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U.S. HOME CORPORATION
8 and GREYSTONE NEVADA, LLC

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 BRITTANY & ANTHONY LOPEZ, Husband
12 and Wife; PAULA EARL-MCCONICO &
WILLIE MCCONICO, Husband and Wife;
13 MARTIN & VERONICA FREEMAN,
Husband and Wife; TIMMY LE & NGUYEN
14 TRINH, Husband and Wife; GERDA
PIERROT; SHAWN YBARRA; SHELBY
15 MCEVOY & KENNETH PFEIFER, Husband
and Wife; PABLO ECHEVARRIA &
16 PATREASE ASHLEY, Husband and Wife;
NICHOLAS SPELDRICH & MARYANN
17 UNDIS; SHUREN ZHANG & PING YUE,
Husband and Wife; ROBYN COOPER;
18 LINDA YARBROUGH; SOON LEWIS;
NICOLE JENKINS; MATTHEW
19 BACHMAN & TIMOTHY THOMPSON;
STEVE FELDMAN; JENNIFER DURHAM;
20 JENNIFER HOUGHLAND; SETH &
KRISTAL MACKERT, Husband and Wife;
21 LILLIE A BANKS; NATHAN & KYLEE
REEDER; DEREK BAO & NICOLE
22 SHINAVER, Husband and Wife; JEROME A
REYES; PAUL E. MELENDEZ; SCOTT &
23 HOLLY WORTLEY, Husband and Wife,

24 Plaintiffs,

25 v.

26 U.S. HOME CORPORATION AND
GREYSTONE NEVADA, LLC; and DOES 1
27 through 100, inclusive,

28 Defendants.

Case No. 2:16-cv-01754-RFB-CWH

**JOINT UNOPPOSED MOTION TO
AMEND SCHEDULING ORDER**

(SECOND REQUEST)

1 U.S. HOME CORPORATION AND
2 GREYSTONE NEVADA, LLC,

3
4 Third-Party Plaintiffs.

5 v.

6 THE A.C. HOUSTON LUMBER
7 COMPANY, a Nevada corporation;
8 AMERICAN ASPHALT & GRADING
9 COMPANY, a Nevada corporation, RCR
10 PLUMBING AND MECHANICAL, INC., a
11 California corporation; ALLARD
12 ENTERPRISES, INC. dba AR IRON, a
13 Nevada corporation; BEE-LURE PAINTING,
14 a Nevada close corporation; BANKER
15 INSULATION, INC., an Arizona corporation;
16 BRASS2COPPER MECHANICAL, INC., a
17 Nevada corporation; BURNHAM PAINTING
18 & DRYWALL CORP., a Nevada close-
19 corporation; CBC FRAMING, INC., a
20 California corporation; CAMPBELL
21 CONCRETE OF NEVADA, INC., a Nevada
22 corporation; FLOORS-N-MORE, LLC dba
23 CARPETS-N-MORE, a Nevada limited-
24 liability company; CHICAGO PAINTING,
25 INC., a Nevada corporation; CONCRETE
26 SERVICES, INC., a Nevada corporation;
27 CONTRACT DÉCOR, INC., an Oklahoma
28 corporation; COOPER ROOFING CO.; a
Nevada corporation; COOPER ROOFING
CO., INC., a Nevada corporation;
LUKESTAR CORPORATION dba
CHAMPION MASONRY, a Nevada
corporation; CUSTOM HEARTH
DISTRIBUTORS, INC., a Nevada
corporation; DAWN FRAMING, INC., a
Nevada corporation; CIRCLE S
DEVELOPMENT CORPORATION dba
DECK SYSTEMS NEVADA, a Nevada
corporation; DISTINCTIVE MARBLE, INC.,
an Arizona corporation; DOUBLE A
ELECTRIC, LLC, a Nevada limited-liability
company; DRI RESIDENTIAL
CORPORATION – NEVADA, a Nevada
corporation; DRI RESIDENTIAL
CORPORATION, a California corporation;
EAGLE PLASTERING, INC. fka
SUNDANCE PLASTERING, a Nevada
corporation; EXECUTIVE PLASTERING,
INC., a Nevada corporation; EXECUTIVE
PLUMBING, INC., a Nevada corporation;
EXTREME CONCRETE, LLC, a Nevada
limited-liability company; GENERAL
ELECTRIC COMPANY, a New York

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1 corporation; HARRISON DOOR COMPANY,
2 a Nevada corporation; HOUSTON-
3 STAFFORD ELECTRIC, INC., a Texas
4 corporation; HOUSTON-STAFFORD
5 ELECTRICAL CONTRACTORS LIMITED
6 PARTNERSHIP, a Texas limited partnership;
7 INFINITY BUILDING PRODUCTS, LLC, an
8 Arizona limited-liability company;
9 HUTCHINS DRYWALL, INC., a Nevada
10 corporation; INTERSTATE PLUMBING &
11 AIR CONDITIONING, LLC, a Nevada
12 limited-liability company; JAYAR
13 MANUFACTURING, INC., a Texas
14 corporation; JOHNSON ELECTRIC, INC., a
15 Nevada corporation; K&K DOOR & TRIM,
16 LLC, a Nevada limited-liability company;
17 K&K FRAMERS, INC., a Nevada
18 corporation; KENNINGTON PLASTERING
19 NEVADA, a Nevada corporation; LARRY
20 METHVIN INSTALLATIONS, INC., a
21 California corporation; LAS VEGAS
22 CULTURED MARBLE, INC., a Nevada
23 corporation; MASCO CABINETRY, LLC, a
24 Michigan limited-liability company; THE
25 MASONRY GROUP NEVADA, INC., a
26 Nevada corporation; NEVADA
27 COUNTERTOP CORPORATION, a Nevada
28 corporation; POWER HOUSE PLASTERING,
a Nevada corporation; HIRSCHI MASONRY,
LLC, a Nevada limited-liability company,
NEW CRETE, LLC, a Nevada limited-liability
company; PETERSEN-DEAN, INC., a
California company; QUALITY WOOD
PRODUCTS, LTD., a Nevada corporation;
RED ROCK MECHANICAL, LLC, a Nevada
limited liability company; SACRAMENTO
INSULATION CONTRACTORS dba GALE
BUILDING PRODUCTS; WEST COAST
AIR CONDITIONING, LLC, a Nevada
limited-liability company; REPUBLIC
ELECTRIC, INC., a Nevada corporation;
ROADRUNNER DRYWALL CORP., a
Nevada corporation; SBS CONSTRUCTION,
INC., a Nevada corporation; SILVER STATE
STEEL GROUP, INC., a Nevada corporation;
SIERRA AIR CONDITIONING, INC., a
Nevada corporation; SILVER STATE
FIREPLACES, INC., a Nevada corporation;
SOUTHWEST GLAZING & WINDOWS,
LLC, a Nevada limited-liability company;
STATE INSULATION, LLC, a Nevada
limited-liability company; SUN CITY
LANDSCAPES & LAWN MAINTENANCE,
INC., a Nevada corporation; SUNRISE
CARPENTRY, INC., an Arizona corporation;

1 T AND F MARBLE & GRANITE, INC., a
2 Nevada corporation; AMERICAN
3 WOODMARK CORP. dba TIMBERLAKE
4 CABINET COMPANY, a Nevada
5 corporation; AMENDE' CABINET
6 CORPORATION dba TIMBERLAKE
7 CABINET COMPANY, a Virginia
8 corporation; T&R PAINTING AND
9 DRYWALL, LLC, a Nevada limited-liability
10 company; T&R CONSTRUCTION GROUP
11 dba T&R PAINTING AND DRYWALL,
12 INC., a Nevada corporation; TITAN STAIRS
13 & TRIM, INC., a Nevada corporation;
14 TOWER BUILDERS, LLC, a Nevada limited-
15 liability company; TRI-CITY DRYWALL,
16 INC., a Nevada corporation; ULTIMATE
17 ELECTRONICS, INC., a Delaware
18 corporation; UNIQUE-SCAPE AND
19 DESIGN, a Nevada corporation; VALENTE
20 CONCRETE, LLC, a Nevada limited-liability
21 company; WESTERN SHOWER DOOR,
22 INC., a Nevada corporation; WEST COAST
23 COUNTERTOPS, INC., a Nevada
24 corporation; WEST COAST PROPERTY
25 CONSULTANTS, INC., a California
26 corporation; WESTCOR CONSTRUCTION, a
27 Nevada corporation; XO WINDOWS
28 NEVADA, LLC, a Nevada corporation; and
ZEPEDA BROS. PAINT & DRYWALL,
LLC, a Nevada limited-liability company,

Third-Party Defendants.

18 Plaintiffs, Brittany and Anthony Lopez, *et al.* (hereinafter “Plaintiffs”) and
19 Defendants/Third-Party Plaintiffs US Home Corporation and Greystone Nevada, LLC
20 (hereinafter collectively, “Developers”), by and through their respective counsel, hereby jointly
21 request that the Court continue the scheduling order’s expert-disclosure deadlines by forty-five-
22 days to allow the parties additional time to work towards a global settlement before Plaintiffs incur
23 substantial costs by performing destructive testing of the homes involved in this construction
24 defect litigation. The requested amendment will not change the current discovery cut-off date.
25 All of the third-party defendants have been notified by Plaintiffs’ and Developers of their intention
26 to file this motion and none of the third-party defendants oppose the continuance. Therefore, **this**
27 **motion is unopposed.** A copy of the proposed amended scheduling order is attached hereto as
28 **Exhibit “A.”**

1 This motion is made and based upon the memorandum of points and authorities filed
 2 concurrently herewith, all pleadings and papers on file herein, the declarations attached hereto, and
 3 such oral argument as may be heard.

<p>4 Dated: <u>August 11, 2017</u></p> <p>5 PURSIANO BARRY BRUCE LAVELLE, LLP</p> <p>6</p> <p>7 By: <u>/s/ David T. Pursiano</u></p> <p>8 David T. Pursiano, Esq. 851 S. Rampart Blvd., Ste. 260 9 Las Vegas, NV 89145 Telephone: (702) 233-3063</p> <p>10 Attorneys for Plaintiffs</p>	<p>Dated: <u>August 11, 2017</u></p> <p>PAYNE & FEARS LLP</p> <p>By: <u>/s/ Sarah J. Odia</u></p> <p>Gregory H. King, Esq. Sarah J. Odia, Esq. 6385 S. Rainbow Blvd, Suite 220 Las Vegas, NV 89118 Telephone: (702) 851-0300</p> <p>Attorneys for Defendants and Third-Party Plaintiffs US HOME CORPORATION and GREYSTONE NEVADA, LLC</p>
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<p>13 Dated: <u>August 11, 2017</u></p> <p>14 LATTIE MALANGA LIBERTINO, LLP</p> <p>15</p> <p>16 By: <u>/s/ Jonathan G. Lattie</u></p> <p>17 Jonathan G. Lattie, Esq. 7945 W. Sahara Ave., Ste. 208 18 Las Vegas, NV 89117 Telephone: (702) 655-4949</p> <p>19 Attorneys for Plaintiff s</p>
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MEMORANDUM OF POINTS AND AUTHORITIES

I. CASE HISTORY AND CURRENT SCHEDULING ORDER

23 This is a construction defect case involving 25 homes in the Sierra Ranch master community
 24 in North Las Vegas, Nevada. Plaintiffs' complaint was filed on June 22, 2016. (ECF No. 1-1).
 25 Developers removed this case to federal court on July 25, 2016 (ECF No. 1) and filed a motion to
 26 dismiss Plaintiffs' complaint on August 1, 2016. (ECF No. 5). This case was stayed from
 27 September 16, 2016 to February 1, 2017 while Developers' motion to dismiss the Plaintiffs'
 28 complaint was pending. (ECF No. 17, 26) Developers answered the complaint on March 22, 2017

1 (ECF No. 40) and filed a third-party complaint against over 80 third-party defendant subcontractors
 2 who performed work on the Plaintiffs’ homes. (ECF No. 41). Many of the third-party defendant
 3 subcontractors are out of business, and therefore, the Developers have been working to notify their
 4 carriers of the lawsuit so that they can assign defense counsel and participate in the litigation. .

5 The original scheduling order was entered on March 22, 2017. (ECF No. 38). The
 6 scheduling order was amended on June 5, 2017. The current scheduling order deadlines are as
 7 follows:

Date	Current Scheduling Order Deadline
3/30/2017	FRCP 26(a)(1) Initial Disclosures Exchanged
9/11/17	Plaintiffs’ Final Expert Reports due (FRCP 26(a)(2))
10/11/17	Developers’ Final Expert Reports due
11/10/17	Third-Party Defendants’ Final Expert Reports due
12/22/17	Last day to amend pleadings or add parties
1/19/18	Interim Status Report due
3/22/18	Discovery cut-off date
4/20/18	Last day to file dispositive motions
5/21/18	Joint Pretrial Order due

18
 19
 20 The parties held mediations on May 30- May 31, 2017 and July 21, 2017. Developers have
 21 been able to reach settlements with over two-thirds of the third-party defendant subcontractors
 22 during the mediations, and are making settlement progress with additional parties. The parties
 23 continue to engage in settlement negotiations in an attempt to avoid, if possible, the Plaintiffs
 24 incurring substantial destructive testing costs. However, under the current scheduling order,
 25 Plaintiffs’ final expert reports are due on September 11, 2017. In preparation for its final expert
 26 reports, Plaintiffs intend to destructively test all of the homes, at a substantial expense beginning on
 27 August 17, 2017 to meet this deadline. The parties would like to conduct further settlement
 28 negotiations to attempt to resolve this case before the Plaintiffs incur this expense.

1 **II. REQUEST TO AMEND THE SCHEDULING ORDER**

2 Plaintiffs and Developers request that all of the expert disclosure deadlines in the scheduling
3 order be continued by forty-five days to allow the parties additional time to work towards a global
4 settlement before the Plaintiffs’ incur the substantial expense of destructively testing all 25 homes
5 involved in this action. The requested continuance will not change the discovery cut-off date of
6 May 22, 2018. The amended scheduling order is attached hereto as Exhibit “A” and includes the
7 following dates (the requested amended dates are in **bold**):

8

Date	Amended Scheduling Order Deadline
3/30/2017	FRCP 26(a)(1) Initial Disclosures Exchanged
10/24/17	Plaintiffs’ Final Expert Reports due (FRCP 26(a)(2))
11/24/17	Developers’ Final Expert Reports due
12/22/17	Third-Party Defendants’ Final Expert Reports due
12/22/17	Last day to amend pleadings or add parties
1/19/18	Interim Status Report due
3/22/18	Discovery cut-off date
4/20/18	Last day to file dispositive motions
5/21/18	Joint Pretrial Order due

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20 Plaintiffs and Developers notified all of the non-settled third-party defendant subcontractors
21 of their intention to seek this continuance and asked that the respond with any opposition they may
22 have before this motion was filed. None of the third-party defendants opposed the continuance.
23 Therefore, **this joint motion is unopposed**. Further, good cause exists for the requested amended
24 scheduling order because the parties have not been dilatory in litigating this action and amended
25 scheduling order will facilitate the parties’ settlement negotiations, and will accommodate the needs
26 of this litigation.
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Dated: August 11, 2017
PURSIANO BARRY BRUCE LAVELLE, LLP

By: /s/ David T. Pursiano

David T. Pursiano, Esq.
851 S. Rampart Blvd., Ste. 260
Las Vegas, NV 89145
Telephone: (702) 233-3063

Attorneys for Plaintiffs

Dated: August 11, 2017
PAYNE & FEARS LLP

By: /s/ Sarah J. Odia

Gregory H. King, Esq.
Sarah J. Odia, Esq.
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Las Vegas, NV 89118
Telephone: (702) 851-0300

Attorneys for Defendants and Third-Party
Plaintiffs US HOME CORPORATION and
GREYSTONE NEVADA, LLC

Dated: August 11, 2017
LATTIE MALANGA LIBERTINO, LLP

By: /s/ Jonathan G. Lattie

Jonathan G. Lattie, Esq.
7945 W. Sahara Ave., Ste. 208
Las Vegas, NV 89117
Telephone: (702) 655-4949

Attorneys for Plaintiff s

SECOND Joint Motion to Amend Scheduling Order (Sierra Ranch) 4833-3402-7852 v.1.docx

EXHIBIT “A”

EXHIBIT “A”

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2 ghk@paynefears.com
Sarah J. Odia
3 Nevada Bar No. 11053
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7 Attorneys for Defendants and Third-Party Plaintiffs
U.S. HOME CORPORATION
8 and GREYSTONE NEVADA, LLC

9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 BRITTANY & ANTHONY LOPEZ, Husband
and Wife; PAULA EARL-MCCONICO &
13 WILLIE MCCONICO, Husband and Wife;
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14 Husband and Wife; TIMMY LE & NGUYEN
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22 SHINAVER, Husband and Wife; JEROME A
REYES; PAUL E. MELENDEZ; SCOTT &
23 HOLLY WORTLEY, Husband and Wife,

24 Plaintiffs,

25 v.

26 U.S. HOME CORPORATION AND
GREYSTONE NEVADA, LLC; and DOES 1
27 through 100, inclusive,

28 Defendants.

Case No. 2:16-cv-01754-RFB-CWH

**AMENDED DISCOVERY PLAN AND
SCHEDULING ORDER**

**[SPECIAL SCHEDULING REVIEW
REQUESTED]**

1 U.S. HOME CORPORATION AND
2 GREYSTONE NEVADA, LLC,

3 Third-Party Plaintiffs.

4 v.

5 THE A.C. HOUSTON LUMBER
6 COMPANY, a Nevada corporation;
7 AMERICAN ASPHALT & GRADING
8 COMPANY, a Nevada corporation, RCR
9 PLUMBING AND MECHANICAL, INC., a
10 California corporation; ALLARD
11 ENTERPRISES, INC. dba AR IRON, a
12 Nevada corporation; BEE-LURE PAINTING,
13 a Nevada close corporation; BANKER
14 INSULATION, INC., an Arizona corporation;
15 BRASS2COPPER MECHANICAL, INC., a
16 Nevada corporation; BURNHAM PAINTING
17 & DRYWALL CORP., a Nevada close-
18 corporation; CBC FRAMING, INC., a
19 California corporation; CAMPBELL
20 CONCRETE OF NEVADA, INC., a Nevada
21 corporation; FLOORS-N-MORE, LLC dba
22 CARPETS-N-MORE, a Nevada limited-
23 liability company; CHICAGO PAINTING,
24 INC., a Nevada corporation; CONCRETE
25 SERVICES, INC., a Nevada corporation;
26 CONTRACT DÉCOR, INC., an Oklahoma
27 corporation; COOPER ROOFING CO.; a
28 Nevada corporation; COOPER ROOFING
CO., INC., a Nevada corporation;
LUKESTAR CORPORATION dba
CHAMPION MASONRY, a Nevada
corporation; CUSTOM HEARTH
DISTRIBUTORS, INC., a Nevada
corporation; DAWN FRAMING, INC., a
Nevada corporation; CIRCLE S
DEVELOPMENT CORPORATION dba
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an Arizona corporation; DOUBLE A
ELECTRIC, LLC, a Nevada limited-liability
company; DRI RESIDENTIAL
CORPORATION – NEVADA, a Nevada
corporation; DRI RESIDENTIAL
CORPORATION, a California corporation;
EAGLE PLASTERING, INC. fka
SUNDANCE PLASTERING, a Nevada
corporation; EXECUTIVE PLASTERING,
INC., a Nevada corporation; EXECUTIVE
PLUMBING, INC., a Nevada corporation;
EXTREME CONCRETE, LLC, a Nevada
limited-liability company; GENERAL
ELECTRIC COMPANY, a New York
corporation; HARRISON DOOR COMPANY,

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1 a Nevada corporation; HOUSTON-
2 STAFFORD ELECTRIC, INC., a Texas
3 corporation; HOUSTON-STAFFORD
4 ELECTRICAL CONTRACTORS LIMITED
5 PARTNERSHIP, a Texas limited partnership;
6 INFINITY BUILDING PRODUCTS, LLC, an
7 Arizona limited-liability company;
8 HUTCHINS DRYWALL, INC., a Nevada
9 corporation; INTERSTATE PLUMBING &
10 AIR CONDITIONING, LLC, a Nevada
11 limited-liability company; JAYAR
12 MANUFACTURING, INC., a Texas
13 corporation; JOHNSON ELECTRIC, INC., a
14 Nevada corporation; K&K DOOR & TRIM,
15 LLC, a Nevada limited-liability company;
16 K&K FRAMERS, INC., a Nevada
17 corporation; KENNINGTON PLASTERING
18 NEVADA, a Nevada corporation; LARRY
19 METHVIN INSTALLATIONS, INC., a
20 California corporation; LAS VEGAS
21 CULTURED MARBLE, INC., a Nevada
22 corporation; MASCO CABINETRY, LLC, a
23 Michigan limited-liability company; THE
24 MASONRY GROUP NEVADA, INC., a
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26 COUNTERTOP CORPORATION, a Nevada
27 corporation; POWER HOUSE PLASTERING,
28 a Nevada corporation; HIRSCHI MASONRY,
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BUILDING PRODUCTS; WEST COAST
AIR CONDITIONING, LLC, a Nevada
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ELECTRIC, INC., a Nevada corporation;
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Nevada corporation; SBS CONSTRUCTION,
INC., a Nevada corporation; SILVER STATE
STEEL GROUP, INC., a Nevada corporation;
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Nevada corporation; SILVER STATE
FIREPLACES, INC., a Nevada corporation;
SOUTHWEST GLAZING & WINDOWS,
LLC, a Nevada limited-liability company;
STATE INSULATION, LLC, a Nevada
limited-liability company; SUN CITY
LANDSCAPES & LAWN MAINTENANCE,
INC., a Nevada corporation; SUNRISE
CARPENTRY, INC., an Arizona corporation;
T AND F MARBLE & GRANITE, INC., a
Nevada corporation; AMERICAN

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4 CORPORATION dba TIMBERLAKE
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6 corporation; T&R PAINTING AND
7 DRYWALL, LLC, a Nevada limited-liability
8 company; T&R CONSTRUCTION GROUP
9 dba T&R PAINTING AND DRYWALL,
10 INC., a Nevada corporation; TITAN STAIRS
11 & TRIM, INC., a Nevada corporation;
12 TOWER BUILDERS, LLC, a Nevada limited-
13 liability company; TRI-CITY DRYWALL,
14 INC., a Nevada corporation; ULTIMATE
15 ELECTRONICS, INC., a Delaware
16 corporation; UNIQUE-SCAPE AND
17 DESIGN, a Nevada corporation; VALENTE
18 CONCRETE, LLC, a Nevada limited-liability
19 company; WESTERN SHOWER DOOR,
20 INC., a Nevada corporation; WEST COAST
21 COUNTERTOPS, INC., a Nevada
22 corporation; WEST COAST PROPERTY
23 CONSULTANTS, INC., a California
24 corporation; WESTCOR CONSTRUCTION, a
25 Nevada corporation; XO WINDOWS
26 NEVADA, LLC, a Nevada corporation; and
27 ZEPEDA BROS. PAINT & DRYWALL,
28 LLC, a Nevada limited-liability company,

Third-Party Defendants.

18 The above-named parties, by and through their respective counsel of record, hereby submit
19 their Stipulated Discovery Plan and Scheduling Order pursuant to Fed. R. Civ. P. 26(f) and Local
20 Rule 26-1 for the Court's approval.

21 Special scheduling review is required pursuant to LR 26-1(d). Because this case involves
22 construction defect allegations within 25 homes, the parties require more than 180 days for
23 discovery. The parties request 365 days for discovery. Defendants have filed a third-party
24 complaint against approximately 90 subcontractors who worked on the Plaintiffs' homes. The
25 third-party defendants will request inspections of the Plaintiffs' homes. Further, Plaintiffs will
26 need to complete its testing of the subject homes. Plaintiffs' experts will need time to prepare
27 final defect lists and cost of repair estimates for the subject homes. The Defendants' and third-
28 party defendants' experts will need time to inspect each of the defects alleged in each of the

1 residences and prepare expert reports and costs of repair. In addition, Defendants will require time
2 to take the depositions of the owners of each of the 25 homes at issue in this case, as well as the
3 parties' persons most knowledgeable, (PMKs), and experts. (Plaintiffs and third-party defendants
4 will also need time to take the same from Defendants.)

5 **1. Meeting.**

6 Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1, a telephonic meeting was held on March 15,
7 2017, and was attended by: Sarah Odia, counsel for the Defendants, Jonathan Lattie, counsel for
8 the Plaintiffs, and David Pursiano, counsel for the Plaintiffs.

9 **2. Initial Disclosures.**

10 The parties will exchange the information required by Fed. R. Civ. P. 26(a)(1) by **March**
11 **30, 2017**, which is 14-days after the Rule 26(f) conference.

12 **3. Mediations.**

13 The parties may schedule mediations with mediator David S. Lee, Esq. All mediations
14 must be attended by all parties and/or their representatives and their insurance carriers. The
15 mediator's fees will be split between the parties, with the Plaintiffs, Defendants, and Third-Party
16 Defendants each paying one-third (1/3) of the mediator's fees.

17 **4. Discovery Plan.**

18 The parties jointly propose to the Court the following discovery plan:

19 **Subject of Discovery.** Discovery will be needed on all issues raised in Plaintiffs'
20 Complaint and NRS Chapter 40 notices, including the following subjects: Plaintiffs' claims for
21 breach of implied warranties, breach of express warranties, negligence, and strict liability;
22 damages, including computations and amounts. Further, discovery will be needed on all of
23 Defendants' affirmative defenses that will be asserted in any answer Defendants' will ultimately
24 file. Discovery will also be needed on all of the claims asserted in the Defendants' third-party
25 complaint that Defendants will file.

26 **Should discovery be phased, limited or focused:** Not at this time, but each party reserves
27 the right to make a motion of the Court on this issue at any time.

28 **Disclosure of electronically-stored information ("ESI"):** The Parties will set up a

1 document depository at Litigation Services. All disclosures and/or productions of documents will
2 be deposited in the depository in electronic format on CD-ROM or DVD-ROM in .pdf format.

3 **5. Discovery Cut-Off Date.**

4 As required by LR 26-1(e)(1), Defendants filed their FRCP 12(b) motion to dismiss
5 Plaintiffs' complaint on August 1, 2016. (ECF No. 5). Defendants' will file an answer to the
6 complaint by March 22, 2017. The number of days required for discovery is 365 days from that
7 date. Accordingly, Discovery is proposed to close on **March 22, 2018**, which is 365 days after
8 Defendants will file their answer.

9 **6. Amending the Pleadings and Adding Parties.**

10 The parties shall have until **December 22, 2017**, to amend the pleadings or add additional
11 parties. This is ninety (90) days prior to the close of discovery.

12 **7. Fed. R. Civ. P. 26(a)(2) Disclosure (Experts).**

13 Disclosures identifying Plaintiffs' experts and Plaintiffs' final expert reports shall be made
14 by **October 24, 2017**. Disclosures identifying Defendants' experts and Defendants' expert reports
15 shall be made by **November 24, 2017**. This is thirty-days after the deadline for Plaintiffs' expert
16 disclosures. Disclosures identifying the Third-Party Defendants' experts and Third-Party
17 Defendants' expert reports shall be made by **December 22, 2017**. This is thirty days after the
18 deadline for Defendants' expert disclosures.

19 **8. Dispositive Motions.**

20 The parties shall have until **April 20, 2018**, to file dispositive motions. This is thirty (30)
21 days after the close of discovery.

22 **9. Pretrial Order.**

23 The Joint Pretrial Order shall be filed no later than **May 21, 2018**. This is thirty (30) days
24 after the date set for the filing of dispositive motions. In the event dispositive motions are filed, the
25 date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after decision on the
26 dispositive motions or by further order of the Court.

27 **10. Stipulations Regarding Limitations or Conditions or Additional Discovery.**

28 The parties will proceed to engage in and supplement all discovery as permitted under the

1 Federal Rules of Civil Procedure and Local Court Rules of the District Court of Nevada,
2 including, but not limited to depositions, interrogatories, requests for production of documents,
3 requests for admissions and expert disclosures.

4 **11. Interim Status Report.**

5 On or before **January 19, 2018**, the parties shall file an Interim Status Report, as required
6 by LR 26-3, stating the time estimated for trial, three alternative available dates for trial, and
7 whether or not trial will be proceeding or affected by substantive motions.

8 **12. Later Appearing Parties.**

9 A copy of this discovery plan and scheduling order shall be served on any person served
10 after it is entered, or, if additional Defendants shall appear, within five (5) days of their first
11 appearance. This discovery plan and scheduling order shall apply to such later-appearing parties,
12 unless the Court, on motion and for good cause shown, orders otherwise.

13 **13. Extension or Modification of the Discovery Plan and Scheduling Order.**

14 Applications to extend any date set by the discovery plan/scheduling order shall be
15 received by the Court twenty (20) days before the date fixed for completion of discovery, or
16 within twenty (20) days before the expiration of any extension thereof that may have been
17 approved by the Court.

18 **14. Alternative Dispute Resolution/Mediation.**

19 The undersigned attorneys affirm they have met and conferred about the possibility of
20 using alternative dispute resolution processes and they have agreed to the mediation protocols set
21 forth herein.

22 **15. Alternative Forms of Case Disposition.** The undersigned parties certify that they

23 have considered but have not consented to trial by a magistrate judge under 28 U.S.C. §63(c) and
24 Fed. R. Civ. P. 73 and do not believe the matter complies for use of the Short Trial Program.

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DATED:

LATTIE MALANGA LIBERTINO, LLP

By: _____
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Attorneys for Defendants and Third-Party
Plaintiffs U.S. HOME CORPORATION
and GREYSTONE NEVADA, LLC

ORDER

IT IS SO ORDERED.

DATED: August 16, 2017



UNITED STATES MAGISTRATE JUDGE

SECOND AMENDED Discovery Plan and Scheduling Order (Sierra Ranch) 4835-7500-3980 v.1.docx