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11 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
12

13 THOMAS W. MCNAMARA, as the Court-
Appointed Receiver for Ideal Financial
14 Solutions, Inc.; Ascot Crossing, LLC; Chandon
Group, Inc.; Bracknell Shore, Ltd.; Fiscal
15 Fitness, LLC; AvaniX, LLC; Debt Elimination
Systems, LLC; US Debt Relief, LLC; Money
16 Mastery, LLC; US Debt Assistance Corp.;
IWB Services (St. Kitts); Financial Fitness,
17 LLC; Debt to Wealth, LLC (St. Kitts); Debt to
Wealth, LLC (Nevada); Ideal Goodness, LLC;
18 Dollars West, LLC; Fluidity, LLC; Newport
Sails, LLC; Shaw Shank, LLC; Bunker
19 Hillside, LLC; Funding Guarantee, LLC;
Newline Cash, LLC; Wealth Fitness, LLC;
20 Zeal Funding Services, LLC; and related
subsidiaries and affiliates,

21 Plaintiff,

22 v.

23 VOLTAGE PAY INC., a Canadian corporation
doing business as voltagepay.com, Voltage
24 Payments, Inc., and Voltage Pay LLC; KEVIN
LEWIS; JETY HOLDINGS, a company of
25 unknown origins; DAVID SHEHKTER;
2170773 ONTARIO LIMITED, a Canadian
26 corporation; and ROES 1-10.

27 Defendants.
28

Case No. 2:15-cv-02177-JAD-GWF

**JOINT MOTION AND STIPULATION
TO AMEND THE DISCOVERY PLAN
AND SCHEDULING ORDER
(Second Request)**

Related Case:

*Federal Trade Commission v. Ideal Financial
Solutions, Inc. et al.*, District of Nevada, Case
No. 2:13-cv-00143-JAD-GWF

1 Pursuant to Fed. R. Civ. P. 16(b)(4), LR IA 6-1, LR IA 6-2, and LR 26-4, Plaintiff
2 Thomas W. McNamara, the Court-appointed Receiver in *Federal Trade Commission v. Ideal*
3 *Financial Solutions, Inc., et al.*, District of Nevada, Case No. 2:13-cv-00143-JAD (GWF), and
4 Defendants Voltage Pay Inc., Jety Holdings, Kevin Lewis, David Shekhter and
5 2170773 Ontario Limited jointly stipulate and move to extend certain dates included in the
6 Court's Scheduling Order (ECF No. 64) regarding this case's discovery plan. This is the
7 second request for an extension of time. Good cause exists to support this motion, as explained
8 below:

9 A. Completed Discovery

10 The following discovery has occurred:

11 Plaintiff has served Defendants with the following items:

- 12 1. Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1);
- 13 2. First Set of Interrogatories;
- 14 3. First Set of Requests for Production of Documents; and
- 15 4. First Set of Requests for Admissions.

16 In addition, Plaintiff has produced over 40,000 pages of documents and approximately
17 39 GB of electronic data that are not conducive to Bates-stamping (i.e., zipped files, Excel files,
18 Outlook PST files, etc.).

19 Defendants have served Plaintiff with the following items:

- 20 1. Initial Disclosures;
- 21 2. First Set of Interrogatories;
- 22 3. First and Second Set of Requests for Production of Documents.

23 Defendants have deposed Plaintiff. In addition, Defendants have produced nearly 2,000
24 pages of documents in response to Plaintiff's request for production of documents and
25 interrogatories.

26 Plaintiff deposed Defendants David Shekhter and Kevin Lewis, in their individual
27 capacities as well as a representative of Voltage Pay Inc., Jety Holdings, and 2170773 Ontario
28 Limited.

1 A deposition of Payment Data Systems, Inc.’s witness is scheduled for early next
2 month.

3 Defendants served a subpoena on Fifth Third Bank to produce certain bank records and
4 received records in return.

5 At least one meet and confer has taken place between the parties that may lead to a
6 motion to compel if the parties cannot resolve it; however, the parties are hopeful they can
7 resolve the matter without court intervention.

8 B. Incomplete Discovery

9 The Parties anticipate that they will continue to produce additional documents. The
10 Parties also anticipate that each side will take additional depositions. Finally, the Parties expect
11 that they will engage in expert discovery.

12 C. Reasons to Extend Discovery Deadlines

13 Both parties desire additional time to facilitate possible resolution of the case without
14 further motion practice. Part of that effort will involve coordinating non-party depositions
15 schedules across several states, and reviewing Defendants’ bank records. Since the parties’
16 expert reports may additionally rely upon facts that are still being gathered as part of the
17 document production and deposition processes, the parties propose disclosing experts along
18 with their qualifications, list of publications in the previous 10 years, and list of cases during the
19 previous 4 years where the witness testified as an expert. After the completion of fact
20 discovery, the experts will provide their written reports.

21 D. Proposed Schedule for Completing All Remaining Discovery

22 The Parties seek to amend the Scheduling Order to extend each deadline as follows:

| | Current Date | Proposed New Date |
|----|--|--------------------------|
| 23 | | |
| 24 | | |
| 25 | | |
| 26 | | |
| 27 | | |
| 28 | | |
| 1. | March 6, 2017 | April 5, 2017 |
| | Last date to disclose experts (identity, qualifications, list of publications within the previous 10 years, and list of cases during the previous 4 years in which the witness testified) | |

| | | Current Date | Proposed New Date |
|----|--|---------------------|--------------------------|
| 1 | | | |
| 2 | 2. Last date to disclose rebuttal experts (identity, qualifications, list of publications within the previous 10 years, and list of cases during the previous 4 years in which the witness testified) | April 5, 2017 | April 19, 2017 |
| 3 | | | |
| 4 | | | |
| 5 | 3. Last date to complete fact discovery | May 4, 2017 | Unchanged |
| 6 | 4. Last date to exchange expert reports | March 6, 2017 | May 26, 2017 |
| 7 | | | |
| 8 | 5. Last date to exchange rebuttal expert reports | March 6, 2017 | June 9, 2017 |
| 9 | | | |
| 10 | 6. Last date to complete expert discovery | May 4, 2017 | June 23, 2017 |
| 11 | 6. Last date to file dispositive motions (30 days after fact discovery closes) | June 5, 2017 | July 7, 2017 |
| 12 | | | |
| 13 | 7. Last date to file joint pretrial order* | July 5, 2017 | August 2, 2017 |

14 * In the event dispositive motions are filed, the date for filing the joint pretrial order shall be
 15 suspended until 30 days after a decision of the dispositive motions.

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III. CONCLUSION

For the above-stated reasons, the Parties respectfully request that this Court enter an Order granting this Joint Motion and Stipulation to Amend the Discovery Plan and Scheduling Order using the new deadlines noted above.

Dated: February 22, 2017

Dated: February 22, 2017

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Attorneys for Defendants

ORDER

IT IS SO ORDERED:

DATED: 2/23/2017



HON. GEORGE FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE