

HALL & EVANS, LLC
 1160 North Town Center Drive
 Suite 330
 Las Vegas, Nevada 89144
 (702) 998-1022

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HALL & EVANS, LLC
 KURT R. BONDS, ESQ.
 Nevada Bar No. 6228
 TANYA M. FRASER, ESQ.
 Nevada Bar No. 13872
 1160 North Town Center Drive
 Suite 330
 Las Vegas, Nevada 89144
 (702) 998-1022
nvefile@hallevans.com
Attorneys for Defendant Sam’s West, Inc.

UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

MARIA SILVERIO, individually,

 Plaintiff,

 v.

 SAM’S WEST, INC., a Foreign Corporation;
 DOE MANAGERS I through X; DOE
 MAINTENANCE and/or INSPECTION
 EMPLOYEES or AGENTS I through X; DOES
 I through XX; ROE PROPERTY
 MANAGEMENT ENTITIES I through X;
 ROE MAINTENANCE and/or INSPECTION
 ENTITIES I through X; and ROE
 CORPORATIONS and/or ENTITIES I through
 XX, inclusive,

 Defendants.

CASE NO.: 2:23-cv-02044-CDS-BNW

**JOINT PROPOSED DISCOVERY
 PLAN AND SCHEDULING ORDER**

**[SPECIAL SCHEDULING REVIEW
 REQUESTED]**

DISCOVERY PLAN AND SCHEDULING ORDER

COMES NOW Plaintiff, MARIA SILVERIO, by and through her attorney of record, GLENN A. PATERNOSTER, ESQ., of PATERNOSTER LAW GROUP, and Defendant, SAM’S WEST, INC. (“Defendant” or “Sams”), by and through its attorneys of record, KURT R. BONDS, ESQ. and TANYA M. FRASER, ESQ., of HALL & EVANS, LLC, and hereby submit this Joint Proposed Discovery Plan and Scheduling Order.

Fed.R.Civ.P. 26(f) Conference

The parties participated in the FRCP 26(f) conference on April 30, 2024, and there were no discovery disputes that that time. Plaintiff and Defendant will serve their respective initial disclosure

1 statements no later than May 13, 2024. The parties now propose the following discovery plan:

2 1. **Discovery Cut-Off Date:** Defendant filed its Petition for Removal on December 11, 2023,
3 based upon damages alleged in Plaintiffs' Request for Exemption from Arbitration, which was filed
4 on December 6, 2023. Prior to Removal, the parties were not yet permitted to begin discovery. After
5 removal, counsel for the parties experienced scheduling conflicts which delayed completion of the
6 Rule 26(f) conference. Subsequently, counsel for Plaintiff sustained a serious health condition which
7 required major surgery. Ordinarily, and pursuant to LR 26-1(b), the discovery cut-off date would be
8 based upon the date Defendant filed its Answer, November 17, 2023; however, as mentioned above,
9 the parties are requesting a special scheduling review and a discovery cut-off date of October 25,
10 2024¹, which is 180 days from the date of the parties' Rule 26(f) conference. Accordingly, the parties
11 request special scheduling review, as the established deadlines cannot be met in this particular
12 circumstance. For these reasons, the parties respectfully request a discovery cut-off date of October
13 25, 2024.

14 2. **Amending the Pleadings and Adding Parties:** The parties request that all motions to
15 amend the pleadings or to add parties be filed no later than July 26, 2024, which is 90 days before
16 the October 25, 2024 close of discovery.

17 3. **Fed.R.Civ.P. 26(a)(2) Disclosures (Experts):** The parties request the disclosure of
18 experts be made on or before August 26, 2024, which is 60 days before the October 25, 2024 close
19 of discovery. Disclosure of rebuttal experts shall be made by September 25, 2024, which is 30 days
20 after the August 26, 2024 deadline for disclosure of experts.

21 5. **Dispositive Motions:** The date for filing dispositive motions shall be no later than
22 November 25, 2024³, which is 30 days after the October 25, 2024 close of discovery. In the event
23 that the discovery period is extended from the discovery cut-off date set forth in this proposed
24 Discovery Plan and Scheduling Order, the date for filing dispositive motions shall be extended to be

25 ¹ The accurate deadline is October 27, 2024; because this date is a Sunday, the practical deadline is
26 Friday, October 25, 2024.

27 ² The accurate deadline is July 27, 2024; because this date is a Saturday, the practical deadline is
28 Friday, July 26, 2024.

³ The accurate deadline is November 24, 2024; because this date is a Sunday, the practical deadline
is Monday, November 25, 2024.

1 not later than 30 days from the subsequent discovery cut-off date.

2 **6. Pretrial Order:** The date for filing the joint pretrial order shall not be later than December
3 23, 2024, which is 30 days after the November 25, 2024 deadline for dispositive motions. In the
4 event that dispositive motions are filed, the date for filing the joint pretrial order shall be suspended
5 until 30 days after decision on the dispositive motions or until further order of the court. In the further
6 event that the discovery period is extended from the discovery cut-off date set forth in this Discovery
7 Plan and Scheduling Order, the date for filing the joint pretrial order shall be extended in accordance
8 with the time periods set forth in this paragraph.

9 **7. Fed.R.Civ.P. 26(a)(3) Disclosures:** The disclosures required by Fed.R.Civ.P. 26(a)(3),
10 and any objections thereto, shall be included in the joint pretrial order.

11 **8. Alternative Dispute Resolution:** Counsel for the parties certify that they met and
12 conferred about the possibility of using alternative dispute resolution including mediation,
13 arbitration and/or an early neutral evaluation. The parties agree that an early neutral evaluation would
14 not be effective at this time as the parties and their counsel believe that it is necessary to conduct
15 discovery before attempting to resolve this case. Counsel further agree that a settlement conference
16 will be beneficial after discovery is concluded. Finally, the parties and their counsel are not interested
17 in submitting this case to arbitration at this time.

18 **9. Alternative Forms of Case Disposition:** The parties certify that they discussed
19 consenting to a trial by a magistrate judge or engaging in the Short Trial Program under Fed.R.Civ.P.
20 73 and at present do not consent to either alternative form of case disposition.

21 **10. Electronic Evidence:** The parties certify that they have discussed and intend to use
22 electronic evidence at the trial of this matter and will ensure that said evidence is in an electronic
23 format compatible with the Court’s electronic jury evidence display system. At present, the parties
24 have not agreed upon any stipulations regarding use of electronic evidence but will address this issue
25 again in the Pre-Trial Order.

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11. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any stipulation or motion must be made no later than 21 days before the subject deadline. Requests to extend discovery deadlines must comply fully with LR 26-3.

IT IS SO STIPULATED.

DATED this 30th day of April, 2024.
PATERNOSTER LAW GROUP

/s/ Glenn Paternoster
GLENN A. PATERNOSTER, ESQ.
Nevada Bar No. 5452
300 South 4th Street, Suite 1600
Las Vegas, Nevada 89101
Telephone: (702) 654-1111
Facsimile: (702) 522-1522
glenn@paternosterlaw.com
Attorneys for Plaintiff

DATED this 1st day of May, 2024.
HALL & EVANS, LLC

/s/ Tanya Fraser
KURT R. BONDS, ESQ.
Nevada Bar No. 6228
TANYA M. FRASER, ESQ.
Nevada Bar No. 13872
1160 North Town Center Drive
Suite 330
Las Vegas, Nevada 89144
(702) 998-1022
nvefile@hallevans.com
Attorneys for Sam's West, Inc.

ORDER

IT IS SO ORDERED:

May 2, 2024

DATE



UNITED STATES MAGISTRATE JUDGE

Respectfully submitted by:

HALL & EVANS, LLC

/s/ Tanya Fraser
KURT R. BONDS, ESQ.
Nevada Bar No. 6228
TANYA M. FRASER, ESQ.
Nevada Bar No. 13872
1160 North Town Center Drive
Suite 330
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