

Jared Richards, Esq.
Nevada Bar No. 11254
Dustin E. Birch, Esq.
Nevada Bar No. 10517
CLEAR COUNSEL LAW GROUP
1671 W. Horizon Ridge Pkwy, Suite 200
Henderson, Nevada 89102
Telephone No.: (702) 476-5900
Facsimile No.: (702) 924-0709
jared@clearcounsel.com
dustin@clearcounsel.com
Attorneys for Plaintiff
Ernesto Morales

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ERNESTO MORALES, an individual,

Plaintiff,

v.

CHRISTINE NOELLE PUK, an individual;
DOES I through XX; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

ACUITY, A Mutual Insurance Company,

Intervenor.

Case No.: 2:21-cv-01575-APG-BNW

**[PROPOSED] JOINT DISCOVERY
PLAN AND SCHEDULING ORDER**

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

1. **Meeting**: Pursuant to FRCP Rule 26(f), a meeting was held on January 4, 2022, and was attended telephonically by Dustin E. Birch, Esq. of Clear Counsel Law Group for Plaintiff Ernesto Morales, Marissa Temple, Esq. of Rogers, Mastrangelo, Carvalho & Mitchell on behalf of Defendant Christina Noelle Puk, and Troy A. Clark, Esq. of Resnick & Louis, P.C. on behalf of Intervenor ACUITY, A Mutual Insurance Company.

2. **Pre-Discovery Disclosures:** Pursuant to FRCP Rule 26(a)(1), the parties will make their pre-discovery disclosures, including but not limited to any Computation(s) of Damages required pursuant to FRCP 26(a)(i)(A)(iii), on or before January 18, 2022.

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

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

A. **Discovery Cut-off Date(s):** Discovery will cutoff less than 360 days from the date of filing of the answer. An Answer was filed by Defendant Puk on June 17, 2021. The parties request that discovery close on June 13, 2022.

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

The parties shall have until March 11, 2022, to file any motions to amend the pleadings to add parties. This is 90 days before the discovery cut-off date.

C. **FRCP 26(a)(2) Disclosure of Experts:**

Proposed Expert Disclosure Schedule: Disclosure of experts shall proceed according 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 13, 2022. The disclosure of rebuttal experts and their reports shall occur on or before May 13, 2022. The initial expert disclosure deadline is 60 days before the discovery cut-off date and the rebuttal expert disclosure deadline is 30 days after the initial expert disclosure deadline.

Dispositive Motions:

The parties shall have until July 12, 2022, to file dispositive motions. This is 30 days after the discovery cut-off date, as required by LR 26-1(e)(4).

1 D. **Pre-Trial Order:**

2 The parties will prepare a Consolidated Pre-Trial Order on or before August 11, 2022,
 3 which is not more than 30 days after the date set for filing dispositive motions in the case, as
 4 required by LR 26-1(e)(5). This deadline will be suspended if dispositive motions are timely filed
 5 until 30 days after the decision of the dispositive motions or until further order of the Court. The
 6 disclosure required by FRCP Rule 26(a)(3), and objections thereto, shall be included in the pre-
 7 trial order.
 8

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

14 F. **Extensions or Modifications of the Discovery Plan and Scheduling**
 15 **Order:** LR 26-4 governs modifications or extensions of this Discovery Plan and Scheduling
 16 Order. Any stipulation or motion to extend a deadline set forth in the discovery plan and
 17 scheduling order must be made not later than 21 days before the subject deadline. Any stipulation
 18 or motion to extend the discovery cut-off period must be made no later than September 16, 2022,
 19 21 days before the discovery cut-off date.
 20

21 G. **Format of Discovery:** Pursuant to the electronic discovery amendments
 22 to the Federal Rules of Civil Procedure effective December 1, 2020, the parties addressed the e-
 23 discovery issues pertaining to the format of discovery at the Rule 26(f) conference. The parties
 24 do not anticipate discovery of native files or metadata at this time, but each party reserves the
 25 right to make a showing for the need of such electronic data as discovery progresses.

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

I. **Alternative Forms of Case Disposition:** The parties certify that they considered consent to trial by a magistrate judge under 28 U.S.C. section 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01), however, the parties have decided against such use and require a traditional jury trial.

J. **Electronic Evidence:** The parties certify that they discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberations. The parties have not reached any stipulations in this regard at this time.

DATED this 5th day of January, 2022.

DATED this 5th day of January, 2022.

CLEAR COUNSEL LAW GROUP

ROGERS, MASTRANGELO, CARVALHO
& MITCHELL

/s/ Dustin E. Birch

/s/ Marissa R. Temple

Jared R. Richards, Esq.
Nevada Bar No. 11254
Dustin E. Birch, Esq.
Nevada Bar No. 10517
1671 W. Horizon Ridge Pkwy, Suite 200
Henderson, NV 89012
jared@clearcounsel.com
dustin@clearcounsel.com
Attorneys for Plaintiff Ernesto Morales

Marissa R. Temple, Esq.
Nevada Bar No. 9028
700 South Third Street
Las Vegas, NV 89101
mtemple@rmcmlaw.com
Attorneys for Defendant Christina Noelle Puk

DATED this 5th day of January, 2022.

RESNICK & LOUIS, P.C.

/s/ Troy A. Clark

Troy A. Clark, Esq.
Nevada Bar No. 11361
8925 West Russell Road, Suite 220
Las Vegas, NV 89148
tclark@rlaattorneys.com
Attorneys for Intervenor ACUITY, A Mutual Insurance Company

ORDER

IT IS ORDERED that ECF No. 8 is GRANTED in part and DENIED in part. The Court grants the stipulation except the deadline to seek an extension or modification of discovery deadlines shall be March 11, 2022.

IT IS SO ORDERED

DATED: 4:12 pm, January 06, 2022



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE