

1 Sallie B. Armstrong, Esq. (NSBN 1243)
2 Matthew C. Addison, Esq. (NSBN 4201)
3 Chelsea Latino, Esq. (NSBN 14227)
4 McDONALD CARANO LLP
5 100 West Liberty Street, 10th Floor
6 Reno, NV 89501
7 Telephone: (775) 788-2000
8 sarmstrong@mcdonaldcarano.com
9 maddison@mcdonaldcarano.com
10 clatino@mcdonaldcarano.com

11 *Attorneys for Peterson Power Systems, Inc.*

12
13 **UNITED STATES DISTRICT COURT**
14
15 **DISTRICT OF NEVADA**

16 PETERSON POWER SYSTEMS, INC., a
17 California corporation,

18 Plaintiff,

19 vs.

20 ADVANCED MANUFACTURING & POWER
21 SYSTEMS, INC., a Florida corporation;
22 ADVANCED MANUFACTURING & POWER
23 SYSTEMS AZ, INC., an Arizona corporation;
24 DOES 1 through 10; and ROE ENTITIES 11
through 20, inclusive,

25 Defendants.

26 ADVANCED MANUFACTURING & POWER
27 SYSTEMS, INC., a Florida corporation,

28 Counterclaimants,

v.

29 PETERSON POWER SYSTEMS, INC.,
30 a California corporation; and ZOES 21 through
31 30, inclusive,

32 Counter-Defendants

33 CASE NO.: 2:20-cv-01670-VCF

34 **JOINT ~~PROPOSED~~ AMENDED
35 STIPULATED DISCOVERY PLAN
36 AND SCHEDULING ORDER**

37 **(THIRD REQUEST)**

38 **(SUBMITTED IN COMPLIANCE
39 WITH LR 26-1(b))**



40 Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1, Plaintiff/Counterdefendant
41 PETERSON POWER SYSTEMS, INC., a California corporation (“Peterson” or “Plaintiff”),

1 and Defendant/Counterclaimant ADVANCED MANUFACTURING & POWER
2 SYSTEMS, INC. (“AMPS Florida” or “Counterclaimant”) and ADVANCED
3 MANUFACTURING & POWER SYSTEMS AZ, INC. (“AMPS AZ” or “Defendant”)
4 (collectively referred to as “Defendants”), by and through their undersigned attorneys, hereby
5 submit this Proposed Amended Stipulated Discovery Plan and Scheduling Order.

6 **I. Preliminary Information**

7 The parties conducted the Rule 26(f) conference on **Thursday, January 28, 2021**, and
8 each party served their initial disclosures 14 days later, on **Thursday, February 11, 2021**. Written
9 discovery has been served and counsel have made solid progress in the setting of depositions.

10 This stipulation is made in good faith and not for purposes of delay. Counsel for the parties
11 have met and conferred regarding discovery issues and discussed the setting of fact depositions,
12 but scheduling those depositions has been difficult with the upcoming holidays and arranging
13 travel for most of the witnesses from as far away as Florida. Counsel continue to work together
14 in good faith, and no further extensions of these dates will be requested of the Court.

15 **II. Proposed Discovery Plan**

16 The parties proposed to the Court the following discovery plan and scheduling order
17 moving all deadlines approximately three (3) months:

18 1. Initial Disclosures: Initial Disclosures were provided in accordance with FRCP
19 26(a)(1) on February 11, 2021.

20 2. Completion of Discovery: The parties agreed discovery should be completed on
21 **Monday, April 11, 2022**.

22 3. Orders under FRCP 26(c) and 16(b) and (c): The parties are not aware of any other
23 matters or order that should be entered under these Rules.

24 4. Amending the Pleadings and Adding Parties: In accordance with the Second
25 Amended Stipulated Discovery Plan and Scheduling Order (ECF No. 23), shall be filed not later
26 than **Wednesday, October 6, 2021**.

27 5. FRCP 26(a)(2) Disclosures (Experts): In accordance with the Second Amended
28 Stipulated Discovery Plan and Scheduling Order (ECF No. 23), the parties will disclose experts,

1 if any, on or before **Wednesday, November 3, 2021**. Rebuttal experts shall be disclosed within
2 thirty (30) days after the initial disclosures of experts and no later than **Friday, December 3, 2021**.

3 6. Dispositive Motions: The parties will file dispositive motions not later than thirty
4 (30) days after the close of discovery, or **Wednesday, May 11, 2022**.

5 7. Pretrial Order: The parties shall file a joint pretrial order thirty (30) days after the
6 deadline to file Dispositive Motions, on **Friday, June 10, 2022**. If dispositive motions are filed,
7 the Pretrial order will be filed no later than thirty (30) days after final decision on those dispositive
8 motions or further order of the Court.

9 8. FRCP 26(a)(3) Disclosures: All disclosures required by FRCP 26(a)(3) and any
10 objections thereto shall be included in the pretrial order.

15 10. Alternative Forms of Case Disposition: The parties certify that they consent to
16 trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and have filed the
17 appropriate pleading thereon.

18 11. Electronic Evidence: The parties will soon begin discussions regarding the
19 disclosures and discovery of electronically stored information, including the form or forms in
20 which it should be produced, and agree to discuss this further once discovery commences. The
21 parties shall meet and confer and otherwise work in good faith with respect to the production of
22 electronically stored information should any dispute arise. The parties further certify that they will
23 discuss whether they intend to present evidence in electronic format to jurors for the purposes of
24 jury deliberations. Discussions between the parties will be ongoing as the trial date approaches
25 and any electronic evidence will be presented in a format compatible with the Court's electronic
26 jury evidence display system.

27 |||

28 | / / /

1 12. Extensions or Modifications of the Discovery Plan and Scheduling Order: This
 2 Stipulation for modification and extension is being made less than the twenty-one (21) days before
 3 the expiration of a subject deadline as required by Local Rule 26-3.

4 DATED this 16th day of November, 2021.

5 McDONALD CARANO LLP	6 SILVER STATE LAW LLC
7 By: <u>/s/ Matthew C. Addison</u> 8 Sallie B. Armstrong, Esq. (NSBN 1243) 9 Matthew C. Addison, Esq. (NSBN 4201) 10 Chelsea Latino, Esq. (NSBN 14227) 11 100 West Liberty Street, 10th Floor 12 Reno, NV 89501 13 (775) 788-2000 14 sarmstrong@mcdonaldcarano.com 15 maddison@mcdonaldcarano.com 16 clatino@mcdonaldcarano.com 17 <i>Attorneys for Peterson Power Systems, Inc.</i>	7 By: <u>/s/ Cody K. Marriott</u> 8 Jeffrey S. Spencer, Esq. (NSBN 9197) 9 Cody K. Marriott, Esq. (NSBN 14147) 10 190 W. Huffaker Lane, Suite 401 11 Reno, NV 89511 12 (775) 786-7445 13 jeff@sslawnv.com 14 cody@sslawnv.com 15 <i>Attorneys for Advanced Manufacturing &</i> 16 <i>Power Systems, Inc. and Advanced</i> 17 <i>Manufacturing & Power Systems AZ, Inc.</i>

15 **ORDER**

16 IT IS SO ORDERED.



17 UNITED STATES MAGISTRATE JUDGE

18 DATED: 11-16-2021