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13 *Phaze Concrete, Inc.*

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 NEW ALBERTSONS, INC.,

17 Plaintiff,

18 vs.

19 PHAZE CONCRETE, INC. et al.,

20 Defendants.

Case No. 2:14-cv-01789-JCM-NJK

**STIPULATED DISCOVERY PLAN AND**  
**REQUEST TO EXTEND TIME FOR**  
**DISCOVERY AND ORDER**

(SECOND REQUESTED EXTENSION)

21 Pursuant to FRCP 6, FRCP 26, LR 26-1, and LR 26-4, the parties, by and through  
 22 their respective counsel of record, hereby stipulate and agree to jointly move this Court  
 23 for an Order to:

- 24 1. Extend the discovery cut-off from 6/19/15 to 8/3/15; and
- 25 2. Extend the deadline for filing dispositive motions from 7/20/15 to 9/2/15.

26 The parties submit there is good cause for the request and good cause, as  
 27 indicated, *infra*. Good cause also exists as to why this stipulation is being filed within 21  
 28 days of June 19, 2015, the discovery cutoff deadline the parties are seeking to continue.

Specifically, the parties filed a stipulation to continue the June 19, 2015 discovery cutoff

1 date on May 29, 2015. This was more than 21 days before the deadline. However, due  
2 to errors in the stipulation and proposed order, the court denied the stipulation without  
3 prejudice. As the denial order was entered less than 21 days before the deadline the  
4 parties are seeking to continue and a good faith effort was made to have the stipulation  
5 filed more than 21 days before the deadline, the parties submit there is good cause for the  
6 court to allow this stipulation at this time even though there are less than 21 days before  
7 the discovery cutoff deadline the parties are seeking to continue.  
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9 **I. DISCOVERY COMPLETED**

10 The parties have completed all necessary discovery except for taking expert  
11 depositions. The need to extend discovery to take these depositions is detailed in Section  
12 III, infra.  
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14 **II. DISCOVERY PLAN (DISCOVERY WHICH REMAINS TO BE COMPLETED)**

15 The parties need to take the following expert depositions:

- 16 1. Chris Grubbs, Albertson's liability expert;
- 17 2. Matt Hunter, MHC & Associates' liability expert;
- 18 3. Harvey Irby, Las Vegas Prestige Plumbing, Inc.'s liability expert; and
- 19 4. Kevin Jordan, Phaze Concrete, Inc.'s liability expert, although Phaze may  
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22 contend the scope of his deposition may be limited as Mr. Jordan was deposed by

23 Albertson's prior to this action being bifurcated from Case No. 2:11-cv-00579-JCM-<sup>NJK</sup>~~RJJ~~.

24 **III. GROUNDS FOR DISCOVERY EXTENSION**

25 Due to the recent settlement reached in Behroozi v. New Albertson's, Inc., Case  
26 No. 2:11-cv-00579-JCM-RJJ, from which this case was severed, the parties want to try to  
27 resolve the claims in this case before incurring the time and expense of deposing the  
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1 experts. The discovery extension is needed to allow the parties sufficient time to  
2 negotiate a settlement on their own or schedule a mediation/settlement conference.

3 Accordingly, good cause exists to extend the discovery cut-off date to allow the parties  
4 time to resolve this matter.

5 **IV. PROPOSED SCHEDULED FOR COMPLETING DISCOVERY**

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7 The parties have agreed to extend all of the discovery deadlines in this case by 45  
8 days as set forth below:

- 9 1. Extend the discovery cut-off from 6/19/15 to 8/3/15; and  
10 2. Extend the date to file dispositive motions from 7/20/15 to 9/2/15.

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1 This stipulation is submitted in good faith pursuant to LR 26-1. This is the first  
2 stipulated request for an extension by the parties (but the second request overall).

3 DATED: 6/1/15 4 5 <i>/s/ Monte Hall</i> 6 Steve Jaffe, Esq. 7 Monte Hall, Esq. 8 HALL, JAFFE & CLAYTON 9 7425 Peak Drive 10 Las Vegas, Nevada 89128 11 Tel: (702) 316-4111 12 Fax: (702) 316-4114 13 Attorneys for Plaintiff New Albertsons, 14 Inc.	DATED: 6/1/15  <i>/s/ Joseph Long</i> Joseph A. Long, Esq. LONG BLUMBERG 2950 Buskirk Ave., Ste. 315 Walnut Creek, CA 94597 Tel: (925) 941-0090 Fax: (925) 941-0085 Attorneys for Defendant Las Vegas Prestige Plumbing, LLC
DATED: 6/1/15  <i>/s/ Edward Lanigar</i> Edward F. Lanigar, Esq. Cisneros & Marias 1160 N. Town Center Drive, Ste. 130 Las Vegas, NV 89144 Tel: (702) 233-9660 Fax: (702) 233-9665 Attorneys for MHC & Associates, Inc.	DATED: 6/1/15  <i>/s/ Gregory Schulman</i> Gregory M. Schulman, Esq. Thorndal, Armstrong, Delk, Balkenbush & Eisinger 1100 E. Bridger Ave. Las Vegas, NV 89101 Tel: (702) 366-0622 Fax: (702) 366-0327 Attorneys for Defendant Phaze Concrete, Inc.

20  
21 **ORDER**

22 IT IS SO ORDERED.

23 Dated this 2nd day of June, 2015.

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28 UNITED STATES MAGISTRATE JUDGE