

Stephen K. Christiansen (Nev. Bar No. 11081)
311 S. State, Ste. 250
Salt Lake City, Utah 84111
Telephone: 801.716.7016
Facsimile: 801.716.7017
steve@skclawfirm.com

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA, SOUTHERN DIVISION

| | | |
|---|---|--------------------------------|
| ELMA HENDERSON, an individual, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | MOTION FOR EXTENSION OF |
| |) | SCHEDULING ORDER DATES |
| |) | (Third Request) |
| THOMAS ROBERT HUGHES a/k/a T.R. |) | |
| HUGHES a/k/a BOB HUGHES, |) | |
| individually and doing business as certain |) | |
| entities named herein and as putative trustee |) | Case No. 2:16-cv-01837-JAD-CWH |
| of NORTHSTAR GLOBAL BT and the |) | |
| ODIN STATUTORY TRUST; LAKE W |) | |
| HOLDINGS LLC; WESTERN GOLD |) | |
| COMPANY, LLC; COLINDO |) | |
| MINERALS, LLC; COLINDO, LTD.; |) | |
| FRANK A. FINNERTY, as putative trustee |) | |
| of the COLINDO TRUST and as putative |) | |
| trustee of the BOB CREEK TRUST; BCT |) | |
| HOLDINGS LLC; COLTEN METALS |) | |
| LLC; MISSION MINING COMPANY; |) | |
| CHERYL BETH HUGHES; CBH |) | |
| CONSULTING LLC; and DOES 1-100, |) | |
| |) | |
| Defendants. |) | |
| |) | |

1 Pursuant to Local Rules IA 6-1 and 26-4, plaintiff Elma Henderson moves the Court for a
2 90-day extension of current deadlines set forth in the Stipulated Discovery Plan and Scheduling
3 Order (ECF No. 80) as extended by the Order of October 17, 2017 (ECF No. 202). This is the
4 third such request, the Court having previously granted two extensions of 120 days and 90 days,
5 respectively (ECF Nos. 154 & 202). The grounds are that the pleadings are not yet closed, key
6 motions are pending, the defendant is not cooperating in discovery, and discovery is therefore
7 just underway and subject to obstruction.
8

9
10 After threshold motions following the filing of the original complaint in August 2016,
11 plaintiff filed an amended complaint in January 2017 clarifying allegations (for the defendants'
12 benefit) and adding parties. Following motion practice directed to the amended complaint, the
13 Court granted leave to the plaintiff to file a second amended complaint (ECF No. 153), which
14 she did on May 19, 2017 (ECF No. 155). The defendants filed a series of responsive motions,
15 most of which the Court struck and which the defendants then failed to re-file within the time
16 allowed by the Court. Ancillary motions related to the defendants' ability to file out of time or to
17 seek leave to set aside defaults are now pending as a result. (ECF Nos. 184-85.) Defendant T.R.
18 Hughes' motion to dismiss is fully briefed and ready for a decision, with an attendant request by
19 the plaintiff for oral argument. (ECF No. 168.) Plaintiff filed an *ex parte* motion seeking leave to
20 effectuate alternative service on two remaining defendants (ECF No. 170), which the Court
21 granted with instructions to submit a proposed publication order (ECF No. 202). That proposed
22 order has now been submitted and awaits entry by the Court. (ECF No. 206.)
23
24

25 Meanwhile, plaintiff served comprehensive written discovery requests on Mr. Hughes,
26 which were due in mid-September 2017, via his email address of record with the Court. He did
27 not timely respond. Instead, he claimed not to have received the requests. Plaintiff's counsel
28

1 gave him an additional 30 days to respond. His responses at that time did not comply with the
2 Court's rules, consisted largely of unmeritorious objections to the merits of the case, and failed
3 to provide relevant information or any documents. Following a meet-and-confer session with
4 plaintiff's counsel, Mr. Hughes promised to remedy the numerous deficiencies by November 13,
5 2017. That date came and went without compliance, and he has declined to respond to follow-up
6 communications regarding the same. Plaintiff will therefore be required to seek the Court's
7 assistance in obtaining basic discovery in this case, to be addressed in a forthcoming motion to
8 compel.
9
10

11 Because issue has not yet been fully joined in the case by all parties, and because
12 discovery is weighed down by the principal defendant's obstructive failure to cooperate, the
13 current timeline is unworkable. Meanwhile, expert disclosures are due at the end of this month,
14 with the plaintiff needing additional factual information from discovery to be able to identify and
15 disclose appropriate experts.
16

17 Pursuant to Local Rule 26-4, plaintiff provides the following information relative to the
18 status of discovery and the proposed extension:

19 (a) A statement specifying the discovery completed: To date, those parties who have
20 answered the complaint and not defaulted have exchanged Initial Disclosures in
21 accordance with Fed. R. Civ. P. 26(a)(1) and this Court's Scheduling Order as
22 amended, and the plaintiff has served written discovery and taken the deposition of
23 defendant Cheryl Hughes and a short deposition of a third party.
24

25 (b) A specific description of the discovery that remains to be completed: The parties still
26 need to complete formal discovery, to include interrogatories, requests for production
27 of documents, requests for admission, and depositions. One written set of discovery
28

1 directed to T.R. Hughes has been served but has not received a proper response
2 despite multiple extensions. All other defendants are in default or are waiting to be
3 served pursuant to entry of the pending order for alternative service via publication.
4 (ECF No. 206.) Other discovery will be dependent on which defendants are allowed
5 to appear in this case moving forward.
6

7 (c) The reason why the deadline was not satisfied or the remaining discovery was not
8 completed within the time limits set by the discovery plan: The commencement of
9 discovery was originally continued to allow all parties to be fully in the case. The
10 case involves claims of alter ego and joint liability between defendant T.R. Hughes
11 and his companies. The interrelatedness of the companies calls for discovery of all
12 relevant companies simultaneously. Mr. Hughes represents that he is the person with
13 information regarding the same, yet he has refused to provide that information in
14 discovery. A motion to compel will be required. Issue should be fully joined to
15 identify the proper scope and subjects of discovery, and time will be needed to
16 address the motion to compel and to obtain appropriate discovery thereafter. Plaintiff
17 has proceeded with such discovery as she can under the circumstances while
18 attempting to move the case forward in light of the defendants' numerous procedural
19 motions and obstructionist approach to discovery.
20
21

22 (d) A proposed schedule for completing all remaining discovery: For the reasons stated
23 above, plaintiff requests that the current amended scheduling order (ECF No. 202) be
24 amended to reflect the following deadlines, which represent a 90-day extension from
25 the current deadlines:
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of November, 2017, I caused a true and correct copy of the within and foregoing pleading to be served electronically upon all counsel and parties of record via the Court's CM/ECF system.

_____/s/ Stephen K. Christiansen_____