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10
11 *Attorneys for Defendants*

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 THOMAS W. MCNAMARA, as the Court-
15 Appointed Monitor for AMG Capital
Management, LLC; BA Services LLC; Black
16 Creek Capital Corporation; Broadmoor Capital
Partners, LLC; Park 269, LLC; C5 Capital
17 LLC; DF Services Corp.; DFTW Consolidated
[UC] LLC; Impact BP LLC; Level 5 Apparel
18 LLC; Level 5 Capital Partners LLC; Level 5
Eyewear LLC; Level 5 Motorsports, LLC;
19 Level 5 Scientific LLC; NM Service Corp.
(f/k/a/ National Money Service); PSB Services
20 LLC; Real Estate Capital LLC (f/k/a/ Rehab
Capital I, LLC); Sentient Technologies; ST
21 Capital LLC; Westfund LLC; Eclipse
Renewables Holdings LLC; Scott Tucker
22 Declaration of Trust, dated February 20, 2015;
West Race Cars, LLC; and Level 5
23 Management LLC; and their successors,
assigns, affiliates, and subsidiaries,

24 Plaintiff,

25 v.

26 GARY PATTEN, an individual; PANO
ADVISORS, INC., a Nevada corporation;
27 DOES I-X; and ROE CORPORATIONS I-X,

28 Defendants.

Case No. 2:17-cv-02968-GMN-NJK

**STIPULATION AND ORDER TO AMEND
THE DISCOVERY PLAN AND
SCHEDULING ORDER**

**(Third Request – Expert Disclosure Date
Only)**

Assigned to: Chief Judge Gloria M. Navarro

1 Pursuant to Fed. R. Civ. P. 16(b)(4), LR IA 6-1, LR IA 6-2, and LR 26-4, Plaintiff
2 Thomas W. McNamara, in his capacity as the Court-appointed Monitor in *Federal Trade*
3 *Commission v. AMG Services, Inc., et al.*, District of Nevada, Case No. 2:12-cv-00536-GMN-
4 VCF, and Defendants Gary Patten and Pano Advisors, Inc., jointly stipulate, subject to the
5 Court's approval, to extend the expert disclosure deadline dates in the Court's current
6 Scheduling Order (D.E. No. 84) to August 28, 2020 in light of the unusual circumstances
7 caused by COVID-19. Good cause exists to approve this stipulation, as explained below.

8 The expert disclosure deadline is currently scheduled for July 22, 2020. While the
9 parties have twice requested that the Court amend the scheduling order in response to the case's
10 unique procedural posture (whereby an earlier dismissal was later vacated) and again during the
11 initial phase of the COVID-19 national emergency, the current request is limited to the expert
12 disclosure deadline. **The proposed expert disclosure deadline extension will not affect the**
13 **other current scheduled deadlines, including those for dispositive motions.** This stipulation
14 is timely in the sense that it will not be within 21 days of the current expert disclosure deadline.
15 See LR 26-4.

16 The parties have been working diligently to complete fact discovery in this matter. The
17 parties are currently in the process of taking depositions and have exchanged thousands of
18 pages of documents. The parties expect fact discovery to conclude with the existing deadline.

19 Originally, the parties requested a discovery schedule that tied the deadline for expert
20 disclosures to the end of fact discovery, with the expectation that depositions and document
21 exchanges would be finished well before the fact discovery deadline. However, due to COVID-
22 19 related difficulties and hurdles, the exchange of information and document has been slower
23 than originally anticipated. Accordingly, the parties agreed to seek an extension of the current
24 expert disclosure deadline to August 28, 2020. The parties believe that the requested extension
25 is needed to allow the attorneys time to review materials exchanged in fact discovery, provide
26 the anticipated experts with sufficient time to analyze the exchanged information, and to render
27 their opinions in their expert reports.

28 //

1 Proposed Schedule for Completing Expert Disclosures

2 The parties seek to amend the Scheduling Order as follows:

	Existing Date	Proposed Date
3		
4 1. Expert disclosures	July 22, 2020	August 28, 2020

5 **CONCLUSION**

6 For the above-stated reasons, the parties respectfully request that this Court enter an
7 Order granting this Stipulation to Amend the Discovery Plan and Scheduling Order to reflect
8 the above proposed expert disclosure deadline.
9

10 Dated: July 1, 2020

Dated: July 1, 2020

11 MCNAMARA SMITH LLP

KOSTELANETZ & FINK, LLP

12 /s/ Andrew M. Greene

/s/ Christopher M. Ferguson

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21 *Attorneys for Court-Appointed Monitor,
Thomas W. McNamara*

22
23 IT IS SO ORDERED:

24 
25 _____
NANCY J. KOPRE
26 UNITED STATES MAGISTRATE JUDGE

27 DATED: July 2, 2020
28 _____