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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SLEP-TONE ENTERTAINMENT
CORPORATION,

Plaintiff,

v.

ELLIS ISLAND CASINO &
BREWERY, et al.,

Defendants.

Case No.: 2:12-cv-00239-KJD-RJJ

**JOINT PROPOSED DISCOVERY
PLAN AND SCHEDULING ORDER**

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1, the undersigned parties submit the following Discovery Plan and Scheduling Order.

1. **Meeting of counsel.** Following the Order of the Court dated July 22, 2012 (Doc. 92), counsel for the following parties conferred via a series of telephone calls and email messages regarding the form and content of the report:

- The Plaintiff;
- The group of Defendants known as the Café Moda Defendants (consisting of Cafe Moda; Cafe Moda, LLC; William Carney; DDRT, LLC; Dan; Decatur Restaurant & Tavern; Debbie Harms; Hot Shots Bar and Grill; Joe; Starmaker Karaoke; and The Pub, LLC); and
- The group of Defendants known as the PT's Group (consisting of Defendants Golden Tavern Group, LLC; Golden-PT's Cheyenne-Nellis 5, LLC; Golden-PT's Pub Centennial 32, LLC; Golden-PT's Pub Stewart Nellis 2, LLC;

1 Golden-PT's Pub West Sahara 8, LLC; PT's Gold; PT's Place; and PT's
2 Pub).

3 Counsel for the Plaintiff contacted counsel for Defendants Terry Cicci and Terry-
4 Oke Karaoke, who indicated no strong preferences with respect to the scheduling
5 order and discovery plan. Counsel for the Plaintiff left telephone and email
6 messages for the counsel for Fame Operating Co., Inc. and for Tara King (*a pro se*
7 defendant), which were not timely returned. Defendant Office 7 Lounge &
8 Restaurant, Inc. has appeared by its owner but has not provided telephone or email
9 information to facilitate contact. None of the non-participating Defendants have
10 previously proposed any scheduling order or discovery plan.

11 2. **Initial Disclosures.** The parties have not exchanged their initial
12 disclosure statements.

13 3. **Discovery Plan.** There are several pending motions that are
14 potentially dispositive of the action against several of the parties. The parties
15 therefore propose that discovery would not open until the Court's disposition of the
16 pending motions, and deadlines would be indeterminate except with respect to the
17 future date of disposition of the pending motions. The parties agree that, once
18 open, discovery may be conducted on all matters relevant to issues raised by
19 subsequent pleadings and all matters otherwise within the scope of Rule 26(b)(1)
20 and not protected from disclosure. No changes in limitations set by either the
21 Federal Rules of Civil Procedure or Local Rules of Practice for the District of
22 Nevada are requested at this time. No orders are requested to be entered pursuant
23 to FRCP 16(b), 16(c) or 26(c) at this time.

24 The proposed discovery plan is as follows:

25 (a) **Discovery cutoff date.** Discovery shall commence with the Court's
26 decision on the pending motions and shall be completed not later than
27 180 days from the date of the Court's decision on the pending motions.

28 (b) **Amending the Pleadings and Adding Parties.** The last day to file a

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motion to amend the pleadings or to add parties shall be 90 days prior to the close of fact discovery.

- (c) **Experts.** The last day for disclosures as required by FRCP 26(a)(2)(c) concerning experts shall be 60 days prior to the close of fact discovery. The last day for disclosures concerning rebuttal experts shall be 30 days after the date to disclose initial experts.
- (d) **Dispositive Motions.** The last day for filing dispositive motions including, but not limited to motions for summary judgment, shall be 30 days after the close of discovery.
- (e) **Pretrial Order.** The Joint Pretrial Order shall be filed 30 days after the deadline for filing dispositive motions. However, if dispositive motions have been filed, the Joint Pretrial Order shall be due thirty days after a decision or by further order of the Court. Disclosures under Rule 26(a)(3) of the Federal Rules of Civil Procedure and any objections thereto shall be included in the Joint Pretrial Order.
- (f) **Extension of Scheduled Deadlines.** A request for an extension of this discovery plan shall be filed and served no later than twenty (20) days before the discovery cutoff date.

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1 Respectfully submitted this the 3rd day of August, 2012.

2 **HARRINGTON LAW, P.C.**

3 **MARQUIS AURBACH COFFING**

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18 *Attorneys for Defendants Hot Shots Bar and*
19 *Grill, The Pub, LLC, Joe, Dan, Starmaker*
20 *Karaoke, Debbie Harm, Café Moda, Café*
21 *Moda, LLC and William Carney*

22 Of Counsel:
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PT's Pub West Sahara 8, LLC; PT's Gold;
Golden-PT's Pub Centennial 32, LLC;
Golden-PT's Pub Stewart-Nellis 2, LLC;
and Golden Tavern Group, LLC

IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

Dated: _____

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing paper is being filed using the Clerk’s CM/ECF system, which will send a Notice of Electronic Filing to counsel of record as follows:

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CM/ECF non-participants are being served on the date indicated below by depositing a copy of this paper as First Class Mail, postage prepaid, addressed as follows:

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Date: August 3, 2012

/s/ James M. Harrington
James M. Harrington