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16 *Attorneys for Plaintiffs*

17 **UNITED STATES DISTRICT COURT**

18 **FOR THE DISTRICT OF NEVADA**

19 MARIA TSATAS, an individual; LEONIDAS
 20 VALKANAS, as trustee of the KEET TRUST
 dated August 1, 2015; RAYMOND BARAZ,
 21 an individual; PASCAL ABDALLAH, an
 individual; JIMMY TSOUTSOURAS, an
 22 individual; FOTINI VENETIS, an individual;
 NICHOLAS TSOUTSOURAS, an individual;
 23 CONNIE TSOUTSOURAS, an individual;
 RAYMONDE KANHA, an individual;
 24 ALFRED BEKHIT, an individual; JACQUEZ
 ELBAZ, an individual; MARTINE
 25 BENEZRA, an individual; JAMES P.
 CARROLL, an individual; DAVID CHIN, an
 26 individual; JENNIFER MILLS, an individual;
 PAUL SUBLETT, an individual; ANDREW
 27 SUBLETT, an individual; MANOLIS
 KOSTAKIS, an individual; ESTHER
 28 GEORGAKOPOULOS, an individual;
 EVAGELIA KOSTAKIS, an individual;

CASE NO.: 2:20-cv-2045-RFB-BNW

**STIPULATED REQUEST FOR
 EXTENSION OF DISCOVERY
 DEADLINES BY APPROXIMATELY 21
 DAYS**

(Eighth Request)

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1 DENIS PARSONS, an individual; SOFIA
2 KARDARAS, an individual; JIMMY
3 ASMAKLIS, an individual; CORRADINO
4 GALUPPO, an individual; DENIS KOPITAS,
5 an individual; TERRY TSATAS, an
6 individual; GEORGE TSATAS, an individual;
7 PANAGIOTA TSATAS, an individual;
8 OURANIA TSATAS, an individual;
9 KIRIAKOS PRIMBAS, an individual;
10 EVANTHIA PRIMBAS, an individual;
11 PATRICK AYOUB, an individual; MICHAEL
12 BESCEC, an individual; ERNEST LEBOEUF,
13 an individual; PHILIPPE LEGAULT, an
14 individual; EFTIHIOS LITSAKIS, an
15 individual; GIOVANNI MONCADA, an
16 individual; MARC RIEL, an individual;
17 JARADEH SALIM, an individual; HANI
18 HAMAM, an individual; CONSTANTIN
19 ZISSIS, an individual; BESSIE PEPPAS, an
20 individual; NIKI PALIOVRAKAS, an
21 individual,

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v.

AIRBORNE WIRELESS NETWORK, INC., a Nevada Corporation; MICHAEL J. WARREN, an individual; J. EDWARD DANIELS, an individual; MARIUS DE MOS, an individual; JASON DE MOS, an individual; ROBERT BRUCE HARRIS, an individual; KELLY KABILAFKAS, an individual; and APCENTIVE, INC., a Nevada Corporation,

Defendants.

STIPULATED REQUEST FOR EXTENSION OF DISCOVERY DEADLINES

Plaintiffs (as listed in the above caption) and Defendants (as listed in the above caption) (together, the “Parties”), by and through their undersigned counsel of record, submit this Stipulated Request for Extension of Discovery Deadlines by Approximately 21 days, pursuant to FRCP 6(b) and 16(b), as well as LR 26-3 and LR IA 6-1.

WHEREAS, this is the Parties’ eighth request for an extension of discovery deadlines.

WHEREAS, on June 16, 2023, the Court granted Plaintiffs’ most recent (unopposed) request for an extension of the scheduling order (ECF No. 210), such that the following cutoff dates currently apply:

Discovery Cut-Off – September 30, 2023

Expert Disclosures – July 31, 2023

Rebuttal Expert Disclosures – August 31, 2023

Dispositive Motions – October 31, 2023

Proposed Joint Pretrial Order – November 30, 2023, or 30 days after the final dispositive motion is ruled upon.

WHEREAS, pursuant to LR 26-3, the Parties agree on the following:

(a) **Statement of discovery completed:** The Parties incorporate by reference the statement of discovery completed, as set forth in Plaintiffs’ June 9, 2023 (ultimately unopposed) Motion to Modify Scheduling Order. ECF No. 207 at p. 8:10-19 (referencing ECF No. 204 at p. 3:17—4:19, which also referenced ECF No. 182 at pp. 14:21—19:22). Since June 9, 2023, the following additional discovery has been completed:

- Depositions of Defendants:
 - J. Edward Daniels: July 5, 2023.
 - Kelly Kabilafkas: July 7, 2023.
- Depositions of Plaintiffs:
 - Raymonde Kanha (June 16, 2023)
 - Alfred Bekhit (June 16, 2023)

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- o Martine Benezra (June 26, 2023)
- Additional third-party subpoenas:
 - o Wells Fargo (July 10, 2023 – with documents received July 21, 2023)
 - o Follow-up subpoena to Wells Fargo (July 21, 2023 – with documents expected July 28, 2023)

(b) **Discovery that remains to be completed:** The discovery that remains to be completed includes the following primary items (without prejudice to additional items that may arise as discovery continues):

- Depositions of remaining plaintiffs:
 - o James P. Carroll
 - o David Chin (scheduled for July 27, 2023)
 - o Evagelia Kostakis (scheduled for July 28, 2023)
 - o Denis Parsons (scheduled for July 28, 2023)
 - o Sofia Kardaras
 - o Jimmy Asmaklis
 - o Corradino Galuppo
 - o Michael Bescec
 - o Ernest Leboeuf
 - o Phillippe Legault
 - o Eftihios Listakis
 - o Giovanni Moncada
 - o Marc Riel
 - o Jaradeh Salim
 - o Hani Hamam
 - o Constantin Zissis
- Follow-up third-party discovery:
 - o Follow-up subpoena to Wells Fargo (documents expected

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July 28, 2023).

- Expert disclosures.
- Expert depositions.

(c) Reasons why deadline not satisfied or remaining discovery not completed:

Plaintiffs have made diligent efforts to pursue the discovery they need to meaningfully prepare expert disclosures. Since the last extension on June 16, 2023 (ECF No. 210), Plaintiffs have completed the remaining party depositions of J. Edward Daniels (July 5, 2023) and Kelly Kabilafkas (July 7, 2023). Without waiving the work product privilege, in the process of preparing expert disclosures, Plaintiffs realized the need for an additional subpoena to Wells Fargo. As soon as Plaintiffs realized this need, they subpoenaed Wells Fargo on July 10, 2023 and received documents on July 21, 2023. Plaintiffs promptly reviewed the documents received from Wells Fargo on July 21, 2023 and realized the need for a brief follow-up subpoena. Plaintiffs immediately prepared and served a follow-up subpoena to Wells Fargo that same day and requested documents by July 28, 2023. Wells Fargo has been very responsive and Plaintiffs have no reason to doubt that they will receive additional documents on July 28, 2023. Nonetheless, Plaintiffs anticipate that it will take additional time to review, analyze, and fully incorporate the records from both the July 10, 2023 Wells Fargo subpoena and the July 21, 2023 follow-up subpoena into the expert disclosures. Although Plaintiffs have made significant progress on their expert disclosures, and have devoted significant time and resources to analyzing SEC filings, deposition transcripts, and nearly a hundred thousand pages of documents (from Defendants and third-party subpoenas), they do not anticipate being able to complete expert disclosures by July 31, 2023, the current deadline.

(d) Proposed schedule for completing all remaining discovery: In light of the above, and for good cause showing, the Parties propose the following schedule

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for completing all remaining discovery:

- Discovery Cut-Off – October 20, 2023
- Expert Disclosures – August 21, 2023
- Rebuttal Expert Disclosures – September 21, 2023
- Dispositive Motions – November 21, 2023
- Proposed Joint Pretrial Order – December 21, 2023, or 30 days after the final dispositive motion is ruled upon.

WHEREAS, the Parties do not dispute that both sides have acted diligently since the last request for an extension, and good cause supports an extension of approximately 21 days to each remaining cutoff date,

THEREFORE, IT IS HEREBY STIPULATED AND AGREED between the Parties, by and through their respective attorneys of record, that the below-listed proposed schedule should govern this case, without prejudice to requests for further extensions for good cause:

- Discovery Cut-Off – October 20, 2023
- Expert Disclosures – August 21, 2023
- Rebuttal Expert Disclosures – September 21, 2023
- Dispositive Motions – November 21, 2023
- Proposed Joint Pretrial Order – December 21, 2023, or 30 days after the final dispositive motion is ruled upon.

IT IS SO STIPULATED.

DATED: July 25, 2023

Respectfully submitted.

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NOVIAN & NOVIAN, LLP

By: /s/ Andrew B. Goodman
MICHAEL C. VAN, ESQ. #3876
GARRETT R. CHASE, ESQ. #14498

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Attorneys for Plaintiffs

DATED: July 25, 2023

Respectfully submitted.

GREENSPOON MARDER LLP
THE MALONEY FIRM, APC

By: /s/ Gregory M. Smith (electronically signed with
permission to Andrew B. Goodman)
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Attorneys for Defendants

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: July 26, 2023

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