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16 **UNITED STATES DISTRICT COURT**
 17 **DISTRICT OF NEVADA**

<p>18 David Lucero, 19 20 Plaintiff, 21 22 v. 23 24 Smith-Palluck Associates Corp., 25 d/b/a Las Vegas Athletic Clubs, 26 27 Defendant.</p>	<p>28 Case No. 2:17-cv-01399-JAD-CWH</p> <p>STIPULATION AND ORDER TO EXTEND SCHEDULING ORDER DEADLINES BY 30 DAYS</p> <p>(FIFTH REQUEST)</p>
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29 Plaintiff David Lucero (“Plaintiff”) and Defendant Smith-Palluck Associates
 30 Corp., d/b/a Las Vegas Athletic Clubs (“Defendant”) (jointly as “the Parties”), by
 31 and through their counsel of record, do hereby stipulate to modify the Court’s
 32 Order, ECF No. 28, to extend discovery and dispositive motion deadlines by 30
 33 days as follows:

- 1 (1) The last date to complete discovery from July 6, 2018, to **August 6, 2018**;
- 2 (2) The last date to file dispositive motions from August 6, 2018, to **September 6,**
3 **2018**; and
- 4 (3) The last date to file the proposed joint pretrial order from September 5, 2018,
5 to **October 5, 2018**.

6 Pursuant to LR 26-4, good cause exists to amend the Scheduling Order. The
7 Parties have diligently pursued discovery. The Parties propounded written
8 discovery on each other and Plaintiff has taken Defendant's Rule 30(b)(6)
9 deposition. Plaintiff's deposition is currently scheduled for June 28, 2018. Plaintiff
10 disclosed an expert and Defendant disclosed its rebuttal expert on May 30, 2018.
11 The Parties are conferring to schedule Defendant's expert's deposition. The Parties
12 are also meeting and conferring about scheduling Plaintiff's expert to conduct an
13 on-site inspection of Defendant's premises.

14 The Parties are also continuing to meet and confer regarding new evidence of
15 which Plaintiff became aware for the first time at Defendant's deposition on May
16 22, 2018. Specifically, the Parties are meeting and conferring about prerecorded
17 voice messages that Defendant allegedly used to call Plaintiff. Defendant's
18 deposition transcripts are not yet available and Plaintiff may seek to meet and
19 confer regarding other discovery after the transcripts become available. The Parties
20 will also need to meet and confer about Plaintiff's responses to Defendant's written
21 discovery.

22 Further good cause exists to amend the Scheduling Order to provide additional
23 time to complete settlement discussions, which are actively ongoing.

24 Pursuant to LR 26-4(a), the Parties propounded and responded to written
25 discovery requests, noticed each other's' depositions and disclosed experts.
26 Numerous meet and confer discussions have been held between the Parties,
27 resulting in additional disclosures.

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1 Pursuant to LR 26-4(b), the Parties request additional time to complete
2 resolution in connection with outstanding discovery issues, as discussed above, and
3 to complete expert discovery.

4 Pursuant to LR 26-4(d), the Parties propose the following discovery and
5 dispositive motion schedule:

- 6 (1) The last date to complete discovery will be **August 6, 2018**;
- 7 (2) The last date to file dispositive motions will be **September 6, 2018**; and
- 8 (3) The last date to file the proposed joint pretrial order will be **October 5, 2018**.

9 For the foregoing reasons, the Parties jointly request that this Court modify its
10 May 1, 2018 Order to provide an additional 30 days to complete discovery, and in
11 the ordinary course, file dispositive motions and the proposed joint pretrial order, as
12 described in the above proposed timeline.

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1 This is the Parties' fifth request for an extension of these deadlines.

2 DATED this 6th day of June 2018.

3 **KAZEROUNI LAW GROUP, APC**

4 By: /s/ Michael Kind

5 Michael Kind, Esq.

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Attorneys for Plaintiff

9 **BALLARD SPAHR LLP**

10
11 By: /s/ Stacy H. Rubin

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15 1980 Festival Plaza Drive, Suite 900

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Attorneys for Defendant

17 **ORDER**

18 IT IS HEREBY ORDERED that the Scheduling Order, ECF No 28, is
19 modified to extend the discovery and dispositive motion deadlines as follows:

- 20 (1) The last date to complete discovery shall be **August 6, 2018**;
21 (2) The last date to file dispositive motions shall be **September 6, 2018**; and
22 (3) The last date to file the proposed joint pretrial order shall be **October 5, 2018**.

23 IT IS SO ORDERED.

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27 UNITED STATES MAGISTRATE JUDGE

28 Dated: June 8, 2018

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY pursuant to Rule 5 of the Federal Rules of Civil
3 Procedure that on June 6, 2018, the foregoing Stipulation was filed and served via
4 CM/ECF to all parties appearing in this case.

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6 **Kazerouni Law Group, APC**

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