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 DESERT PALACE, INC., d/b/a CAESARS PALACE

17  
 18 **UNITED STATES DISTRICT COURT**  
 19 **DISTRICT OF NEVADA**

20 WILLIAM J. BERRY, JR.; CYNTHIA  
 21 FALLS; and SHANE KAUFMANN,  
 Plaintiffs,

22 v.

23 DESERT PALACE, INC., d/b/a  
 CAESARS PALACE; DOES I through X,  
 24 and ROE BUSINESS ENTITIES I through  
 X, inclusive,

25 Defendants.  
 26

Case No. 2:17-cv-00019-GMN-PAL

**STIPULATION AND ORDER TO EXTEND  
 DISCOVERY AND DISPOSITIVE  
 MOTION DEADLINES**

**(Third Request)**

27 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs WILLIAM J.  
 28 BERRY, JR., CYNTHIA FALLS, and SHANE KAUFMANN and Defendant DESERT

1 PALACE, INC., d/b/a CAESARS PALACE (“Caesars”), by and through their respective counsel  
2 of record, that (i) the deadline for completion of depositions be extended from the current  
3 discovery cutoff date of August 24, 2018, to October 21, 2018; (ii) the deadline for written  
4 discovery related to new information disclosed during the depositions of Maggie Gong, Dan  
5 Burdalski, and Kim Williams, be extended from July 25, 2018, to August 16, 2018; and the  
6 dispositive motion deadline be extended from September 24, 2018, to November 30, 2018. This  
7 is the parties’ third stipulation to extend discovery deadlines. The parties state as follows:

8 **DISCOVERY COMPLETED**

9 1. Plaintiffs filed suit on January 3, 2017 (ECF No. 1).

10 2. Discovery has twice been stayed while the parties attended mediation sessions on  
11 October 31, 2017 (ECF No. 45) and May 8, 2018 (ECF No. 73).

12 3. To date, as a group, plaintiffs William J. Berry, Jr., Shane Kaufmann, and Cynthia Falls  
13 have:

14 (i) Made initial disclosures on or about May 24, 2017;

15 (ii) Propounded 14 sets of requests for production (RFP) of documents, totaling  
16 99 individual requests;

17 (iii) Propounded 3 sets of interrogatories, totaling 59 individual interrogatories;

18 (iv) Noticed the depositions of 3 individuals and Caesars’ corporate  
19 representative on two subjects. Following a meet and confer regarding  
20 scheduling, the depositions are scheduled for, August 2, 2-18 (30(b)(6)),  
21 August 3, 2018 (Kim Williams), August 8, 2018 (Maggie Gong), and August  
22 9, 2018 (Dan Burdalski).

23 4. To date, Caesars has:

24 (i) Made initial disclosures on or about May 26, 2017, and supplemented those  
25 disclosures in April and July 2018;

26 (ii) Propounded 6 sets of requests for production (RFP) of documents, totaling 88  
27 individual requests;  
28

1 (iii) Propounded 3 sets of interrogatories, totaling 40 individual interrogatories;

2 and

3 (iv) Deposed the three plaintiffs.<sup>1</sup>

4 5. Caesars has produced 25,747 pages of documents and responsive video files.

5 6. Plaintiffs have produced 2,576 pages of documents and one audio record.

6 **DISCOVERY REMAINING**

7  
8 7. The parties agree that an extension of the discovery deadline to October 21, 2018, to  
9 complete depositions is appropriate. Caesars reserves its right to object to depositions exceeding  
10 the ten provided for under Rule 30(a)(2).

11 8. The parties agree that plaintiffs should have an opportunity to propound written discovery  
12 related to new information disclosed during the depositions of Maggie Gong, Dan Burdalski, and  
13 Kim Williams, though Caesars reserves all objections to the substance of such discovery requests.

14 9. Plaintiffs reserve their right to seek relief from the Court for additional discovery beyond  
15 what Caesars has agreed to in this stipulation.

16 **JUSTIFICATION**

17  
18 10. Plaintiffs began noticing the pending depositions between June 28, 2018, and July 3,  
19 2018. The parties met and conferred in good faith regarding scheduling. In light of plaintiffs'  
20 counsel's accommodations of the deponents' scheduling conflicts, and in light of plaintiffs'  
21 counsel's unexpected family medical issues which will require additional flexibility and absence  
22 in August (when discovery is scheduled to end on August 24), the parties agree that a brief  
23 extension to October 21, 2018, to complete depositions is appropriate. The parties also agree that  
24 written discovery related to new information disclosed during the depositions of Maggie Gong,  
25 Dan Burdalski, and Kim Williams, which could have been served in advance of the currently-

26  
27 <sup>1</sup> The depositions of plaintiffs Kaufmann and Falls are not yet completed. Caesars completed its  
28 direct examination of each plaintiff, and plaintiff's counsel began questioning each, but did not  
finish. The parties continue to discuss continuation of those depositions.

1 scheduled discovery cutoff absent accommodation of the deponents' scheduling conflicts, is  
2 appropriate.

3 **PROPOSED SCHEDULE**

4 11.

<u>Scheduled Event</u>	<u>Current Deadline</u>	<u>Proposed NEW Deadline</u>
Completion of depositions	August 24, 2018	October 21, 2018
Service of written discovery related to new information disclosed during the depositions of Maggie Gong, Dan Burdalski, and Kim Williams	July 25, 2018	August 16, 2018
Dispositive Motions	September 24, 2018	November 30, 2018
Joint Pretrial Order	30 days after dispositive motion deadline if no dispositive motions filed, or 30 days after decision on any dispositive motion(s)	Unchanged

17  
18 12. This stipulation is made in good faith to allow the parties to continue to make diligent and  
19 sincere efforts to complete discovery and is not for the purpose of causing any undue delay, and  
20 the parties agree that good cause therefor exists for the stipulated extensions.

21 IT IS SO STIPULATED.

22 Dated: August 1, 2018

Dated: August 1, 2018

23 By: /s/ Patrick H. Hicks

By: /s/ Kathleen J. England

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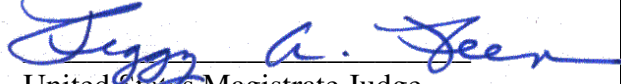
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**IT IS SO ORDERED:**



United States Magistrate Judge

Dated: August 10, 2018