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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

9 KORY RAZAGHI, an individual,
10 ATTENTUS L.L.C., a Nevada Limited-
Liability Company,
11
12 Plaintiffs,

Case Number:
2:18-cv-01622-GMN-DJA

13 vs.

STIPULATION AND ORDER TO
EXTEND DISCOVERY AND CASE
SCHEDULING DEADLINES

14 AHMAD RAZAGHI, an individual;
MANUEL MORGAN, an individual; and
15 RAZAGHI DEVELOPMENT COMPANY,
LLC, an Arizona Limited-Liability Company;
16
17 Defendants.

(First Request)

18 Pursuant to LR IA 6-1 and LR 7-1, Plaintiffs Kory Razaghi and Attentus L.L.C.
19 (collectively, "Plaintiffs") and Defendants Ahmad Razaghi and Razaghi Development
20 Company, LLC (collectively, the "Ahmad Defendants") (collectively with Plaintiffs, the
21 "Parties") hereby stipulate and agree as follows:

22 1. This action was commenced on June 20, 2018 in the Eighth Judicial District
23 Court of the State of Nevada, and was removed to this Court on August 28, 2018.

24 2. Defendant Razaghi Development Company, LLC filed its first Answer after
25 removal on September 4, 2018 (ECF No. 4).

26 3. On October 4, 2018, the parties submitted a proposed joint discovery plan and
27 scheduling order (ECF No. 33).

1 4. Thereafter, following amendment of the complaint and while a motion to
2 dismiss the Second Amended Complaint (ECF No. 72) was pending, the parties entered into
3 a stipulation to stay discovery on March 25, 2019 (ECF No. 96).

4 5. Pursuant to that stipulation, the dates previously established for dispositive
5 motions and submission of a joint pre-trial order were vacated, to be reset by the Court
6 following an order on the motion to dismiss (ECF No. 95 at ¶ 6).

7 6. On June 27, 2019, the parties entered into a further stipulation to stay certain
8 discovery, contemplating that the Court would issue a new scheduling order following the
9 ruling on the motion to dismiss (ECF No. 116).

10 7. Plaintiff subsequently filed a Third Amended Complaint (ECF No. 122).

11 8. Defendants filed a motion to dismiss the Third Amended Complaint (ECF No.
12 123).

13 9. Plaintiff filed a motion for partial summary judgment (ECF No. 129), and
14 Defendants filed a cross-motion for partial summary judgment (ECF No. 138)

15 10. The motion to dismiss the Third Amended Complaint, as well as both motions
16 for partial summary judgment, were ruled upon on September 30, 2020, with certain claims
17 being dismissed and certain claims being maintained (ECF No. 150).

18 11. With the Court's permission, Plaintiffs filed a Fourth Amended Complaint on
19 October 21, 2020 (ECF No. 153).

20 12. On November 18, 2020, the Defendants filed a motion to dismiss in part the
21 Fourth Amended Complaint (ECF No. 156), a motion for partial summary judgment as to the
22 Fourth Amended Complaint (ECF No. 157), and an answer to the Fourth Amended Complaint
23 (ECF No. 158).

24 13. On September 30, 2021, the Court issued an order granting the Defendants'
25 motions in part, and denying the motions in part (ECF No. 168).

26 14. The Court's September 30, 2021 Order (ECF No. 168) further directs the
27 parties to file a Joint Proposed Pretrial Order within thirty days of entry of the Order.

1 15. Currently no scheduling order is in place, all such dates having been vacated
2 by prior order (ECF No. 116). However, in the event the Plaintiffs' claims in the Fourth
3 Amended Complaint survived the motion to dismiss and motion for summary judgment, the
4 parties contemplated conducting additional discovery.

5 16. Due to the discovery stays, delays in third parties responding to discovery
6 requests, complications with the COVID-19 pandemic, and the ambiguity of any discovery or
7 trial deadlines, counsel for all parties require additional time to complete discovery, such that
8 the preparation of a Pretrial Order would be premature.

9 **A. DISCOVERY COMPLETED**

10 17. On November 19, 2018, Plaintiff Kory Razaghi and Defendant Razaghi
11 Development Company each served their respective initial Rule 26 disclosures.

12 18. On November 26, 2018, Plaintiff served his first supplemental disclosure.

13 19. On November 30, 2018, Razaghi Development Company served amended
14 initial disclosures, as well as initial disclosures for Defendant Ahmad Razaghi, and two
15 Razaghi Healthcare entities that are no longer parties to this case.

16 20. On November 30, 2018, Plaintiff served a subpoena duces tecum on Navajo
17 Health Foundation, Inc.

18 21. On December 12, 2018, Plaintiff served his second supplemental disclosures.

19 22. On December 13, 2018, Plaintiff served subpoenas duces tecum on US Bank
20 and Wells Fargo.

21 23. On January 10, 2019, Plaintiff served his first set of interrogatories, requests
22 for admission, and requests for production of documents to each of the Defendants.

23 24. On January 22, 2019, Defendants filed a motion to dismiss the Second
24 Amended Complaint (ECF No. 72).

25 25. On February 12, 2019, Defendants served responses to Plaintiff's first sets of
26 interrogatories, requests for admission, and requests for production of documents.

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1 26. On February 28, 2019, Plaintiff served a second set of requests for production
2 of documents on Defendant Razaghi Development Company.

3 27. On March 15, 2019, Plaintiff served notice of taking the deposition of the Rule
4 30(b)(6) designee of Sage Memorial Hospital, which was subsequently continued to a date “to
5 be determined” pursuant to agreement between the parties.

6 28. On March 25, 2019, the parties entered into a stipulation to stay discovery
7 between the parties other than the deposition of Ahmad Razaghi (ECF No. 96) providing that
8 the dates previously established for dispositive motions and submission of a joint pre-trial
9 order were vacated, to be reset by the Court following an order on the then-pending motion to
10 dismiss (ECF No. 72).

11 29. On April 22, 2019, Plaintiff took the deposition of Defendant Ahmad Razaghi.

12 30. On May 30, 2019, a Stipulated Protection Order was entered in this case (ECF
13 No. 109).

14 31. On May 22, 2019, Plaintiff served his third supplemental disclosures.

15 32. On June 27, 2019, the parties entered into a further stipulation to stay discovery
16 between the parties (ECF No. 116), contemplating that the Court would issue a new
17 scheduling order following the ruling on the then-pending motion to dismiss (ECF No. 72).

18 33. On July 19, 2019, Navajo Health Foundation, Inc. produced 11,541 pages of
19 documents in response to the subpoena that had been served by Plaintiff approximately 8
20 months earlier.

21 34. On July 22, 2019, Plaintiff served his fourth supplemental disclosures.

22 35. On July 24, 2019, Plaintiff served his fifth supplemental disclosures.

23 36. Based on the documents produced by Navajo Health Foundation, Inc., Plaintiff
24 requested leave to file an amended complaint (ECF No. 117) on August 2, 2019, which was
25 granted in an order dated August 7, 2019 (ECF No. 120).

26 37. Plaintiff filed his Third Amended Complaint (ECF No. 122) on August 13,
27 2019, which included for the first time Attentus LLC as a plaintiff.

1 38. The Defendants then filed a motion to dismiss the Third Amended Complaint
2 (ECF No. 123) on September 18, 2019.

3 39. On September 4, 2019, Defendant Razaghi Development Company served
4 responses to Plaintiff's second set of requests for production of documents.

5 40. On September 26, 2019, the Defendants served their first sets of interrogatories
6 and requests for production of documents on Plaintiff.

7 41. On October 31, 2019, Plaintiff served responses to Defendants' first sets of
8 interrogatories and requests for production of documents.

9 42. On December 3, 2019, Plaintiff served his first set of requests for admissions
10 on Razaghi Development Company, his second set of requests for production of documents
11 on Ahmad Razaghi, and his third request for production of documents on Razaghi
12 Development Company.

13 43. On January 6, 2020, Defendants served responses to Plaintiff's first set of
14 requests for admissions on Razaghi Development Company, his second set of requests for
15 production of documents on Ahmad Razaghi, and his third request for production of
16 documents on Razaghi Development Company.

17 44. On January 22, 2020, Defendants served their second supplemental
18 disclosures.

19 45. The Court ruled on the pending motions regarding the Third Amended
20 Complaint on September 30, 2020 (ECF No. 150).

21 46. Plaintiffs filed the Fourth Amended Complaint (ECF No. 153) on October 21,
22 2020.

23 47. Defendants filed a motion to dismiss the Fourth Amended Complaint (ECF
24 No. 156), motion for partial summary judgment (ECF No. 157), and Answer to the Fourth
25 Amended Complaint (ECF No. 158) on November 18, 2020.

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1 48. On September 30, 2021, the Court issued an order granting in part and denying
2 in part the Defendants’ 2020 motions, and directing the parties to submit a proposed joint
3 pretrial order (ECF No. 168).

4 **B. DISCOVERY REMAINING**

5 49. Counsel for all parties intend to schedule depositions of several third-party fact
6 witnesses.

7 50. Counsel for the Defendants intend to schedule a deposition of Plaintiff Kory
8 Razaghi and reserve the right to schedule a deposition of the Rule 30(b)(6) representative(s)
9 of Attentus LLC.

10 51. Counsel for the Plaintiffs have reserved the right to schedule a deposition of
11 the Rule 30(b)(6) representative(s) of Razaghi Development Company.

12 52. Counsel for the parties do not anticipate serving any additional written
13 discovery demands, but counsel for the parties do anticipate that they need to review the
14 discovery responses and documents produced to date in light of the Court’s rulings on the
15 dispositive motions and determine whether any amendments or supplements are required.

16 53. Additionally, counsel for all parties desire additional time to discuss and follow
17 through on any discovery disputes that may arise.

18 **C. REASONS WHY DISCOVERY IS NOT COMPLETE**

19 54. First, discovery in this case was delayed by significant preliminary motion
20 practice, where the operative complaint was amended four times, and the Defendants
21 answered that complaint in late 2020.

22 55. Additionally, Navajo Health Foundation, Inc. (Sage Hospital) produced
23 extremely voluminous records, and took a considerable amount of time to do so, which
24 delayed the parties’ understanding of details of the case that proved to be foundational to
25 further discovery.

26 56. Moreover, counsel for all parties anticipated that some amount of discovery
27 would be permitted subsequent to the ruling on the latest motions to dismiss, where the scope

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59. Alternatively, should the Court reject the above discovery plan, the parties request that the Court hold a hearing to discuss the status of discovery in the case.

Dated this 18th day of October, 2021

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MARQUIS AURBACH COFFING

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Razaghi Development Company, LLC*

IT IS SO ORDERED:

DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

DATED: October 19, 2021

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **STIPULATION AND ORDER TO EXTEND DISCOVERY AND CASE SCHEDULING DEADLINES (FIRST REQUEST)** with the Clerk of the Court for the United States District Court by using the court’s CM/ECF system on the 18th day of October, 2021.

I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

N/A

/s/ Krista Busch
An employee of Marquis Aurbach Coffing