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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

12 SCOTTSDALE INSURANCE COMPANY,
13 Plaintiff,

14 v.

15 8FORCE ASSETS, LLC; ARPAD BARON,
individually; ALBA BARON, individually;
16 LUCY BARON-DONNELLY, individually;
BRENDA BARON-MOLLMANN,
17 individually; LASANDRA WEATHERS,
individually and as the Natural Mother of
18 JADA RAY, a Minor; CHARLES SMITH and
DORIS SMITH, individually and as Guardians
19 Ad Litem for IYANA BANKSTON-WRIGHT,
a Minor; CHARLES SMITH, individually and
20 as Special Administrator of the Estate of
DIANA ROSE BANKSTON; DEBORAH
21 BARBEE-MARTIN, individually and as
Special Administrator for the Estates of
22 KAYSHA L. RAY and ANDREW RAY;
DONALD R. LAINER, individually;
23 PLATINUM ELITE, LLC; and DOES 1
through 10,
24 Defendants.
25

Case No. 2:17-cv-02036-APG-GWF

**STIPULATION AND ORDER TO EXTEND
DISPOSITIVE MOTION DEADLINE AND
PRETRIAL ORDER DEADLINE**

(FIRST REQUEST)

26 COMES NOW, Alan B. Yuter and Eric S. Powers of Selman Breitman LLP, attorneys for
27 plaintiff Scottsdale Insurance Company ("Scottsdale"); Ian Corzine of West Corzine LLP and
28 Anthony B. Golden of Garg Golden Law Firm, attorneys for defendants 8Force Assets, LLC,

1 Arpad Baron, Alba Baron, Lucy Baron-Donnelly and Brenda Baron-Mollmann; Christopher J.
2 Richardson of Olson, Cannon, Gormley, Angulo & Stoberski, and Darren J. Welsh of Welsh Law
3 attorneys for Donald R. Lainer and Platinum Elite, LLC (collectively, "Defendants"); and hereby
4 stipulate and agree to extend the dispositive motion deadline to April 23, 2018 and pretrial order
5 deadline to May 23, 2018.

6 **A. INTRODUCTION**

7 Scottsdale alleges that during the insurance application process, the owner and members of
8 Scottsdale's insured, Defendant 8Force Assets, LLC and 8Force Holdings LLC (collectively
9 "8Force"), deliberately concealed from Scottsdale their knowledge about a fire that had occurred
10 in order to obtain insurance coverage for all damages caused by that fire. Scottsdale seeks a
11 declaration from the Court that the 8Force Defendants committed fraud, and Scottsdale owes no
12 duty to defend or indemnify the 8Force Defendants, their owners, members, and property manager
13 from any liability arising from the fire.

14 **B. STATEMENT SPECIFYING THE DISCOVERY COMPLETED**

15 On October 17, 2017, this Court issued a Scheduling Order which set a dispositive motion
16 deadline of April 2, 2018.

17 The following discovery has been completed:

- 18 1. Defendants 8Force served its Initial Disclosures of Witnesses and Documents on
19 October 27, 2017.
- 20 2. Defendants Charles Smith and Doris Smith served their Initial Disclosures of
21 Witnesses and Documents on November 3, 2017.
- 22 3. Plaintiff Scottsdale served its Initial Disclosures of Witnesses and Documents on
23 November 6, 2017.
- 24 4. Defendants Donald Lainer and Platinum Elite, LLC served their Initial Disclosure of
25 Witnesses and Documents on November 17, 2017.
- 26 5. Scottsdale served its First Set of Requests for Admission to 8Force on November 21,
27 2017.
- 28 6. Scottsdale served its First Set of Requests for Production of Documents to 8Force on

- 1 November 21, 2017.
- 2 7. Scottsdale served its First Set of Requests for Interrogatories to 8Force on November
- 3 21, 2017.
- 4 8. Scottsdale served its First Set of Requests for Admissions to Defendants Donald Lainer
- 5 and Platinum Elite, LLC on December 14, 2017.
- 6 9. Scottsdale served its First Set of Requests for Production of Documents to Defendants
- 7 Donald Lainer and Platinum Elite, LLC on December 14, 2017.
- 8 10. Scottsdale served its First Set of Requests for Interrogatories to Defendants Donald
- 9 Lainer and Platinum Elite, LLC on December 14, 2017.
- 10 11. The Deposition of Larry Moraga was conducted on December 20, 2017.
- 11 12. 8Force served their First Set of Requests for Admissions to Scottsdale on January 16,
- 12 2018.
- 13 13. 8Force served their First Set of Requests for Production of Documents to Scottsdale on
- 14 January 16, 2018.
- 15 14. Scottsdale served its First Set of Requests for Interrogatories to Arpad Baron on
- 16 January 19, 2018.
- 17 15. Scottsdale served its First Set of Requests for Admissions to Arpad Baron on January
- 18 19, 2018.
- 19 16. Scottsdale served its First Set of Requests for Production of Documents to Arpad
- 20 Baron on January 19, 2018.
- 21 17. Scottsdale served its First Set of Requests for Interrogatories to Alba Baron on January
- 22 19, 2018.
- 23 18. Scottsdale served its First Set of Requests for Admissions to Alba Baron on January
- 24 19, 2018.
- 25 19. Scottsdale served its First Set of Requests for Production of Documents to Alba Baron
- 26 on January 19, 2018.
- 27 20. Scottsdale served its First Set of Requests for Interrogatories to Lucy Baron - Donnelly
- 28 on January 19, 2018.

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- 1 21. Scottsdale served its First Set of Requests for Production of Documents to Lucy Baron
- 2 - Donnelly on January 19, 2018.
- 3 22. Scottsdale served its First Set of Requests for Admissions to Lucy Baron - Donnelly on
- 4 January 19, 2018.
- 5 23. Scottsdale served Second Supplemental Disclosure of Witnesses and Documents on
- 6 January 29, 2018.
- 7 24. Defendants Donald Lainer and Platinum Elite, LLC served their Second Supplemental
- 8 Disclosure of Witnesses and Documents on February 8, 2018.
- 9 25. The deposition of Vicki Kilgore was conducted on February 9, 2018.
- 10 26. The deposition of Donald Lainer was conducted on February 9, 2018.
- 11 27. The deposition of the FRCP 30(b)(6) witness for Platinum Elite, LLC was conducted
- 12 on February 9, 2018.
- 13 28. The deposition of the FRCP 30(b)(6) witness for 8Force was conducted on February
- 14 26, 2018.
- 15 29. The deposition of Defendant Arpad Baron was conducted on February 26, 2018.
- 16 30. The deposition of Defendant Lucy Baron - Donnelly was conducted on February 27,
- 17 2018.
- 18 31. The deposition of Defendant Brenda Baron - Mollmann was conducted on February 27,
- 19 2018.
- 20 32. The deposition of Elizabeth Mejia was conducted on February 28, 2018.
- 21 33. Scottsdale served its Third Supplemental Disclosure of Witnesses and Documents on
- 22 March 1, 2018.

23 **C. SPECIFIC DESCRIPTION OF DISCOVERY THAT REMAINS TO BE**

24 **COMPLETED.**

25 The parties seek to conduct the deposition of the FRCP 30(b)(6) witness for Scottsdale

26 Insurance.

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1 **D. REASONS WHY DISCOVERY REMAINING WILL NOT BE COMPLETED**
2 **WITHIN THE TIME FRAMES SET BY THE DISCOVERY ORDER**

3 8Force timely noticed the deposition of Scottsdale's FRCP 30(b)(6) witness. Based upon
4 the topics and areas of inquiry identified in 8Force's Deposition Notice, Scottsdale's witness will
5 be required to review various information relevant to this case including, but not limited to, the
6 deposition transcripts of the depositions conducted to date. The deposition transcripts of Arpad
7 Baron, Lucy Baron – Donnelly, Brenda Baron – Mollmann, and Elizabeth Mejia were recently
8 transcribed and have been disseminated to Scottsdale. Accordingly, additional time is required to
9 allow Scottsdale's witness to read and assess the deposition transcripts and be prepared to testify as
10 to their contents. Moreover, the parties have worked with each other to conduct depositions in
11 both Las Vegas, NV and Los Angeles, CA. Due to scheduling conflicts and the need to make
12 travel arrangements, the parties require additional time to conduct the deposition of Scottsdale's
13 witness.

14 Excusable Neglect

15 Good cause and excusable neglect exist to allow the parties to extend the dispositive
16 motion deadline because the parties could not have anticipated the scheduling conflicts involved
17 with conducting the deposition. Moreover, the parties could not avoid the necessity of Scottsdale's
18 witness reviewing and becoming competent to testify on the prior depositions that were timely
19 noticed and have taken place within the discovery timeframes. Accordingly, the parties
20 respectfully request extend the deadline to file dispositive motions and the pre-trial order pursuant
21 to the same.

22 **E. PROPOSED SCHEDULE FOR DISPOSITIVE MOTION DEADLINES**

- 23 a. Dispositive Motions: Monday April 23, 2018
24 b. Pretrial Order: Wednesday May 23, 2018

1 **F. CURRENT TRIAL DATE**

2 A trial date has not currently been scheduled in this case.

3 DATED: March 23, 2018

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11 DATED: March 23, 2018

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19 DATED: March 23, 2018

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1 DATED: March 23, 2018

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ORDER

IT IS HEREBY ORDERED that the parties' Stipulation and Order to Extend the Dispositive Motion Deadline and Pretrial Order Deadline is hereby GRANTED.

The Dispositive Motion Deadline is hereby extended to April 23, 2018. The Pretrial Order Deadline is hereby extended to May 23, 2018.

DATED: March 26, 2018


UNITED STATES MAGISTRATE JUDGE