

1 Matthew I. Knepper, Esq.
 Nevada Bar No. 12796
 2 Miles N. Clark, Esq.
 Nevada Bar No. 13848
 3 KNEPPER & CLARK LLC
 4 10040 W. Cheyenne Ave., Suite 170-109
 Las Vegas, NV 89129
 5 Phone: (702) 825-6060
 FAX: (702) 447-8048
 6 Email: matthew.knepper@knepperclark.com
 7 Email: miles.clark@knepperclark.com

8 Sean N. Payne, Esq.
 Nevada Bar No. 13216
 9 PAYNE LAW FIRM LLC
 10 9550 S. Eastern Ave., Suite 253-A213
 Las Vegas, NV 89123
 11 Phone: (702) 952-2733
 FAX: (702) 462-7227
 12 Email: seanpayne@spaynelaw.com

13 David H. Krieger, Esq.
 Nevada Bar No. 9086
 14 HAINES & KRIEGER, LLC
 15 8985 S. Eastern Ave., Suite 350
 Henderson, NV 89123
 16 Phone: (702) 880-5554
 FAX: (702) 385-5518
 17 Email: dkrieger@hainesandkrieger.com

18 *Attorneys for Plaintiff*

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

21 LOUIS A. CARDINALI, and all similarly
 22 situated individuals,
 23 Plaintiff,
 24 v.
 25 EXPERIAN INFORMATION SOLUTIONS,
 INC.,
 26 Defendant.

Case No. 2:16-cv-2046-JAD-NJK
 :
 :
 :
 : **STIPULATION AND ORDER TO**
 : **EXTEND DISCOVERY DEADLINES**
 :
 : **[First Request]**
 :
 :
 :

1 Pursuant to LR 6-1 and LR 26-4, Plaintiff Louis A. Cardinali (“Plaintiff”) and Experian
2 Information Solutions, Inc. (“Experian”), by and through their respective counsel of record, hereby
3 stipulate and request that this Court extend the case deadlines in the above-captioned case one
4 hundred and twenty (120) days. In support of this Stipulation, the parties state as follows:
5

6 **A. DISCOVERY COMPLETED TO DATE**

7 Presently, the active parties to this case are Plaintiff and Experian Information Solutions, Inc.
8 (“Experian”), and as such, the recitation of discovery shall be with respect to Plaintiff and Experian.

- 9 1. Plaintiff filed his initial complaint on 8/29/2016. ECF Dkt. 1.
- 10 2. Experian answered the complaint on 10/3/2016. ECF Dkt. 16.
- 11 3. The Court entered its initial scheduling order on 12/9/2016. ECF Dkt. 31.
- 12 4. Plaintiff moved for leave to amend his Complaint on 1/3/2017. ECF Dkt. 34.
- 13 5. The Court entered its protective order on 1/4/2017. ECF Dkt. 35.
- 14 6. The Court granted Plaintiff’s motion for leave to amend his complaint on 4/19/2017.
15 ECF Dkt. 56 (minutes).
- 16 7. Plaintiff filed his First Amended Complaint on 4/19/2017. ECF Dkt. 57.
- 17 8. Experian answered the First Amended Complaint on 4/28/17. ECF Dkt. 58.
- 18 9. The Court granted the parties’ stipulated Amended Scheduling Order on 10/13/2017.
19 ECF Dkt. 67.
- 20 10. On October 25, 2017, Experian propounded its first set of Requests for Production of
21 Documents, Requests for Admission, and Interrogatories on Plaintiff.
- 22 11. On November 9, 2017, Plaintiff propounded his first set of Requests for Production
23 of Documents, Requests for Admission, and Interrogatories on Experian.
- 24 12. On November 23, 2017, Plaintiff responded to Experian’s first set of Requests for
25 Production of Documents, Requests for Admission, and Interrogatories.
- 26 13. On December 11, 2017, Experian responded to Plaintiff’s first set of Requests for
27 Production of Documents, Requests for Admission, and Interrogatories.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 14. On December 12, 2017, Experian sent Plaintiff a 26-7 letter outlining various concerns about Experian’s written discovery responses.
- 15. On December 28, 2017, Plaintiff sent Experian a 26-7 letter outlining various concerns about Experian’s written discovery responses.
- 16. On January 8, 2017, the parties met and conferred for approximately four hours regarding their respective 26-7 letters, and reached numerous final and tentative agreements to supplement their requests.

B. Specific Description of Discovery that Remains to be Completed

- 1. Plaintiff and Experian’s respective supplementation of their written discovery responses, pursuant to the January 8, 2017 meet-and-confer;
- 2. Depositions of Plaintiff and Experian’s 30(b)(6) witness;
- 3. As applicable, disclosures of Plaintiff and Experian’s experts and rebuttal experts;
- 4. As applicable, depositions of Plaintiff and Experian’s experts and rebuttal experts;
- 5. Any additional necessary depositions; and
- 6. Any additional necessary written discovery.

C. Reasons Why the Remaining Discovery Was Not Completed

The parties aver, pursuant to LR 6-1, that good cause exists for the requested extensions. After Plaintiff filed his amended complaint, which contained new putative class allegations, Plaintiff propounded far-reaching and complex class-based discovery on Experian. During the parties’ lengthy 26-7 conference on January 8, 2017, and in subsequent informal communications, the parties made and continue to make progress in attempting to structure class-wide discovery in a manner which is both adequate and cost-effective. Specifically, Experian has proposed initially limiting its inquiry into Plaintiff’s class claims to a series of discrete internal update codes from its internal production which are related to Plaintiff’s consumer dispute, and Plaintiff has expressed a willingness to agree to use any return from such an initial search sample in order to demonstrate that the Class is ascertainable and sufficiently numerous for certification purposes. Additional written discovery may be necessary to further define the scope of the Class from Experian’s internal

1 systems, which can be accomplished after Experian provides the results of its initial return.
2 However, until such discovery is completed or reaches an impasse, disclosure of technical experts,
3 the reports of such experts, and expert depositions is premature and will likely require
4 supplementation and re-deposition. Instead, the parties agree that written discovery into Experian's
5 internal systems and identification of the number of Class members should precede inquiry into
6 expert-related matters. Therefore, granting the stipulation will facilitate the parties' good-faith
7 discussions and provide sufficient time to complete this discovery while minimizing the necessity of
8 seeking court involvement. Therefore, the parties also request that the Court extend the initial and
9 rebuttal expert disclosure dates conterminous with the requested discovery extension.

10 For all of these reasons, the parties request that the Court grant this request for an extension
11 of time.

12 //

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 **D. Proposed Discovery Deadlines**

2 <u>Event</u>	<u>Current Deadline</u>	<u>Proposed New Deadline</u>
3 Close of Discovery	April 10, 2018	August 8, 2018
4 Deadline to Disclose Initial Experts	February 9, 2018	June 11, 2018 (58 days prior to the close of discovery) ¹
5 Deadline to Disclose Rebuttal Experts	March 13, 2018	July 11, 2018 (30 days after disclosure of initial experts)
6 Dispositive Motions	May 10, 2018	September 7, 2018 (30 days after the close of discovery)
7 Motion for Class Certification	May 10, 2018	September 7, 2018 (30 days after the close of discovery)
8 Pre-Trial Order	June 8, 2018	October 8, 2018 (31 days after the dispositive motion deadline) ²

9 Dated this 16th day of January 2018.

10 /s/ Miles N. Clark

11 Matthew I. Knepper, Esq. (NBN 12796)
12 Miles N. Clark, Esq. (NBN 13848)
13 KNEPPER & CLARK LLC
14 10040 W. Cheyenne Ave., Suite 170-109
15 Las Vegas, NV 89129

/s/ Christopher A. Hall

Adam W. Wiers (*Admitted Pro Hac Vice*)
Christopher A. Hall (*Admitted Pro Hac Vice*)
JONES DAY
77 W. Wacker Ave.
Chicago, IL 60601

16 David H. Krieger, Esq. (NBN 9086)
17 HAINES & KRIEGER, LLC
18 8985 S. Eastern Avenue, Suite 350
19 Henderson, Nevada 89123

Jennifer L Braster (NBN 9982)
NAYLOR & BRASTER
1050 Indigo Drive, Suite 200
Las Vegas, NV 89145
Attorneys for Defendant Experian Information Solutions, Inc.

20 Sean N. Payne, Esq. (NBN 13216)
21 PAYNE LAW FIRM LLC
22 9550 S. Eastern Ave., Suite 253-A213
23 Las Vegas, NV 89123

24 Thomas A. Zimmerman, Jr. (*Admitted Pro Hac Vice*)
25 Zimmerman Law Offices, P.C.
26 77 West Washington St., Suite 1220
27 Chicago, IL 60602

28 Mohammed O. Badwan (*Admitted Pro Hac Vice*)
SULAIMAN LAW GROUP, LTD.
2500 S. Highland Ave., Suite 200
Lombard, IL 60148
Attorneys for Plaintiff

ORDER

IT IS SO ORDERED

Dated: January 16, 2018


UNITED STATES MAGISTRATE JUDGE

¹ June 9, 2018 is a Saturday.

² October 7, 2018 is a Sunday.