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6 **UNITED STATES DISTRICT COURT**

7 **CLARK COUNTY, NEVADA**

8 LAWRENCE COLLINS, an individual

9 Plaintiff,

10 vs.

11 STERLING JEWELERS, INC., a foreign
12 Corporation; DOES I through X
13 inclusive, and ROES CORPORATIONS
14 XI through XX, inclusive,

Defendants.

CASE NO: 2:14-cv-01997-JCM-GWF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
PURSUANT TO LOCAL RULE 26-4
(FIRST REQUEST)**

15 COMES NOW Plaintiff LAWRENCE COLLINS, by and through his counsel of record,
16 William W. McGaha, Esq. and Joshua M. Santeramo, Esq. of the Law Offices of SCHUETZE
17 & McGAHA, P.C., and Defendant, STERLING JEWELERS, INC. ("Sterling"), by and through
18 its counsel of record, William F. Dugan, Esq. and Eric M. Lloyd, Esq. of SEYFARTH SHAW
19 LLP, hereby submit this stipulation and order to extend discovery deadlines pursuant to Local
20 Rule 26-4.

21 Plaintiff Collins and Defendant Sterling have completed the Early Neutral Evaluation
22 Conference and begun discovery, including exchanging FRCP 26 disclosures of documents
23 and supplements, and propounding written discovery. The parties are also in the process of
24 deposition scheduling. The primary depositions the parties intend on taking are of Plaintiff
25 Collins, Defendant Sterling's designated representative pursuant to FRCP 30(b)(6), and
26 relevant Defendant employees from the time material to the Complaint, Melissa Henry and
27 Brad Smith. Other depositions may be necessary in the future. Further, Mr. Smith is no longer
28 employed with Defendant Sterling and living out-of-state.

1 These depositions are critical to the liability issues involved, and the parties agree that
2 they should take place prior to the designation of experts, of which the deadline is currently
3 July 21, 2015. The parties request an extension of sixty (60) days for all deadlines to
4 accommodate for deposition scheduling and the retention of experts, in addition to other
5 necessary discovery.

6 **I. FACTUAL AND PROCEDURAL BACKGROUND:**

7 This lawsuit arises from the termination of Plaintiff Collins by Defendant Sterling in
8 November 2013. Plaintiff alleges that he was wrongfully terminated in retaliation for pursuing
9 entitled leave under the Family Medical Leave Act, and due to a failure to accommodate his
10 alleged disability under the Americans with Disabilities Act. This is in addition to other federal
11 and state claims plead in the Complaint. Defendant Sterling denies the allegations and claims
12 good cause for Plaintiff's termination.

13 Plaintiff Collins commenced the lawsuit on December 2, 2014. (Doc. #1). Defendant
14 Sterling filed its responsive pleading on January 21, 2015. (Doc. #9). On March 6, 2015, the
15 parties submitted their proposed discovery plan. (Doc. #16). The scheduling order was then
16 approved and signed by the Magistrate Judge on March 9, 2015. (Doc. #17). The parties
17 then attended the Early Neutral Evaluation Conference on April 28, 2015, which did not result
18 in a settlement. (Doc. #20).

19 Since that time, the parties have propounded written discovery and are in the process
20 of providing answers. The parties have also met and conferred regarding the deposition
21 scheduling as indicated above. These depositions will be necessary to evaluate liability and
22 any potential for settlement prior to the retention of experts. Therefore, the parties seek a sixty
23 (60) day extension of all current deadlines.

24 **A. Statement of Discovery Completed**

- 25 1. The parties have participated in the Initial Case Conference and have
26 exchanged initial and supplemental disclosures;
- 27 2. Plaintiff Collins has propounded interrogatories and requests for production of
28 documents;

1 3. Plaintiff Collins has sent an FRCP 30(b)(6) notice of deposition to Defendant
2 Sterling and inquired into the availability of Melissa Henry and Brad Smith; and
3 4. Defendant has propounded interrogatories and requests for production of
4 documents, and, served a deposition notice on Plaintiff.

5 **B. Statement of Discovery Remaining**

- 6 1. Further document supplements to the initial disclosures;
7 2. Answers to written discovery;
8 3. Depositions of the parties, fact witnesses, and corporate representatives;
9 4. Initial and rebuttal expert disclosures;
10 5. Depositions of expert witnesses; and
11 6. Additional discovery as needed.

12 **C. Reasons Why Discovery Was Not Completed Within Time Limitations**

13 As explained above, both parties agree that the depositions of Plaintiff, Brad Smith,
14 Melissa Henry, and an FRCP 30(b)(6) representative of Defendant are necessary to evaluate
15 liability and continue potential settlement discussions. Moreover, these depositions will be
16 necessary for determining the necessity of experts. Given the quick turn around from the Early
17 Neutral Evaluation Conference, the summer schedule, and some out-of-state witnesses, the
18 parties agree that an extension of sixty (60) days is necessary.

19 **D. A Proposed Schedule for Completing All Discovery**

20 Amendments to Pleadings: From 7/21/2015 to 9/21/2015
21 Initial Expert Disclosures: From 7/21/2015 to 9/21/2015
22 Interim Status Report: From 8/20/2015 to 10/19/2015
23 Rebuttal Expert Disclosures: From 9/4/2015 to 11/3/2015
24 Discovery Cut-Off: From 10/19/2015 to 12/18/2015
25 Dispositive Motions: From 11/18/2015 to 1/19/2016
26 Joint Pretrial: From 12/18/2015 to 2/16/2016

27 The joint pretrial order shall be filed no later than February 16, 2016, which is not more
28 than thirty (30) days after the date set for filing dispositive motions in this case. In the event

1 that dispositive motions are filed, the date for filing of the joint pretrial order shall be
2 suspended until thirty (30) days after a decision on the dispositive motions or further order of
3 the Court.

4 DATED this 25th day of June, 2015.

DATED this 25th day of June, 2015.

5 **SCHUETZE & McGAHA, P.C.**

SEYFARTH SHAW LLP

6 By /s/Joshua Santeramo

By /s/Eric M. Lloyd

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13 **ORDER**

14 IT IS SO ORDERED this 26th day of June, 2015.

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18 GEORGE FOLEY, JR.
19 United States Magistrate Judge