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15 **UNITED STATES DISTRICT COURT**
 16 **DISTRICT OF NEVADA**

18 ALEXIS GURSHIN, an individual,
 19 Plaintiff,

20 vs.

21 BANK OF AMERICA, NATIONAL
 22 ASSOCIATION; DOES 1 through X, and
 23 ROE BUSINESS ENTITIES I through X,
 inclusive,
 24 Defendants.

CASE NO. 2:15-cv-00323-GMN-VCF

**AMENDED JOINT
 DISCOVERY PLAN AND
 SCHEDULING ORDER
 SPECIAL SCHEDULING REVIEW
 REQUESTED**

Complaint Filed: 10/28/2014
 Complaint Served: 2/4/2015
 Removal Date: 2/24/2015

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1 Plaintiff ALEXIS GURSHIN and Defendant BANK OF AMERICA, N. A. by and through
2 their respective counsel, hereby submit their Joint Discovery Plan and Scheduling Order in
3 compliance with LR 26-1(e) and subject to the special scheduling review requested:

4 1. Initial Disclosures: Initial Disclosures will be made by Plaintiff and Defendant on
5 or before May 6, 2015.

6 2. Statement of Reason for Special Scheduling Order: The parties held the 26(f)
7 conference by phone on April 22, 2015 and have agreed to some immediate exchanges and a short
8 discovery stay through the date of the upcoming Early Neutral Evaluation session (“ENE”)
9 scheduled for May 15, 2015 before U.S. Magistrate Judge Bill Hoffman, so as to conserve the
10 parties’ time and resources and encourage an early resolution of the matter. Specifically, the
11 parties have agreed to informally exchange key documents and information to facilitate
12 meaningful settlement efforts at the ENE. Namely, Plaintiff has agreed to provide relevant
13 medical records (within certain limitations and qualifications), information regarding Plaintiff’s
14 replacement employment and earnings following her employment with Defendant, and an
15 approximation of the attorney’s fees and costs Plaintiff has incurred to date. Defendant has agreed
16 to produce investigation records regarding Plaintiff’s complaint of harassment, Plaintiff’s
17 personnel file(s), records/communications related to Plaintiff’s termination, files from Defendant’s
18 third party leave administrator, and information (to the extent available) regarding Plaintiff’s
19 projected salary. If the parties do not settle the matter on May 15, 2015, the parties will resume
20 formal discovery as described below. Accordingly, as set forth below, the parties request that the
21 discovery deadline be calculated one hundred eighty (180) days from the date of the upcoming
22 ENE (rather than Defendant’s answer), and that all other deadlines be calculated pursuant to Local
23 Rules based on the specially-requested discovery deadline.

24 3. Proposed Discovery Plan Should the Matter Not Settle on May 15, 2015: Pursuant
25 to Fed. R. Civ. P. 26(b), the parties plan to commence discovery after May 15, 2015, should the
26 parties’ settlement efforts at the ENE prove unsuccessful, including, but not limited to,
27 interrogatories, requests for production of documents and things, requests for admissions and
28 depositions. Requests for production of documents and things will be served and responded to in

1 accordance with Fed. R. Civ. P. 34 and the Local Rules of the District of Nevada. The parties
2 further agree that each party will bear its own costs for copying documents produced under Fed. R.
3 Civ. P. 34, but the parties agree to meet and confer regarding the costs of producing documents
4 pursuant to e-discovery requests as necessary. The parties will also provide each other with
5 electronic copies of produced documents in the format specified on CD-R, DVD-r disk, or via
6 electronic mail.

7 4. Disclosure of Electronically Stored Information: Electronically stored information
8 will be exchanged by the parties in paper or .pdf format. However, the parties are not waiving,
9 and expressly reserve, the right to seek production of electronically stored information in its native
10 file format and/or seek metadata associated with electronic files. Should a dispute arise regarding
11 the parties' requests for ESI, the parties agree to follow the procedures set forth in Rule
12 26(b)(2)(b) of the Federal Rules of Civil Procedure and application local rules.

13 5. Protection of Confidential or Privileged Material: At the April 22, 2015 26(f)
14 conference, the parties discussed confidential or privileged material and intend to work out an
15 agreement on a procedure to designate and assert such claims during production.

16 6. Issues Relating to Claims of Privilege or Attorney Work Product: The parties agree
17 to be bound by Federal Rule of Evidence 502 regarding the disclosure of privilege material or
18 work product. Further, the parties acknowledge and agree that while each is taking reasonable
19 steps to identify and prevent disclosure of any document which they believe is privileged, there is
20 a possibility that certain privileged material may be produced inadvertently. Accordingly, the
21 parties agree that a party who produces a document protected from disclosure by the attorney-
22 client privilege, attorney work product doctrine or any other recognized privilege ("privileged
23 document"), without intending to waive the claim of privilege associated with such document,
24 may promptly, meaning within fifteen (15) days after the producing party actually discovers that
25 such inadvertent disclosure occurred, amend its discovery response and notify the other party that
26 such document was inadvertently produced and should have been withheld. Once the producing
27 party provides such notice to the requesting party, the requesting party must promptly, meaning
28 within seventy-two (72) hours, return the specified document(s) and any copies thereof. By

1 complying with this obligation, the requesting party does not waive any right to challenge the
2 assertion of privilege and request an order of the Court denying such privilege.

3 7. Proposed Deadlines:

4 a. Discovery Cut-Off Date: The parties shall have one hundred eighty (180)
5 days in which to complete discovery from the date of the upcoming ENE on May 15, 2015. Thus,
6 the parties are asking for a discovery cut-off date of November 11, 2015, and recognize that
7 discovery must be commenced in time to be completed by the November 11, 2015 discovery cut-
8 off date. Each party anticipates conducting discovery permissible under the Fed. R. Civ. P. 26(b)
9 including, but not limited to, the following;

- 10 • Interrogatories to each party;
- 11 • Requests for Admissions to each party;
- 12 • Requests for Production of Documents to each party;
- 13 • Deposition of Plaintiff;
- 14 • Deposition of Defendant;
- 15 • Depositions of percipient witnesses;
- 16 • Depositions of fact witnesses and others as may be necessary;
- 17 • Depositions of Plaintiff's and Defendant's designated expert witnesses, if
18 any; and
- 19 • Subpoenas to third parties.

20 b. Amending the Pleadings and Adding Parties: Motions to amend the
21 pleadings or to add parties shall be filed and served on or before August 13, 2015, ninety (90) days
22 prior to the discovery cut-off date, pursuant to LR 26-1 (e)(2).

23 c. Expert Witness Disclosures: ~~Defendant proposes that expert witness~~
24 ~~disclosures be made on or before September 15, 2015, fifty seven (57) days prior to the discovery~~
25 ~~cut-off (as the 60th day is a Saturday), and disclosures regarding rebuttal experts be made on or~~
26 ~~before October 15, 2015, thirty (30) days after the initial disclosure of experts, pursuant to LR 26-~~
27 ~~1(e)(3). Plaintiff proposes~~ Expert witness disclosures must be made on or before August 27,
28 2015, seventy-six (76) days prior to the discovery cut-off (as the 75th day is a Friday),
and that

1 disclosures regarding rebuttal experts be made on or before September 29, 2015, thirty-three (33)
2 days after the initial disclosure of experts (as the 30th day is a Saturday). The requirements of Fed.
3 R. Civ. P. 26(a)(2)(B) shall apply to any such disclosures.

4 d. Dispositive Motions: Pursuant to LR 26-1(e)(4), dispositive motions shall
5 be filed and served no later than December 11, 2015, thirty (30) days after the discovery cut-off.
6 In the event the discovery cut-off is extended, the deadlines for filing dispositive motions
7 automatically will be extended until thirty (30) days after the new discovery cut-off date.

8 e. Interim Status Report: The Interim Status Report required by LR 26-3 shall
9 be filed by the parties no later than September 15, 2015, fifty-seven (57) days prior to the
10 discovery cut-off (as the 60th day is a Saturday).

11 f. Joint Pretrial Order: The joint pretrial order required by LR 26-1(e)(5) shall
12 be filed by the parties no later than January 12, 2016, thirty-three (33) days after the deadline for
13 filing dispositive motions (as the 30th day is a Saturday). In the event dispositive motions are
14 filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after the
15 decision on the dispositive motions or until further order of the Court as provided in LR 26-
16 1(e)(5).

17 g. Pretrial Disclosures: The disclosures required by Fed. R. Civ. P. 26(a)(3),
18 and any objections thereto, shall be included in the pretrial order as required by LR 26-1(e)(6).

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1 8. All requests to extend any dates set in the discovery plan, scheduling order, or other
2 order, must be received by the Court no later than twenty (21) days before expiration of the subject
3 deadline, or any extension thereof, and must comply with the requirements of LR 26-4.

4 Dated: May 1, 2015

Dated: May 1, 2015

6 /s/ Kathleen J. England
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As modified,

IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

DATED: May 5, 2015