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Resort Association - IATSE Retirement Local 720
 8 *Pension Plan*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11
 12 WESTGATE LVH, LLC,

13 Plaintiff,

14 vs.

15 TRUSTEES OF THE NEVADA RESORT
 ASSOCIATION, INTERNATIONAL
 16 ALLIANCE OF THEATRICAL STAGE
 EMPLOYEES (I.A.T.S.E.) LOCAL 720
 17 PENSION TRUST,

18 Defendants.

CASE NO.: 2:17-cv-01731-RFB-NJK

19
 20 **STIPULATION AND ORDER TO**
EXTEND DISCOVERY DEADLINES

[SECOND REQUEST]

20 Defendants, the Trustees of the Nevada Resort Association - IATSE Retirement Local 720
 21 Pension Plan (the "Plan") by and through their attorneys of record at Brownstein Hyatt Farber
 22 Schreck, LLP, and Plaintiff Westgate LVH, LLC ("Westgate") by and through its counsel of
 23 record, Greenspoon Marder, P.A and Ogletree Deakins Nash Smoak & Stewart, P.C, hereby
 24 stipulate and agree that the modified Scheduling Order (ECF No. 29) in this case by extended
 25 forty-five days (45) additional days from the current discovery deadline of June 29, 2018, to
 26 August 13, 2018, and the dispositive motion deadline from July 30, 2018, to September 12, 2018.
 27 This is the second joint request to extend the discovery deadline.

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1 While the Parties have not filed this extension twenty-one days prior to the subject
2 deadline, the Parties stipulate that good cause exists for granting the extension. Despite the
3 Parties' continued diligence in attempting to schedule a deposition of the Person Most
4 Knowledgeable of Westgate, the Parties have yet to be able to find a date and time that is
5 mutually available.

6 Moreover, Westgate is encountering service issues regarding a subpoena for deposition of
7 Mr. Dan'l Cook. Westgate is planning to seek service by alternative methods and require
8 additional time to complete this process.

9 The Parties represent to this Court that they have been in almost constant contact
10 regarding the issues identified above. Despite the Parties' best efforts, the Parties agree that
11 additional time is required to obtain critical testimony and fully explore the merits of this case

12 **A. DISCOVERY COMPLETE.**

- 13 1. 9/8/2017 Defendants' Initial Disclosures.
- 14 2. 9/29/2017 Plaintiff's Initial Disclosures.
- 15 3. 11/2/2017 Plaintiff's First Set of Requests for Production of Documents to
16 Defendants.
- 17 4. 11/2/2017 Plaintiff First Set of Interrogatories to Defendants.
- 18 5. 12/7/2017 Defendants' Responses to First Set of Requests for Production of
19 Documents.
- 20 6. 12/7/2017 Defendants' Responses to First Set of Interrogatories.
- 21 7. 12/7/2017 Defendants' First Supplemental Disclosures.
- 22 8. 1/16/2018 Defendants' First Request for Production of Documents Westgate,
23 LVH, LLC.
- 24 9. 1/16/2018 Defendants' First Set of Interrogatories to Westgate, LVH, LLC.
- 25 10. 1/16/2018 Defendants' First Requests for Admission to Westgate, LVH, LLC.
- 26 11. 2/12/2018 Plaintiff's Subpoena Deposition – R. Ostrosky.
- 27 12. 2/12/2018 Plaintiff's Subpoena Deposition – M. McDonald.
- 28 13. 2/17/02018 Plaintiff's Responses to First Requests for Admissions.
14. 2/20/2018 Plaintiff's First Amended Notice of Deposition – B. Payson.

- 1 15. 3/9/2018 Plaintiff's Responses to First Request for Production of Documents.
- 2 16. 3/9/2018 Defendants' Second Supplemental Disclosures.
- 3 17. 3/9/2018 Defendants' Notice of 30(b)(6) Deposition – Westgate, LVH-LLC
- 4 18. 3/9/2018 Plaintiff's Answers to First Set of Interrogatories
- 5 19. 3/9/2018 Plaintiff's Responses to Defendants First Request for Production of Documents.
- 6 20. 3/9/2018 Plaintiff's Responses to Defendants' First Set of Interrogatories.
- 7 21. 3/13/2018 Plaintiff's First Supplemental Initial Disclosures.
- 8 22. 3/16/2018 Defendants' Second Request for Production of Documents to Plaintiff.
- 9 23. 3/16/2018 Defendants' Second Set of Interrogatories to Plaintiff.
- 10 24. 3/19/2018 Defendants' Subpoena Deposition – R. Stevens.
- 11 25. 3/19/2018 Defendants' Subpoena Deposition – R. Johnson.
- 12 26. 3/21/18 Defendants' Third Supplemental Initial Disclosures
- 13 27. 4/10/18 Deposition of R. Johnson
- 14 28. 4/30/18 Defendants' Third Set of Interrogatories.
- 15 29. 5/2/18 Defendants' Subpoenas Duces Tecum to Haynes and Boone, Goldman Sachs Mortgage Company and 3000 Paradise Road Holdco, LLC. (“Goldman Sachs Subpoenas”).
- 16 30. 5/3/18 Plaintiff's responses to Defendants' Second Request for Production of Documents and Second Set of Interrogatories.
- 17 31. 5/3/18 Plaintiff's Second Supplemental Initial Disclosures
- 18 32. 5/24/18 Plaintiff's First Set of Requests for Admissions
- 19 33. 5/25/18 Plaintiff's Second Request for Production of Documents
- 20 34. 5/25/18 Plaintiff's Subpoena for the Deposition of Dan'l Cook.
- 21 35. 5/31/18 Plaintiff's Responses to Defendants' Third Set of Interrogatories.
- 22 36. 6/5/18 3000 Paradise Road Holdco, LLC's Response to the Goldman Sachs Subpoenas.

23 **B. DISCOVERY THAT NEEDS TO BE COMPLETED.**

- 24 1. Defendants' Responses to Plaintiff's Requests for Admissions and Production of Documents.

- 1 2. Defendants' additional Requests for Production of Documents to Plaintiff.
- 2 3. Defendants additional Interrogatories and Requests for Admissions to Plaintiff.
- 3 4. Potential written discovery requests from Plaintiff.
- 4 5. Plaintiff's additional Requests for Production of Documents to Defendants.
- 5 6. Plaintiff's additional Interrogatories to Plaintiff.
- 6 7. Potential written discovery requests from Defendants.
- 7 8. The above referenced depositions of the Person Most Knowledgeable of Westgate
8 and the Deposition of Dan'l Cook.
- 9 9. Depositions of additional relevant witnesses.

10 **C. REASON DISCOVERY WAS NOT COMPLETED.**

11 The Parties are requesting this extension to ensure that Plaintiff and Defendants have
12 ample time to schedule depositions of Westgate's person most knowledgeable and Dan'l Cook, in
13 addition to any other relevant depositions that the parties choose to conduct. The Parties have
14 been diligently attempting to calendar certain depositions, but due to numerous scheduling
15 conflicts, the parties are requesting an extension to ensure all needed discovery is completed.

16 **D. CURRENT DISCOVERY SCHEDULE.**

- 17 1. Discovery Cutoff 6/29/2018
- 18 2. Dispositive Motion Cutoff 7/30/2018
- 19 3. Pretrial Order Cutoff: 8/29/2018

20 **E. PROPOSED DISCOVERY SCHEDULE.**

- 21 1. New Discovery Cutoff 8/13/2018
- 22 2. New Dispositive Motion Cutoff 9/12/2018
- 23 3. New Pretrial Order Cutoff 10/12/2018

- 24 4. In the event dispositive motion(s) are filed, the date for filing the joint pretrial
25 order shall be suspended until 30 days after the Court enters a ruling on the
26 dispositive motions, or otherwise by further order of the Court.

1 This is the Parties' second joint request for an extension of the discovery deadline dates.
2 The requested extension is not made to delay this matter, but made in the spirit of good faith by
3 both parties to ensure all needed discovery is conducted before proceeding to dispositive motions
4 and to trial. As stated above, the Parties have been in almost constant communication regarding
5 the scheduling of depositions, but due to scheduling conflicts, have not been able to establish
6 deposition dates.

7 Based upon the foregoing, the Parties believe there is good cause for the requested
8 extension.

9 BROWNSTEIN HYATT FARBER
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21 *Nevada Resort Association - IATSE*

Attorneys for Plaintiff Westgate LVH, LLC

22 *Retirement Local 720 Pension Plan*

23 Dated: June 22, 2018

Dated: June 22, 2018

24 **IT IS SO ORDERED:**

25 
26 _____
27 **UNITED STATES MAGISTRATE JUDGE**

28 **DATED:** June 22, 2018
