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15 *Attorneys for Defendant and Counter-claimants*  
 16 ALON LAS VEGAS RESORT, LLC and  
 17 ALON LEISURE MANAGEMENT, LLC

18 **UNITED STATES DISTRICT COURT**

19 **DISTRICT OF NEVADA**

20 YWS Architects, LLC dba YWS Design &  
 21 Architecture, a Nevada limited liability  
 company,

22 Plaintiff,

23 vs.

24  
 25 Alon Las Vegas Resort, LLC, a Delaware  
 limited liability company; Alon Las Vegas  
 26 Landco, LLC, a Delaware limited liability  
 company; TISHMAR, LLC, a Nevada  
 27 limited liability company,

28 Defendants.

Case No.: 2:17-CV-01417-RFB-VCF

**STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND DISCOVERY  
 PLAN AND SCHEDULING ORDER  
 DATES AND DEADLINES**

**(Second Request)**

1 Alon Las Vegas Resort, LLC, a Delaware  
2 limited liability company; Alon Leisure  
3 Management, LLC, a Delaware limited  
4 liability company,

5 Counter-claimants,

6 vs.

7 YWS Architects, LLC dba YWS Design &  
8 Architecture, a Nevada limited liability  
9 company; Tom Wucherer, an individual;  
10 DOES 1 through 10; ROE  
11 CORPORATIONS 11-20,

12 Counter-defendants.

13 Plaintiff YWS Architects, LLC dba YWS Design & Architecture (“Plaintiff” or  
14 “YWS”) and Tom Wucherer (“Wucherer”), by and through their counsel of record, the  
15 law firm of Greenberg Traurig, LLP and Rourke Law Firm, and Counterclaimants Alon  
16 Las Vegas Resort, LLC and Alon Leisure Management, LLC (collectively “Alon  
17 Group”), by and through their counsel, Mead Law Group and Snell & Wilmer LLP  
18 (collectively the “Parties”), for good cause shown, pursuant to Local Rules 26-4 and 6-  
19 1, hereby submit the following Stipulation.

20 **I. DISCOVERY COMPLETED TO DATE**

21 As required by FRCP 26 and Local Rule 26-1(d), counsel for the Parties held a  
22 telephone conference on August 4, 2017 to discuss initial discovery disclosures and to  
23 develop a discovery plan. Initial and Supplemental disclosures were subsequently served  
24 as required by FRCP 26(a)(1). YWS has produced six supplemental disclosures since that  
25 time. Alon has produced three supplemental disclosures since that time.

26 On January 24, 2018, the Parties submitted their first request to extend the  
27 discovery plan and scheduling order dates and deadlines [Doc. 71]. The Court granted this  
28 request the same day. [Doc. 73].

The Parties have exchanged the following written discovery to date:

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1. On September 13, 2017, Alon propounded its First Set of Requests for Production of Documents, its First Set of Requests for Admission, and its First Set of Interrogatories upon YWS. On October 27, 2018, YWS served its responses thereto.

2. On September 15, 2017, YWS propounded its First Set of Requests for Production of Documents, its First Set of Requests for Admission, and its First Set of Interrogatories upon Alon. On November 6, 2017, Alon served its responses thereto.

3. After a meet and confer and a letter requesting supplemental responses written by Alon, YWS produced its supplemental responses to Alon's First Set of Admissions and First Set of Interrogatories on March 5, 2018.

4. In October, YWS issued several subpoenas duces tecum to various third parties.

5. On January 10, 2018, the deposition of the Person Most Knowledgeable for Penta Building Group was taken by the Parties.

6. On April 10, 2018, Alon noticed the deposition of YWS' Person(s) Most Knowledgeable for May 8, 2018, explaining that the date was flexible if it did not work for YWS or its counsel.

7. In April and May of 2018, the Parties discussed dates for depositions of YWS' Person(s) Most Knowledgeable as well as various witnesses listed on Alon's disclosure statements: Andre Dutra, Josh Zint, Frank Gonzales, and Todd Nisbet.

8. On May 14, 2018, YWS served depositions subpoenas for Andre Dutra, Josh Zint, and Frank Gonzales, because Alon no longer has contact with these witnesses. The depositions are currently set for May 30, 2018 and May 31, 2018.

**II. DISCOVERY REMAINING TO BE COMPLETED**

1. The depositions of the principals and person(s) most knowledgeable of YWS and Alon.

1           2.       Additional written discovery between the Parties, as needed, including but  
2 not limited to, requests for production of documents, requests for admission, and  
3 interrogatories.

4           3.       The Parties anticipate obtaining expert and rebuttal experts and producing  
5 reports pursuant to FRCP 26(a).

6           4.       Depositions of those expert witnesses.

7           5.       The Parties agree that additional percipient witness depositions will likely  
8 need to be taken.

9           6.       Additional written discovery and depositions of non-parties.

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11           **III. REASON WHY DISCOVERY REMAINING WILL NOT BE**  
12           **COMPLETED WITHIN THE LIMITS SET BY THE COURT'S**  
13           **DISCOVERY PLAN AND SCHEDULING ORDER**

14           The Parties have engaged in continued motion practice regarding YWS' lien,  
15 including Supplemental Briefing on Alon's Motion to Expunge, Alon's Objections to the  
16 Magistrate's Report and Recommendations and Alon's Motion for Certification to the  
17 Nevada Supreme Court since the evidentiary hearing on Alon's Motion to Expunge on  
18 January 12, 2018.

19           The current deadline to submit initial expert reports in this matter is May 31, 2018.  
20 The Parties agree that the current deadline does not offer enough time to obtain and provide  
21 expert witnesses with all necessary information and time to complete their reports.

22           The Parties also agree that additional time is necessary to complete all the  
23 depositions required in this case.

24           **IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING**  
25           **DISCOVERY**

26           The Parties request a sixty (60) day extension to complete depositions, disclose  
27 expert witnesses and produce reports, and potentially complete additional written  
28 discovery. Additionally, the parties request that the related deadlines be extended,

1 including the dispositive motion deadline. Accordingly, the proposed deadlines are as  
2 follows:  
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4 DEADLINE	CURRENT DATE	PROPOSED DATE
5 Discovery Cut-off	July 30, 2018	September 28, 2018
6 Deadline to disclose expert witnesses	May 31, 2018	July 30, 2018
7 Deadline to disclose rebuttal witnesses	July 2, 2018	August 31, 2018
8 Deadline to file dispositive motions	August 29, 2018	October 28, 2018
9 Deadline to file joint pre-trial order (if no dispositive motions are pending before the Court	September 28, 2018	November 27, 2018

12 Dated: May 22, 2018

Dated: May 22, 2018

13 GREENBERG TRAUIG, LLP

MEAD LAW GROUP

14 By:           /s/ Shauna L. Norton          

By:           /s/ Sarah A. Mead          

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*Las Vegas Resort, LLC and Alon*  
*Leisure Management, LLC*

23 **IT IS SO ORDERED.**



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26 UNITED STATES MAGISTRATE JUDGE

27 DATED: May 23, 2018.  
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