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12 *Attorneys for Plaintiffs Leslie Ann Trejo,  
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14  
15  
16 **UNITED STATES DISTRICT COURT**  
17 **DISTRICT OF NEVADA**

18 LESLIE ANN TREJO, GUADALUPE  
19 RODRIGUEZ, and MANUEL RODRIGUEZ,  
20 an individual,

21 CASE NO. 2:20-cv-02039-APG-EJY

22 Plaintiff,

23 vs.

24 AMERICAN FAMILY INSURANCE  
25 COMPANY, a Foreign Corporation; DOE  
EMPLOYEES I-V and ROE COMPANIES I-V,

26  
27 **PROPOSED JOINT DISCOVERY PLAN**  
**AND SCHEDULING ORDER**  
**SUBMITTED IN COMPLIANCE WITH**  
**LR 26-1(e)**

28 Defendants.

29  
30 Pursuant to Local Rule 26-1(e), the parties submit their proposed Discovery Plan and Scheduling  
31 Order. Deadlines that fall on a Saturday, Sunday, or legal holiday have been scheduled for the  
32 preceding or next judicial day.

33 1. **Meeting:** Pursuant to Federal Rule of Civil Procedure (“FRCP”) 26(f), a meeting was held  
34 on December 21, 2020, and was attended by Joseph Ortuno, Esq. of VAN LAW FIRM for Plaintiffs  
35 LESLIE ANN TREJO, GUADALUPE RODRIGUEZ and MANUEL RODRIGUEZ (“Plaintiffs”)

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1 and Scott A. Flinders, Esq., of HUTCHISON AND STEFFEN, PLLC, for Defendant AMERICAN  
 2 FAMILY INSURANCE COMPANY (“Defendant”) (collectively, “Parties”).

3       2.     **Pre-Discovery Disclosures:** Plaintiffs made their pretrial disclosures on January 7, 2021.  
 4 Defendant believes fourteen (14) days are required to make their initial disclosures. Accordingly,  
 5 Defendant will make their pre-discovery disclosures by January 22, 2020.

6       3.     **Areas of Discovery:** The parties agree that the areas of discovery should include, but not  
 7 be limited to: liability, causation, damages, and all claims and defenses allowed pursuant to the  
 8 Federal Rules of Civil Procedure.

9       4.     **Discovery Plan:** The parties propose the following discovery plan:

10       A.     **Discovery Cut-off Date(s):** LR 26-1(e)(1) provides that “unless otherwise ordered,  
 11 discovery periods longer than one hundred eighty (180) days from the date the first defendant answers  
 12 or appears will require special scheduling review.” The parties jointly request a change to LR 26-  
 13 1(e)(1) to extend the discovery period. Defendant filed its Notice of Removal on November 4, 2020.  
 14 Defendant first appeared in this matter by filing an Answer in the United States District Court, District  
 15 of Nevada, case number 2:20-cv-02039-APG-EJY, on November 13, 2020. Due to the Holidays and  
 16 conflicting schedules, the Parties were unable to meet for their Rule 26 conference until December  
 17 20, 2020. At that meeting, the Parties felt there was a strong chance that this matter could be dismissed  
 18 in order to pursue a private binding arbitration. In an effort to alleviate the Court of this matter, the  
 19 Parties negotiated terms of an arbitration two weeks around the Christmas Holiday. However, despite  
 20 the efforts of counsel, an agreement could not be reached.

21       The parties therefore request that the discovery period be calculated as one hundred eighty  
 22 (180) days from the date of the FRCP 26(f) conference which occurred on **December 20, 2020**, such  
 23 that discovery closes on **June 18, 2021**.

24       B.     **Amending the Pleadings and Adding Parties:** The parties shall have until **March**  
 25 **19, 2021**, to file any motions to amend the pleadings to add parties. This is 90 days before the  
 26 discovery cut-off date.

27       C.     **FRCP 26(a)(2) Disclosure of Experts:** Disclosure of experts shall proceed according  
 28 to FRCP Rule 26(a)(2) and LR 26-1(e)(3) as follows: The disclosure of experts and their reports shall  
 occur on or before **April 19, 2021**. The disclosure of rebuttal experts and their reports shall occur on

1 or before **May 19, 2021**. These deadlines are 60 and 30 days before the discovery cut-off date,  
 2 respectively.

3       D. **Interim Status Report:** The parties shall file the interim status report by **April 19,**  
 4 **2021**, 60 days before the discovery cut-off date, as required by LR 26-3.

5       E. **Dispositive Motions:** The parties shall have until ~~May 19, 2021~~<sup>July</sup>, to file dispositive  
 6 motions. This is 30 days after the discovery cut-off date, as required by LR 26-1(e)(4).

7       F. **Pre-Trial Order:** The parties will prepare a Consolidated Pre-Trial Order on or before  
 8 ~~May 19, 2021~~<sup>August</sup>, which is not more than 30 days after the date set for filing dispositive motions in the  
 9 case, as required by LR 26-1(e)(5). This deadline will be suspended if dispositive motions are timely  
 10 filed until 30 days after the decision of the dispositive motions or until further order of the Court. The  
 11 disclosure required by FRCP Rule 26(a)(3), and objections thereto, shall be made in the pre-trial order

12       G. **Court Conferences:** If the Court has questions regarding the dates proposed by the  
 13 parties, the parties request a conference with the Court before entry of the Scheduling Order. If the  
 14 Court does not have questions, the parties do not request a conference with the Court.

15       H. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** LR 26-  
 16 4 governs modifications or extensions of this Discovery Plan and Scheduling Order. Any stipulation  
 17 or motion to extend a deadline set forth in the discovery plan and scheduling order must be made not  
 18 later than 21 days before the subject deadline. Any stipulation or motion to extend the discovery cut-  
 19 off period must be made no later than **April 29, 2021**, 21 days before the discovery cutoff date.

20       I. **Authorizations:** It is agreed by the Parties that Plaintiffs will execute and provide  
 21 provider-specific HIPAA-Compliant Authorizations for the Release of Patient Information dated five  
 22 (5) years prior to Plaintiffs' date of loss by January 22, 2021. Should additional authorizations be  
 23 necessary in order for Defendant's Counsel to obtain Plaintiffs' complete medical records, the  
 24 PARTIES will negotiate the facilitation of said authorizations.

25       J. **Format of Discovery:** Pursuant to the electronic discovery amendments to the Federal  
 26 Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-discovery issues  
 27 pertaining to the format of discovery at the FRCP 26(f) conference. The parties do not anticipate  
 28 discovery of native files or metadata at this time, but each party reserves the right to make a showing  
 for the need of such electronic data as discovery progresses.

K. **FRCP 35 Examination:** Defendant reserves the right to have Plaintiff undergo an FRCP 35 Examination performed by Defendant's doctor(s), to be determined. Said independent medical examination is allowed pursuant to the Federal Rules of Civil Procedure and without waiving all objections thereto.

L. **Stipulated Protective Order:** Defendant's counsel has provided and Plaintiffs' counsel agrees that the Parties will enter into an agreed upon Stipulated Protective Order regarding the disclosure of confidential information in compliance with LR 7-1.

5. **Alternative Dispute Resolution:** The parties certify that they met and conferred about the possibility of using alternative dispute resolution processes, including mediation, arbitration, and, if applicable, early neutral evaluation.

6. **Alternative Forms of Case Disposition:** The parties have conferred on this issue and believe they will need at least some discovery before they can make any determination if alternative forms of case disposition are viable options for them.

7. **Electronic Evidence:** The parties certify that they may present evidence in electronic format to jurors for the purpose of jury deliberations in compliance with the Court's electronic jury evidence display system.

Dated this 7th day of January, 2021.

## VAN LAW FIRM

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Insurance Company*

**IT IS SO ORDERED.**

Elayna J. Zouachah  
**U.S. MAGISTRATE JUDGE**

**Dated: January 8, 2021**