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7 Attorneys for Defendants,
AIRBORNE WIRELESS NETWORK, INC.,
8 APCENTIVE, INC., MICHAEL J. WARREN, J.
EDWARD DANIELS, MARIUS DE MOS,
9 JASON DE MOS, ROBERT BRUCE HARRIS,
AND KELLY KABILAFKAS

10 **UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF NEVADA**

12 MARIA TSATAS, an individual; LEONIDAS
13 VALKANAS, as trustee of the KEET TRUST
dated August 1, 2015; RAYMOND BARAZ,
14 an individual; PASCAL ABDALLAH, an
individual; JIMMY TSOUTSOURAS, an
15 individual; FOTINI VENETIS, an individual;
16 NICHOLAS TSOUTSOURAS, an individual;
CONNIE TSOUTSOURAS, an individual;
17 RAYMONDE KANHA, an individual;
18 ALFRED BEKHIT, an individual; JACQUEZ
ELBAZ, an individual; MARTINE
19 BENEZRA, an individual; JAMES P.
CARROLL, an individual; DAVID CHIN, an
20 individual; JENNIFER MILLS, an individual;
21 PAUL SUBLETT, an individual; ANDREW
SUBLETT, an individual; MANOLIS
22 KOSTAKIS, an individual; ESTHER
GEORGAKOPOULOS, an individual;
23 EVAGELIA KOSTAKIS, an individual;
DENIS PARSONS, an individual; SOFIA
24 KARDARAS, an individual; JIMMY
ASMAKLIS, an individual; CORRADINO
25 GALUPPO, an individual; DENIS KOPITAS,
26 an individual; TERRY TSATAS, an
individual; GEORGE TSATAS, an individual;
27 PANAGIOTA TSATAS, an individual;
OURANIA TSATAS, an individual;
28 KIRIAKOS PRIMBAS, an individual;

Case No.: 2:20-cv-02045-RFB-BNW
Judge: Hon. Richard F. Boulware, II
Magistrate: Hon. Brenda N. Weksler
Complaint Filed: November 5, 2020

**STIPULATED REQUEST FOR
EXTENSION OF DISCOVERY
DEADLINES BY APPROXIMATELY 30
DAYS**

(Tenth Request)

1 EVANTHIA PRIMBAS, an individual;
2 PATRICK AYOUB, an individual; MICHAEL
3 BESCEC, an individual; ERNEST LEBOEUF,
4 an individual; PHILIPPE LEGAULT, an
5 individual; EFTIHIOS LITSAKIS, an
6 individual; GIOVANNI MONCADA, an
7 individual; MARC RIEL, an individual;
8 JARADEH SALIM, an individual; HANI
9 HAMAM, an individual; CONSTANTIN
10 ZISSIS, an individual; BESSIE PEPPAS, an
11 individual; NIKI PALIOVRAKAS, an
12 individual,

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Plaintiff,

vs.

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.

1 **STIPULATED REQUEST FOR EXTENSION OF DISCOVERY DEADLINES**

2 Plaintiffs (as listed in the above caption) and Defendants (as listed in the above caption)
3 (collectively, the “Parties”), by and through their undersigned counsel of record, submit this
4 Stipulated Request for Extension of Discovery by Approximately 30 Days, pursuant to FRCP 6(b)
5 and 16(b), as well as LR 26-3 and LR IA 6-1.

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

7 WHEREAS, on August 16, 2023, the Court granted Plaintiffs’ most recent stipulated request
8 for an extension of the scheduling order (ECF No. 217), such that the following cutoff dates currently
9 apply:

10 Discovery Cut-Off – November 10, 2023

11 Dispositive Motions – December 12, 2023

12 Proposed Joint Pretrial Order – January 11, 2024, or 30 days after the final dispositive
13 motions is ruled upon.

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

15 (a) **Statement of discovery completed:** The Parties incorporate by reference the
16 statement of discovery completed, as set forth in the Parties’ August 15, 2023
17 Stipulation (ECF No. 216 at pp. 3:17-4:10); July 25, 2023 Stipulation (ECF No.
18 214 at pp. 3:17-4:6); and Plaintiffs’ June 9, 2023 (ultimately unopposed) Motion
19 to Modify Scheduling Order (ECF No. 207 at p. 8:10-19 (referencing ECF No.
20 204 at pp. 3:17-4:19, which also referenced ECF No. 182 at pp. 14:21-19:22).
21 Since August 17, 2023, the following additional discovery has been completed:

- 22 • Depositions of Plaintiffs:
 - 23 ○ Marc Riel (September 1, 2023)
 - 24 ○ Corradino Galuppo (October 6, 2023)
- 25 • Written Discovery
 - 26 ○ Discovery Responses from all Plaintiffs to set two of RFAs and
 - 27 RFPs served on September 8, 2023
- 28 • Plaintiffs’ Expert Disclosures (September 11, 2023)

- 1 • Defendants' Expert Disclosures (September 11, 2023)
- 2 • Defendants' Rebuttal Expert Disclosures (October 11, 2023)

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

- 6 • Depositions of remaining Plaintiffs:
 - 7 ○ James P. Carroll (dates offered for October 30, 2023 and October
 - 8 31, 2023)
 - 9 ○ Sofia Kardaras
 - 10 ○ Jimmy Asmaklis
 - 11 ○ Michael Besec
 - 12 ○ Ernest Leboeuf
 - 13 ○ Phillipe Legault
 - 14 ○ Eftihios Listakis
 - 15 ○ Giovanni Moncada
 - 16 ○ Jaradeh Salim
 - 17 ○ Hani Hamam
 - 18 ○ Constantin Zissis
- 19 • Discovery responses from all Plaintiffs to set two of Interrogatories from
- 20 Defendants served on October 3, 2023.
- 21 • Four expert depositions of Plaintiffs' experts, Defendants' expert, and
- 22 Defendants' rebuttal expert.

23 (c) **Reasons why deadline not satisfied or remaining discovery not completed:**
24 Defendants have made diligent efforts to pursue discovery they need to
25 meaningfully prepare for trial, take expert depositions, and/or to draft dispositive
26 motions. Defendants have diligently taken the depositions of 32 out of the 43
27 plaintiffs. Defendants have requested availability for each of the remaining
28 Plaintiffs' depositions. Plaintiffs' counsel have advised that plaintiff James P.

1 Carroll will be available for deposition on October 30, 2023 and October 31, 2023.
2 There is an outstanding ten (10) Plaintiffs whose availability has yet to be
3 identified. On October 16, 2023, VC2 Law and Novian & Novian, LLP filed a
4 Motion to Withdraw as Counsel for Ten Named Plaintiffs (ECF No. 218) – the
5 same ten who have not yet been deposed. The Court granted the Motion to
6 Withdraw on October 18, 2023 and set a status check hearing for November 8,
7 2023 at 10:00 a.m. ECF No. 219. In the event that some of the ten plaintiffs
8 continue with new counsel or in pro per, Defendants will need additional time to
9 complete their depositions.

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

- 13 • Discovery Cut-Off – December 11, 2023
- 14 • Dispositive Motions – January 11, 2024
- 15 • Proposed Joint Pretrial Order – February 12, 2024, or 30 days after the final
16 dispositive motions is ruled upon.

17 WHEREAS, the Parties do not dispute that both sides have acted diligently since the last
18 request for an extension, and good cause supports an extension of approximately 30 days to each
19 remaining cutoff date,

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

23 Discovery Cut-Off – December 11, 2023

24 Dispositive Motions – January 11, 2024

25 Proposed Joint Pretrial Order – February 12, 2024, or 30 days after the final dispositive
26 motions is ruled upon.

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CERTIFICATE OF SERVICE

I certify that all counsel of record who are deemed to have consented to electronic service are being served with a true and correct copy of the above document on October 19, 2023, via the Court's CM/ECF system. Any other parties or counsel of record will be served by regular and/or electronic mail.

By: */s/ Gregory M. Smith*

GREGORY M. SMITH

PROOF OF SERVICE

Tsatas v. Airborne Wireless Network, Inc., et al.
Case No.: 2:20-cv-02045-RFB-BNW

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 2381 Rosecrans Avenue, Suite 405, El Segundo, CA 90245.

I served true copies of the following document on the date listed below, described as **STIPULATED REQUEST FOR EXTENSION OF DISCOVERY DEADLINES BY APPROXIMATELY 30 DAYS (TENTH REQUEST)** on the interested parties in this action as follows:

SEE SERVICE LIST

- For Collection. By placing a true copy(ies) thereof enclosed in a sealed envelope(s), to the address(es) listed above and by placing said sealed envelope(s) for collection and mailing on that date following ordinary business practices. I am “readily familiar” with the business practice for collection and processing of correspondence for mailing the U.S. Postal Service. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business.
- Overnight Delivery. By placing a true copy(ies) thereof enclosed in a sealed envelope(s) or package(s) to the address(es) listed above and placing said envelope(s) or package(s) for collection with delivery fees provided for.
- Electronic Service.
 - Via e-mail transmission to the email address(es) listed herein.
 - Electronic Service [CM/ECF]. Via electronic service to the email address(es)/registered participants with the CM/ECF System.
- Personal Delivery. I caused to be served by messenger for personal delivery that same day the foregoing documents in a sealed envelope to the persons at the address(es) listed above.
- State. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 19, 2023, at El Segundo, California.

/s/ Sugheiy Gonzalez

Sugheiy Gonzalez

SERVICE LIST

Tsatas v. Airborne Wireless Network, Inc., et al.
 Case No.: 2:20-cv-02045-RFB-BNW

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<p>Farhad Novian -(admitted pro hac vice) Andrew B. Goodman -(admitted pro hac vice) Alexander B. Gura -(admitted pro hac vice) NOVIAN & NOVIAN, LLP 1801 Century Park East, Suite 1201 Los Angeles, California 90067 T: (310) 553-1222 F: (310) 553-0222 E: farhad@novianlaw.com E: agoodman@novianlaw.com E: gura@novianlaw.com</p>	<p>Attorneys for Plaintiffs</p>
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<p>Ernest Leboeuf Email: erniejeleboeuf@gmail.com</p>	<p>Plaintiff</p>
<p>Constantin Zissis Email: kostazissis@live.ca</p>	<p>Plaintiff</p>
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<p>Phillipe Legault 4031 Rue Oliver Laval, Quebec, Canada H7R5Y6</p>	<p>Plaintiff</p>
<p>Giovanni Moncada 204 Ivy Jay Crescent Aurora, Ontario, Canada L4G-0E9</p>	<p>Plaintiff</p>

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SERVICE LIST

Tsatas v. Airborne Wireless Network, Inc., et al.
Case No.: 2:20-cv-02045-RFB-BNW

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