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7 **KENNETH G. FRIZZELL, III**

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 LAW OFFICES OF KENNETH G.
FRIZZELL, III, INC., a Nevada
11 Corporation,

12 Plaintiffs,

13 v.

14 JANICE E. SMITH, an individual d/b/a
THE LAW OFFICE OF JANICE E.
15 SMITH; LLOYD BROOKS
COMPTON, an individual; and JOHN
16 DOES 1-10,

17 Defendants.

18 AND RELATED COUNTER-
COMPLAINT AND THIRD-PARTY
19 COMPLAINT

20 LLOYD BROOKS COMPTON, an
21 individual; GEORGE GATCHIS, an
individual and agent of KATINA
22 GATCHIS; KATINA GATCHIS, an
individual,

23 Plaintiffs,

24 v.

25 KENNETH G. FRIZZELL, III, an
26 individual; DOES 1 through X,
inclusive; and ROE CORPORATIONS
27 1 through X, inclusive,

28 Defendants.

CASE NO. 2:14-cv-1531-GMN-VCF

(Consolidated with
CASE NO. 2:14-cv-1740-GMN-VCF)

**STIPULATION AND ORDER TO
EXTEND DISCOVERY PLAN AND
SCHEDULING ORDER
DEADLINES**

(FIRST REQUEST)

1 COME NOW, Plaintiff/Counter-Defendant Law Offices of Kenneth G. Frizzell,
2 III, Inc., Defendant/Third-Party Defendant Kenneth G. Frizzell, III, Esq.,
3 Plaintiff/Defendant/Counterclaimant/Third Party Plaintiff Lloyd Brooks Compton
4 (“Mr. Compton”), and Plaintiffs George and Katina Gatchis (collectively, the
5 “Parties”), by and through their respective counsel of record in the above-captioned
6 matters (hereinafter the “Consolidated Action”); and hereby stipulate and agree,
7 pursuant to LR 6-2 and LR 26-4, and as discussed by the Parties and their counsel at the
8 conclusion of the Settlement Conference with U.S. Magistrate Judge Cam Ferenbach on
9 June 10, 2015 (Day No. 1), to extend the Discovery Plan and Scheduling Order
10 deadlines in this matter for at least ninety days after Day No. 2 of the Settlement
11 Conference (currently scheduled for August 19, 2015).¹ This stipulation is also
12 consistent with the Order on Motion to Extend Time for Response to the Motion to
13 Amend Complaint [*see* Dkt. No. 56], which was granted by the Court on June 17, 2015
14 and which set responses due by September 4, 2015.

15 **Pursuant to LR 26-4(a), the following discovery has been completed:**

- 16 1. The Parties timely served their FRCP 26 Initial Disclosures.
- 17 2. On February 26, 2015, Mr. Frizzell served Plaintiff George Gatchis with a
18 Demand for Inspection Pursuant to FRCP 34 regarding client files and other documents
19 that Mr. Frizzell contends Mr. Gatchis removed or caused to be removed from Mr.
20 Frizzell’s law offices from January 1, 2014 to the time of service of the Demand.²
- 21 3. On April 3, 2015, Plaintiff/Defendant/Counterclaimant/Third-Party
22 Plaintiff Lloyd Brooks Compton (“Mr. Compton”) served Requests for Admission and
23 Requests for Production on the Law Offices of Kenneth G. Frizzell, III, Inc. and on
24 Kenneth G. Frizzell, III, Esq.

25 _____
26 ¹ Defendant Janice E. Smith, Esq. has not yet entered an appearance in this matter, but has informed
the Parties she has no objection to this Stipulation.

27 ² Mr. Gatchis and Mr. Frizzell have been engaged in ongoing discussions to resolve this issue.
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1 4. On May 6, 2015, the Law Offices of Kenneth G. Frizzell, III, Inc. and
2 Kenneth G. Frizzell, III, Esq. timely served their Responses to Mr. Compton's Requests
3 for Admission.

4 5. On May 15, 2015, the Law Offices of Kenneth G. Frizzell, III, Inc. and
5 Kenneth G. Frizzell, III, Esq. timely served their Responses to Mr. Compton's Requests
6 for Production.

7 6. On May 15, 2015, the Law Offices of Kenneth G. Frizzell, III, Inc. and
8 Kenneth G. Frizzell, III, Esq. served on all parties a Joint Supplement (First) to Their
9 FRCP Initial Disclosures.

10 7. On June 4, 2015, Plaintiffs George and Katina Gatchis served their First
11 Supplement to their FRCP 26 Initial Disclosures.

12 8. On June 15, 2015, Plaintiffs George and Katina Gatchis served their
13 Second Supplement to their FRCP 26 Initial Disclosures.

14 **Pursuant to LR 26-4(b), the following discovery remains to be completed:**

15 1. Additional written discovery remains to be completed by the Parties,
16 including: Interrogatories, Requests for Production of Documents, and Requests for
17 Admissions.

18 2. Depositions of party, fact, and expert witnesses remain to be completed.

19 3. Expert (initial and rebuttal) disclosures remain to be completed.

20 **Pursuant to LR 26-4(c), the reasons that the remaining discovery was not**
21 **completed within the time limits set by the discovery plan are as follows:**

22 As the Court is aware, the Parties scheduled an early Settlement Conference with
23 Judge Cam Ferenbach [*see* Dkt. No. 50 and Dkt. No. 52], which was held on June 10,
24 2015 (Day No. 1) to determine if early resolution of this Consolidated Action could be
25 reached without the Parties having to incur the extensive costs expected to litigate their
26 disputes, to wit: (1) large and labor-intensive productions of documents, (2) numerous
27 depositions of fact witnesses, (3) expert witness discovery, which involves the
28 preparation of reports and disclosures, as well as depositions; and (4) expected

1 substantial motion practice and pre-trial preparation.

2 Since the Parties believed they made progress on Day No. 1 of the Settlement
3 Conference, with the permission of Judge Ferenbach, they agreed to continue the
4 Settlement Conference to a second day (currently scheduled for August 19, 2015) [*see*
5 Dkt. No. 54]. Per discussions with Judge Ferenbach at the conclusion of Day No. 1, the
6 Parties agreed that good cause exists to extend current deadlines to accommodate the
7 second day of the Settlement Conference, and the Parties acknowledged that discovery
8 will need to proceed forthwith if Day No. 2 is not successful at resolving the
9 Consolidated Action. Therefore, the Parties, for good cause, enter into this Stipulation
10 to extend current deadlines, and understand they may still conduct discovery prior to
11 Day No. 2 of the Settlement Conference.

12 **Pursuant to LR 26(d), the proposed schedule for completing all remaining**
13 **discovery is as follows:**

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|----|--|----------------------|
| 14 | 1. Last date to complete discovery: | February 5, 2016 |
| 15 | 2. Last date to amend pleadings and add parties: | November 9, 2015 |
| 16 | 3. FRCP 26(a) Disclosures (Experts): | December 7, 2015 |
| 17 | 4. FRCP 26(a) Disclosures (Rebuttal Experts): | January 6, 2015 |
| 18 | 5. LR 26-3 Interim Status Report: | December 7, 2015 |
| 19 | 6. Last date to file dispositive motions: | March 7, 2016 |
| 20 | 7. Last date to file Joint Pretrial Order: | 30 days before trial |

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28 (signatures begin on next page)

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DATED this 19th day of June, 2015.

**LAW OFFICES OF KENNETH G.
FRIZZELL, III, INC.**

By 1st Kenneth Frizzell
KENNETH G. FRIZZELL, III, ESQ
Nevada Bar No. 006380
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Tel. 702.366.1230
Attorney for Law Offices of Kenneth G.
Frizzell, III, Inc. and Third Party Defendant
Kenneth G. Frizzell, III, Esq.

DATED this 19th day of June, 2015.

LAW OFFICES OF JOHN BENEDICT

By 1st John Benedict
JOHN BENEDICT, ESQ.
Nevada Bar No. 005581
BRIAN R. DZIMINSKI, ESQ.
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2190 E. Pebble Road, Suite 260
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Tel. 702.333.3770
Attorneys for George and Katina Gatchis

IT IS SO ORDERED.


United States Magistrate Judge

DATED: 6/22/15

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CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), I hereby certify that I am an employee of LEWIS BRISBOIS BISGAARD & SMITH LLP and that on this 19th day of June, 2015, I did cause a true and correct copy of the foregoing **STIPULATION AND ORDER TO EXTEND DISCOVERY PLAN AND SCHEDULING DEADLINES (FIRST REQUEST)** to be served via the **CM/ECF** filing system and via **U.S. Mail** to all parties on the service list.

<i>Attorney</i>	<i>Party</i>	<i>Phone/Fax</i>
Mark G. Tratos, Esq. Nancy R. Ayala, Esq. Bethany L. Rabe, Esq. Greenberg Traurig, LLP 3773 Howard Hughes Parkway, Suite 400 N Las Vegas, NV 89169	Attorneys for Plaintiff, Defendant, Counterclaimant and Third-Party Plaintiff Lloyd Brooks Compton	(702) 792-3773 (702) 792-9002 Fax
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John Benedict, Esq. Brian R. Dziminski, Esq. Law Offices of John Benedict 2190 East Pebble Road, Suite 260 Las Vegas, NV 89123	Attorneys for Plaintiffs George Gatchis and Katina Gatchis	(702) 333-3770 (702) 361-3685 Fax
Janice E. Smith, Esq. c/o Price Law Group 420 South Jones Boulevard Las Vegas, NV 89107	Janice E. Smith, Esq. (Has Not Formally Appeared)	(702) 794-2008 (702) 794-2009 Fax

By 
Judy Mathé, An Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP