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7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF NEVADA**

9 LYLE EDWARD DICKSON,

10 Plaintiff,

11 v.

12 THE STATE OF NEVADA, a
 constitutional governmental entity;
 13 NEVADA HOUSING DIVISION, a
 14 division of the State of Nevada,

15 Defendants.

Case No. 2:21-cv-00999-JAD-EJY

STIPULATED DISCOVERY PLAN
AND SCHEDULING ORDER

16
 17 The parties, Plaintiff Lyle Edward Dickson (“Plaintiff” or “Mr. Dickson”) and
 18 Defendant State of Nevada and Nevada Housing Division (“Defendants”), by and through their
 19 respective attorneys of record, hereby submit this Stipulated Discovery Plan and Scheduling
 20 Order pursuant to Federal Rule of Civil Procedure 26(f).

21 **1. Fed. R. Civ. P. 26(a) Initial Disclosures:**

22 Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule of Court 26-1(a), the
 23 parties agree that they will submit their Initial Disclosures on or before **September 9, 2022.**

24 **2. Discovery Cut-Off Date:**

1 Discovery will take not more than one hundred and eighty (180) days from August 3,
2 2022. Accordingly, all discovery must be completed not later than **Monday January 30, 2023**.

3 **3. Amending the Pleadings and Adding Parties:**

4 The date for filing motions to amend the pleadings or to add parties shall not be later
5 than ninety (90) days prior to the discovery cut-off date and, thus, not later than **Tuesday**
6 **November 1, 2022**.

7 **4. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):**

8 In accordance with Rule 26(a)(2), initial disclosures identifying experts shall be made
9 sixty (60) days prior to the discovery cut-off date, and therefore, not later than **Thursday,**
10 **December 1, 2022**, and disclosures identifying rebuttal experts shall be made thirty (30) days
11 after the initial disclosure of experts and, therefore, not later than **Monday January 2, 2023**.¹

12 **5. Dispositive Motions:**

13 The parties shall file dispositive motions not more than thirty (30) days after the
14 discovery cut-off date and, therefore, not later than **Wednesday March 1, 2023**.

15 **6. Pretrial Order:**

16 If no dispositive motions are filed, and unless otherwise ordered by this Court, the Joint
17 Pretrial Order shall be filed not more than thirty (30) days after the date set for filing dispositive
18 motions and, therefore, not later than **Friday March 31, 2023**. If dispositive motions are filed,
19 the deadline for filing the Joint Pretrial Order will be suspended until thirty (30) days after
20 decision on the dispositive motions or further court order.

21 **7. Fed. R. Civ. P. 26(a)(3) Disclosures:**

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¹ 30 Days after the expert disclosures is Saturday, December 31, 2022, and as such the deadline was moved to the following business day.

1 If no dispositive motions are filed, and unless otherwise ordered by this Court, the
2 parties shall include the disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections
3 thereto in the Joint Pretrial Order.

4 **8. Alternative Dispute Resolution:**

5 The parties certify they have met and conferred about the possibility of using alternative
6 dispute-resolution processes including mediation, arbitration and early neutral evaluation.

7 **9. Alternative Forms of Case Disposition:**

8 The parties certify they have considered consent to trial by a magistrate judge under
9 28 U.S.C. 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order
10 2013-01).

11 **10. Electronic Evidence:**

12 The parties verify they have discussed whether they intend to present evidence in
13 electronic format to jurors for the purpose of jury deliberations. Discussions between the parties
14 will be ongoing as the trial date approaches and they stipulate that they intend to present any
15 electronic evidence in a format compatible with the Court's electronic jury evidence display
16 system.

17 **11. Changes to be made in the timing, form, or requirement for disclosures under Rule**

18 **26(a):**

19 None at this time.

20 **12. The subjects on which discovery may be needed, when discovery should be**
21 **completed, and whether discovery should be conducted in phases or be limited to**
22 **or focused on particular issues:**

23 As this case involves claims of unlawful discrimination under Title VII and retaliation
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1 under Title VII, the parties anticipate discovery will focus on the employment of the Plaintiff,
2 Defendants' employment policies and procedures in place while Plaintiff was employed, the
3 facts and circumstances surrounding the Plaintiff's termination, topics relevant to Plaintiff's
4 employment, and Defendants' defenses. The parties do not believe discovery should be
5 conducted in phases and/or limited to particular issues.

6 **13. Any issues about disclosure, discovery, or preservation of electronically stored**
7 **information, including the form or forms in which it should be produced:**

8 The parties agree that to the extent that information relevant to the claims and defenses
9 in this action is stored electronically, such electronic information will be preserved and should
10 be produced in the form in which it is maintained.

11 **14. Any issues about claims of privilege or of protection as trial-preparation materials,**
12 **including—if the parties agree on a procedure to assert these claims after**
13 **production—whether to ask the court to include their agreement in an order under**
14 **Federal Rule of Evidence 502:**

15 Currently, the parties do not anticipate any issues arising concerning privilege or
16 protection and agree to confer further in the event such issues arise.

17 **15. What changes should be made in the limitations on discovery imposed under these**
18 **rules or by local rule, and what other limitations should be imposed:**

19 The parties do not currently believe any changes should be made in the limitations on
20 discovery imposed by the Federal Rules of Civil Procedure or the Local Rules of this court at
21 this time.

22 **16. Extensions or Modifications of Discovery Plan and Scheduling Order:**

23 Applications to extend any date set by the discovery plan, scheduling order, or other
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1 order must, in addition to satisfying the requirements of LR 6-1, be supported by a showing of
2 good cause for the extension. In accordance with LR 26-4, all motions or stipulations to extend
3 a deadline set forth in a discovery plan shall be received by the Court no later than twenty-one
4 (21) days before the expiration of the subject deadline. A request made after the expiration of
5 the subject deadline shall not be granted unless the movant demonstrates that the failure to act
6 was the result of excusable neglect. Any motion or stipulation to extend a deadline or to reopen
7 discovery shall include:

- 8 (a) A statement specifying the discovery completed;
- 9 (b) A specific description of the discovery that remains to be completed;
- 10 (c) The reasons why the deadline was not satisfied or the remaining discovery
11 was not completed within the time limits set by the discovery plan; and
- 12 (d) A proposed schedule for completing all remaining discovery.

13 It is not good cause for a later request to extend discovery that the parties informally
14 postponed discovery. No stipulations are effective until approved by the Court, and “[a]ny
15 stipulation that would interfere with any time set for completion of discovery, for hearing of a
16 motion, or for trial, may be made only with approval of the Court.” See LR 7-1(b).

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Dated: August 3, 2022
LYLE E. DICKSON

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ORDER

IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

DATED: August 3, 2022