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20 **UNITED STATES DISTRICT COURT**
21 **DISTRICT OF NEVADA**

22 IN RE HANKINS PLASTIC SURGERY
23 ASSOCIATES, P. C. dba HANKINS & SOHN
24 PLASTIC SURGERY ASSOCIATES

25 This Document Relates to: All Actions

26 Case No.: 2:23-cv-00824-RFB-DJA

27 **STIPULATION AND ORDER TO**
28 **MODIFY THE SCHEDULING ORDER**
DEADLINES FOR PHASE I (PRE-
CERTIFICATION) OF DISCOVERY
(SECOND REQUEST)

29
30 Defendant Hankins & Sohn Plastic Surgery Associates, P.C. dba Hankins & Sohn Plastic
31 Surgery Associates (“Defendant”) by and through its counsel of record, SCHNITZER JOHNSON
32 & WATSON, CHTD., Plaintiffs Jennifer Tausinga, Alyria Wrenn, and Caroline Aurora
33 (collectively “Plaintiffs”) on behalf of themselves and all other similarly situated, by and through
34 co-interim counsel of record, Jennifer A. Fornetti of The Bourassa Law Group and Nicholas A.
35 Colella of Lynch Carpenter LLP and Plaintiffs’ steering committee, Raina Borrelli of Strauss
36

1 Borrelli PLLC, Ramzy Ladah of Ladah Law Firm, and additional Plaintiffs' counsel Clark
2 Seegmiller and Jonathan B. Lee of Richard Harris Law Firm, hereby stipulate to continue the
3 discovery deadlines and submit their Stipulation and Order to Modify the Scheduling Order
4 Deadlines for Phase I (Pre-Certification) of Discovery pursuant to Local Rule 26-3, as follows:

5 **I. DISCOVERY COMPLETED AND ONGOING**

6 1. On January 16, 2024, Plaintiffs, Jennifer Tausinga, Alysia Wrenn, and Olga
7 Romashova served their Initial Disclosure of Documents and Witnesses Pursuant to FRCP
8 26(a)(1).

9 2. On January 16, 2024, Plaintiffs, Jennifer Tausinga, Alysia Wrenn, and Olga
10 Romashova served their First Set of Interrogatories, First Set of Requests for Production of
11 Documents and Things, and First Request for Admissions to Defendant. Defendant served its
12 responses to this propounded discovery on March 12, 2024. Defendant subsequently served its
13 supplemental responses to Plaintiffs' First Request for Admissions on November 5, 2024.

14 3. After the Court heard Defendant's Motion to Stay Discovery or Alternatively, to
15 Bifurcate Discovery on April 9, 2024, Defendant Hankins Plastic Surgery Associates, P.C. served
16 its Initial FRCP 26 List of Witnesses and Production of Documents on April 29, 2024.

17 4. On July 12, 2024, Plaintiffs, Jennifer Tausinga, Alysia Wrenn, and Olga
18 Romashova served their Second Set of Interrogatories and Second Set of Requests for Production
19 of Documents and Things to Defendant. Defendant responded to this propounded discovery on
20 August 26, 2024, and supplemented its responses on October 5, 2024.

21 5. On July 29, 2024, Defendant Hankins Plastic Surgery Associates, P.C. served its
22 First Supplemental List of Witnesses and Production of Documents Pursuant to FRCP 26 List of
23 Witnesses and Production of Documents.

24 6. On October 10, 2024, Defendant Hankins Plastic Surgery Associates, P.C. served its
25 Second Supplemental List of Witnesses and Production of Documents Pursuant to FRCP 26
26 List of Witnesses and Production of Documents.

1 7. On November 5, 2024, Defendant Hankins Plastic Surgery Associates, P.C. served
2 its Third Supplemental List of Witnesses and Production of Documents Pursuant to FRCP 26 List
3 of Witnesses and Production of Documents.

4 8. On November 15, 2024, McBride Hall filed their Notice of Association of Counsel.

5 9. On January 7, 2025, Defendant Hankins Plastic Surgery Associates, P.C. served its
6 First Supplemental Responses to Plaintiffs' First Set of Interrogatories and Requests for
7 Production of Documents and its Second Supplemental Responses to Plaintiffs' Second Set of
8 Interrogatories and Requests for Production of Documents.

9 10. On January 7, 2025, Defendant Hankins Plastic Surgery Associates, P.C. served its
10 Fourth Supplemental List of Witnesses and Production of Documents Pursuant to FRCP 26 List
11 of Witnesses and Production of Documents.

12 11. On January 17, 2025, Defendant Hankins Plastic Surgery Associates, P.C. served its
13 First Set of Interrogatories to Plaintiffs. Plaintiffs will respond to these interrogatories on March
14 4, 2025.

15 12. On January 25, 2025, Plaintiffs served a subpoena on Amon Ra Network
16 Consulting. After attempting to meet and confer on the scope of the subpoenas pursuant to this
17 Court's Order, Defendant filed its Motion for Protective Order on February 6, 2025. The Court is
18 set to hear Defendant's Motion for Protective Order on March 18, 2025. Amon Ra produced
19 documents on February 25, 2025, and Plaintiffs are continuing to meet and confer with Amon Ra
20 regarding its production.

21 13. On January 26, 2025, Plaintiffs served a subpoena on I.T. Decisions. After
22 attempting to meet and confer on the scope of the subpoenas pursuant to this Court's Order,
23 Defendant filed its Motion for Protective Order on February 6, 2025. The Court is set to hear
24 Defendant's Motion for Protective Order on March 18, 2025. I.T. Decisions objected to
25 responding and Plaintiffs are continuing their efforts to enforce the subpoena.

26 14. On February 6, 2025, Plaintiffs served a Notice for a Rule 30(b)(6) deposition on
27 Defendant Hankins Plastic Surgery Associates, P.C. The parties are continuing to meet and confer
28 on the topics and scheduling.

1 15. On February 12, 2025, Defendant Hankins Plastic Surgery Associates, P.C. served
2 its First Set of Requests for Admission and Requests for Production of Documents on Plaintiffs.
3 Plaintiffs will respond to these requests on March 14, 2025.

4 16. On February 24, 2025, Defendant Hankins Plastic Surgery Associates, P.C. served
5 its Fifth Supplemental List of Witnesses and Production of Documents Pursuant to FRCP 26 List
6 of Witnesses and Production of Documents.

7 17. On January 23, 2025, Plaintiffs provided notice to Defendant that they intended to
8 serve a subpoena on Patient Now. After attempting to meet and confer on the scope of the
9 subpoenas pursuant to this Court's Order, Defendant filed its Motion for Protective Order on
10 February 6, 2025. Plaintiffs successfully served their subpoena on Patient Now on February 26,
11 2025. The Court is set to hear Defendant's Motion for Protective Order on March 18, 2025.

12 18. The parties are continuing to meet and confer on Defendant's discovery responses
13 and production of documents in the hopes of avoiding Court intervention.

14 **II. PENDING MOTIONS AND DISCOVERY THAT REMAINS TO BE**
15 **COMPLETED**

16 On December 23, 2024, this Court granted Plaintiffs leave to file their Second Amended
17 Complaint. Dkt. 74. On December 30, 2024, Plaintiffs filed their Second Amended Complaint.
18 Dkt. 75. On January 13, 2025, Defendant moved to dismiss the Second Amended Complaint. Dkt.
19 76. Plaintiffs opposed that motion on January 24, 2025, Dkt. 77, and Defendant filed a reply, Dkt.
20 78. That motion remains pending.

21 On February 6, 2025, Defendant filed a motion for a protective order regarding the three
22 subpoenas Plaintiffs served on third parties. Dkt. 79. At its heart, this motion concerns the proper
23 scope of Phase I discovery set out in the initial Scheduling Order, Dkt. 48, which the parties have
24 differing interpretations of.

25 Due to the pending motion to dismiss and the pending motion regarding the subpoenas and
26 scope of discovery, the parties request that discovery be continued to allow all the parties to
27 continue to conduct Phase I discovery focused on information necessary for Plaintiffs' motion for
28 class certification, including the "commonality, predominance, and typicality as it relates to

1 Plaintiffs and [the] putative class members.” “[W]hile discovery of certification issues during
2 Phase I may overlap with issues related to the merits in Phase II, the parties agreed to limit their
3 discovery in each Phase to the particular aims and subject matter of each respective Phase.” ECF
4 No. 48 at 4-5 (citing *Tyus v. Wendy's of Las Vegas, Inc.*, No. 214CV00729GMNVCF, 2017 WL
5 3026403, at *5 (D. Nev. July 17, 2017)). To that end, the Parties intend to conduct additional
6 written discovery, request and produce documents, and depositions.

7 As a result of these depositions, written responses, and document production, the parties
8 may decide to retain experts, which will result in the need for the experts to create reports and
9 potentially be deposed. Pursuant to Local Rule 1-1, the parties desire to do so in a cost-efficient
10 manner and with the Court’s goal of limiting and phasing discovery.

11 **III. REASONS WHY THE REMAINING DISCOVERY CANNOT BE**
12 **COMPLETED WITHIN THE TIME LIMIT OF THE EXISTING**
13 **DEADLINE**

14 Due to the pending motion to dismiss and the parties’ fundamental disagreement as to the
15 appropriate scope of Phase I discovery which is also currently pending before the Court, the parties
16 have been unable to complete discovery within the existing timeline. Additionally, Plaintiffs’
17 Second Amended Complaint added another Plaintiff, Sarah Jefferson, and new counsel was
18 associated to represent Hankins & Sohn in this case from McBride Hall, see Dkt. 73.

19 As a result, the parties intend to conduct discovery in an efficient manner across the five
20 (5) other lawsuits filed against Hankins & Sohn to the fullest extent possible. As the motion to
21 dismiss and motion for a protective order are pending before the Court, the parties have shown
22 good cause and excusable neglect with this request pursuant to LR 26-3. *See Bateman v. U.S. Postal Serv.*, 231 F.3d 1220, 1223 (9th Cir. 2000).

24 **IV. PROPOSED SCHEDULE FOR COMPLETION OF PHASE I DISCOVERY**

25 Based on the foregoing, the parties hereby stipulate and agree that an additional 90 days
26 are needed to complete Phase I discovery, and thus request that the following scheduling deadlines
27 be substituted for the deadlines contained in the Amended Scheduling Order:

Event	Date
Interim Fact Discovery Cut-Off Date	June 12, 2025
Close of Class Certification Expert Discovery	July 16, 2025
Phase I (Pre-Certification) Discovery Cut-Off Date	October 14, 2025
Amending Pleadings and Adding Parties	June 12, 2025
Initial Class Certification Expert Designations	July 16, 2025
Rebuttal Class Certification Expert Designations	August 14, 2025
Motion for Class Certification	October 14, 2025
Motions to Exclude Certification Experts	November 17, 2025
Deadline to Participate in Mediation	November 24, 2025
Joint Proposed Discovery Plan Regarding Post-Certification Phase	Within 30 days of the Decision on Motion for Class Certification

10 **IT IS SO STIPULATED.**

11 Dated: March 5, 2025

12 */s/ Brittany Resch*

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11 Dated: March 5, 2025

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19 **IT IS SO ORDERED:**

20
21 3/6/2025

22 Dated

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UNITED STATES MAGISTRATE JUDGE