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 8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 JAZMIN ARELLANO, Individually

Case No. : 2:14-cv-02152-JAD-NJK

11 Plaintiff,

**STIPULATION AND ORDER
 EXTENDING DISCOVERY PLAN AND
 SCHEDULING ORDER DEADLINES**

12 vs.

(FIRST REQUEST)

13 GIORGIO ARMANI CORPORATION, a
 Foreign Corporation,

14 Defendant.

15 **STIPULATION**

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 17 Plaintiff Jazmin Arellano (“Plaintiff”) and Defendant Giorgio Armani Corporation
 18 (“Defendant”), by and through their respective counsel of record, hereby submit this stipulation
 19 that the Discovery Plan and Scheduling Order deadlines in this case be extended. This is the
 20 parties’ first request for an extension of these deadlines. The parties provide the following
 21 information to the Court in conjunction with their request for an extension of the discovery
 22 deadlines, to demonstrate that there is good cause for the requested extension.

23 **A. DISCOVERY THAT HAS BEEN COMPLETED**

- 24 1. Initial Disclosures by both parties.
- 25 2. Both parties have served Interrogatories and Requests for Production of
- 26 Documents. Defendant served its responses on August 12, 2015. Plaintiff’s responses to
- 27 Defendant’s First Set of Interrogatories and First and Second Sets of Requests for Production of
- 28 Documents are due on August 28, 2015.

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1 3. Defendant has served approximately fifteen Subpoenas Duces Tecum to third-
2 parties.

3 **B. DISCOVERY THAT REMAINS TO BE COMPLETED**

4 1. Additional written discovery.

5 2. Defendant presently intends to take the deposition of Plaintiff, Joel Silberberg,
6 and Martin Fakiel, M.D. (“Dr. Fakiel”); Plaintiff presently intends to take the depositions of
7 Lieung Zhou, Gabriel Oliva, Judy Ku, Melissa Rivera, Spencer Alexander, and Karen Perez.

8 3. The physical and/or mental examination of Plaintiff under FRCP 35.

9 4. The forensic examination of Plaintiff’s e-mail accounts, electronic devices, and
10 cloud storage accounts.

11 5. Initial expert and rebuttal expert disclosures, and expert witness depositions.

12 6. Other depositions may become necessary depending on the evidence obtained
13 through other discovery and depositions.

14 **C. REASONS WHY THE REMAINING DISCOVERY WAS NOT**
15 **COMPLETED WITHIN THE TIME LIMITS SET BY THE DISCOVERY PLAN**

16 1. Defendant has been unable to obtain the documents requested pursuant to its
17 Subpoena Duces Tecum to Dr. Fakiel, a psychiatrist who has treated Plaintiff, despite numerous
18 efforts and promises that the requested documents would be forthcoming. Defendant will shortly
19 be filing a Motion to Hold Dr. Fakiel in Contempt for Failure to Respond to the Subpoena, but
20 until it obtains the documents requested, will be unable to complete Plaintiff’s deposition or
21 conduct Plaintiff’s examination under FRCP 35.

22 2. Plaintiff has indicated that whether Plaintiff will stipulate to allow her
23 examination under FRCP 35, or whether Defendant will be required to file a Motion to Allow the
24 Examination of Plaintiff Under FRCP 35, is dependent on Plaintiff’s receipt and review of the
25 records requested by Defendant pursuant to its Subpoena Duces Tecum to Dr. Fakiel. If
26 Defendant is required to file a Motion to Allow the Examination of Plaintiff Under FRCP 35, the
27 scheduling of the examination will be delayed until a ruling on Defendant’s Motion is received.

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1 3. Expert disclosures are presently due on September 21, 2015; however,
2 Defendant's expert will be unable to complete its expert report without the documents requested
3 pursuant to the Subpoena Duces Tecum to Dr. Fakiel.

4 4. During the Early Neutral Evaluation session held on August 14, 2015, additional
5 information came to light that the parties will need to investigate and consider during discovery.

6 5. The Early Neutral Evaluation session did not occur until August 14, 2015, and
7 while the parties were diligently conducting discovery prior to the Early Neutral Evaluation
8 session, they also sought to minimize the incurrence of significant attorneys' fees prior to the
9 Early Neutral Evaluation session.

10 **D. PROPOSED SCHEDULE FOR COMPLETING REMAINING**
11 **DISCOVERY**

12 1. The deadline for the parties to complete all remaining discovery shall be extended
13 from November 18, 2015 to **February 16, 2016**.

14 2. The deadline to make initial expert disclosures shall be extended from September
15 21, 2015 to **December 21, 2015**. The deadline to disclose any rebuttal experts shall be extended
16 from October 21, 2015 to **January 20, 2016**. The requirements of FRCP 26(a)(2)(B) shall apply
17 to any such disclosures.

18 3. The deadline to file dispositive motions shall be extended from December 18,
19 2015 to **March 17, 2016**.

20 4. The deadline to file any motions in limine, including Daubert-type motions, shall
21 remain thirty (30) days prior to the commencement of trial, and oppositions shall be filed and
22 served fourteen (14) days thereafter. Reply briefs will only be allowed with leave of the Court.

23 5. The deadline to file the Joint Pretrial Order (including Rule 26(a)(3) disclosures)
24 shall be extended from January 19, 2016 to **April 18, 2016**. However, in the event that
25 dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until
26 thirty (30) days after a decision on the dispositive motions or further order of the Court.

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6. In accordance with LR 26-3, the deadline for the parties to file an interim status report shall be **December 18, 2015**.

DATED this 20th day of August, 2015.

DATED this 20th day of August, 2015.

/s/ Daniel Marks
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*Attorneys for Plaintiff
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Giorgio Armani Corporation*

ORDER

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: August 20, 2015 _____

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