

1 AARON D. FORD  
 Nevada Attorney General  
 2 SCOTT H. HUSBANDS  
 Deputy Attorney General  
 Nevada Bar No. 11398  
 3 GERALD L. TAN  
 Deputy Attorney General  
 Nevada Bar No. 13596  
 4 State of Nevada  
 Office of the Attorney General  
 5 5420 Kietzke Lane, Suite 202  
 Reno, NV 89511  
 6 (775) 687-2121 (phone)  
 7 (775) 688-1822 (fax)  
 Email: [shusbands@ag.nv.gov](mailto:shusbands@ag.nv.gov)  
 8 [gtan@ag.nv.gov](mailto:gtan@ag.nv.gov)  
 Attorneys for Defendants  
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10 **UNITED STATES DISTRICT COURT**  
 11 **DISTRICT OF NEVADA**

12 JOSEPH MORGAN, an Individual

13 Plaintiff,

14 vs.

15 STATE OF NEVADA, *ex rel.* its  
 DEPARTMENT OF BUSINESS AND  
 16 INDUSTRY, STATE OF NEVADA, *ex rel.* its  
 TAXICAB AUTHORITY; BRUCE  
 17 BRESLOW, in his individual capacity; TERRY  
 REYNOLDS, in his individual capacity;  
 18 SCOTT WHITTEMORE, in his individual  
 capacity; RUBEN AQUINO, in his individual  
 19 capacity; GENEVIEVE HUDSON, in her  
 individual capacity; RONALD GROGAN, in  
 20 his individual capacity;  
 CHARLES HARVEY, in his individual  
 21 capacity; ANTOINE "CHRIS" RIVERS, in his  
 individual capacity; CJ MANTHE, in her  
 22 individual capacity; DOES I through X  
 inclusive; and ROES XI through XX, inclusive,  
 23

24 Defendants.

Case No.: 2:19-cv-02239-KJD-DJA

**STIPULATION AND ORDER  
 REGARDING INITIAL DISCLOSURES  
 AND EXTENSION OF DISCOVERY  
 DEADLINES**

**[FOURTH<sup>1</sup> REQUEST]**

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 27 <sup>1</sup> The parties' first request was denied due to addressing the incorrect standard for an extension of  
 28 deadlines. ECF No. 23. The parties' current stipulation involves establishing dates by which certain defendants will  
 deliver mandatory disclosures. This is the first time the parties have requested an extension on the standard timeline  
 for those disclosures. The parties' stipulation also includes a request to extend the discovery deadline in this matter

1 Pursuant to LR 7-1 and LR 26-3, Plaintiff JOSEPH MORGAN (“Plaintiff”), by and  
2 through his counsel of record, E. Brent Bryson, Esq. of the Law Offices of E. Brent Bryson,  
3 LTD., and Defendants STATE OF NEVADA, *ex rel.* its DEPARTMENT OF BUSINESS AND  
4 INDUSTRY, STATE OF NEVADA, *ex rel.* its TAXICAB AUTHORITY (together “the  
5 Agency Defendants”) and BRUCE BRESLOW, TERRY REYNOLDS, SCOTT  
6 WHITTEMORE, RUBEN AQUINO, GENEVIEVE HUDSON, RONALD GROGAN,  
7 CHARLES HARVEY, ANTOINE “CHRIS” RIVERS AND C. J. MANTHE (each an  
8 “Individual Defendant” and collectively the “Individual Defendants” and together with the  
9 Agency Defendants “the Defendants”), by and through their attorneys of record, AARON D.  
10 FORD, Attorney General for the State of Nevada, SCOTT H. HUSBANDS, Deputy Attorney  
11 General, and GERALD L. TAN, Deputy Attorney General hereby stipulate and request that this  
12 court establish a date by which the Agency Defendants will deliver their mandatory disclosures.  
13 The parties also have agreed to extend discovery deadlines and any unexpired deadlines in the  
14 above-captioned case for a period of six months. In support of this stipulation and request, the  
15 parties state as follows:

16 **I. DISCOVERY COMPLETED TO DATE**

- 17 1. On December 30, 2019, the Plaintiff filed his Complaint. ECF No. 1.
- 18 2. On March 17, 2020, the Defendants filed their Answer to Plaintiff’s Complaint, ECF  
19 No. 10, and Defendants’ Certificate of Interested Parties, ECF No. 11.
- 20 3. On March 18, 2020, this Court ordered an Early Neutral Evaluation Session (ENE)  
21 for June 15, 2020. ECF No. 12.
- 22 4. On May 20, 2020, this Court ordered that ENE Confidential Statements were due by  
23 June 8, 2020. ECF No. 14.
- 24 5. On May 29, 2020, the Defendants filed a Notice of Association of Counsel Deputy  
25 Attorney General Gerald L. Tan. ECF. No. 15.
- 26 6. On June 2, 2020, the parties stipulated to a 14-day extension of time to exchange  
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28 and will be the parties’ fourth request for such an extension.

- 1 FRCP 26 initial disclosures on behalf of the Individual Defendants. ECF No. 16.
- 2 7. On June 3, 2020, this Court granted the parties' request for a 14-day extension of
- 3 time to exchange FRCP 26 initial disclosures. ECF No. 17.
- 4 8. On June 12, 2020, the Plaintiff provided his initial disclosure of witnesses and
- 5 documents pursuant to FRCP 26.1(a)(1).
- 6 9. On June 15, an ENE Session was held between the parties but a settlement
- 7 agreement was not reached. ECF No. 18.
- 8 10. On June 16, 2020, the Individual Defendants provided their initial disclosure of
- 9 witnesses and documents pursuant to FRCP 26.1(a)(1).
- 10 11. On July 17, 2020, the parties stipulated to a discovery plan and scheduling order.
- 11 ECF No. 19.
- 12 12. On July 23, 2020, this Court granted the parties' discovery plan and scheduling
- 13 order. ECF No. 20.
- 14 13. On July 23, 2020, this Court provided Notice Pursuant to LR IB 2-2. ECF No. 21.
- 15 14. On July 23, 2020, this Court granted the parties' discovery plan and scheduling
- 16 order. ECF No. 20.
- 17 15. On July 23, 2020, this Court provided Notice Pursuant to LR IB 2-2. ECF No. 21.
- 18 16. On October 29, 2020, Plaintiff timely served a set of interrogatories and document
- 19 requests to each Individual Defendant. These requests were served in compliance
- 20 with the existing discovery cutoff in place at that time. The parties agreed to extend
- 21 the deadline for Defendants to provide their discovery responses. Consistent with
- 22 this agreement, the Individual Defendants served their responses on January 8, 2021.
- 23 17. On October 30, 2020, Plaintiff timely served deposition notices to each of the
- 24 Individual Defendants. The parties agreed to vacate those depositions in light of
- 25 their November 2020 stipulation to extend the discovery deadlines and all other
- 26 unexpired deadlines in this matter. The parties agreed to reschedule these
- 27 depositions to future agreed-upon dates and times.
- 28 18. On November 12, 2020, pursuant to local rules, counsel for Mr. Morgan and the

1 Individual Defendants met and conferred telephonically regarding a number of issues  
2 including discovery matters. That meet and confer resulted in the terms set forth in  
3 the parties' November 2020 stipulation. The Court entered an order approving the  
4 terms of the parties' stipulation on November 16, 2020. (ECF No. 29).

5 19. On May 4, 2021, the Court entered its order denying a motion to dismiss filed by the  
6 Agency Defendants (ECF No. 30). As part of its order, the Court allowed Plaintiff  
7 30 days to properly serve these defendants so that they could be made proper parties  
8 to the litigation.

9 20. On the same day the Court entered the order referenced above, the undersigned  
10 counsel met and conferred on a number of matters including discovery matters.  
11 Counsel agreed that the parties needed additional time to conduct their remaining  
12 discovery. Further, the parties agreed that the imminent addition of the Agency  
13 Defendants greatly expanded the scope of discovery and that additional time would  
14 be needed. Counsel agreed that in person depositions were preferable to depositions  
15 being taken virtually. The parties prepared a stipulation to extend discovery  
16 deadlines in this matter. The Court entered an order approving that stipulation on  
17 June 1, 2021.

18 21. On October 29, 2021, Plaintiff noticed the depositions of five of the Individual  
19 Defendants. Counsel met and conferred regarding the schedule for these depositions  
20 and agreed to postpone the depositions while the parties worked through disclosure  
21 issues. The parties agreed that the Agency Defendants would provide their  
22 mandatory disclosures by Friday, January 7, 2022 and that the parties would attempt  
23 to set the deposition of Ruben Aquino for late January 2022. The parties further  
24 agreed that other depositions would follow including that of Plaintiff. Lastly, given  
25 the large number of depositions and discovery to be completed, the parties agreed to  
26 request another extension of the discovery deadlines in this matter so that depositions  
27 could hopefully be completed in person and with the benefit of discovery already  
28 having been produced.

1       **II.       WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

2               This request for an extension of all unexpired deadlines was initiated upon the mutual  
3 interest of all parties. The Individual Defendants have provided their initial disclosures and  
4 responded to limited written discovery. The parties anticipate the need to conduct further  
5 extensive written discovery. There are a number of depositions of both lay and expert witnesses  
6 that will need to be taken in addition to those depositions already noticed by Plaintiff. Due to the  
7 COVID-19 pandemic and orders of the Governor of the State of Nevada, the parties' progress on  
8 these matters has been slowed despite the best efforts of counsel. Regarding the Agency  
9 Defendants' disclosures, there is a significant volume of materials to review and produce. This  
10 review and production has been delayed as a result of pandemic-related concerns and conflicting  
11 professional obligations in other matters. The parties are hopeful that with an extension of the  
12 deadlines in this matter, that they may be able to take depositions in person soon and that setting  
13 January 7, 2022 as the deadline for the Agency Defendants' disclosures will allow those  
14 disclosures to be completed with enough time for Plaintiff's counsel to review those materials in  
15 advance of any depositions that need to be scheduled.

16               Further, all undersigned counsel, and in particular, Plaintiff's counsel, have had a number  
17 of other matters involving lengthy hearings and trials. This has consumed a great deal of  
18 counsel's time since the parties' last stipulation. These issues, and pandemic-related issues of  
19 remote work and limited resources have greatly complicated the parties' ability to conduct the  
20 extensive discovery that is needed in this matter. Therefore, the parties submit that good cause  
21 exists to the schedule set forth in this stipulation and proposed order, and it is respectfully  
22 requested that the deadlines in this matter be continued.

23               The parties recognize that the Agency Defendants are requesting to submit their  
24 disclosures beyond the date established by the rules and that the parties did not submit their  
25 request to extend prior to the expiration of the date established by the rules. The parties must  
26 therefore demonstrate excusable neglect as to why the request was not made prior to the  
27 expiration of the current date. The rules established a date for the Agency Defendants  
28 disclosures that would have fallen prior to the Agency Defendants' Answer. Therefore, the

1 Agency Defendants would not have been able to request an extension prior to its expiration  
2 because the expiration predated the Agency Defendants' Answer. This is a result of the parties  
3 agreeing to extend the date by which the Agency Defendants would submit their answer.

4 As a result, the parties met and conferred in the late summer as to a schedule by which  
5 the Agency Defendants would produce their disclosures and depositions would be scheduled.  
6 Plaintiff noted his five depositions in October so that the parties could establish some forward  
7 momentum towards completing the extensive discovery in this matter. Given the significant  
8 volume of materials to be disclosed, limited staffing and professional obligations in other matters  
9 that have all been delayed or complicated due to pandemic-related issues, it has taken longer than  
10 expected for the Agency Defendants to gather and produce their disclosures. The parties agree  
11 on the importance of producing those materials in a way that allows Plaintiff's counsel to  
12 thoroughly review those materials prior to any depositions in this matter. The schedule proposed  
13 by this stipulation will allow for that time and seeks an agreed upon extension of the discovery  
14 deadlines in this matter so that the parties can complete the extensive written discovery needed  
15 prior to the depositions that have been discussed. Concurrent with the terms of this stipulation,  
16 the parties are working on a deposition schedule for the first quarter of 2022.

17 **III. REMAINING DISCOVERY**

- 18 1. The Plaintiff will likely serve additional written discovery requests.
- 19 2. Defendants need to serve written discovery requests and Defendants expect to serve  
20 additional written discovery requests as discovery progresses.
- 21 3. The Plaintiff and Defendants need to take the depositions of relevant witnesses and  
22 expert witnesses.
- 23 4. The Agency Defendants will need to provide their mandatory disclosures by January  
24 7, 2022. The first deposition in this matter, that of Individual Defendant Ruben  
25 Aquino, will be set for late January or early February with other depositions to  
26 follow.

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**IV. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY**

Based on the good cause to extend the unexpired discovery deadlines in this case, the parties submit the following proposed discovery schedule:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-Off Date	<i>March 11, 2022</i>	<i>September 16, 2022</i>
Dispositive Motions	<i>April 15, 2022</i>	<i>October 14, 2022</i>
Joint Pretrial Order	<i>May 13, 2022</i>	<i>November 18, 2022 (If dispositive motions are filed the deadline for filing the joint pretrial order will be suspended until 30 days after a decision on the dispositive motions or further court order).</i>

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This request for extensions of time is not sought for any improper purpose or other purposes of delay. The COVID-19 pandemic has stalled the parties’ attempts to conduct meaningful discovery in this matter. The parties have worked diligently at complying with the deadlines that can be met, but good cause exists to extend the current discovery deadlines.

WHEREFORE, the parties respectfully request that this court set the due date for the Agency Defendants’ disclosures to January 7, 2022, and extend discovery dates as outlined in accordance with the table above.

APPROVED AS TO FORM AND CONTENT this 22nd day of December, 2021.

By: /s/ Scott H. Husbands  
SCOTT H. HUSBANDS, ESQ.  
Deputy Attorney General  
Nevada Bar No. 11398  
GERALD R. TAN  
Nevada Bar No. 13596  
5420 Kietzke Lane, Suite 202  
Reno, NV 89511  
**Attorney for Defendants**

By: /s/ E. Brent Bryson  
E. BRENT BRYSON, ESQ.  
E. BRENT BRYSON, LTD.  
Nevada Bar No. 4933  
3202 West Charleston Blvd.  
Las Vegas, NV 89102  
**Attorney for Plaintiff**

**IT IS SO ORDERED:**

DATED this 27<sup>th</sup> day of December, 2021.

  
UNITED STATES MAGISTRATE JUDGE