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6 Attorneys for Defendants  
 7 Dreamdealers USA, LLC d/b/a Exotics Racing,  
 8 David Perisset, and Roman Thievin

9 UNITED STATES DISTRICT COURT  
 10 DISTRICT OF NEVADA

11 EDWARD B. DOUGLAS, an individual,  
 12  
 13 Plaintiffs,  
 14  
 15 vs.  
 16 DREAMDEALERS USA, LLC d/b/a  
 EXOTICS RACING, A Nevada limited  
 liability company, DAVID PERISSET, an  
 individual, and ROMAN THIEVIN, an  
 individual,  
 17  
 18 Defendant.

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

**STIPULATION AND ORDER TO  
 EXTEND DISCOVERY DEADLINES  
 (SECOND REQUEST)**

19 Pursuant to Local Rules 6-1 and 26-4, Defendants, DREAMDEALERS USA, LLC d/b/a  
 20 EXOTICS RACING, DAVID PERISSET, and ROMAN THIEVIN (hereinafter “Defendants”), and  
 21 Plaintiff, EDWARD B. DOUGLAS (“Plaintiff”), by and through their respective attorneys of record,  
 22 hereby stipulate to amend the Discovery Plan and Scheduling Order (ECF No. 20) by extending the  
 23 outstanding discovery deadlines for a period of thirty (30) days. This is the second request for an  
 24 extension to the discovery plan and scheduling order in this matter. The requested extension is  
 25 sought in good faith and not for purposes of undue delay.

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

2 Local Rule 26-4 and the Discover Plan and Scheduling Order provide that the parties' request  
3 to extend discovery must be submitted no later than 21 days prior to the date the parties seek to  
4 extend, otherwise the parties must show that the failure to timely submit the request was caused by  
5 excusable neglect. In this case, 21 days before the current July 31, 2018 discovery cutoff date is July  
6 10, 2018.

7 **II. DISCOVERY COMPLETED TO DATE**

8 The parties have exchanged initial disclosures pursuant to FRCP 26(a)(1). The parties have  
9 propounded and responded to requests for production of documents and interrogatories, and the  
10 parties have scheduled depositions for all Plaintiff (July 20, 2018), Defendant Perisset (July 19,  
11 2018), and witness Ashley Leach (July 13, 2018). Due to a family emergency, the deposition of  
12 Defendant Thievin has been postponed.

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

14 The Parties may need to propound additional written discovery and meet and confer about  
15 current discovery responses, which may prompt the scheduling of additional depositions. The  
16 Parties agreed to continue the responses to the outstanding written discovery while they were  
17 engaged in settlement discussions. Settlement discussion recommenced between the parties at the  
18 ENE, which was held on January 16, 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           Moreover, circumstances outside the Parties' control have further delayed the Parties' ability  
2 to complete discovery. Specifically, as stated above, Defendant Thievin currently has a family  
3 emergency which required him to travel outside the country. It is not clear at this point when he will  
4 be able to return. Additionally, Plaintiff's spouse has been ill, requiring Plaintiff's attention to shift  
5 from this litigation to her health.

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

8           **REVISED DISCOVERY PLAN**

9           1. Discovery Cut-Off Deadline

10           The discovery cut-off deadline shall be extended for 30 days from July 31, 2018 to August  
11 30, 2018.

12           2. Dispositive Motions Deadline

13           The parties shall file dispositive motions 30 days after the extended discovery cut-off date,  
14 and therefore, not later than October 1, 2018.

15           3. Joint Pretrial Order Deadline

16           If no dispositive motions are filed, and unless otherwise ordered by this Court, the Joint  
17 Pretrial Order shall be filed 30 days after the date set for filing dispositive motions, and therefore,  
18 not later than October 31, 2018. In the event dispositive motions are filed, the date for filing the  
19 Joint Pretrial Order shall be suspended until 30 days after the Court enters a ruling on the dispositive  
20 motions or otherwise by further order of the Court.

21           4. Interim Status Report Deadline

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

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

24           In accordance with Local Rule 26-4, any stipulation or motion for modification or extension  
25 of this discovery plan and scheduling order must be made at least 21 days prior to the expiration of  
26 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 <b>Deadline</b>	<b>Current Deadline</b>	<b>Revised Deadline</b>
4 Discovery Cut-Off	Tuesday, July 31, 2018	Thursday, August 30, 2018
5 Dispositive Motions	Thursday, August 30, 2018	Monday, October 1, 2018
6 Joint Pretrial Order	Monday, October 1, 2018	Wednesday, October 31, 2018

7 Dated: July 10, 2018

Dated: July 10, 2018

8 Respectfully submitted,

Respectfully submitted,

9  
10 /s/ Dustin L. Clark  
11 \_\_\_\_\_  
DUSTIN L. CLARK, ESQ.  
CLARK LAW COUNSEL PLLC

/s/ Marcus B. Smith  
\_\_\_\_\_

WENDY M. KRINCEK, ESQ.  
MARCUS B. SMITH, ESQ.  
LITTLER MENDELSON, P.C.

12 Attorneys for Plaintiff

Attorneys for Defendants

13  
14 **ORDER**

15 **IT IS SO ORDERED.**

16  
17 Dated: July 12, 2018.

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UNITED STATES MAGISTRATE JUDGE

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