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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

15 CH2E NEVADA, LLC, a Nevada limited liability company,)	Case No. 2:15-cv-00694-JCM-NJK
16 Plaintiffs,)	
17 v.)	JOINT MOTION TO AMEND THE
18 LATIF MAHJOOB, an individual; AMERICAN COMBUSTION TECHNOLOGY)	JOINT DISCOVERY PLAN AND
19 INCORPORATED, a California corporation;)	SCHEDULING ORDER
20 DOES 1-X; and ROE COMPANIES XI-XX, inclusive,)	(SECOND REQUESTED EXTENSION)
21 Defendants.)	

22 Plaintiff CH2E Nevada, LLC (“CH2E”) and Defendants American Combustion
 23 Technology Incorporated (“ACTI”) and Latif Mahjoob (“Defendants” and, with CH2E, the
 24 “Parties”), by and through counsel of record, hereby submit this Joint Motion to Amend the Joint
 25 Discovery Plan and Scheduling Order (“Joint Motion”) pursuant to LR 6-1 and 26-4.

I. STATEMENT OF FACTS

27 CH2E filed a lawsuit against the Defendants on March 19, 2015. Soon thereafter, the
 28 Parties participated in a discovery and scheduling conference and submitted a proposed Joint

1 Discovery Plan and Scheduling Order to the Court. The Court granted the Parties proposed
2 discovery plan in its June 26, 2015 Joint Discovery Plan and Scheduling Order (the “June 26,
3 2015 Order”) (ECF No. 20).

4 After the Parties engaged in several months of discovery, CH2E’s lead counsel had an
5 unexpected medical emergency. The Parties—having conferred and agreed that under the
6 circumstances an extension of the discovery deadlines was acceptable to all Parties—filed a
7 stipulation to amend the June 26, 2015 Order. The Court granted the Parties’ proposed
8 amendments to the discovery plan in its December 21, 2015 Stipulation to Amend the Joint
9 Discovery Plan and Scheduling Order (the “Order”) (ECF No. 35).

10 Since that time, the Parties have engaged in settlement discussions. As part of those
11 discussions, CH2E allowed ACTI personnel to physically inspect the recycling equipment at
12 issue in this case, a time-consuming process that required the Parties’ full attention. ACTI has
13 completed its inspection of the recycling equipment, but a settlement agreement has yet to be
14 reached. Settlement discussions are ongoing.

15 The discovery cutoff is currently June 28, 2016. In connection with the preparation of a
16 joint status report to the Court, which is being filed contemporaneously herewith, the Parties
17 have conferred and agree that in light of the continuing prospect of settlement, and the need to
18 conduct additional depositions if settlement cannot be reached, it is in the interest of all Parties to
19 file this Motion requesting the Court to extend the discovery deadline contained in Section 7(c)
20 of the Order. The Parties therefore respectfully request a forty-five (45) day extension of the
21 Parties’ fact discovery cutoff date to and including August 12, 2016.

22 **II. LOCAL RULE 26-4 REQUIREMENTS**

23 A. Discovery Completed

24 Plaintiff CH2E has served Defendants with the following items:

- 25 (i) Initial Disclosures Pursuant to F.R.C.P. 26(a)(1);
- 26 (ii) First Set of Requests for Production of Documents; and
- 27 (iii) Second Set of Requests for Production of Documents.

28 In addition, CH2E has produced over 142,000 pages of documents in response to

1 Defendants' requests for production of documents, and continues to produce responsive
2 documents on a rolling basis.

3 Plaintiff has also deposed Defendant Latif Mahjoob.

4 Defendants have served CH2E with the following items:

- 5 (i) Initial Disclosures Pursuant to F.R.C.P. 26(a)(1);
- 6 (ii) First Set of Requests for Production of Documents;
- 7 (iii) First Set of Interrogatories;
- 8 (iv) Second Set of Requests for Production of Documents;
- 9 (v) Supplement to Initial Disclosures;
- 10 (vi) Second Set of Interrogatories; and
- 11 (vii) Third Set of Requests for Production of Documents.

12 In addition, ACTI has produced approximately 600 pages of documents in response to
13 Plaintiff's request for production of documents.

14 B. Discovery to be Completed

15 If a settlement agreement cannot be reached, the Parties anticipate that each side will take
16 additional depositions. Plaintiff intends to take a Rule 30(b)(6) deposition of ACTI. In addition,
17 Plaintiff wishes to conduct depositions of additional fact witnesses, including two individuals
18 that Defendants recently identified in a supplement to Defendants' initial disclosures.

19 Defendants intend to take a Rule 30(b)(6) deposition of CH2E. In addition, Defendants
20 wish to depose multiple representatives of CH2E, including two fact witnesses who reside in
21 California and may not be present at trial.

22 Finally, the Parties expect that they will engage in expert discovery following the close of
23 fact discovery.

24 C. Reason for Extending Discovery Plan Deadlines

25 Over the past several months, the Parties have diligently engaged in settlement
26 discussions, which included Defendants' inspection of the recycling equipment that is subject to
27 Plaintiff's claims. Settlement discussions have not yet been successful but are continuing. If the
28 settlement discussions are ultimately unsuccessful, the Parties will need additional time for

1 depositions.

2 D. Proposed Schedule for Completing All Remaining Discovery

3 By this Motion, the parties seek to amend Section 7(c) of the Order to extend the fact
4 discovery cutoff date by forty-five (45) days as follows:

5 7. Discovery Plan.

6 c. Fact Discovery Cutoff: August 12, 2016

7 The proposed amendment should not affect the Parties' ability to comply with the
8 remaining discovery deadlines set forth in Section 7(d) – (h) of the Order.

9 **III. CONCLUSION**

10 For the above-stated reasons, the Parties respectfully request that this Court enter an
11 Order approving this Joint Motion to Amend the Joint Discovery Plan and Scheduling Order
12 using the new deadline noted above.

13 Dated: April 29, 2016.

14 BALLARD SPAHR LLP

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Mahjoob and American
Combustion Technologies, Inc.*

22 IT IS SO ORDERED:

23 UNITED STATES MAGISTRATE JUDGE

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26 DATED: May 2, 2016

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of April 2016, and pursuant to Fed. R. Civ. P. 5(b), a true and correct copy of the foregoing **JOINT MOTION TO AMEND THE JOINT DISCOVERY PLAN AND SCHEDULING ORDER** was electronically filed and served through the Court’s CM/ECF system, which will send a notice of electronic filing to the following:

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/s/ CM Rowe _____