JOINTLY SUBMITTED

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

William Bridge, *on behalf of himself and all others similarly situated*, Plaintiff, vs. Credit One Financial, a Nevada Corporation d/b/a Credit One Bank, N.A., Defendant.	Case No.: 2:14-cv-01512-LDG-NJK **STIPULATION AND [~~PROPOSED~~] ORDER EXTENDING TIME TO PROVIDE CLASS CERTIFICATION EXPERT DISCLOSURES** **(First Request)**

The parties to the above-captioned action hereby jointly submit for the Court's approval the following Stipulation and Proposed Order:

WHEREAS, on December 30, 2014, the Court entered the Joint Discovery Plan and Scheduling Order (Dkt. No. 24) ("Scheduling Order") establishing, *inter alia*, deadlines for Rule 26(a)(2) expert disclosures pertaining to the class certification phase of litigation;

WHEREAS, on February 24, 2015, the Court entered the Stipulation and Order Amending Scheduling Order (Dkt. No. 47) ("Amended Scheduling Order") establishing, *inter alia*, a deadline of June 22, 2015 for opening Rule 26(a)(2) expert disclosures pertaining to the class certification phase of litigation, and a deadline of July 24, 2015 for rebuttal Rule 26(a)(2) expert disclosures pertaining to the class certification phase of litigation;

WHEREAS, on March 31, 2015, Defendant CREDIT ONE FINANCIAL d/b/a CREDIT ONE BANK, N.A. ("Defendant") filed a Motion for Protective Order (Dkt. No. 63) pertaining to Plaintiff WILLIAM BRIDGE's ("Plaintiff") Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises served on NCO Financial Systems;

WHEREAS, to date, the parties have engaged in the following discovery: (a) the parties have served Initial Disclosures pursuant to Fed. R. Civ. P. 26(a) and Defendant has served five

supplemental Initial Disclosures; (b) Plaintiff has served Responses and Objections to Defendant's First Set of Requests for Production of Documents and Defendant's First Set of Interrogatories; (c) Plaintiff has produced approximately 250 pages of material in response to Defendant's First Set of Requests for Production of Documents; (d) Defendant has served Responses and Objections to Plaintiff's First Set of Requests for Production of Documents; (e) Defendant has produced approximately 889 pages of material in response to Plaintiff's First Set of Requests for Production of Documents; (f) Plaintiff has served upon Defendant a Second Set of Requests for Production of Documents and a First Set of Interrogatories, responses to which are due June 22, 2015; (g) Plaintiff has deposed Defendant's Fed. R. Civ. P. 30(b)(6) designee on March 23, 2015, as well as an employee noticed individually on May 20, 2015; (h) Plaintiff served a Fed. R. Civ. P. 45 subpoena on non-party NCO Financial Systems, Inc. ("NCOFS") on March 12, 2015, in response to which Defendant moved to quash in the Eastern District of Pennsylvania (*Bridge v. Credit One Financial*, C.A. No. 15-mc-125)) on April 28, 2015; (i) Plaintiff and non-party NCOFS are presently negotiating the terms of NCOFS's production of documents in response to the subpoena, in light of the Eastern District of Pennsylvania's Order of May 19, 2015 denying Defendant's motion to quash; (j) Defendant served Notices of Subpoena for Documents and Deposition Testimony to the Custodian of Records for Cellco Partnership dba Verizon Wireless on February 5, 2015, March 3, 2015, and May 7, 2015;

WHEREAS, the discovery that remains to be completed includes: document production by Defendant in response to certain requests in Plaintiff's First Set of Requests for Production of Documents and to all requests in Plaintiff's Second Set of Requests for Production of Documents, Defendant's responses to Plaintiff's First Set of Interrogatories, and deposition testimony of additional employees of Defendant, to the extent permitted by Order of the Court on Defendant's (1) Motion to Stay Action Pursuant to the Primary Jurisdiction Doctrine Pending Outcome of Petitions Currently Before the Federal Communications Commission (Dkt. No. 27) and (2) Defendant's Motion for Protective Order (Dkt. No. 63); document production by non-party NCOFS; and deposition testimony of Plaintiff;

WHEREAS, Plaintiff anticipates a potential need to file a discovery motion under Fed. R. Civ. P. 37 pertaining to the adequacy of Defendant's productions of documents in response to Plaintiff's First Set of Requests for Production, in the event the parties are unable to agree on the proper scope of class certification discovery;

WHEREAS, the parties have met and conferred concerning modifications to the Amended Scheduling Order in light of the progress of discovery to date, and the pendency of the Motion for Protective Order (Dkt. No. 63);

WHEREAS, the parties have agreed that the Amended Scheduling Order's deadlines for opening and rebuttal Rule 26(a)(2) expert disclosures should be modified to take account of the progress of discovery and the pendency of the Motion for Protective Order, including that the content of Plaintiff's opening Rule 26(a)(2) expert disclosures depends, at least in part, on Plaintiff's access to documents and data that are the subject of the Motion for Protective Order, as well as documents and data to be produced by non-party NCOFS;

WHEREAS, the parties agree that any extension of the opening Rule 26(a)(2) expert disclosure deadline should in fairness be accompanied with a similar extension of the rebuttal Rule 26(a)(2) expert disclosure deadline;

WHEREAS, pursuant to section I.3 of the Scheduling Order, the parties filed, on February 19, 2015, a Joint Interim Status Report advising the Court of the parties' agreement concerning proposed modifications to the Scheduling Order;

NOW, THEREFORE, the parties, by and through their respective undersigned counsel, and subject to this Court's approval, agree and stipulate as follows:

1. The deadline for opening Rule 26(a)(2) expert disclosures pertaining to the class certification phase of litigation shall be continued an additional twenty-one (21) days, to July 13, 2015;

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2. The deadline for rebuttal Rule 26(a)(2) expert disclosures pertaining to the class certification phase of litigation shall be continued an additional twenty-one (21) days, to August 14, 2015.

DATED: June 1, 2015

IT IS SO STIPULATED:

SHOOK & STONE, CHTD.

/s/ Leonard H. Stone
LEONARD H. STONE (NV Bar No. 5791)
MICHAEL P. O'ROURKE (NV Bar No. 6764)
7109 S. Fourth Street
Las Vegas, NV 89101

Attorneys for Plaintiff

GRANT & EISENHOFER P.A.

/s/ Adam J. Levitt
ADAM J. LEVITT (admitted pro hac vice)
KYLE J. McGEE (admitted pro hac vice)
30 N. LaSalle Street, Suite 1200
Chicago, IL 60602

Attorneys for Plaintiff

HOLLAND & HART LLP

/s/ Brian G. Anderson
PATRICK J. REILLY (NV Bar No. 6103)
BRIAN G. ANDERSON (NV Bar No. 10500)
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

Attorneys for Defendant

IT IS SO ORDERED:

NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE

DATED: June 2, 2015