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5 **UNITED STATES DISTRICT COURT**
 6 **DISTRICT OF NEVADA**

7 JEAN PIERRE, A NEVADA RESIDENT,
 8 1420 MED. LLC, A TEXAS LIMITED
 LIABILITY COMPANY
 9 Plaintiff

Case No.: 2:24-cv-00010-APG-DJA

10 vs.
 11 ALLSTATE INDEMNITY COMPANY

**Stipulation and Order to Extend
 Discovery Deadlines (Second Request)**

12
 13 Defendants

14 Pursuant to LR IA 6-1 and LR II 26-3, Plaintiffs, JEAN PIERRE and 1420 MED LLC, by
 15 and through their counsel, William R Ginn, Esq. of LEVERTY & ASSOCIATES LAW, CHTD.,
 16 and Defendant, ALLSTATE INDEMNITY COMPANY, by and through counsel of record John
 17 T. Keating, Esq. of KEATING LAW GROUP respectfully submit the following stipulation
 18 requesting that this Court extend discovery in the above-captioned case by ninety (90) days, up
 19 to and including October 29, 2024. In addition, the parties request that all other future deadlines
 20 contemplated by the Discovery Plan and Scheduling Order, including the initial expert disclosure
 21 deadline of July 1, 2024, be extended. This stipulation is being made less than 21 days before the
 22 expiration of the current expert disclosure deadline and is being entered into in good faith and not
 23 for the purpose of delay. Undersigned counsel is cognizant of and appreciates the fact that the
 24 original Scheduling Order was granted with Special Scheduling Review. However, this is the
 25 second requested stipulation to extend the discovery deadlines and the parties have agreed to
 26 extend the deadlines another 90 days so that all necessary depositions can be conducted and
 27 transcripts available for the claims handling experts who will require this testimony. The current
 28



1 discovery schedule does not allow for this to take place. For good cause and in support of this
2 stipulation and request, the parties state as follows:

3 **DISCOVERY COMPLETED**

4 1. On January 26, 2024, the parties conducted an initial FRCP 26(f) conference.

5 2. The parties have served their Initial Disclosures pursuant to FRCP 26(a)(1) and continue
6 to provide supplements thereto.

7 3. On April 1, 2024, Plaintiffs served three (3) sets of Requests for Production of Documents
8 (141 requests total) on Defendant Allstate Indemnity Company. Allstate served its Responses to
9 Set 1 and Set 2 on May 10, 2024 via extension of time. Allstate then served its First Supplemental
10 Response to Set 1 on May 16, 2024 and its Second Supplemental Responses to Set 1 on May 31,
11 2024. Allstate then served its Responses to Set 3 on June 5, 2024, again via extension of time.

12 4. Defendant Allstate served its initial set of Interrogatories and Requests for Production of
13 Documents to Plaintiff Jean Pierre on June 14, 2024, which were responded to on July 16, 2024.

14 5. The deposition of Allstate Indemnity Company claims representative Michael Broszszak
15 took place on July 1, 2024;

16 6. The deposition of Allstate Indemnity Company claims representative Dan Munson took
17 place on July 17, 2024;

18 7. The deposition of Plaintiff, took place on July 17, 2024.

19 **DISCOVERY REMAINING**

20 1. The deposition of Allstate Indemnity Company claims representative Karl Kreigh, for
21 whom availability has not been determined;

22 2. The Fed. R. Civ. Proc. 30(b)(6) deposition of Allstate Indemnity Company;

23 3. Expert disclosures and depositions;

24 4. Rebuttal disclosures and depositions;

25 5. Further, other appropriate discovery may also need to be conducted, including additional
26 written discovery and/or depositions of percipient witnesses; and.

27 6. Any and all discovery required as permitted by the Federal Rules of Civil Procedure.
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2 **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

3 The parties aver, pursuant to Local Rule 26-3, that good cause exists for the following
4 requested extension. This Request for an extension of time is not sought for any improper purpose
5 or other purpose of delay. Rather, the parties seek this extension solely for the purpose of allowing
6 sufficient time to conduct discovery.

7 The parties have been diligent in moving the case forward: participating in a reasonable
8 amount of discovery, including exchanging and supplementing their initial lists of witnesses and
9 documents; propounding written discovery requests and preparing responses thereto; and
10 scheduling depositions. The parties have run into scheduling issues with of the Allstate Indemnity
11 Company claims representatives.

12 In an effort to accommodate counsel, parties and witnesses, the parties have agreed to
13 extend the deadlines another 90 days so that all necessary remaining depositions can be conducted
14 and available for the claims handling experts who will require these depositions, and to allow for
15 the parties to engage in assisted settlement negotiations. This case is an insurance bad faith action
16 brought by Plaintiff for damages allegedly suffered as a result of two consecutive homeowner
17 claims; one for vandalism, and a second for water damage. The deposition testimony of the
18 remaining Allstate Indemnity Company claims representatives is necessary for the parties'
19 respective retained experts to evaluate and comment upon that testimony in their expert reports
20 in advance of the experts' respective depositions.

21 The current discovery schedule does not allow for this to take place. The parties once
22 again acknowledge that this Stipulation and Order is being submitted less than 21 days in advance
23 of the expert disclosure deadline , one of the discovery deadlines it seeks to extend.

24 Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs
25 modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or
26 motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than
27 21 days before the expiration of the subject deadline and must comply fully with LR 26-3. Any
28 request made within 21 days of the subject deadline must be supported by a showing of good



1 cause. This stipulation is made more than 21 days before the expiration of the discovery deadline,
2 but less than 21 days before the expiration of the expert disclosure deadline.

3 The parties have been diligently working to complete discovery but have encountered
4 unforeseen issues preventing them from doing so. Despite the parties' best efforts to overcome
5 these issues and complete the depositions before the deadline, they were unable to do so, which
6 prompted them to submit this request. The parties' diligence in conducting discovery lends
7 support to finding excusable neglect. *Buonarigo v. BJ's Tavern LLC*, No. CV-19-08037-PCT-
8 JAT, 2020 U.S. Dist. LEXIS 233075, at *4 (D. Ariz. Dec. 11, 2020) (citing *Pincay v. Andrews*,
9 389 F.3d 853, 859 (9th Cir. 2004)).

10 Moreover, the parties will both be prejudiced if they are unable to complete these
11 depositions as the remaining witnesses possess relevant information regarding the primary
12 contested factual issue in this case, the validity of Defendant's coverage investigation *Id.*
13 Therefore, the parties believe good cause has been demonstrated pursuant to LR II 26-3 for the
14 reasons stated above and support their request to extend the close of discovery, which will help
15 to "effectuate the general purpose of seeing that cases are tried on the merits. *Id.* at *3 (quoting
16 *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258-59 (9th Cir. 2010). The parties have
17 been acting in good faith in diligently attempting to complete discovery by the current deadline
18 and good cause exists for an extension of the discovery deadlines.

19 The parties believe that an additional 90 days of discovery would allow the parties to
20 complete the remaining discovery necessary for the parties' claims and defenses and that good
21 cause is demonstrated by the need to complete the remaining depositions of Defendant's claims
22 adjusters and Plaintiff and will only leave the claims handling experts to be deposed, and will
23 allow for the parties to engage in assisted settlement negotiations.

24 This is the second request for extension of time in this matter. The parties respectfully
25 submit that the reasons set forth above constitute compelling reasons and good cause for the short
26 extension.



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CERTIFICATE OF SERVICE

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify under penalty of perjury that I am an employee of Leverty & Associates Law, Chtd., and that service of the foregoing Stipulation and Order to Extend Discovery Deadlines (Second Request) was made via email system to all listed counsel of record, with a copy to follow via U.S. Mail:

John Keating 9130 W. Russell Road, Suite 200 LAS VEGAS, NV 89148 jkeating@keatinglg.com <i>Attorneys for Allstate Insurance Company</i>	
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DATED: August 28, 2024



An Employee of Leverty & Associates Law Chtd.

