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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 DAVID LUCERO,
13 Plaintiff,
14 vs.
15 SMITH-PALLUCK ASSOCIATES CORP.,
d/b/a LAS VEGAS ATHLETIC CLUBS
16 Defendant.

Case No. 2:17-cv-01399-JAD-CWH

**STIPULATION AND ORDER TO
EXTEND SCHEDULING ORDER
DEADLINES BY 60 DAYS**
(Second Request)

18 Pursuant to LR IA 6-1 and LR 26-4, plaintiff David Lucero (“Plaintiff”),
19 defendant Smith-Palluck Associates Corp., d/b/a Las Vegas Athletic Clubs (“LVAC”)
20 (together, the “Parties”), by and through their respective counsel of record, stipulate
21 and request that this Court extend discovery and dispositive motion deadlines in
22 the above-captioned case by approximately 60 days. The requested extension will
23 (1) allow the Parties to schedule and complete the remaining depositions in this
24 action, (2) provide LVAC’s new counsel an opportunity to review the discovery
25 completed to date, and (3) allow the Parties to meet and confer about certain
26 outstanding discovery issues. The Parties have conferred and agree that this brief
27 extension is the most reasonable, most economical, and least burdensome way to
28 complete discovery in this case.

1 This is the Parties' second request for an extension to the scheduling order
2 deadlines. The Parties make this request in good faith and not for purposes of
3 delay.

4 **I. Discovery Completed and Remaining**

5 Plaintiff has served written discovery to LVAC, a third-party subpoena, an
6 expert disclosure, and a notice of deposition of LVAC's Rule 30(b)(6) designee.
7 LVAC has served objections to Plaintiff's written discovery. LVAC may seek to
8 issue written discovery and depose Plaintiff. The Parties also plan to meet and
9 confer regarding certain pending discovery matters.

10 **II. Good Cause (and Excusable Neglect) Exists for the Requested Extension**

11 Good cause exists for the requested extension. It will minimize burden and
12 increase efficiency by providing time for: the Parties to schedule and complete party
13 depositions; the Parties to meet and confer to narrow—if not resolve—pending
14 discovery disputes; and LVAC's new counsel, Ballard Spahr (retained in March 1,
15 2018) to review the current status of discovery, including the issues relevant to the
16 pending discovery disputes and upcoming Rule 30(b)(6) deposition of LVAC. The
17 requested extension will also allow the Parties to complete discovery in a way that
18 fully develops the factual record in this case, so the Court and/or fact finder can
19 consider Plaintiff's claims and LVAC's defenses on their merits.

20 Additionally, excusable neglect exists for the timing of this stipulation. As
21 noted, LVAC has recently retained new counsel that was not previously involved in
22 this matter. As soon as they were retained, new counsel diligently met and
23 conferred with Plaintiff's counsel about this extension request, and Plaintiff's
24 counsel has agreed to this stipulation.

25 Finally, this is only the Parties' second request to extend discovery, which
26 they seek in good faith.

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1 **III. Proposed Discovery Deadlines**

2 The Parties request an order extending the close of discovery, the deadline to
3 file dispositive motions, and the deadline to file a pre-trial order. This extension is
4 reasonable and necessary given the good cause set forth above.

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Event	Current Deadline ¹	New Deadline
Close of Discovery	March 6, 2018	May 7, 2018
Dispositive Motions	April 6, 2018	June 6, 2018
Pre-Trial Order	May 7, 2018	July 8, 2018

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10 **IT IS SO STIPULATED.**

11 Respectfully submitted this 1st day of March, 2018.

12 KAZEROUNI LAW GROUP, APC

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21
22 **ORDER**

23 IT IS SO ORDERED

24
25 UNITED STATES MAGISTRATE JUDGE

26 DATED: March 2, 2018

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28 ¹ See ECF No. 17.