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8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

11 LORI HACKETT,

12 Plaintiff,

13 vs.

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 15 EXPERIAN INFORMATION
 16 SOLUTIONS, INC., EQUIFAX
 17 INFORMATION SERVICES, LLC,
 18 TRANS UNION, LLC, and AMERICAN
 19 EXPRESS COMPANY,

20 Defendants.

Case No.: **2:24-cv-00378-GMN-MDC**

**DISCOVERY PLAN AND
 PROPOSED SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW
 REQUESTED**

21 **SUBMITTED IN COMPLIANCE WITH LR 26-1(b)**

22 Plaintiff LORI HACKETT and Defendants EXPERIAN INFORMATION
 23 SOLUTIONS, INC., EQUIFAX INFORMATION SERVICES, LLC, TRANS UNION,
 24 LLC, and AMERICAN EXPRESS COMPANY by and through their counsel of record,
 25 hereby submit their stipulated Discovery Plan and Scheduling Order pursuant to Federal
 26 Rule of Civil Procedure 16 and 26, as well as LR 16-1 and 26-1.
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1 Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1(a), a telephonic meeting was held
2 on April 19, 2024.
3

4 It is hereby requested that the Court enter the following discovery plan and
5 scheduling order:

6 **1. Discovery Plan:**
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8 Discovery Cut-Off	11/26/2024 (240 days from the date the 9 first Defendant filed its Answer)
10 Deadline to Amend Pleadings	08/26/2024 (90 days prior to the close of 11 discovery)
12 Deadline to Disclose Initial Expert 13 Disclosures	09/25/2024 (60 days prior to the close of discovery)
14 Deadline to Disclose Rebuttal Expert 15 Disclosures	10/25/2024 (30 days after the Initial Disclosure of Experts)
16 Deadline to File Dispositive Motions	12/27/2024 (30 days after the close of 17 discovery)

18 **3. Pre-Trial Order:** The parties shall file a joint pretrial order no later than
19 **01/24/2025** or thirty (30) days after the date set for filing dispositive motions. In the
20 event that parties file dispositive motions, the date for filing the joint pretrial order
21 shall be suspended until thirty (30) days after decision on the dispositive motions or
22 further order of the Court.
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1 **4. Extensions or Modifications of the Discovery Plan and Scheduling**

2 **Order:** Applications to extend any date set by the discovery plan, scheduling order,
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4 or other order must comply with the Local Rules.

5 **5. Initial Disclosures:** The parties who have filed a responsive pleading shall
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7 make initial disclosures on or before **04/30/2024**. All other parties shall have 14-days
8 after the date of filing their responsive pleading to make initial disclosures. Any party
9 seeking damages shall comply Federal Rules of Civil Procedure 26(a)(1)(A)(iii).

10 **6. Protective Order:** The parties may seek to enter a stipulated protective order
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12 pursuant to Rule 26(c) prior to producing any confidential documents.

13 The parties agree that there may be a need for discovery in this case to be
14 governed by a protective order. If the parties agree concerning the need for, scope and
15 form of such a protective order, Counsel will confer and submit a jointly proposed
16 protective order to the Court at such time. If the parties disagree concerning the need
17 for, and/or the scope or form of a protective order, the party or parties seeking such an
18 order shall file an appropriate motion and supporting memorandum.

19 **7. Electronic Service:** The parties agree that pursuant to Rules 5(b)(2)(E) and
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21 6(d) of the Federal Rules of Civil Procedure any pleadings or other papers may be
22 served by sending such documents by email.

23 The parties, through their undersigned counsel, agree that pursuant to Rule
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25 5(b)(2)(E) and 6(d) of the Federal Rules of Civil Procedure, any pleadings or other
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1 papers may be served by sending such documents by email to the primary and
2 secondary email addresses of all counsel of record (or any updated email address
3 provided to all counsel of record). The parties also agree, upon request, to promptly
4 (no later than the second business day after the service) provide the sending party with
5 confirmation of receipt of the service by email. The format to be used for attachments
6 to any email message shall be Microsoft Word (.doc) or Adobe Acrobat (.pdf). If any
7 error or delayed delivery message is received by the sending party that party shall
8 promptly (within one business day of receipt of such message) notify the intended
9 recipient of the message and serve the pleading or other papers by other authorized
10 means.
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14 **8. Alternative Dispute Resolution Certification:** The parties certify that they
15 met and conferred about the possibility of using alternative dispute-resolution
16 processes including mediation, arbitration, early neutral evaluation. The parties have
17 not reached any stipulations at this stage.
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20 **9. Alternative Forms of Case Disposition Certification:** The parties certify
21 that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c)
22 and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-
23 01). The parties have not reached any stipulations at this stage.
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1 **10. Electronically Stored Evidence.**

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3 The parties have discussed the retention and production of electronic data. The
4 parties agree that service of discovery by electronic means, including sending original
5 electronic files by email or on a CD is sufficient. The parties reserve the right to revisit
6 this issue if a dispute or need arises.
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9 The parties do not believe that this case is suitable for discovery of electronically
10 stored information in native format but state that production of any relevant
11 electronically stored information in hard copy (PDF or other similar means) has been
12 sufficient in prior similar FCRA cases.
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14 **11. Electronic Evidence Conference Certification:** The parties further intend
15 to present evidence in electronic format to jurors for the purposes of jury deliberations
16 at trial. The parties discussed the presentation of evidence for juror deliberations but
17 did not reach any stipulations as to the method at this early stage.
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19 The parties will consult the court’s website or contact the assigned judge’s
20 courtroom administrator for instructions about how to prepare evidence in an electronic
21 format and other requirements for the court’s electronic jury evidence display system.
22

23 **12. Protection of Privileged/Trial Preparation Material:**

24 The parties have discussed the possibility that privileged or protected information
25 may be disclosed inadvertently in the disclosure and discovery proceedings of this
26 lawsuit. The parties agree that a claim of privilege, work product, or other right of non-
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1 disclosure may be made by the producing party of any such materials after disclosure
2 or production in the manner allowed by FED. R. CIV. P. 26(b)(5)(B); the parties shall
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4 then proceed as provided by that provision. The parties also agree that, if a receiving
5 party believes that privileged or protected material may have been inadvertently
6 disclosed or produced, said party will advise the producing party and proceed as
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8 required if such party asserts inadvertent disclosure. The parties agree that the recall,
9 sequester, or return of any privileged or protected material is without waiver of the right
10 to contest the claim of privilege or protection. The parties agree the mere fact of an
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12 inadvertent disclosure is not sufficient to waive any claim of privilege or protection.
13 Before any party makes a motion to compel or challenges the claim of privilege,
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15 protection, or inadvertence of production or disclosure, the parties shall meet and confer
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17 regarding the challenge and attempt to find a way to resolve the dispute. The parties
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19 intend for their agreement to be considered an order pursuant to Federal Rule of
20 Evidence 502(d). The parties agree that the standard Federal Rule of Evidence 502(b)
21 applies to resolve any dispute about the inadvertence of a production or disclosure.

21 The parties will work in good faith to submit a stipulated protective order
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23 to the Court to protect certain confidential and/or trade secret information.

24 The parties are not seeking documents or information protected by
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26 privilege or otherwise exempted from discovery under the Federal Rules of Civil
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28 Procedure or other laws.

1 The parties agree that following service of any interrogatory response or
2 document production form which some or all information or documents are withheld
3 on the basis of privilege, the parties will confer on the scope of the interrogatories and/or
4 requests for production, the need to limit the scope of same, and any need for privilege
5 logs.
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8 **13. Reasons for Request for Special Scheduling Review:**

9 The Parties are requesting a special scheduling review pursuant to LR 26-1(a)
10 because additional time for discovery is required in this case for the following two
11 reasons: (1) Equifax and American Express have not yet filed an answer or other
12 responsive pleading; and (2) the Parties anticipate that it will be difficult to schedule
13 and conduct depositions of the various FRCP 30(b)(6) representatives within the
14 default times mandated by LR 26-1(b) due to the upcoming summer and associated
15 vacations and holidays (Memorial Day, Independence Day and Labor Day) and
16 volume of FCRA cases the Defendants have pending here and in other jurisdictions.
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19 Dated May 7, 2024
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21 <u>/s/ Joseph Kanee</u> 22 Joseph Kanee, Esq. 23 MARCUS & ZELMAN, LLC 24 4000 Ponce de Leon, Suite 470 25 Coral Gables, FL 33146 26 (786) 369-1122 27 joseph@marcuszelman.com 28 PRO HAC VICE Attorney for Plaintiff	<u>/s/ Bob L. Olson</u> Bob L. Olson, Esq. SNELL & WILMER LLP 3883 Howard Hughes Pkwy Ste 1100 Las Vegas, NV 89169 (702) 784-5200 bolson@swlaw.com Attorney for Defendant Experian Information Solutions, Inc.
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	<p><u>/s/ Gia Marina</u> Gia Marina, Esq. CLARK HILL PLC 1700 South Pavilion Center Dr, Ste 500 Las Vegas, NV 89135 (702) 862-8300 gmarina@clarkhill.com Attorney for Defendant Equifax Information Services, LLC</p>
	<p><u>/s/ Sarai L. Brown</u> Sarai L. Brown, Esq. SKANE MILLS LLP 1120 Town Center Drive, Suite 200 Las Vegas, NV 89144 (702) 363-2535 sbrown@skanemills.com Attorney for Defendant Trans Union, LLC</p>
	<p><u>/s/ Sihomara L. Graves</u> Sihomara L. Graves, Esq. KAEMPFER CROWELL 50 W Liberty Street, Suite 1100 Reno, NV 89501 (775) 852-3900 sgraves@kcnvlaw.com Attorney for Defendant American Express Company</p>

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SCHEDULING ORDER

The above-set stipulated Discovery Plan of the parties shall be the Scheduling Order for this action pursuant to Federal Rule of Civil Procedure 16(b) and Local Rule 16-1.

IT IS SO ORDERED



Hon. Maximiliano D. Couvillier III
United States Magistrate Judge

Dated: May 9, 2024