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

12 CHRISTOPHER A. JONES,  
13 Plaintiff,

14 v.

15 PERRY RUSSELL, *et al.*,  
16 Defendants.

Case No. 2:22-cv-00123-CDS-DJA

**STIPULATED DISCOVERY PLAN  
AND PROPOSED SCHEDULING  
ORDER**

**SPECIAL SCHEDULING REVIEW  
REQUESTED**

**As amended on page 5**

17  
18 Defendant Perry Russell, by and through counsel, Aaron D. Ford, Nevada Attorney  
19 General, and Lorin M. Taylor, Deputy Attorney General, of the State of Nevada, Office of  
20 the Attorney General, and Plaintiff, Christopher A. Jones, in *pro se*, hereby respectfully  
21 submit the following Stipulated Discovery Plan and Proposed Scheduling Order:

22 **I. MEETING**

23 The parties' counsel met via audio visual conference for a the FRCP 26(f) conference  
24 on January 10, 2023, and have been in telephone, mail, and email communication since  
25 that time finalizing this discovery plan.

26 A. Christopher A. Jones, Plaintiff *pro se*.

27 B. Deputy Attorney General Lorin M. Taylor, on behalf of Defendant.

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1 **II. INITIAL DISCLOSURES**

2 Defendant's Initial Disclosures of Witnesses and Documents Pursuant to FRCP  
3 26(a)(1) were made on January 30, 2023.

4 **III. PROTECTIVE ORDER**

5 The parties do not believe that a protective order is needed at this time.

6 **IV. DISCOVERY PLAN**

7 The parties jointly propose the following discovery plan:

8 1. Any and all pleadings that may be brought under Fed. R. Civ. P. 13 and 14,  
9 or joining additional parties under Fed. R. Civ. P. 19 and 20, shall be filed 90 days prior to  
10 the close of discovery, which is Saturday, July 22, 2023. Therefore, the deadline to add  
11 parties is **Friday, July 21, 2023**. Any party causing additional parties to be joined or  
12 brought into this action shall contemporaneously therewith serve a copy of this Order upon  
13 the new party or parties.

14 2. Amendments to pleadings as provided for under Fed. R. Civ. P. 15, if the same  
15 are allowed without leave of Court, or motions for leave to amend, shall comply with  
16 LR 15-1 and shall be filed 90-days prior to the close of discovery, which is Saturday, July 22,  
17 2023. Therefore, the deadline to amend pleadings or add parties is **Friday, July 21, 2023**.

18 3. **DISCOVERY:**

19 a) Discovery in this action shall be completed on or before one hundred  
20 and eighty-one days from April 24, 2023, which is Saturday, October 21,  
21 2023. Therefore, all discovery must be completed no later than **Friday,**  
22 **October 20, 2023.**

23 b) The Parties' last day to serve written discovery will be **Wednesday,**  
24 **September 20, 2023.**

25 c) Pursuant to Fed. R. Civ. P. 33 (a)(1), unless otherwise stipulated by the  
26 parties or ordered by the court, a party may serve on any other party  
27 no more than twenty-five (25) written interrogatories, including  
28 discreet subparts.

1 d) Pursuant to LR 26-7, unless otherwise ordered by the Court, written  
2 discovery, including responses thereto, certificates of service pertaining  
3 thereto and deposition transcripts, shall not be filed with the Court  
4 unless such discovery is submitted in support of or in response to a  
5 motion. Originals of responses to written discovery requests shall be  
6 served on the party who served the discovery request, and that party  
7 shall make such originals available at the pretrial hearing, at trial, or  
8 on order of the Court. Likewise, the deposing party shall make the  
9 original transcript of a deposition available at any pretrial hearing, at  
10 trial, or on order of the Court.

11 4. EXTENSIONS OF DISCOVERY: Pursuant to LR 26-3, an extension of the  
12 discovery deadline will not be allowed without a showing of good cause. All motions or  
13 stipulations to extend discovery shall be received by the Court at least twenty-one (21) days  
14 prior to the expiration of the subject deadline and no later than **Friday, September 29,**  
15 **2023.** The motion or stipulation shall include:

- 16 a) A statement specifying the discovery completed by the parties as of the  
17 date of the motion or stipulation;
- 18 b) A specific description of the discovery which remains to be completed;
- 19 c) The reasons why such remaining discovery was not completed within  
20 the time limit of the existing discovery deadline; and
- 21 d) A proposed schedule for the completion of all remaining discovery.

22 5. DISCOVERY MOTIONS:

- 23 a) Discovery motions shall be filed and served no later than no later than  
24 fifteen days after the close of discovery, which is Saturday,  
25 November 4, 2023. Therefore, any discovery motion must be filed on or  
26 before **Friday November 3, 2023.**

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1           b)     Prior to filing a discovery motion, the parties must first undertake a  
2                   good faith effort to resolve any dispute among the parties. The parties  
3                   are further advised that:

4                   (1)     Fed. R. Civ. P. 37(a)(1) mandates that any discovery motion  
5                           “must include a certification that the movant has in good faith  
6                           conferred or attempted to confer with the person or party failing  
7                           to make disclosure or discovery in an effort to obtain it without  
8                           court order;” and that,

9                   (2)     Local Rule 26-6(c) states that a discovery motion “will not be  
10                           considered unless the movant (1) has made a good-faith effort to  
11                           meet and confer as defined in LR IA 1-3(f) before filing the  
12                           motion, and (2) includes a declaration setting forth the details  
13                           and results of the meet-and-confer conference about each  
14                           disputed discovery request.”

15                 These two rules apply to any inmate civil right action brought under 42 U.S.C.  
16 § 1983. While the court recognizes an inmate might not be able to meet personally with  
17 opposing counsel, nevertheless an inmate will still be required to attempt to resolve any  
18 discovery dispute either by a telephone consultation or a written communication whereby  
19 the inmate sincerely attempted to resolve the discovery dispute.

20                 c)     Text of Discovery Materials in Dispute

21                 Local Rule 26-6(b) requires that all motions to compel discovery or for protective  
22 order shall set forth in full the text of the discovery originally sought and the responses  
23 thereto, if any. The court prefers that the actual discovery response which is the subject of  
24 a discovery dispute be submitted to the court.

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1           6.       Motions for summary judgment shall comply with the requirements of  
2 LR 56-1 and shall be filed and served no later than thirty (30) days after the close of  
3 discovery, which is Sunday, November 19, 2023. Therefore, any Motion for Summary  
4 Judgment must be filed on or before **Friday, November 17, 2023**.

5           7.       No motion filed beyond the time limit fixed by this Scheduling Order shall be  
6 considered by the Court unless the Court grants an exception for good cause shown.

7           8.       In the event that the Federal Rules of Civil Procedure provide for any shorter  
8 time periods for the filing of motions or pleadings, said shorter time limits shall apply  
9 notwithstanding the time limits set forth in this Scheduling Order. Pursuant to the  
10 authority given to the Court in Fed. R. Civ. P. 16(b), motions for summary judgment under  
11 Fed. R. Civ. P. 56 must be filed no later than the time provided in paragraph 6 of this Order.

12           9.       PRETRIAL: Pursuant to LR 16-3(b), the parties shall file a Joint Pretrial  
13 Order ~~thirty (30) days past the date for filing motions for summary judgment~~  
14 ~~on or before December 18, 2023~~. In the event  
15 dispositive motions are filed, the date for filing the joint pretrial order shall be suspended  
16 until thirty (30) days after a decision of the dispositive motions or until further order of the  
17 court.

18           10.      Any party who seeks to amend this Scheduling Order shall file and serve a  
19 motion, not later than twenty-one (21) days prior to the deadline for which the party seeks  
20 amendment, stating the proposed amendments and the reasons therefore. After expiration  
21 of the twenty-one (21) day period, any amendment of this Scheduling Order shall be  
22 granted only upon a showing of good cause and excusable neglect.

## 23 **V.       JUSTIFICATION FOR LONGER DISCOVERY PERIOD**

24           The parties believe the Court should permit a longer period for discovery than  
25 provided in LR 26-1(b)(1) because Plaintiff and Defendant's Counsel communicate through  
26 the United States Postal Service and have experienced delays as a result. The Parties wish  
27 to include additional time to make sure there is sufficient time to account for the mails.  
28 The parties respectfully submit that the proposed discovery plan is an efficient and realistic  
schedule for completing the significant amount of discovery contemplated in this case.

1 **VI. OTHER ISSUES**

2 1. Alternative Dispute Resolution

3 The parties have conferred about the possibility of using alternative dispute  
4 resolution processes. The Parties agree that the Early Mediation Conference held in this  
5 matter on September 30, 2022, was quite helpful. However, the Parties believe that it is  
6 necessary to conduct discovery before attempting to resolve this case. The Parties further  
7 agree that a settlement conference will be beneficial after discovery is concluded. Finally,  
8 the Parties are not interested in submitting this case to arbitration.

9 2. Alternative Forms Of Case Disposition

10 The parties have considered trial by magistrate judge under 28 U.S.C. § 636(c) and  
11 FRCP 73, and the use of the short trial program. The parties do not consent to either at  
12 this time.

13 3. Electronic Evidence

14 The parties have considered the possibility of presenting evidence to the jury in  
15 electronic format. The Parties will ensure that any evidence presented in an electronic  
16 format shall be compatible with the Court's electronic jury evidence display system. At  
17 present, the parties have not agreed upon any stipulations regarding use of electronic  
18 evidence but reserve the right to address this issue again in a Joint Pre Trial Order.

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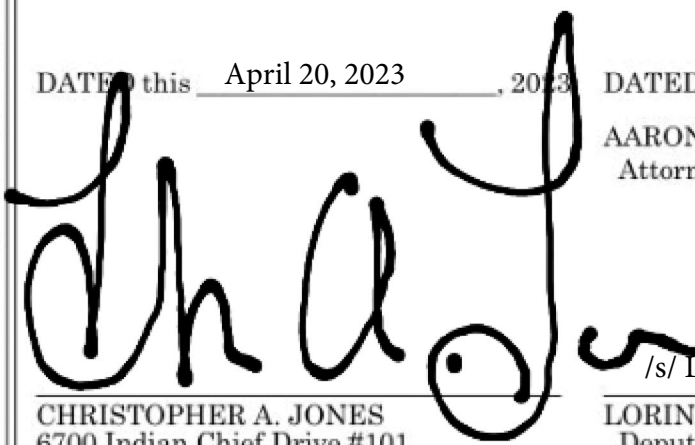
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4. Court Conference

The parties do not request a conference with the Court before entry of the scheduling order.

DATE of this April 20, 2023, 2023 DATED this April 20, 2023, 2023.

AARON D. FORD  
Attorney General



/s/ Lorin M. Taylor

CHRISTOPHER A. JONES  
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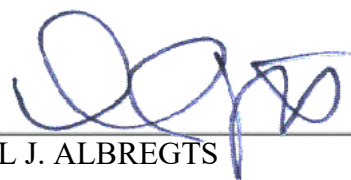
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*Plaintiff, Pro Se*

*Attorneys for Defendant*  
Perry Russell

**ORDER**

IT IS SO ORDERED.



DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE

DATED: April 21, 2023