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Attorneys for Plaintiff ANDREA COLLIER, as
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DISTRICT COURT
CLARK COUNTY, NEVADA

ANDREA COLLIER, as trustee of the JACT
TRUST,

Plaintiff,

v.

PENNIE MOSSETT-PUHEK, individually;
ANTHEM HIGHLANDS COMMUNITY
ASSOCIATION, a Nevada Non-Profit Corporation;
CARMEN EASSA, an individual; K.G.D.O.
HOLDING COMPANY, LLC d/b/a TERRA
WEST MANAGEMENT SERVICES, a Nevada
limited liability company; DOES I through X and
ROE BUSINESS ENTITIES I through X,
inclusive,

Defendants.

Case No.: A-22-852032-C
Dept.: 8

[Hearing Requested]

**MOTION TO EXTEND DISCOVERY
DEADLINES (FIFTH REQUEST) AND TO
CONTINUE TRIAL SETTING (SECOND
REQUEST)**

COMES NOW Plaintiff ANDREA COLLIER ("Collier"), by and through her counsel of
record, Timothy Elson, Esq., of The Law Offices of Timothy Elson, PLLC, and hereby file this Motion
To Extend Discovery Deadlines (Fifth Request) And To Continue Trial Setting (Second Request).

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MEMORANDUM OF POINTS AND AUTHORITIES**I. INTRODUCTION**

Collier files this Motion as discovery deadlines and the trial setting need to be extended to allow discovery to be completed in an orderly fashion. In the last 35 days or so, the parties have propounded approximately 15 sets of written discovery. Some of the discovery responses are still outstanding and/or *past due*. Beyond that, all of the discovery responses (or at least most of them) received to date have significant discovery issues, and will require meet and confers and likely motion practice. Also, Collier has been in the process of conducting meet and confers for over a month on other discovery issues that predated the recent discovery responses, which only adds to the list of issues being addressed. Moreover, while Collier propounded many of the sets of written discovery,¹ Defendants propounded extensive written discovery on Collier with significant contention interrogatories. While Collier is working to supplement her discovery responses (on the contention discovery and other issues), Collier cannot fully respond to the contention discovery until Defendants properly respond to the outstanding written discovery as many of the issues are contingent on Defendants' documents and discovery responses. Moreover, expert discovery cannot be completed until all documents have been produced and reviewed by the experts, as their opinions will likely be altered or supplemented given the wealth of the outstanding discovery issues. Simply put, discovery deadlines need to be continued (on a case that is barely two years old) to allow discovery to be completed in an orderly fashion.

I. DISCOVERY COMPLETED TO DATE:

A. The parties have served Initial Disclosures pursuant to NRCP 16.1.

B. Collier has propounded written discovery on Mossett-Puhek, to which Mossett-Puhek has responded. Supplemental written discovery has been propounded, to which Mossett-Puhek has

¹ Given the nature of the issues in this case, Collier had to propound written discovery on each one of the Defendants, as each Defendant serves a different role in handling homeowner association business.

1 responded. Collier alleges discovery deficiencies with the responses.

2 C. Collier has propounded written discovery on Anthem, to which Anthem has responded.
3 Supplemental written discovery has been propounded, to which Anthem is responding and is in the
4 process of supplementing. Collier alleges discovery deficiencies with the responses.

5 D. Collier has propounded written discovery on Eassa and Terra West. Initial discovery
6 responses have been received, with supplemental discovery responses forthcoming. Collier alleges
7 discovery deficiencies with the responses.

8 E. Anthem and Mossett-Puhek have propounded written discovery on Collier, to which
9 Collier has responded. Defendants have propounded additional discovery on Collier, to which Collier
10 has responded. Supplemental discovery responses are forthcoming.

11 F. Subpoenas have been propounded on third parties, such as Anthem Community
12 Counsel, Inc., Nevada Real Estate Division, Nextdoor, Inc., and First Service Residential.

13 G. The parties have deposed Jason Esau (Henderson Code Enforcement), Danielle Gallant
14 (an alleged percipient witness), Sydney Woo (a former board member), Shirley Breeden (a former
15 board member), Carmen Eassa (a community manager and a named party), Pennie Mossett-Puhek (a
16 board member and named party), Andrea Collier (a homeowner and a named party), Katherine
17 Matheson (principal and owner of Terra West at times material to this action); Asheligh Grove (an
18 assistant at Terra West at times material to this action); and Chrislin Perez (an assistant at Terra West
19 at times material to this action).

20 H. Collier designated experts Sara Barry and Randy Maher.

21 I. Defendants designated expert Eric Dobberstein.

22 **II. DISCOVERY REMAINING:**

23 A. Additional written discovery and responses thereto.

24 B. Subpoenas to third parties.

25 C. Depositions of parties and party representatives.

1 D. Depositions of third parties.

2 E. Any other discovery that the parties desire.

3 **III. REASON WHY DISCOVERY SHOULD BE EXTENDED:**

4 The Parties have been diligently conducting discovery in this matter, as outlined above.
5 Significant discovery has occurred in this case, with approximately ten depositions conducted to date.
6 Extensive written discovery has also occurred. Supplemental discovery responses are admittedly
7 required by both Plaintiff and Defendants. Beyond the supplemental discovery responses, Collier
8 alleges significant discovery deficiencies exist with Defendants' responses (with discovery responses
9 that were recently received and prior discovery issues). Collier requires additional time to conduct
10 good faith meet and confers before seeking judicial intervention on the alleged discovery deficiencies.
11 Collier anticipates that several motions to compel will need to be filed to address all of the discovery
12 deficiencies between the different parties. Not only can general discovery not be completed at this
13 time, expert discovery also cannot be completed until the discovery issues are resolved as the experts
14 will need to review all documents, which will potentially alter or supplement their opinions. Collier
15 further anticipates that the outstanding discovery is required to address dispositive motion practice
16 that Defendants intend on filing.

17 While this is the fifth continuance, several of the prior continuances were relatively short,
18 extending certain discovery deadlines roughly 30 days. This case is slightly over two years, and the
19 history of discovery in this action demonstrates that the parties have diligently conducted the same.
20 Collier also anticipates that motion practice will be filed prior to any hearing date on this Motion,
21 which will only further highlight the need for the discovery continuance (which Collier incorporates
22 herein as if fully set forth). As such, good cause exists to continue out the discovery deadlines.

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1 **IV. PROPOSED DEADLINES FOR REMAINING DISCOVERY:**

	Previous Deadline	Proposed Deadline
3 Deadline to Amend:	Closed	Closed
4 Initial Expert Disclosure:	Closed	Closed
5 Rebuttal Expert Disclosure:	Closed	Closed
6 Close of Discovery:	July 2, 2024	September 16, 2024
7 Dispositive Motions	July 10, 2024	September 30, 2024

8 **V. CURRENT TRIAL DEADLINE:**

9 The case is currently set for a jury trial setting on November 12, 2024. Collier is requesting a
 10 trial continuance until early to mid 2025. As previously discussed, Collier's counsel has an
 11 international vacation planned during the current trial stack, which is over the Thanksgiving holiday.
 12 All parties agreed to accommodate this vacation. Beyond that, this Court has several matters ahead
 13 of this case on the current stack, including medical malpractice cases. There is a very low likelihood
 14 that this case will proceed to trial on this stack. Beyond that, additional time is required to address
 15 the discovery issues that still exist in this case. This case is slightly over two years old, which means
 16 the five-year rule is not an issue. Good cause exists to move the trial setting to 2025.

17 **VI. CONCLUSION:**

18 For the foregoing reasons, Collier respectfully requests that the Court enter an Order
 19 adopting the dates set forth in this Motion.

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 21 DATED: June 11, 2024

Respectfully Submitted

22 THE LAW OFFICES OF TIMOTHY ELSON

23
 24 By: /s/ Timothy Elson

25 Timothy Elson, Esq.
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 28 Attorneys for Plaintiff ANDREA COLLIER, as trustee of
 the JACT TRUST

DECLARATION OF TIMOTHY ELSON, ESQ.

I, Timothy Elson, Esq., do declare, affirm, and state as follows:

1. I am an attorney at THE LAW OFFICES OF TIMOTHY ELSON, PLLC, and am duly licensed in the State of Nevada. I am competent to testify to the matters set forth in this Declaration, and will do so if called upon. Unless otherwise noted herein, I have personal knowledge of the matters stated herein, and if called upon could and would testify competently thereto. I am an attorney of record representing Plaintiff Andrea Collier in the subject lawsuit.

2. I met and conferred both orally and in writing with Derek Noack, Esq., counsel for Mossett-Puhek, and Ted Boyack Esq., counsel for Anthem, Terra West, and Eassa. After engaging in several meet and confer attempts, both orally and in writing, I understand that the parties have not reached an agreement to continue the discovery deadlines and/or trial setting as Defendants wish to maintain the current deadlines and trial setting.

3. This Declaration is being made in good faith, and not for the purposes of delay or harassment.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

FURTHER, AFFIANT SAYETH NAUGHT:

/s/ Timothy Elson
TIMOTHY ELSON, ESQ.

CERTIFICATE OF SERVICE

The undersigned, an employee of the law firm of The Law Offices of Timothy Elson, hereby further certifies that on June 10, 2024, he served a copy of the foregoing **MOTION TO EXTEND DISCOVERY DEADLINES (FIFTH REQUEST) AND TO CONTINUE TRIAL SETTING (SECOND REQUEST)** by electronic service through the Regional Justice Center for Clark County, Nevada's ECF System:

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/s/ Timothy Elson

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