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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

THOMAS W. FINN, an individual,
Plaintiff,

vs.

CITY OF BOULDER CITY, a political
subdivision of the STATE OF NEVADA;
DAVE OLSEN, individually and in his
capacity as City Attorney of Boulder City;
ROGER ROBLER, individually and in his
capacity as Mayor of Boulder City; CAM
WALKER, ROD WOODBURY, PEGGY
LEAVITT, and DUNCAN MCCOY,
individually and in their capacities as City
Councilmembers,
Defendants.

CASE NO: 2:14-cv-01835-JAD-GWF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

(Fifth Request)

The parties hereto, by and through their respective undersigned counsel of record, hereby stipulate, agree, and make joint application to extend the date for the close of discovery to January 6, 2017, from the presently set date of November 18, 2016, and the date for dispositive motions to February 6, 2017, from the presently set date of December 19, 2016.

In regard to the status of the case, to date the parties have completed the following:

1. Complaint [Dkt. 1], filed 11/3/14;

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- 1 2. Defendants' Motion to Dismiss and/or for More Definite Statement [Dkt. 10],
- 2 filed 2/18/15;
- 3 3. Order granting Defendants' Motion for More Definite Statement [Dkt. 24], filed
- 4 5/6/15;
- 5 4. First Amended Complaint [Dkt. 25], filed 5/26/15;
- 6 5. Answer [Dkt. 36], filed 7/20/15;
- 7 6. Early Neutral Evaluation, held 6/24/15

8 In regard to the completed discovery in this case:

- 9 1. Plaintiff's FRCP 26 Disclosures, served 10/21/15
- 10 2. Defendants' FRCP 26 Disclosures, served 10/21/15;
- 11 3. Defendants' 1st Set of Requests for Production of Documents, served 10/21/15;
- 12 4. Defendants' 1st Set of Interrogatories, served 10/21/15.
- 13 5. Plaintiff's responses to Defendants' 1st Sets of Interrogatories and Requests for
- 14 Production of Documents, served November 20, 2015 ;
- 15 6. Plaintiff's 1st Sets of Requests for Production of Documents, Interrogatories and
- 16 Requests for Admission to Defendant Olsen, served November 17, 2015;
- 17 7. Plaintiff's 1st Sets of Requests for Production of Documents, Interrogatories and
- 18 Requests for Admission to Defendant Boulder City, served November 17, 2015;
- 19 8. Plaintiff's Supplemental Witness list, served December 4, 2015;
- 20 9. Defendants' responses to Plaintiff's Interrogatories, Requests for Production
- 21 and Request for Admissions, served January 20, 2016;
- 22 10. Defendants' various supplemental responses to these written requests;
- 23 11. Plaintiff's Second FRCP 26 Supplement, served January 28, 2016;
- 24 12. Plaintiff's Third FRCP 26 Supplement, served February 16, 2016;
- 25 13. Defendants' 2nd Set of Requests for Production of Documents and
- 26 Interrogatories, served February 19, 2016;
- 27 14. Plaintiff's 4th FRCP 26 Supplement, served March 7, 2016;

- 1 15. Defendants' 1st Rule 26 supplement, served March 9, 2016;
- 2 16. Defendants' Supplemental responses to Plaintiff's 1st sets of interrogatories and
- 3 requests for admission, served March 25, 2016;
- 4 17. Plaintiff's 5th and 6th FRCP 26 Supplements, served June 13, 2016;
- 5 18. Defendants' 2nd Rule 26 supplement, served June 2016;
- 6 19. Plaintiff's responses to the City's 2nd sets of interrogatories and requests for
- 7 production, served June 29, 2016;
- 8 20. Plaintiff's 7th FRCP 26 Supplement, served June 29, 2016;
- 9 21. Defendants' 3rd Rule 26 supplement, served July 7, 2016;
- 10 22. Plaintiff's supplemental responses to the City's 2nd sets of interrogatories and
- 11 request\s for production, served July 18, 2016;
- 12 23. Defendants' 4th Rule 26 supplement, served August 1, 2016;
- 13 24. Defendant Olsen's responses to Plaintiff's 2d requests for admission and for
- 14 production of documents, served August 3, 2016;
- 15 25. Plaintiff's 8th FRCP 26 Supplement, served August 13, 2016;
- 16 26. Plaintiff's 9th FRCP 26 Supplement, served October 4, 2016.
- 17 27. The parties have also completed the following depositions:
 - 18 a. Aaron Johnson;
 - 19 b. John Chase;
 - 20 c. Thomas Healing;
 - 21 d. Bill Conger;
 - 22 e. Cam Walker;
 - 23 f. Bryce Boldt;
 - 24 g. Dave Olsen (defendant, City Attorney)(substantially, but not totally
 - 25 completed);
 - 26 h. Dave Olson (BCPD detective);
 - 27 i. Vicki Mayes; and.

1 j. Anthony Kotlarz.

2 28. The parties were also involved in a motion to compel which was resolved by
3 the Court's Order of September 19, 2016 (ECF No. 68).

4 Defendants' discovery efforts were hampered by the fact the undersigned Defense
5 counsel was trial counsel in a Clark County District Court trial in September that lasted three
6 weeks. *Fortunet, Inc. v. Playboy Publishing, LLC.*, et als, Case No. A-11-645734.
7 Trial started on September 6, 2016 and continued until September 23. Including pretrial
8 preparation for that trial, Defendant's counsel was preoccupied for six full weeks.

9 The parties anticipate the remaining discovery will include taking the following
10 depositions:

11 1. Plaintiff;

12 2. Several of the individually named Defendants:

13 i. Remainder of Dave Olsen;

14 ii. Roger Tobler;

15 iii. Peggy Leavitt;

16 iv. Rod Woodbury;

17 v. Duncan McCoy.

18 3. Numerous other percipient witnesses, including a significant number of non-
19 party witnesses:

20 i. Brok Armantrout;

21 ii. Dave Fraser;

22 iii. Scott Hansen;

23 iv. Stephen Stubbs.

24 4. Any additional witnesses that may be identified during the course of discovery.

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The discovery schedule presently in effect is as follows:

- 1. Joining parties and amending pleadings: Closed.
- 2. Simultaneous exchange of Expert Disclosures shall be due: Closed.
- 3. Rebuttal Expert Reports due: Closed.
- 4. Close of discovery shall be: November 18, 2016.
- 5. Dispositive motions shall be filed no later than: December 19, 2016.
- 6. Pretrial Order (or to be set at a later date by the Court): January 18, 2017.

The proposed modified schedule is:

- 1. Joining parties and amending pleadings: Closed.
- 2. Simultaneous exchange of Expert Disclosures shall be due: Closed.
- 3. Rebuttal Expert Reports due: Closed.
- 4. Close of discovery shall be: January 6, 2017.
- 5. Dispositive motions shall be filed no later than: February 6, 2017.
- 6. Pretrial Order (or to be set at a later date by the Court): March 8, 2017

In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after a decision of the dispositive motions.

DATED this 12th day of October, 2016

DATED this 12th day of October, 2016

**MORRIS SULLIVAN LEMKUL
& PITEGOFF**

FLANAGAN, LTD.

/s/ Jeffrey I. Pitegoff

/s/ Sean P. Flanagan

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ORDER

IT IS SO ORDERED. The modified schedule is:

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| 1. Joining parties and amending pleadings: | Closed. |
| 2. Simultaneous exchange of Expert Disclosures shall be due: | Closed. |
| 3. Rebuttal Expert Reports due: | Closed. |
| 4. Close of discovery shall be: | January 6, 2017 |
| 5. Dispositive motions shall be filed no later than: | February 6, 2017 |
| 6. Pretrial Order (or to be set at a later date by the Court): | March 8, 2017 |

In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after a decision of the dispositive motions.


UNITED STATES MAGISTRATE JUDGE

Dated: October 13, 2016

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