

1 **BENJAMIN J. CARMAN, ESQ.**  
 NV Bar # 12565  
 2 **ADAM C. EDWARDS, ESQ.**  
 NV Bar # 15405  
 3 **THE BIG GUNS INJURY ATTORNEYS**  
 4045 Spencer Street Suite A52  
 4 Las Vegas, NV 89119  
 Telephone: (702) 500-GUNS  
 5 Facsimile: (702) 628-7095  
[service@thebigguns.law](mailto:service@thebigguns.law)  
 6 Attorneys for Plaintiff  
 William Witter

7  
 8 **UNITED STATES DISTRICT COURT**  
 9 **DISTRICT OF NEVADA**

10 WILLIAM WITTER, an individual

2:24-CV-01923-GMN-EJY

11 Plaintiff,

**PROPOSED DISCOVERY PLAN  
 AND SCHEDULING ORDER**

12 v.

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

13 AMERICAN NATIONAL PROPERTY  
 AND CASUALTY COMPANY, a foreign  
 14 entity

15 Defendant

16  
 17 Plaintiff and Defendant, by and through their respective counsel, submit this  
 18 proposed discovery plan and scheduling order.

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

20 The parties conducted their initial FRCP 26(f) conference on January 10,  
 21 2025, and there were no discovery disputes at that time. All parties agreed to  
 22 exchange their rule 26 disclosures by January 24, 2025, which is two weeks after  
 23 the FRCP 26(f) conference.





1           Based upon counsels' review of the evidence in this case, the parties now  
2 propose the following discovery plan:

3           **1. Discovery Cut-Off Date:** Defendant filed its petition for removal on  
4 October 16, 2024. Based upon the evidence reviewed by counsel, the parties  
5 require six months for discovery. Specifically, the parties request 180 days for  
6 discovery from the date of the initial rule 26 conference, which equates to a  
7 discovery cut-off date of July 10, 2025 .

8           **2. Amending the Pleadings and Adding Parties:** The parties request  
9 that all motions to amend the pleadings or to add parties be filed by April 11,  
10 2025— 90 days before the proposed close of discovery.

11           **3. Fed.R.Civ.P. 26(a)(2) Disclosures (Experts):** The parties request the  
12 disclosure of experts be made on or before May 9, 2025— 60 days before the  
13 proposed discovery cut-off date. Disclosure of rebuttal experts shall be made by  
14 June 6, 2025 — 30 days after the initial disclosure of experts.

15           **4. Dispositive Motions:** The date for filing dispositive motions shall not be  
16 later than 08/11/2025— 30 days after the proposed discovery cut-off date. In the  
17 event that the discovery period is extended from the discovery cut-off date set forth  
18 in this proposed Discovery Plan and Scheduling Order, the date for filing  
19 dispositive motions shall be extended to be not later than 30 days from the  
20 subsequent discovery cut-off date.

21           **5. Pretrial Order:** The date for filing the joint pretrial order shall not be  
22 later than September 10, 2025— 30 days after the cut-off date for filing dispositive  
23

1 motions. In the event that dispositive motions are filed, the date for filing the joint  
2 pretrial order shall be suspended until 30 days after entry of an order deciding such  
3 motions, or until further order of the court. In the further event that the discovery  
4 period is extended from the discovery cut-off date set forth in this discovery plan  
5 and scheduling order, the date for filing the joint pretrial order shall be extended in  
6 accordance with the time periods set forth in this paragraph.

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

10 **7. Extensions or Modifications of the Discovery Plan and**  
11 **Scheduling Order:** Any stipulation or motion must be made no later than 21 days  
12 before the subject deadline. Requests to extend discovery deadlines must comply  
13 fully with LR 26-4.

14 **8. Alternative Dispute Resolution.** The parties met and conferred at  
15 the rule 26 conference regarding the possibility of using alternative dispute  
16 resolution processes, namely arbitration and mediation.

17 **9. Alternative Forms of Case Disposition.** The parties met and  
18 conferred regarding the use of a magistrate judge for all purposes or to submit to  
19 the Short Trial Program.

20 **10. Electronic Evidence.** The parties met and conferred regarding the  
21 use of electronic evidence and presenting the same to the jury. They will present  
22 evidence to the jury in a format that will be compatible with the Court's jury  
23

1 evidence display system, with each party responsible for preparing their respective  
2 exhibits to comply.

3 **11. Consent to Service by Electronic Means through Electronic**  
4 **Mail.** The undersigned consent to service of documents by electronic means via  
5 electronic mail and/or facsimile for all documents to be served outside of the  
6 CM/ECF system.

7 **FRCP 26(f)(3) VIEWS AND PROPOSALS**

8 **A. Initial Disclosures:**

9 The parties agree to make initial disclosures on or before January 24, 2025.

10 **B. Subjects On Which Discovery May Be Needed:**

11 The parties agree that the subjects of discovery shall include liability,  
12 causation, and damages of all forms.

13 **C. Whether Discovery Should Be Conducted In Phases Or Be**  
14 **Limited To Or Focused On Particular Issues**

15 The parties agree that discovery need not be conducted in phases.

16 **D. Issues Regarding Disclosure Of Electronically Stored**  
17 **Information, Including The Form Or Forms In Which It Should Be**  
18 **Produced:**

19 The parties agree that no issues currently exist regarding the disclosure or  
20 discovery of electronically stored information.

21 **E. Issues Regarding Claims Of Privilege Or Protection Of Pre-Trial**  
22 **Materials:**



1 The parties agree to act in a manner that protects information entitled to be  
2 kept confidential and to ensure that protection is limited to material entitled to any  
3 such protections. The parties will work together, where possible, to establish an  
4 appropriate scope of discovery as it relates to privileged communications in their  
5 materials.

6 **F. Changes That Should Be Made In The Limitations On Discovery  
7 Imposed Under These Rules Or By Local Rule:**

8 None.

9 **G. Orders That The Court Should Issue Under Rule 26(c)( or Rule  
10 16(b) and (c):**

11 None.

12 DATED January 29, 2025

13 DATED January 29, 2025

14 **THE BIG GUNS INJURY  
15 ATTORNEYS**

16 **THORNDAL ARMSTRONG, PC**

17 /s/Benjamin J. Carman  
18 BENJAMIN J. CARMAN, ESQ.  
19 NV Bar #12565  
20 4045 Spencer Street, Suite A52  
21 Las Vegas, NV 89119  
22 702-500-GUNS  
23 Attorneys for Plaintiff  
William Witter

/s/Gregory M. Schulman  
GREGORY M. SCHULMAN, ESQ.  
Nevada Bar No. 5766  
600 S. Las Vegas Blvd, Ste. 400  
Las Vegas, NV 89101  
(702) 366-0622  
Attorneys for Defendant  
American National Property and  
Casualty Company

**ORDER**

IT IS SO ORDERED:

DATED: January 29, 2025

  
UNITED STATES MAGISTRATE JUDGE

