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 17 BARTECH SYSTEMS INTERNATIONAL, INC.

18 **UNITED STATES DISTRICT COURT**
 19 **DISTRICT OF NEVADA**

20 BARTECH SYSTEMS INTERNATIONAL,
 21 INC., a Delaware corporation,
 22 Plaintiff,
 23 vs.
 24 MOBILE SIMPLE SOLUTIONS, INC., a
 25 Delaware corporation, MOBILE SIMPLE
 26 SOLUTIONS (IAS), INC., a Canadian
 27 corporation, GEM SA, a Belgian corporation,
 28 VINCENT TESSIER, an individual,
 CHRISTELLE PIGEAT, an individual,
 Defendants.

Case No. 2:15-cv-02422-MMD-NJK

**STIPULATION AND ORDER FOR
 EXTENSION OF JOINT PROPOSED
 PRETRIAL ORDER DEADLINE
 (Seventh Request)**

1 MOBILE SIMPLE SOLUTIONS, INC., a
2 Delaware corporation, VINCENT TESSIER,
3 an individual, CHRISTELLE PIGEAT, an
individual, GEM SA, a Belgian corporation,

4 Counterclaimants,

5 vs.

6 BARTECH SYSTEMS INTERNATIONAL,
7 INC., a Delaware corporation,

8 Counterdefendant.

9 Pursuant to the provisions of Federal Rule of Civil Procedure 6 and Local Rules IA 6-1, 7-1,
10 and 26-4, Plaintiff and Counter-defendant Bartech Systems International, Inc. (“Bartech”) and
11 Defendant and Counterclaimant GEM SA (“GEM”), by and through their attorneys, hereby
12 stipulate and agree that an extension by ninety (90) days to March 13, 2018 of the deadline for
13 submission of the proposed Joint Pretrial Order presently set for December 13, 2017 is necessary for
14 good cause shown. This is the seventh request for an extension of a scheduled deadline.

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16 **STIPULATION**

17 GEM and Bartech jointly agree that an extension by ninety (90) days to March 13, 2018 of
18 the deadline for submission of the proposed Joint Pretrial Order presently set for December 13,
19 2017 is necessary for good cause shown. A Motion to extend a deadline set by a Scheduling Order
20 must be supported by a showing of “good cause.” Fed. R. Civ. P. 6(b)(1)(A); *see also* LR 26-4.
21 This Court’s Scheduling Order set the deadline for submission of the proposed Joint Pretrial Order
22 presently scheduled for December 13, 2017. Order (ECF No. 332 at 1). That deadline cannot
23 reasonably be met by the parties due to discovery authorized by this Court that remains to be
24 completed. In addition, the deadline for submission of the proposed Joint Pretrial Order cannot
25 reasonably be met until resolution of the parties’ ongoing dispute concerning written discovery.
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1 Discovery authorized by this Court that remains to be completed includes the depositions of
2 GEM's corporate designee and expert. *See* Order (ECF No. 426) (granting Bartech's request for a
3 deposition of GEM's expert); Min. of Proc. (ECF No. 423) (noting this Court's oral Order
4 compelling GEM's corporate designee deposition in Las Vegas, Nevada).

5
6 Moreover, this Court issued an Order providing a schedule for the submission to this Court
7 of the parties' dispute concerning written discovery. *See* Order (ECF No. 415 at 2-3). The parties
8 must meet and confer by December 29, 2017. *Id.* at 2. The parties must then file a joint statement
9 regarding each discovery request for which a dispute exists after the meet and confer. *Id.*
10 Therefore, the parties' ongoing dispute concerning written discovery will not be resolved before the
11 December 13, 2017 deadline for the submission of the proposed Joint Pretrial Order.

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13 The foregoing discovery authorized by the Court must be taken and the foregoing discovery
14 dispute must be resolved before the parties are positioned to file the proposed Joint Pretrial Order.
15 That is because the proposed Joint Pretrial Order requires the parties to, among other things, identify
16 exhibits and specific portions of deposition transcripts to be offered at trial. *See* LR 16-3(b)(8),
17 (10). The parties are unable to delineate exhibit lists until the universe of potential exhibits is
18 defined by resolution of the parties' written discovery dispute. Likewise, the parties are unable to
19 designate specific portions of deposition transcripts to be offered at trial where certain depositions
20 remain to be taken.

21 22 CONCLUSION

23 For the foregoing reasons, GEM and Bartech jointly agree that an extension by ninety (90)
24 days to March 13, 2018 of the deadline for submission of the proposed Joint Pretrial Order presently
25 scheduled for December 13, 2017 is necessary for good cause shown.

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DATED: December 13, 2017

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For good cause shown, the joint pretrial order deadline is extended to March 13, 2018.

IT IS SO ORDERED.

Dated: December 14, 2017


UNITED STATES MAGISTRATE JUDGE