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SOCIAL BUTTERFLY WORLD, LLC

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SOCIAL BUTTERFLY WORLD, LLC, a Nevada limited-liability company, Plaintiff, v. MENDEZ MEDIA MARKETING, INC., a California corporation; and DOES 1 through 10 and ROE corporations 1 through 10, inclusive, Defendants.	Case No.: 2:16-CV-00123-RFB-NJK RENEWED STIPULATION AND ORDER (SECOND REQUEST) TO EXTEND DISCOVERY DEADLINES AS SET FORTH IN PRIOR ORDER (DOC. 19)

Plaintiff SOCIAL BUTTERFLY WORLD, LLC (hereinafter "SBW") and Defendant MENDEZ MEDIA MARKETING, INC. (hereinafter "MMMI") (collectively the "Parties"), by and through their undersigned counsel, hereby stipulate and agree that the discovery deadlines be extended as set forth below. In support of this Renewed Stipulation *(see* Doc. 24), the Parties set forth the following status of discovery in accordance with LR 26-4.

I. DISCOVERY COMPLETED TO DATE

A. The Parties have provided their Initial Disclosures pursuant to Fed. R. Civ. P. 26 and any appropriate supplements thereto.

B. MMMI propounded initial written discovery upon SBW.

C. SBW responded to MMMI's initial written discovery.

D. SBW propounded initial written discovery upon MMMI.

II. DISCOVERY REMAJNING

A. MMMI needs to respond to written discovery (currently due date October 6, 2016, pursuant to an extension).

B. Supplemental written discovery.

C. Subpoenas to third parties.

D. The Parties will need to conduct depositions.

E. The Parties will need to designate initial and rebuttal experts.

F. Whatever additional discovery is desired by the Parties as the discovery unfolds.

III. REASONS WHY DISCOVERY SHOULD BE EXTENDED

Initially, irreconcilable differences occurred between SBW and its counsel, leading SBW to locate new counsel. SBW did so, which took some time. Thereafter, Gibbs Giden *(i.e.,* new counsel) required time to review the file, gather additional documents and otherwise coordinate with SBW to respond to written discovery. [1] Since then, SBW responded to initial written discovery, as well as propounded written discovery.

During discovery, it came to light that MMMI alleges that third parties are be responsible for some or all of SBW's alleged damages. Since learning of this information, which recently occurred before the deadline for leave to amend expired, SBW is investigating whether it is appropriate to name these potential parties in this action. SBW submits that additional time is warranted for it to finalize its investigation before naming these parties.[2] The parties generally agreed[3] to allow SBW to amend its pleading to name these additional potential parties in this action, if SBW believes that filing an amended

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[1] As discussed in the prior stipulation (Doc. 17), both Mr. Haskin and Mr. Elson were out of the country for several weeks in June 2016 on previously scheduled vacations. Further, both Mr. Haskin and Mr. Elson were in two separate trials in the months of August and September 2016.

[2] At a minimum, SBW respectfully requests that this Court extend the deadline for leave to amend in accordance with the parties' agreements as SBW has demonstrated good cause and excusable neglect in this regard (given that it recently discovered this information and needed to investigate before seeking to amend its pleading, as well as relying on the parties' agreements in this regard).

[3] MMMI has not reviewed the proposed pleading and reserves all rights and objections related to any potential pleading, including, but not limited to, not entering into any stipulation on this issue.

pleading is appropriate and MMMI agrees to its content.

The Parties also continue to explore settlement options, even exchanging counter-offers this week in an attempt to finalize their discussions. SBW submits that settlement discussions were complicated with the discovery of new potential parties, and SBW needs to determine that it is not waiving any rights by resolving this action without involving these new parties. Both Parties agree that they should be able to bridge the gap that exists in the settlement discussions, and have agreed to attend a settlement conference if they cannot bridge the gap without assistance. The Parties would then seek to attend a settlement conference at this Court's earliest available opportunity.

As such, the Parties respectfully submit that good cause exists, as well as special circumstances, to extend the discovery deadlines. If the Parties cannot resolve this matter and SBW chooses to add additional parties, all the discovery deadlines will likely be continued to not prejudice the newly added parties. SBW believes it can make this determination in the near future. If SBW chooses not to add additional parties, the Parties submit that they will be able to complete (or, at a minimum, make significant strides toward completing) discovery within the time periods set forth in this Stipulation. The Parties agree that they are not planning on seeking additional discovery continuances, as the Parties currently believe that they can complete discovery in this case within these time period if settlement cannot be reached. Providing this additional continuance of all of the discovery deadlines will best fulfill the needs of both Parties, and best allow the Court and the Parties "to secure the just, speedy, and inexpensive determination" of this action. Fed. R. Civ. P. 1.

IV. PROPOSED DEADLINES FOR REMAINING DISCOVERY

	Previous Deadline	Proposed Deadline
Discovery Cut-Off Date	December 22, 2016	February 10, 2017
Amending Pleadings and Adding Parties:	September 23, 2016	November 14, 2016
Expert Disclosure:	October 24, 2016	December 12, 2016
Rebuttal Expert Disclosures		January 11, 2017
Dispositive Motions:	January 23, 2016	March 13, 2017

Pretrial Order: February 22, 2016 April 11 ~~12~~, 2017[4]

V. CONCLUSION

For the foregoing reasons, the Parties respectfully request that the Court enter an Order adopting the dates set forth in this Stipulation.

DATED: September 30, 2016 GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT LLP

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DATED: September 30, 2016 MCCORMICK, BARSTOW, SHEPPARD, WAYTE & CARRUTH LLP

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IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

DATED: October 3, 2016

[4] In the event dispositive motions are filed, the date for the filing of the joint pretrial order shall be suspended until thirty (30) days after decision of the dispositive motions or further order of the Court.

CERTIFICATE OF MAILING

The undersigned, an employee of the law firm of GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT LLP, hereby certifies that on September 30, 2016, she served a copy of the FOREGOING RENEWED STIPULATION AND ORDER (SECOND REQUEST) TO EXTEND DISCOVERY DEADLINES AS SET FORTH IN PRIOR ORDER (DOC. 19) via electronic service through the United States District Court for the District of Nevada's ECF System upon each party in the case who is registered as an electronic case filing user with the Clerk:

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