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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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|---|------------------------------------|
| MICHAEL SALOMON, |) Case No.: 2:23-cv-01471-GMN-BNW |
| |) |
| Plaintiff, |) STIPULATED DISCOVERY PLAN |
| vs. |) AND SCHEDULING ORDER |
| |) |
| INSPERITY SUPPORT SERVICES, L.P., |) SUBMITTED IN COMPLIANCE |
| a Delaware Limited Partnership; DOES I- |) WITH LR 26-1(b) |
| X; ROE BUSINESS ENTITIES I-X, |) |
| |) |
| Defendants. |) |
| |) |
| |) |
| |) |

Pursuant to Federal Rules of Civil Procedure 26(f) and LR 26-1, the parties submit the following proposed Discovery Plan and Scheduling Order. Any extension to these deadlines will be made pursuant to Local Rule 26-3.

1. Pursuant to FRCP 26(f) and LR 26-1, a telephonic meeting was held on November 9, 2023, and was attended by Michael G. Saldana, of Fisher & Phillips, LLP, counsel of record for Defendant and James P. Kemp, of Kemp & Kemp, Attorneys at Law, counsel of record for Plaintiff.

1 **2. Discovery Cutoff Date:** Defendant filed its Answer on September 23,
2 2023. The discovery period will close on **Thursday, March 21, 2024**, which is 180 days
3 from the date of the 26(f) Conference.

4 **3. Amending the Pleadings and Adding Parties:** The date for filing
5 motions to amend the pleadings or to add parties shall be on or before **Friday, December**
6 **22, 2023**, which is 90 days prior to discovery cutoff.

7 **4. Expert Witness Disclosures:** The disclosure of any expert witnesses
8 shall be made on or before **Monday, January 21, 2024**, which is 60 days prior to the
9 discovery cutoff. The disclosures of any rebuttal experts shall be due on or before
10 **Tuesday, February 20, 2024**. The requirements of F.R.C.P. 26(a)(2)(B) shall apply to
11 any such disclosures.

12 **5. Dispositive Motions:** Dispositive motions shall be filed by **Monday,**
13 **April 22, 2024**, which is 32 days after the discovery cut-off date (as the 30th day is
14 Saturday, April 20, 2023).

15 **6. Pretrial Order:** The Joint Pretrial Order shall be filed by **Wednesday,**
16 **July 26, 2024**, which is 30 days after the dispositive motion deadline. However, in the
17 event that dispositive motions are filed, the date for filing the Joint Pretrial Order shall
18 be suspended until 30 days after a decision on the dispositive motions or further order of
19 the Court. The disclosures required by Federal Rules of Civil Procedure 26(a)(3), and
20 any objections thereto, shall be included in the Joint Pretrial Order.

21 **7. Initial Disclosures:** The parties will make their Initial Disclosures by
22 **November 20, 2023**, to allow additional time due to the upcoming holidays. No changes
23 in the form or requirement for such disclosures are necessary.

24 **8. Discovery Subjects:** The parties may conduct discovery within the scope
25 of Federal Rules of Civil Procedure 26(b). Subject to the foregoing, discovery need not
26 be limited or focused on particular issues or conducted in phases.

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1 **9. Electronically Stored Information (“ESI”):** The parties do not foresee
2 any issues with the production of Electronically Stored Information (“ESI”) at this time.
3 The parties agree to engage in ongoing meet and confer discussions if disputes arise
4 concerning the phrasing of search words or other methodology for the production of
5 information responsive to Fed. R. Civ. P. 34, as well as the formats in which structured
6 and or unstructured ESI may be produced. Defendant anticipates that a Stipulated
7 Confidentiality and Protective Order may need to be entered given the likelihood of
8 discovery involving confidential information and/or information relating to other
9 employees who are not parties to this litigation.

10 **10. Protection of Privileged/Trial Preparation Material:** The parties
11 prefer to handle these issues on an ad hoc basis as issues arise, but the provisions of Fed.
12 R. Civ. P. 26(b)(5)(B) and Federal Rules of Evidence 502 shall apply.

13 **11. Assignment to a Magistrate Judge:** The parties certify that they met and
14 conferred about the possibility of using alternative dispute resolution processes,
15 including mediation, arbitration and early neutral evaluation. The parties further certify
16 that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and
17 Fed. R. Civ. P. 73 and use of the Short Trial Program (General Order 2013-01). The
18 Parties have been ordered to participate in the Early Neutral Evaluation program on
19 December 1, 2023.

20 DATED this 9th day of November, 2023

21 KEMP & KEMP, ATTORNEYS AT LAW

FISHER & PHILLIPS, LLP

22
23 /s/ James P. Kemp

24 James P. Kemp, Esq.,
25 7435 W. Azure Drive, Suite 110
26 Las Vegas, Nevada 89130
27 Attorney for Plaintiff,
28 Michael Salomon

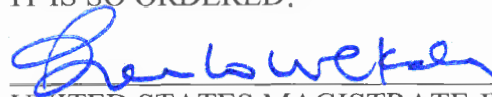
/s/ Michael G. Saldana

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ORDER

IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

DATED: 11/13/2023