

1 Patrick S. Davis
2 Redacted
3 Sparks, NV 89431
4 (775) Redacted
5 Plaintiff in Proper Person

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

8 PATRICK STEPHEN DAVIS)
9 Plaintiff,) Case No. 3:13-CV-00559-MMD-WGC
10 vs.)
11 STATE OF NEVADA ET AL;) **MOTION FOR DISCOVERY PLAN**
12 Defendants) **AND SCHEDULING ORDER WITH**
13 **SPECIAL SCHEDULING REQUESTED**

14 COMES NOW, the Plaintiff, in proper person and on his own behalf, and respectfully
15 requests the Court to grant his Motion for Discovery Plan and Scheduling Order with Special
16 Scheduling Requested. This Motion for Discovery Plan and Scheduling Order with Special
17 Scheduling Requested in pursuant to Fed. R. Civ. P. 26; the attached Discovery Plan and all
18 other papers and pleadings filed therein.

19 **I. Special Scheduling Review Request**

20 Plaintiff requests special scheduling review due to the Motion to Dismiss and Motion for
21 Protective Order to Stay Discovery which are pending before this Court, and which may impact
22 the nature of the claims and parties involved in the action. The Motion to Dismiss raises various
23 affirmative defenses, including issues of timeliness, immunity and standings which, if even some
24 are successful, might result in a dismissal of some of the claims raised by Defendants named in
25 the original complaint. Even if most of the claims by Plaintiff are found to be viable by the
26 Court, it is the plaintiff's stated intention to seek leave to amend the complaint to add additional
27 plaintiffs and, perhaps, additional facts or claims. Because the plaintiff is appearing in *pro se*
28 and without the assistance of counsel, it is anticipated that such an amendment will be allowed.
29 Fed. R. Civ. P. 15(a); Lopez v. Smith, 203 F.3d 1122, 1131 (9th Cir. 2000)

30 Given these facts and the arguments presented in the Motion for Protective Order to Stay
31 Discovery filed with this Court on January 29, 2014, Plaintiff believes that an extension of the
32 discovery deadlines by a period of at least sixty days will help to avoid unnecessary and

1 excessive expenditures of time and resources of the parties and the Court.

2 **II. Pre-Discovery Disclosures.**

3 Plaintiff requests that the parties will exchange the information required by FRCP
4 26(a)(1) immediately upon the Court's Order addressing the Motion to Dismiss or of the filing of
5 an Amended Complaint, if such is permitted.

6 **III. Discovery Plan.**

7 Plaintiff proposes to the Court the following discovery plan:

8 1. Subject of Discovery. Discovery will be needed on the following subjects: Discovery
9 will be needed on the issues raised by the complaint and the answer thereto.

10 2. Discovery Cut-Off Date. Defendants have not filed an ANSWER. Defendants have
11 filed a MOTION TO DISMISS on November 6, 2013. Under the standard deadline, the last day
12 for discovery would be *May 15, 2014*. However, the proposed last day for discovery under the
13 requested special schedule would be no earlier than **Tuesday, July 15, 2014** (240 days from the
14 date of the filing of the Motion to Dismiss). This proposed date exceeds the presumptive outside
15 limits LR 26-1(e)(1) sets for completing discovery by sixty days.

16 3. Amending the Pleadings and Adding Parties. The parties will have until at least
17 **Wednesday, April 16, 2014**, 90 days before the discovery cut-off date, to file any motions to
18 amend the pleadings or to add parties. This date exceeds the outside limit presumptively set by
19 LR 26-1(e)(2) by sixty days.

20 4. FRCP 26(a)(2) Disclosures (Experts). Disclosure of experts will proceed according to
21 FRCP 26(a)(2) and FRCP 33, except that:

22 [i] The disclosure of experts and expert reports will occur on or before

23 **Friday, May 16, 2014**, which is 60 days before the discovery cut-off date, and

24 [ii] The disclosure of rebuttal experts and their reports will occur on or before

25 **Monday, June 16, 2014**, which is 30 days before the discovery cut-off date.

26 5. Interim Status Report. The parties will have until **Friday, May 16, 2014**, to file an
27 interim status report as required by LR 26-2.

28 6. Dispositive Motions. The parties will have until **Thursday, August 14, 2014**, thirty
(30) days after the discovery cut-off date, to file dispositive motion(s), which does not exceed the
outside limit of thirty (30) days following the discovery cut-off date that LR 26-1(e)(4)
presumptively sets for filing dispositive motions.

1 7. Pretrial Order. The pretrial order will be filed on **Monday September 15, 2014**, thirty
2 (30) days after the date set for filing dispositive motions in the case. This deadline is suspended
3 if a dispositive motion is timely filed.

4 8. Disclosures. The disclosures FRCP 26(a)(3) requires will be made in the joint pretrial
5 order.

6 9. Extensions or Modifications of the Discovery Plan and Scheduling Order. LR 26-4
7 governs modifications or extensions of this discovery plan and scheduling order. Any stipulation
8 or motion must be made not later than **Wednesday, June 25, 2014**, twenty (20) days prior to the
9 discovery cut-off date and will comply fully with LR 26-4.

10 **IV. Other Items**

11 Other Discovery Matters. The parties have discussed and may agree to enter into a
12 Stipulated Protective Order to protect and maintain the confidentiality of various items of
13 information that may be sought and may be tendered during discovery. Plaintiff has
14 concurrently filed a Motion to Preserve Evidence with specific requests at this time.

15 **V. Other Issues**

16 Previously, the parties had agreed to a Stipulated Discovery Plan and Scheduling Order
17 with Special Scheduling Review Requested during a meeting held on or about February 2014.
18 Plaintiff had agreed to the conditions as proposed by Defendants and the Defendants offered to
19 efile the Motion. Defendants have since apprised Plaintiff that they wish to defer the Discovery
20 Plan and Scheduling Order at this time. Plaintiff believes that this does not promote judicial
21 efficiency and delays the proceedings from moving forward. In the interests of timeliness,
22 Plaintiff is submitting this Motion without stipulation from Defendants and upon his own
23 prerogative, in order to promote judicial economy, along with his other concurrent Motions at
24 this time along with other Motions by additional Plaintiffs seeking joinder.

25 **AFFIRMATION PURSUANT TO FED.R.CIV.P. 5.2(a)**

26 The undersigned does hereby affirm that the preceding document does not contain the
27 social security number of any person.

28 Respectfully dated this 10th day of March, 2014.

Patrick S. Davis
Plaintiff in Proper Person

1 **CERTIFICATE OF MAILING**

2 I hereby certify as the Plaintiff in Proper Person, that on March 10, 2014, I deposited for
3 mailing at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing
4 document, Motion for Discovery Plan and Scheduling Order with Special Scheduling Requested
5 addressed to:

6 CATHERINE CORTEZ-MASTO
7 ATTORNEY GENERAL

8 LORI M. STORY, ESQ.
9 Nevada Bar No: 16835
10 Deputy Attorney General
11 555 Wright Way
12 Carson City, NV 89711
(775) 684-4605
Attorney for Defendants

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15 Patrick S. Davis
16 Plaintiff in Proper Person
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