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 7 Attorneys for Defendants,
 DREAMDEALERS USA, LLC d/b/a EXOTICS RACING,
 8 DAVID PERISSET, and
 ROMAN THIEVAN

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

12 EDWARD B. DOUGLAS, an individual,

13 Plaintiffs,

14 vs.

15 DREAMDEALERS USA, LLC d/b/a
 16 EXOTICS RACING, A Nevada limited
 liability company, DAVID PERISSET, an
 17 individual, and ROMAN THIEVIN, an
 individual,

18 Defendant.

Case No. 2:17-cv-02134-APG-PAL

(Proposed) **STIPULATION AND ORDER
 TO EXTEND DISCOVERY DEADLINES**

(FIRST REQUEST)

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 20 Pursuant to Local Rules 6-1 and 26-4, Defendants, DREAMDEALERS USA, LLC d/b/a
 21 EXOTICS RACING, DAVID PERISSET, and ROMAN THIEVIN (hereinafter “Defendants”), and
 22 Plaintiff, EDWARD B. DOUGLAS (“Plaintiff”), by and through their respective attorneys of record,
 23 hereby stipulate to amend the Discovery Plan and Scheduling Order (ECF No. 13) by extending the
 24 outstanding discovery deadlines for a period of one-hundred-and-twenty (120) days. This is the first
 25 request for an extension to the discovery plan and scheduling order in this matter. The requested
 26 extension is sought in good faith and not for purposes of undue delay.

27 **I. COMPLIANCE WITH LR-26-4**

28 Local Rule 26-4 and the Discover Plan and Scheduling Order provide that the parties’ request

1 to extend discovery must be submitted no later than 21 days prior to the date the parties seek to
2 extend, otherwise the parties must show that the failure to timely submit the request was caused by
3 excusable neglect. In this case, 21 days before the current April 2, 2018 discovery cutoff date is
4 March 12, 2018. The parties timely submit this Stipulation on March 12, 2018.

5 **II. DISCOVERY COMPLETED TO DATE**

6 The parties have exchanged initial disclosures pursuant to FRCP 26(a)(1). Plaintiff has
7 propounded requests for production of documents and interrogatories, and Defendants have
8 propounded requests for production of documents, interrogatories, and requests for admissions.

9 **III. DISCOVERY THAT REMAINS TO BE COMPLETED**

10 The parties each need to respond to written discovery, and may need to propound additional
11 written discovery. Defendants anticipate taking Plaintiff's deposition and may need to take other
12 depositions or serve third party subpoenas depending on Plaintiff's discovery responses and
13 deposition. Plaintiff anticipates taking depositions from Defendant Perisset, Defendant Theivin, and
14 a 30(b)(6) witness from Defendant Dreamdealers. Plaintiff may need to take other depositions
15 depending on Defendants' discovery responses and depositions. The Parties agreed to continue the
16 responses to the outstanding written discovery while they were engaged in settlement discussions.
17 Settlement discussion recommenced between the parties at the ENE, which was held on January 16,
18 2018, and have been ongoing in good faith since that date.

19 **IV. REASONS FOR EXTENSION TO COMPLETE DISCOVERY**

20 Good cause exists to extend the discovery deadlines as requested. The Parties have been
21 engaged in good faith settlement discussions since before the Complaint was filed. These
22 discussions resumed during the ENE on January 16, 2018 and have continued in good faith since the
23 ENE. The parties believe in good faith that there is a reasonable likelihood of settlement.
24 Accordingly, the parties have not wanted to upset their progress with (potentially contentious and
25 costly) discovery and motion practice.

26 If this matter does not settle, this extension is necessary to allow both parties ample time to
27 complete all appropriate discovery. Specifically, additional time is needed to complete written
28 discovery, subpoena third party records, and take depositions.

1 The parties believe that barring any unforeseen circumstances, all necessary discovery can be
2 accomplished by the requested extended deadlines.

3 **REVISED DISCOVERY PLAN**

4 1. Discovery Cut-Off Deadline

5 The discovery cut-off deadline shall be extended for 120 days from April 2, 2018 to
6 Tuesday, July 31, 2018.

7 2. Dispositive Motions Deadline

8 The parties shall file dispositive motions 30 days after the extended discovery cut-off date,
9 and therefore, not later than Thursday, August 30, 2018.

10 3. Joint Pretrial Order Deadline

11 If no dispositive motions are filed, and unless otherwise ordered by this Court, the
12 Joint Pretrial Order shall be filed 30 days after the date set for filing dispositive motions, and
13 therefore, not later than Monday, October 1, 2018. In the event dispositive motions are filed, the
14 date for filing the Joint Pretrial Order shall be suspended until 30 days after the Court enters a ruling
15 on the dispositive motions or otherwise by further order of the Court.

16 4. Interim Status Report Deadline

17 The parties submitted an interim status report on Friday, June 1, 2018.

18 5. Extensions or Modification of the Discovery Plan and Scheduling Order:

19 In accordance with Local Rule 26-4, any stipulation or motion for modification or
20 extension of this discovery plan and scheduling order must be made at least 21 days prior to the
21 expiration of the subject deadline.

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1 Accordingly, the parties stipulate, subject to the approval of this Court, to the following new
2 deadlines:

3 Deadline	Current Deadline	Revised Deadline
4 Interim Status Report	Wednesday, January 31, 2018	Friday, June 1, 2018
5 Discovery Cut-Off	Monday, April 2, 2018	Tuesday, July 31, 2018
6 Dispositive Motions	Tuesday, May 1, 2018	Thursday, August 30, 2018
7 Joint Pretrial Order	Thursday, May 31, 2018	Monday, October 1, 2018

8
9 Dated: March 12, 2017

Dated: March 12, 2017

10 Respectfully submitted,

Respectfully submitted,

11 /s/ Dustin L. Clark

/s/ Matthew T. Cecil

12 Dustin L. Clark, Esq.
Clark Law Counsel PLLC

Wendy Medura Krincek, Esq.
Matthew T. Cecil, Esq.
Littler Mendelson, P.C.

13 Attorney for Plaintiff

Attorneys for Defendants

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17 **IT IS SO ORDERED.**

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19 UNITED STATES MAGISTRATE JUDGE

20 DATED: March 13, 2018

21 Firmwide:153246867.1 087825.1002