

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

Attorneys for Peterson Power Systems, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PETERSON POWER SYSTEMS, INC., a
 California corporation,

Plaintiff,

vs.

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

Defendants.

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

Counterclaimants,

v.

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

Counter-Defendants

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

**JOINT ~~PROPOSED~~ AMENDED
 STIPULATED DISCOVERY PLAN
 AND SCHEDULING ORDER**

(THIRD REQUEST)

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

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1, Plaintiff/Counterdefendant

PETERSON POWER SYSTEMS, INC., a California corporation (“Peterson” or “Plaintiff”),

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

I. Preliminary Information

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

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

II. Proposed Discovery Plan

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

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

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

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

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

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

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

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

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

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

9. Alternative Dispute Resolution: The parties certify that they met on **Thursday, January 28, 2021**,² conferred about the possibility of using alternative dispute-resolution processes including mediation and arbitration and tentatively agreed to investigate the availability of a Magistrate to conduct a settlement conference in the first quarter of 2022.

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

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

///

///

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

DATED this 16th day of November, 2021.

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

ORDER

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: 11-16-2021