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*Charles M. Hallinan and Hallinan Capital Corp.*

13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 THOMAS W. MCNAMARA, as the Court-  
Appointed Monitor for AMG Capital Management,  
16 LLC, et al,  
17  
18 Plaintiff,  
19 v.  
20 CHARLES M. HALLINAN, et al,  
21 Defendants.

Case No. 2:17-cv-02966 (KJD) (NJK)  
**UNOPPOSED MOTION TO  
AMEND THE DISCOVERY PLAN  
AND SCHEDULING ORDER**  
**(Fourth Request)**

22 Defendants Charles M. Hallinan ("Hallinan") and Hallinan Capital Corp. (collectively,  
23 referred to as "Defendants") hereby request, and Plaintiff does not oppose, an extension to the  
24 dates and deadlines set forth in the discovery plan and scheduling order (ECF No. 27, as amended  
25 at ECF Nos. 39, 53, and 69). The earliest deadline set by the current Scheduling Order is the fact

1 discovery cut-off of April 5, 2019. Accordingly, this Motion is timely under LR 26-4.<sup>1</sup> The  
2 parties have met and conferred to discuss the extension and Plaintiff does not oppose Defendants'  
3 request, but reports that he is otherwise prepared to complete discovery within the current  
4 deadlines.

5 Pursuant to Fed. R. Civ. P. 16(b)(4), LR IA 6-1, LR IA 6-2, and LR 26-4, Defendants  
6 submit that good cause exists to approve this extension. As detailed below, Defendants are  
7 requesting, and Plaintiff does not oppose, additional time to reschedule and complete the  
8 depositions of witnesses including Hallinan's daughters, Linda and Carolyn Hallinan. Defendants  
9 are also coordinating a deposition date for the Plaintiff and at least one additional percipient  
10 witness.

11 **A. Completed Discovery**

12 The following discovery has occurred:

13 Plaintiff has served Defendants with the following items:

- 14 1. Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1);
- 15 2. First Set of Interrogatories;
- 16 3. First Set of Requests for Production of Documents;
- 17 4. First Set of Requests for Admissions;
- 18 5. Responses to Defendants' First Set of Interrogatories;
- 19 6. Responses to Defendants' First Set of Requests for Production;
- 20 7. Rule 30(b)(6) deposition notice on Defendant Hallinan Capital Corp.;
- 21 8. First Set of Requests for Admissions to Hallinan Capital Corp.;
- 22 9. Notice of Deposition By Written Question of Charles M. Hallinan

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27 <sup>1</sup> This Motion was originally submitted on March 15, 2019, and denied without prejudice  
28 pursuant to IA 6-2. (ECF No. 82.)

1 Defendants have served Plaintiff with the following items:

- 2 1. Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1);
- 3 2. Responses to Plaintiff's First Set of Interrogatories;
- 4 3. Supplemental Responses to Plaintiff's First Set of Interrogatories;
- 5 4. Responses to Plaintiff's First Set of Requests for Production;
- 6 5. Supplemental Responses to Plaintiff's First Set of Request for Production of
- 7 Documents;
- 8 6. First Set of Interrogatories;
- 9 7. First Set of Requests for Production of Documents;
- 10 8. Deposition Notice to Monitor, Thomas W. McNamara
- 11 9. Deposition Notice to Lisa Jones

12 Witness and party depositions as well as the third-party depositions of Linda Hallinan and  
13 Carolyn Hallinan have yet to occur. On January 24, 2019, Plaintiff filed a Motion to Compel  
14 (ECF No. 68), which was denied without prejudice on February 25, 2019 (ECF No. 77).  
15 Following additional meet and confers, Plaintiff filed a renewed Motion to Compel on March 13,  
16 2019 (ECF No. 80). Defendants' response to that motion is currently due March 18, 2019, and  
17 Plaintiff's reply is due March 20, 2019.

18 Also, Defendants' motion to dismiss the Complaint (ECF No. 17) is pending before the  
19 Court and pleadings are still open.

20 **B. Incomplete Discovery**

21 The parties have exchanged written discovery and produced responsive documents.  
22 Defendants do not intend to produce additional documents. Plaintiff has produced documents on  
23 a rolling basis and has recently advised Defendants that he will be making another document  
24 production the week of March 18, 2019. In addition to correspondence and other responsive  
25 documents, Plaintiff has advised that the anticipated production will include various QuickBooks  
26 files. The parties are finalizing dates for party depositions and the third-party depositions of  
27 Carolyn and Linda Hallinan.

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**C. Reasons to Extend Discovery Deadlines**

Defendants request, and Plaintiff does not oppose, an extension of the current fact discovery deadline for the limited purpose of scheduling and conducting party depositions and the third-party depositions of Linda Hallinan and Carolyn Hallinan. Defendants’ request is based on their desire to review the documents and QuickBooks files that Plaintiff will produce the week of March 18, 2019. Plaintiff’s claims against Defendants seek to claw back more than \$75 million worth of alleged fraudulent transfers over a 20-year period of time that dates back to 1997. Once Plaintiff has completed his document productions, Defendants seek only additional time to review these records relating to the alleged transfers and complete party depositions and the third-party depositions of Linda and Carolyn Hallinan. In addition to the depositions of Linda and Carolyn Hallinan in the present case as third-party witnesses, the Monitor is also seeking their depositions as party defendants in a similar lawsuit brought by the Monitor that is pending before the Court (*McNamara v. Linda Hallinan, et al.*, No 2:17-cv-02967-GMN-PAL (D. Nev.)). In her direct case, and the present case as a third-party witness, Linda Hallinan has recently obtained new counsel that is working diligently towards learning the history of both cases. As Linda and Carolyn Hallinan will be deposed in both matters and necessitate cross-country travel, the parties are working together to schedule these depositions in the most efficient and cost-effective manner. This requested extension of discovery will allow the parties sufficient time to complete the necessary depositions and then resolve any related discovery issues should they arise.

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**D. Proposed Schedule for Completing All Remaining Discovery**

Defendants seeks to amend the Scheduling Order as follows:

	<b>Current Date</b>	<b>Proposed New Date</b>
1. <b>Fact discovery cut-off</b>	April 5, 2019	May 24, 2019 <sup>2</sup>
2. <b>Expert discovery cut-off</b>	April 5, 2019	May 24, 2019
3. <b>Interim status report</b>	December 21, 2018	December 21, 2018
4. <b>Expert disclosures</b>	December 21, 2018	December 21, 2018
5. <b>Rebuttal expert designations</b>	January 21, 2019	January 21, 2019
6. <b>Dispositive motions</b>	July 2, 2019	August 9, 2019
7. <b>Pretrial order*</b>	August 5, 2019	September 13, 2019

As the Court is aware, in the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after a decision of the dispositive motions.

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<sup>2</sup> In her direct case, also on March 15, 2019, counsel for Linda Hallinan filed an unopposed motion to extend her fact discovery deadline until May 24, 2019. As such, Defendants also request an extension to May 24, 2019, to further coordinate the scheduling of depositions between the two cases.

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**CONCLUSION**

For the above-stated reasons, Defendants respectfully request, and Plaintiff does not oppose, that this Court enter an Order amending the Discovery Plan and Scheduling Order using the new deadlines noted above.

DATED this 18th day of March, 2019.

SEMENZA KIRCHER RICKARD

/s/ Jarrod L. Rickard  
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*Charles M. Hallinan and Hallinan Capital Corp.*

**IT IS SO ORDERED.**

  
UNITED STATES MAGISTRATE JUDGE

DATED: March 19, 2019