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5 Attorneys for Plaintiff  
 6 **ABC INDUSTRIAL LAUNDRY, LLC**

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 **ABC INDUSTRIAL LAUNDRY, LLC**, a Nevada  
 limited liability company, dba **UNIVERSAL**  
 10 **LAUNDRY and SUPPLY**,  
 11 Plaintiff,

Case No. **2:15-cv-869-RFB-(VCF)**

**STATUS REPORT;**  
**STIPULATED DISCOVERY PLAN**  
 and  
**PROPOSED SCHEDULING ORDER**  
 (in response to Order (Doc. No. 60))

12 vs.

13 **FEDERAL INSURANCE COMPANY**, et al.,  
 14 Defendants.

15 \_\_\_\_\_/

16 Plaintiff **ABC INDUSTRIAL LAUNDRY, LLC**, by its attorneys, Steven J. Parsons of LAW  
 17 OFFICE OF STEVEN J. PARSONS, and Joseph N. Mott and Scott Lundy of REMPFER MOTT LUNDY,  
 18 PLLC<sup>1</sup>; Defendant **FEDERAL INSURANCE COMPANY**, by its attorneys, James P.C. Silvestri and  
 19 Brian Goldman of PYATT SILVESTRI, and Defendant **NATIONWIDE MUTUAL INSURANCE**  
 20 **COMPANY**, by its attorneys, Christine Emanuelson and Whitney Wilcher of HINES HAMPTON, LLP,  
 21 hereby submit this Status Report and Stipulated Discovery Plan and Proposed Scheduling  
 22 Order pursuant to the Court’s Order of December 21, 2017, regarding the parties’ Status  
 23 Check (Doc. No. 60).

24 ...

25 \_\_\_\_\_

26 <sup>1</sup>On December 15, 2017, attorneys Joseph N. Mott and Scott Lundy joined a newly  
 27 formed law firm REMPFER MOTT LUNDY, PLLC. Both remain as Plaintiff’s counsel.



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1 **STATUS REPORT**

2 The parties have met, conferred and agree that at present, the following discovery  
3 remains outstanding:

4 **Depositions:**

5 (1) ABC's principals and employees, Ran Brisman, Avi Cohen, and Jim Smail, as well  
6 as Fed. R. Civ. P., 30(b)(6) witnesses;

7 (2) ABC's former principals and employees, Moshe Levy, Yaakov "Kobi" Levy, and  
8 Yuda Levy;

9 (3) Rudi Moors, Christeyns' CEO (to be completed);

10 (4) Claims persons of each Defendant's claims operation, as well as Fed. R. Civ.  
11 P., 30(b)(6) witnesses of each Defendant;

12 (5) Rimkus Consulting Group, Inc.;

13 (6) Textile Solutions, LLC;

14 (7) Wynn Las Vegas, LLC;

15 (8) Brown & Brown Northwest;

16 (9) CHEM-BAC Laboratories, Inc.;

17 (10) CR Systems Consulting;

18 (11) Frank Campagna, CPA; and

19 (11) The various experts as designated by the parties.

20 **Written Discovery:**

21 The parties anticipate additional written discovery will follow the depositions.

22 **Status of the Companion Case**

23 Attached and incorporated herein as Exhibit 1 is an Order of the Hon. Richard Scotti,  
24 District Judge, upon the Stipulation to Extend Discovery Deadlines, Amend the Scheduling  
25 Order, and Reset the Trial in the associated Eighth Judicial District Court, Clark County, Nevada  
26 case *ABC Industrial Laundry, LLC v. Christeyns Laundry Technology, LLC*; docketed in that  
27 Court as Case No. A-15-720810-C. The attached exhibit shows similar deadlines now set by

1 that Court, as are requested in this Discovery Plan and Scheduling Order.

2 1. **DISCOVERY PLAN:**

3 A. **DISCOVERY CUT-OFF DATE:** The plan is in general accordance with LR  
4 26-1(e)(1), and the parties request two hundred seventy (270) days to conduct percipient  
5 witness discovery measured from January 18, 2018, the date of this Status Report. The last  
6 proposed day of discovery of percipient witnesses shall be Monday, October 15, 2018.

7 C. **FED. R. CIV. P. 26(a)(2) DISCLOSURES (EXPERTS):** Disclosure of experts  
8 shall proceed according to Fed. R. Civ. P. 26(a)(2) except that:

9 i. The disclosure of experts and expert reports shall occur on Tuesday,  
10 July 17, 2018, which is ninety (90) days before the discovery cut-off date;

11 ii. The disclosure of rebuttal experts shall occur on Thursday, August 16,  
12 2018, which is thirty (30) days after the disclosure of experts.

13 2. **AMENDMENT OF THE PLEADINGS AND ADDING PARTIES:** The parties shall have  
14 until Tuesday, July 17, 2018, to file any motion to amend the pleadings or to add parties. This  
15 is ninety (90) days before the discovery cut-off, which is in accordance with LR 26-1(e)(2).

16 3. **INTERIM STATUS REPORTS:** The parties shall file their interim status report  
17 required by LR 26-3 by Thursday, August 16, 2018, which is sixty (60) days before discovery  
18 cut-off.

19 4. **DISPOSITIVE MOTIONS:** The parties shall have until Wednesday, November 14,  
20 2018, to file dispositive motions, which is thirty (30) days after the close of discovery.

21 5. **SETTLEMENT:** The likelihood of settlement cannot be presently established.

22 6. **PRETRIAL ORDER:** The pretrial order shall be filed Friday, December 14, 2018,  
23 which is thirty (30) days after the date set for filing dispositive motions in this case. This  
24 deadline is suspended if a dispositive motion is timely filed.

25 ...

26 ...

27 ...

1 Dated: Thursday, January 18, 2018.

2 LAW OFFICES OF STEVEN J. PARSONS

PYATT SILVESTRI

3 /s/ Steven J. Parsons  
4 STEVEN J. PARSONS  
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/s/ Brian Goldman  
7 JAMES P.C. SILVESTRI  
8 BRIAN GOLDMAN  
9 701 E Bridger Ave Ste 600  
10 Las Vegas, NV 89101-8941

11 Attorneys for Plaintiff  
12 **ABC INDUSTRIAL LAUNDRY, LLC**

13 Attorneys for Defendant  
14 **FEDERAL INSURANCE COMPANY**

15 HINES HAMPTON, LLP

16 /s/ Christine Emanuelson  
17 CHRISTINE EMANUELSON  
18 400 S 4th Ste 500  
19 Las Vegas, NV 89101

20 by: WHITNEY WILCHER  
21 Attorneys for Defendant  
22 **NATIONWIDE MUTUAL INSURANCE CO.**

23 **ORDER**

24 **IT IS SO ORDERED.**

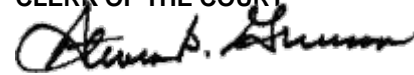
25 Dated: 1-19, 2018.

26 **U.S. MAGISTRATE JUDGE**

27

EXHIBIT “1”

EXHIBIT “1”



1 **STED**  
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6 Attorneys for Plaintiff and  
Counter-defendant  
7 **ABC INDUSTRIAL LAUNDRY, LLC**

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 **ABC INDUSTRIAL LAUNDRY, LLC**, a Nevada  
limited liability company, dba **UNIVERSAL**  
11 **LAUNDRY and SUPPLY**,

Case No.: A-15-720810-C

Dept. No.: II

12 Plaintiff,

13 vs.

14 **CHRISTEYNS LAUNDRY TECHNOLOGY, LLC**,  
a Massachusetts limited liability company,

**STIPULATION TO  
EXTEND DISCOVERY DEADLINES,  
AMEND THE SCHEDULING ORDER, and  
RESET THE TRIAL, and  
(PROPOSED) ORDER**

*(Third Request)*

15 Defendant.

16 \_\_\_\_\_  
17 **AND A RELATED COUNTER-CLAIM.**  
18 \_\_\_\_\_

19 Plaintiff/Counter-defendant, **ABC INDUSTRIAL LAUNDRY, LLC** dba **UNIVERSAL LAUNDRY**  
20 **and SUPPLY** ("Plaintiff"), by its counsel, Steven J. Parsons of **LAW OFFICES OF STEVEN J. PARSONS**,  
21 and Defendant/Counter-claimant, **CHRISTEYNS LAUNDRY TECHNOLOGY, LLC** ("Defendant"),  
22 by its counsel, William P. Volk of **KOLESAR & LEATHAM**, hereby submit this Stipulation to Extend  
23 Discovery Deadlines, amend the Scheduling Order, and reset the Trial:

24 **A. DISCOVERY WHICH HAS BEEN COMPLETED**

- 25 1. Plaintiff's Initial Disclosures;
- 26 2. Defendant's Initial Disclosures;
- 27 3. The parties have supplemented their Initial Disclosures when necessary;



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- 1 4. Plaintiff's First Interrogatories to Defendant;
- 2 5. Plaintiff's First Requests for Admissions to Defendant;
- 3 6. Plaintiff's First Requests for Production to Defendant;
- 4 7. Plaintiff's Second Requests for Production to Defendant;
- 5 8. Defendant's First Interrogatories to Plaintiff;
- 6 9. Defendant's First Requests for Production of Documents to Plaintiff;
- 7 10. Defendant's Second Interrogatories to Plaintiff;
- 8 11. Defendant's Second Requests for Production of Documents to Plaintiff;
- 9 12. Deposition of Defendants NRCP 30(b)(6) has commenced

10 **B. DISCOVERY WHICH REMAINS TO BE CONDUCTED**

- 11 1. Complete the deposition of Defendant's NRCP 30(b)(6) designees;
- 12 2. Deposition of Plaintiff and its employees/agents;
- 13 3. Deposition of Defendant's Experts;
- 14 4. Deposition of Plaintiff's Experts;
- 15 5. Additional written discovery by both Plaintiff and Defendant; and
- 16 6. Written discovery and depositions of various third-parties.

17 **C. CURRENT DISCOVERY SCHEDULE**

18 The current Scheduling Order provides for the following deadlines:

- |    |   |                                       |            |
|----|---|---------------------------------------|------------|
| 19 | • | Deadline to Complete Fact Discovery   | 02/16/2018 |
| 20 | • | Motion to Amend Pleadings/Add Parties | 11/20/2017 |
| 21 | • | Initial Expert Disclosures            | 03/19/2018 |
| 22 | • | Rebuttal Expert Disclosures           | 03/30/2018 |
| 23 | • | Deadline to Complete Expert Discovery | 04/27/2018 |
| 24 | • | Dispositive Motions Due               | 05/25/2018 |

25 **D. REASONS WHY THE PROPOSED DISCOVERY IS NOT ABLE TO BE COMPLETED PRIOR**  
26 **TO THE EXPIRATION OF THE CURRENT DISCOVERY DEADLINE**

27 The parties' counsel have worked well and ably with each other to complete discovery

1 in this case. Despite their diligent efforts to complete discovery within the current deadlines,  
2 the parties need additional time to completely and properly prepare their cases for trial.

3 As the Court may be aware, the parties in this matter are working closely with the  
4 parties in a parallel case in the U.S. District Court for the District of Nevada, captioned **ABC**  
5 **Industrial Laundry, LLC, dba Universal Laundry and Supply v. Federal Insurance Company, et**  
6 **Al.**, as Case No. **2:15-cv-869-RFB-(VCF)** (the “federal court matter”) to minimize discovery  
7 overlap and costs and to work together to litigate the cases as efficiently as possible. The  
8 federal court matter arises from the same set of facts as the instant case, but deals with  
9 Plaintiff’s first-party insurance coverage claims. Much of the discovery in the two cases  
10 overlaps.

11 Specifically, the parties in both cases need to complete the deposition of Christeyns’  
12 Rule 30(b)(6) designees and other specific Christeyns employees; ABC’s Rule 30(b)(6)  
13 designees and other specific ABC employees; Wynn Resort employees; and several technical  
14 experts. The cost of completing this overlapping discovery separately in the two matters would  
15 be extraordinary, and as a result, the parties in both cases have been working together closely  
16 to plan joint deposition schedules.

17 However, the specifics of ongoing depositions have not yet been agreed to, as  
18 coordinating the schedules of nearly a dozen essential people for these depositions has been  
19 exceptionally difficult. The participants span the country and have varied and demanding lead-  
20 times to commit to the further discovery.<sup>1</sup>

21 To date, the parties have started taking the deposition of Christeyns’ Rule 30(b)(6)  
22 designee. This deposition took place over two days in Boston, MA, in mid-August. The parties  
23 have agreed to continue Christeyns’ 30(b)(6) deposition for one further day at a to-be-  
24 determined date, time, and location. The depositions for Plaintiff’s 30(b)(6) designee(s), as  
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26 <sup>1</sup>Defendant conducts business from and its lead counsel work and reside in the Boston,  
27 Massachusetts area.



1 well as the depositions of Plaintiff's principals, are likely in early 2018 in Las Vegas.

2           Additionally, the parties are engaged in extensive third-party discovery. One of these  
3 third-parties objected to discovery requests, it has now retained counsel, and the issue may  
4 require motions to compel to resolve. Some of these third-parties are not located in Nevada  
5 and therefore have required letters rogatory before discovery requests can be served. Many  
6 of these third-parties will require depositions, and scheduling those depositions will require the  
7 time and coordination of multiple parties. These third-parties include, but are not limited to,  
8 former employees of the Plaintiff who were involved in Plaintiff's operations during the time of  
9 issue and who no longer reside in Nevada but are important to both Plaintiff's and Defendant's  
10 cases.

11           Discovery was also delayed recently due to a number of discovery disputes that, the  
12 parties have attempted to resolve amongst themselves. The parties are hopeful they will be  
13 able to continue to work through these discovery disputes without having to resort to motion  
14 practice.<sup>2</sup>

15           The parties believe that an additional one hundred and eighty (180) days will  
16 accommodate all interested parties sufficiently to conclude the discovery that remains in this  
17 matter.

18           **E.       PROPOSED SCHEDULE FOR COMPLETING DISCOVERY**

- 19           •       Motion to Amend Pleadings/Add Parties   05/18/2018  
20           •       Deadline for Fact Discovery                   08/10/2018  
21           •       Initial Expert Disclosures                   09/07/2018  
22           •       Rebuttal Expert Disclosures               09/28/2018  
23           •       Deadline for Expert Discovery               10/26/2018  
24           •       Dispositive Motions Due                   11/30/2018

25 \_\_\_\_\_

26           <sup>2</sup> More recently, third-party Wynn Resorts has disputed the production of certain  
27 documents from another third-party. Wynn has retained counsel to represent its interests in  
that discovery dispute.

1 The parties anticipate the Court setting the Trial for early 2019.

2 Based on the foregoing, the parties respectfully request that the Court extend the  
3 discovery deadlines, amend the scheduling Order, and set the trial as recommended above  
4 for the good cause shown. \*

5 Dated: January 12, 2018.

Dated: January 12, 2018.

6 LAW OFFICES OF STEVEN J. PARSONS

KOLESAR & LEATHAM

7 

 #2826

8 Steven J. Parsons  
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William P. Volk  
Nevada Bar No. 6157

9 Attorneys for Plaintiff  
10 ABC INDUSTRIAL LAUNDRY, LLC dba  
UNIVERSAL LAUNDRY and SUPPLY

Attorneys for Defendant  
CHRISTEYNS LAUNDRY TECHNOLOGY, LLC

11 ORDER

12 IT IS SO ORDERED.

13 Dated: January 16<sup>th</sup>, 2018.



14 DISTRICT COURT JUDGE

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	Date	Time
* Trial Date:	3/18/19	10:00 a.m.
Pre Trial Conference:	2/27/19	8:45 a.m.
Calendar Call	3/13/19	8:45 a.m.
L/D to File Pretrial Memo:	3/11/19	n/a
L/D to File Dispositive Motions:	1/22/19	n/a

*A new Trial Order will not issue.*