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10 *Attorneys for Edward S. Halley and Flagship Express Airlines, Inc.*

11
 12 **UNITED STATES DISTRICT COURT**
 13 **DISTRICT OF NEVADA**

14 EDWARD S. HALLEY, individually; and
 FLAGSHIP EXPRESS AIRLINES, Inc., an
 Illinois Corporation,

15
 16 Plaintiffs,

17 v.

18 WILLIAM ACOR, individually; RBY, INC.; a
 Nevada Corporation; VISION AIRLINES, INC.; a
 Nevada Corporation; and VISION AVIATION
 19 HOLDINGS, INC., a Nevada Corporation,

20 Defendants.

Case No.: 2:17-CV-00507

STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(SECOND REQUEST)

21
 22 Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of
 23 record, hereby stipulate and request that this Court extend discovery in the above-captioned case
 24 ninety (90) days, up to and including May 14, 2018. In addition, the parties request that the rebuttal
 25 expert and dispositive motions and pretrial order deadlines be extended for an additional ninety (90)
 26 days as outlined herein. This is the second request to extend these deadlines; Defendants previously
 27 moved for and received a brief 20-day extension of the discovery deadlines.
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1 In support of this Stipulation and Request, the parties state as follows:

2 1. On February 20, 2017, this action was commenced by the filing of a Complaint in the
3 United States District Court, District of Nevada.

4 2. On April 27, 2017, Defendants Vision Airlines, Inc. and Vision Aviation Holdings,
5 Inc. filed their Answer to Plaintiffs' Complaint and Counterclaim.

6 3. On May 24, 2017, Plaintiffs/Counterdefendants Edward S. Halley and Flagship
7 Express Airlines, Inc. filed their Answer to Counterclaim.

8 4. On June 22, 2017, a Discovery Plan and Scheduling Order was issued.

9 5. On July 18, 2017, Defendants RBY, Inc. and William Acor filed their Answer to
10 Plaintiffs' Complaint and Counterclaim.

11 6. On September 11, 2017, Plaintiffs served Interrogatories and Requests for Production
12 of Documents on each of the Defendants. Defendants served their responses to Plaintiff on
13 November 6, 2017.

14 7. On November 22, 2017, Defendants filed a Motion to Amend Scheduling Order.
15 That Motion only sought to extend the expert witness deadline and follow-on dates by 20 days. That
16 Motion was granted by the Court on December 7, 2017.

17 8. Plaintiffs assert that Defendants must supplement their discovery responses. On
18 January 10, 2018, Plaintiffs' counsel sent detailed discovery dispute letters to Defendants' counsel
19 asking that Defendants Vision Airlines, Inc. and Vision Aviation Holdings, Inc. supplement their
20 discovery responses. The letter requesting that Defendant Vision Airlines, Inc. supplement its
21 responses was 10 pages in length; the letter requesting that Defendant Vision Aviation Holdings, Inc.
22 supplement its responses was 8 pages in length.

23 9. On January 11, 2018, Plaintiffs' counsel sent detailed discovery dispute letters to
24 Defendants' counsel asking that Defendants Acor and RBY, Inc. supplement their discovery
25 responses. The letter requesting that Defendant Acor supplement his responses was 8 pages in
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1 length; the letter requesting that Defendant RBY, Inc. supplement its responses was 9 pages in
2 length.

3 10. Plaintiffs have included the rebuttal expert deadline in this request. Following their
4 request to extend discovery deadlines, Defendants served their expert witness report on December
5 12, 2017. Plaintiffs have not had sufficient time to retain an expert of their own for the following
6 reasons: (1) the proximity of the holiday season with when Defendants' report was received by
7 Plaintiffs (and the resulting scheduling issues with both Plaintiffs' counsel and any potential expert),
8 (2) Plaintiffs' lead counsel's trial calendar required him to be in trial, with trial starting December
9 19, 2017 and ending on December 26, 2017, (3) Plaintiffs' lead counsel had substantial post-trial
10 briefing due on January 4, 2018 (related to a trial that occurred in October 2017), and (4) Plaintiffs'
11 local counsel was engrossed in the substantial discovery dispute letters referenced above. While
12 Defendants take no position as to Plaintiffs' stated reasons for the extension of the discovery
13 deadlines, Defendants do not object to the extension of the rebuttal expert deadline as set forth
14 herein and join in the request to extend the discovery cut off.
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17 **DISCOVERY REMAINING**

18 The depositions of the Plaintiffs and Defendants need to be taken. Plaintiffs intend to
19 subpoena several entities for records related to the claims in this case. Additionally, Plaintiffs have
20 identified more than 35 witnesses and anticipate conducting the depositions of a dozen of those
21 witnesses as well, which will include the FRCP 30(b)(6) witnesses of the corporate Defendants.
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23 Defendants intend to propound written discovery to Plaintiffs and to depose at or near four
24 witnesses.

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REASONS WHY DISCOVERY WAS NOT COMPLETED

The parties require additional time to conduct discovery of the parties and depose all witnesses. The reasons why the discovery has not been completed are included in paragraphs 8-10 above.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines.

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	February 12, 2018	May 14, 2018
Rebuttal Expert Disclosures	January 12, 2018	April 12, 2018
Interim Status Report	Completed	March 12, 2018
Dispositive Motions	March 12, 2018	June 12, 2018
Joint Pretrial Order	April 12, 2018	July 12, 2018

This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time to conduct discovery in this case and adequately prepare their respective cases for trial.

This is the first request for extension of the deadlines addressed in this stipulation; the first request was by Defendants and related only to the expert witness deadline. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the additional extension.

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1 WHEREFORE, the parties respectfully request that this Court extend the discovery period by
2 ninety (90) days from the current deadlines as outlined in accordance with the table above.

3 DATED: January 12, 2018.

DATED: January 12, 2018.

4 **ALDRICH LAW FIRM, LTD.**

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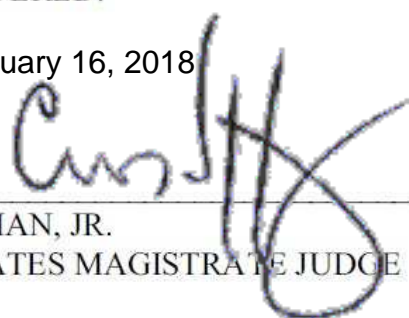
Attorneys for Defendants

Attorneys for Plaintiffs

19 **ORDER**

20 IT IS SO ORDERED.

21 DATED: January 16, 2018

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23 C.W. HOFFMAN, JR.
24 UNITED STATES MAGISTRATE JUDGE
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