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

11 TODD E. KOLOJAY, Individually; and JASON
D. BEEBE, Individually,
12
13 Plaintiffs,
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15 v.
16 HARTFORD FIRE INSURANCE COMPANY;
DOES I through X; and ROE CORPORATIONS
I through X, inclusive,
17
18 Defendants.

Case No.: 2:15-cv-00679-GMN-GWF

**STIPULATION TO EXTEND
DISCOVERY PLAN AND SCHEDULING
ORDER DEADLINES BY 90 DAYS**

(Third Request)

18 Defendant Hartford Fire Insurance Company (**Hartford**) and plaintiffs Todd E. Kolojay and
19 Jason D. Beebe respectfully submit the following stipulation requesting a 90-day extension of the
20 current scheduling order deadlines.

21 **I. INTRODUCTION.**

22 The dispute arises out of a commercial automobile insurance policy. Plaintiffs filed suit
23 alleging breach of contract, bad faith, and violation of the unfair claims practices act. On April 7,
24 2015, Hartford filed its answer to the plaintiffs' complaint. On April 14, 2015, Hartford removed
25 this matter to federal court. ECF No. 1. A discovery plan and scheduling order was entered on May
26 19, 2015. ECF No. 11. On July 9, 2015, the court granted the parties a 90-day extension to
27 discovery deadlines. ECF No. 19. On August 31, 2015, the court granted the parties an additional
28 30-days in order to allow for the mediation. ECF No. 21.

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1 **II. DISCOVERY STATUS.**

2 A. Discovery that has been completed.

- 3 1. Hartford served its Initial Disclosure of Documents and Witnesses on May
4 20, 2015.
- 5 2. Plaintiffs served their Initial Disclosure of Documents and Witnesses on
6 May 21, 2015.
- 7 3. Hartford served its First Set of Requests for Production of Documents on
8 June 9, 2015.
- 9 4. Hartford served its First Set of Interrogatories on June 9, 2014.
- 10 5. Hartford served its Second Set of Requests for Production of Documents on
11 June 18, 2015.
- 12 6. Plaintiffs served their First Set of Requests for Production of Documents on
13 July 16, 2015.
- 14 7. Plaintiffs served their First Set of Interrogatories on July 17, 2015.
- 15 8. Plaintiffs served their responses to Hartford's First Set of Requests for
16 Production of Documents on July 20, 2015.
- 17 9. Plaintiffs served their answers to Hartford's First Set of Interrogatories on
18 July 20, 2015.
- 19 10. Plaintiffs served their responses to Second Set of Requests for Production of
20 Documents on July 21, 2015.
- 21 11. Hartford served its first supplemental disclosure of documents and witnesses
22 on September 11, 2015.
- 23 12. Hartford served its answers to Kolojay's First Set of Interrogatories on
24 September 17, 2015.
- 25 13. Hartford served its responses to Kolojay's First Set of Request for
26 Production on September 17, 2015.
- 27 14. Hartford served its answers to Beebe's First Set of Interrogatories on
28 September 17, 2015.

1 15. Hartford served its responses to Beebe's First Set of Request for Production
2 on September 17, 2015.

3 16. Plaintiffs served their supplemental disclosures on September 21, 2015.

4 B. Discovery that remains.

- 5 1. Expert disclosures;
- 6 2. Collection of additional outstanding medical records for plaintiffs;
- 7 3. Receipt of Kolojay's tax records from the IRS;
- 8 4. Neuropsychological exam of Kolojay;
- 9 5. Orthopedic consult/medical examination of Kolojay;
- 10 6. Depositions of plaintiffs' treating physicians;
- 11 7. Deposition of Expert Witness;
- 12 8. Plaintiffs' depositions (and follow-up discovery on any new issues that arise
13 at the deposition);

14 The parties reserve the right to take additional discovery during the time frames outlined
15 below should the need arise.

16 Hartford is in the process of obtaining a complete set of plaintiffs' medical records, and other
17 documents through third-party discovery, which may lead to discovery of additional percipient
18 witnesses and further direct its discovery efforts. Additionally, Hartford has requested Kolojay's tax
19 records from the IRS. This process is expected to take some time. Plaintiffs' remaining discovery
20 includes possible depositions of Hartford's Rule 30(b)(6) designee(s), depositions of the claims
21 handlers, and depositions of Hartford's expert witness. The parties may also issue follow-up written
22 discovery requests and third-party discovery as their discovery efforts continue.

23 C. Pending Motions.

24 There are no motions currently pending before the court.

25 **III. REASON WHY EXTENSION IS REQUIRED.**

26 The parties attended a mediation for Judge Porter on September 23, 2015. Unfortunately, the
27 mediation was not successful. The parties have continued to diligently pursue discovery in this case;
28 however, it is a large case, and efforts previously were primarily aimed at possible settlement. The

1 collection of medical and tax records, expert disclosures, and medical examinations, and depositions
 2 are expected to take longer than is currently allocated for discovery. The parties believe that an
 3 additional 90-days of discovery should allow the parties sufficient time to complete discovery.

4 **IV. PROPOSED SCHEDULE.**

- 5 1. Discovery Cut-Off Date. The parties agree that discovery will be extended 90 days from
 6 February 3, 2016, to **May 3, 2016.**
- 7 2. Experts.
 - 8 a. Initial Experts: Wednesday, **February 3, 2016.** (90 days before the discovery cut-off date).
 - 9 b. Rebuttal Experts: Friday, **March 4, 2016.** (30 days after initial expert disclosure)
- 10 3. Amending the Pleadings and Adding Parties: Wednesday, **February 3, 2016.** (not later than
 11 90 days before the close of discovery).
- 12 4. Interim Status Report. The parties shall file the interim status report required by LR 26-3 by
 13 Friday, **March 4, 2016.** The undersigned counsel certify that they have read LR 26-3 and
 14 that this date is not later than sixty days before the proposed discovery cut-off date.
- 15 5. Dispositive Motions. The parties shall have until Thursday, **June 2, 2016** to file dispositive
 16 motions, which is thirty days after the discovery cut-off date.
- 17 6. Pretrial Order. The pretrial order shall be filed by Monday, **July 4, 2016,** which is thirty-two
 18 days after the date set for filing dispositive motions in the case. (30 days falls on a weekend).
 19 In the event a timely dispositive motion is filed, the deadline to submit the pretrial order shall
 20 be suspended until thirty days after a decision on such motion.

21 The parties believe that the 90 day extension is necessary and appropriate to provide
 22 sufficient time to conduct discovery regarding the plaintiff's claim for substantial damages.

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<p>DATED this 5th day of October, 2015.</p> <p>MAINOR WIRTH LLP</p> <p>By: <u>/s/ Bradley S. Mainor</u> Bradley S. Mainor, Esq. Joseph J. Wirth, Esq. 6018 S. Fort Apache, Suite 150 Las Vegas, Nevada 89148</p> <p>Attorneys for Plaintiffs</p>	<p>DATED this 5th day of October, 2015.</p> <p>AKERMAN LLP</p> <p>By: <u>/s/ William S. Habdas</u> DARREN T. BRENNER, ESQ. Nevada Bar No. 8386 WILLIAM S. HABDAS, ESQ. Nevada Bar No. 13138 1160 Town Center Drive, Suite 330 Las Vegas, Nevada 89144</p> <p>Attorneys for Defendant Hartford Fire Insurance Company</p>
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IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

DATED: October 6, 2015

AKERMAN LLP

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