

HOLLEY DRIGGS  
WALCH FINE PUZEY STEIN THOMPSON

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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SONOMA SPRINGS LIMITED  
PARTNERSHIP, a Nevada limited partnership,  
and SONOMA SPRINGS ASSOCIATES, LLC,  
a Nevada limited liability company,  
  
Plaintiffs,  
  
v.  
  
FIDELITY AND DEPOSIT COMPANY OF  
MARYLAND, a Maryland Corporation and  
ZURICH AMERICAN INSURANCE  
COMPANY OF ILLINOIS, a Maryland  
Corporation and DOES 1-20, inclusive,  
  
Defendants

Case No.: 3:18-CV-0021-LRH-CBC

**STIPULATION AND ORDER TO  
REOPEN DISCOVERY FOR LIMITED  
PURPOSES AND TO EXTEND  
DEADLINE FOR PROPOSED JOINT  
PRETRIAL ORDER**

**(SECOND REQUEST)**

Plaintiffs, SONOMA SPRINGS LIMITED PARTNERSHIP and SONOMA SPRINGS ASSOCIATES, LLC, (hereinafter collectively "Plaintiffs"), by and through their counsel of record, JAMES W. PUZEY, ESQ. and AUDREY DAMONTE, ESQ., of HOLLEY DRIGGS WALCH FINE PUZEY STEIN & THOMPSON, and Defendants, FIDELITY AND DEPOSIT COMPANY OF MARYLAND and ZURICH AMERICAN INSURANCE COMPANY OF ILLINOIS, (hereinafter collectively "Defendants") by and through their counsel of record, DAVID SLAUGHTER, ESQ., of SNOW CHRISTENSEN & MARTINEAU, agree and jointly move this Court, pursuant to Rule 6(b)(1)(A) and Local Rule 7-1, to extend the deadline to file a proposed Joint Pretrial Order in compliance with Local Rules 16-3 and 16-4 ("Joint Pretrial Order") from November 12, 2019 to December 19, 2019. (The Court earlier approved the parties' stipulation to reopen discovery for limited purposes and to extend to November 12 the deadline for the proposed joint pretrial order. (ECF No. 78). The additional depositions anticipated as part of the extended

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1 discovery granted under that earlier stipulation have only recently been completed and additional  
2 depositions may be required. Furthermore, additional documents have been provided through  
3 supplemental disclosures between the parties and via *subpoena duces tecum* from the latest  
4 deponents. Consequently, the parties reasonably require additional time to properly and accurately  
5 identify all of the factual and legal issues, exhibits and witnesses (and any objections thereto) that  
6 are required to be included in the proposed Joint Pretrial Order.

7 As the Court is aware, there is a Sixth Judicial District Court case between the contractor  
8 Ascent Construction, Inc. (Plaintiff/Counterdefendant) and Sonoma Springs Limited Partnership  
9 (Defendant/Counterclaimant) Sonoma Springs Associates, LLC (Defendant), Case Number CV  
10 21,053, Dept. II, pending before the Honorable Michael R. Montero (“State Court Case”). The  
11 State Court Case involves issues that overlap issues in this action. To expedite discovery and limit  
12 costs in both cases, the Parties agreed to share discovery in both the State Court Case and this  
13 Federal case. Discovery was extended as allowed under the parties’ stipulation and this Court’s  
14 order of September 27, 2019, to allow additional depositions.

15 Under the circumstances, including the somewhat unusual relationship between this case  
16 and the underlying State case between Sonoma and general contractor/bond principal Ascent  
17 Construction, and the agreed consolidation of discovery in the two matters, as well as the limited  
18 continuation of that consolidated discovery until January 31, 2020, there is good cause for the  
19 Parties’ request that they be allowed a limited additional period to meet and confer to identify all  
20 appropriate or necessary exhibits from among the thousands of documents disclosed in discovery,  
21 and otherwise to complete their preparation of proposed Joint Pretrial Order with this Court.

22 With this background, and taking into account the respective schedules of counsel, an  
23 extension to February 14, 2020, is both reasonable and necessary. The additional extension serves  
24 ultimately to save time and expense, while still ensuring a just determination of this action. This  
25 is a legitimate reason as recognized by Rule 1 of the Federal Rules of Civil Procedure, which  
26 states: “These rules . . . should be construed, administered, and employed by the court and the  
27 parties to secure the just, speedy, and inexpensive determination of . . . [the] proceeding.” Since  
28 there is no trial date, no other deadlines will be impacted by this extension.

1 This is the second stipulation and request for an extension of time to file the proposed Joint  
2 Pretrial Order, but the first following the Court's order reopening discovery. Discovery will  
3 continue in the State court case through January 31, 2020, and no additional requests for extensions  
4 are contemplated. The stipulation and related request to the Court is being made in good faith and  
5 not for purpose of undue delay.

6 Therefore, pursuant to Rule 6(b)(1)(A) and Local Rule 7-1, the Parties request that the  
7 Court extend the deadline for the parties' submission of a proposed Joint Pretrial Order to and  
8 including February 14, 2020.

9 **IT IS SO STIPULATED.**

10 Dated: November 8, 2019

Dated: November 8, 2019

11 **HOLLEY DRIGGS WALCH FINE**  
12 **PUZEY STEIN & THOMPSON**

**SNOW CHRISTENSEN & MARTINEAU**

13 */s/ Audrey Damonte*

*/s/ David W. Slaughter*

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*Attorneys for Defendants*

24 **ORDER**

25 **IT IS SO ORDERED.**

26 DATED this 20<sup>th</sup> day of November, 2019.

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UNITED STATES MAGISTRATE JUDGE  
4834-7961-2588, v. 3

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**CERTIFICATE OF SERVICE**

I certify that I am an employee of Snow Christensen & Martineau, PC, and that on the 8<sup>th</sup> day of November, 2019 pursuant to NRCP 5(b), I am serving a true and correct copy of the attached **STIPULATION AND ORDER TO REOPEN DISCOVERY FOR LIMITED PURPOSES AND TO EXTEND DEADLINE FOR PROPOSED JOINT PRETRIAL ORDER (SECOND REQUEST)** via first class, U.S. Mail, postage prepaid on each of the following:

James W. Puzey  
Audrey Damonte  
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/s/ Melissa Hurst  
An Employee of Snow Christensen & Martineau, PC

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