  
21 additional discovery on non-parties, as needed.

22 **III. REASONS WHY DISCOVERY REMAINING WILL NOT BE COMPLETED**  
23 **WITHIN TIME LIMITS SET BY THE COURT'S DECEMBER 23, 2013, ORDER.**

24 On March 17, 2015, the Court entered the Discovery Plan and Scheduling Order [DOC  
25 27] in this matter.

26 The Parties were on-track to complete discovery in this matter by the September 9, 2015  
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28 <sup>1</sup> Plaintiff's proper identity is "WITS BASIN PRECIOUS MINERALS INC."

1 discovery cut-off. However, Plaintiffs' counsel changed law firms on February 23, 2015, and  
2 Plaintiffs have only just retained counsel's new law firm to continue to pursue this matter on  
3 their collective behalves. As a result, discovery has not yet been conducted for the past few  
4 months, and the Plaintiffs require additional time to pursue discovery in this matter.  
5 Accordingly, Plaintiffs have requested, and Defendants does not oppose, a discovery extention  
6 that affords them the opportunity to spend additional time and resources to complete and provide  
7 the necessary discovery responses and disclosures.

8 **VI. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY.**

9 In light of the foregoing, the Plaintiffs requests a two (2) week extension of the discovery  
10 cut-off date and all related dates and deadlines, in order to complete discovery in this matter and  
11 to possibly explore settlement. Defendant does not object and will so agree. The requested  
12 discovery extension will provide the parties with sufficient time to complete discovery in this  
13 matter and determine whether a settlement can be reached in this matter. The Parties' proposed  
14 schedule for completing discovery is contained in the following table:

<u>EVENT</u>	<u>CURRENT</u>	<u>PROPOSED</u>
	<u>DATE</u>	<u>NEW DATE</u>
15 Motions to Amend Pleadings or add parties	August 10, 2015	August 24, 2015
16 Deadline to File Interim Status Report	September 9, 2015	September 23, 2015
17 Deadline for Initial Expert Disclosures	September 11, 2015	September 25, 2015
18 Last Date to Disclose Rebuttal Experts	October 13, 2015	October 27, 2015
19 Discovery Cut-off	November 23, 2015	December 7, 2015
20 Last Date to File Dispositive Motions	December 8, 2015	December 22, 2015

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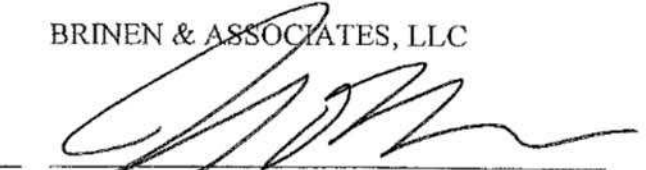
1 Last Date to File Joint Pre-Trial Order January 8, 2016 January 22, 2016  
2 Last Date to Submit Stipulation or Motion August 19, 2015 September 2, 2015  
3 to Modify or Extend Discovery Dates

4 DATED this \_\_\_\_\_ day of June, 2015.

5 MORRIS POLICH & PURDY LLP

BRINEN & ASSOCIATES, LLC

6 */s/ Deanna L. Forbush*



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13 **ORDER**

14 **IT IS ORDERED.**

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16 \_\_\_\_\_  
17 UNITED STATES MAGISTRATE JUDGE

18 Dated: June 22, 2015  
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