

COLLOT GUERARD
JOSHUA DOAN
AMANDA GRIER
THOMAS HARRIS
(Each appearing pursuant to DUCivR 83-
1.1(d)(1))
600 Pennsylvania Ave., NW, CC-8528
Washington, D.C. 20580
Telephone: (202) 326-3338
cguerard@ftc.gov; jdoan@ftc.gov
agrier@ftc.gov; tharris1@ftc.gov

Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

ROBERT G. WING (4445)
JONI OSTLER (9607)
THOMAS MELTON (4999)
KEVIN MCLEAN (16101)
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South, Fifth Floor
Salt Lake City, UT 84114
Tel: (801) 366-0310
rwing@agutah.gov; tmelton@agutah.gov
jonioostler@agutah.gov; kmclean@agutah.gov

Attorneys for Plaintiff
UTAH DIVISION OF CONSUMER
PROTECTION

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

Federal Trade Commission, and Utah
Division of Consumer Protection,

Plaintiffs,

v.

Zurixx, LLC, a Utah limited liability
company, et al.,

Defendants.

**PLAINTIFFS' MOTION TO AMEND
SCHEDULING ORDER TO EXTEND
CLOSE OF FACT DISCOVERY**

Case No. 2:19-cv-00713-DAK-DAO

Judge Dale A. Kimball

Magistrate Judge Daphne A. Oberg

Pursuant to Fed. R. Civ. P. 7(b) and 16(b)(4), Plaintiffs the Federal Trade Commission (“FTC”) and Utah Division of Consumer Protection (“Division”) hereby move the Court to amend the Scheduling Order (ECF 151) to extend the close of fact discovery from July 22, 2021, to December 3, 2021.

ARGUMENT

Rule 16(b) provides that a Scheduling Order “may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). “Good cause” in this context “means that scheduling deadlines cannot be met despite a party’s diligent efforts.” *Xlear, Inc. v. STS Health, LLC*, No. 2:14-CV-00806-DN, 2017 WL 1409571, at *1 (D. Utah Apr. 20, 2017) (granting motion to revise scheduling order). A request to modify a Scheduling Order “does not focus on the bad faith of the movant, or the prejudice to the opposing party. Rather, it focuses on the diligence of the party seeking leave to modify the scheduling order to permit the proposed amendment.” *Id.*

Good cause exists here to revise the Scheduling Order to extend the close of fact discovery because the current fact discovery deadline of July 22, 2021, cannot be met despite the Division’s diligent efforts. On March 18, 2021, the last day to serve written discovery under the Scheduling Order, Defendants served a combined 386 document requests on the Division. The Division timely served its responses and promptly began the work of collecting the materials necessary to respond to the voluminous requests. Ostler Decl. ¶ 3. The collection of potentially responsive sources of electronic materials is ongoing so it is not yet possible for the Division to get an accurate figure on the volume of materials for review, but the Division estimates that the volume will be similar to the volume in the similar case *FTC and Utah Division of Consumer*

Protection v. Nudge, et al., Case No. 2:19-CV-00867-DBB-DAO. In *Nudge*, the Defendants served 208 document requests on the Division, and with the diligent efforts of a team of attorneys it took the Division approximately six months to substantially complete its review and production of documents responsive to the defendants' requests, with additional time to complete the privilege log thereafter. Ostler Decl. ¶ 4. Here, the Division intends to marshal additional resources to expedite the review and production out of necessity, but even so, it is impossible for the Division to complete its document review and production by the current July 22, 2021, fact cutoff date.

This poses significant problems for the Division in another way: the Division's Rule 30(b)(6) deponent cannot feasibly be ready to testify on the Division's behalf before the current fact discovery cutoff date. This is because the Division's primary investigator for the investigation of the Defendants here left the Division's employ in early March 2021. Ostler Decl. ¶ 5. The Defendants served their Rule 30(b)(6) deposition notice on the Division on June 7, 2021, which set the Division's Rule 30(b)(6) deposition for July 14. *Id.* ¶ 6. Because the primary investigator who was familiar with the underlying facts of this case is now gone, the Division must educate a new Rule 30(b)(6) designee, basically from scratch. The designee must review and analyze extensive materials to adequately prepare for the deposition. The Division needs to complete, or at minimum substantially complete, its document review so that its Rule 30(b)(6) designee has the benefit of the relevant documents to prepare for the deposition. And, as discussed above, the work of reviewing and producing the relevant documents cannot feasibly be completed by the July 22 deadline.

On June 9, 2021, the Division requested that the parties meet and confer on the Defendants' Rule 30(b)(6) deposition notice. The Zurixx Defendants did not want to meet and confer before receiving the Division's written objections to the topics, which the Division served early, but even so, the parties' meet and confer will not take place until June 18, 2021. While the Division is diligently trying to prepare its 30(b)(6) witness, the change in Division staff makes it extremely unlikely that the current Division 30(b)(6) designee can be adequately prepared to testify on July 14, 2021.

Also, the Division and the Defendants have certain disputes about the topics in the Defendants' Rule 30(b)(6) deposition notice. The Division served its objections to the topics even earlier than required under DUCivR 30-2, but as noted above, the parties have yet to meet and confer, and may need the Court's assistance to resolve their disputes.

The foregoing facts demonstrate that the Division cannot, despite its diligent efforts, complete fact discovery by the current July 22 deadline. This satisfies the "good cause" standard to revise the Scheduling Order. *Xlear*, 2017 WL 1409571, at *1.

In addition to the reasons discussed above, the FTC recently learned that its lead counsel in this matter will shortly retire, to be replaced by a new lead counsel for the FTC. Ostler Decl. ¶7. The FTC's new counsel requires time to get up to speed on the case and cannot reasonably be expected to learn the case and meaningfully participate in the upcoming depositions in the five weeks remaining in the fact discovery period. This is additional good cause to revise the Scheduling Order to extend the fact discovery deadline. *See, e.g., Kee v. Fifth Third Bank*, No. 2:06-CV-00602DAKPMW, 2008 WL 183384, at *1 (D. Utah Jan. 17, 2008) (J. Kimball)

(finding good cause to amend scheduling order to extend deadlines in view of change in counsel).

Further, the Division has received correspondence from third party witnesses, individuals who were “presenters” for Zurixx in live presentation where the Zurixx program was offered and sold. Counsel for Robert Shemin and Matt Davis have requested a postponement in their depositions until “the parties receive a ruling from the Court of the various pending motions to dismiss the related receivership action brought against Messrs. David, Freier, Swails and Hrisko. Emails dated June 16, 2021, from McNeill Von Maack to FTC and Division counsel. (Attached as Exhibit “A.”). They also base their postponement request on the Court’s consideration of the *AMG Capital* decision as they contend it will affect the nature and scope of discovery. The FTC and the Division cannot assent to this request under the current discovery schedule.

The FTC and the Division have also received a request to postpone depositions from counsel to other third party presenters, Mr. Tarik El Moussa and Ms. Christina Haack. They contend that they are unable to appear on selected dates prior to July 22, 2021 because of already scheduled filming commitments. Again, the FTC and the Division cannot accede to this request due to the pendency of the discovery cutoff.

The revision that the Division requests is small: that the fact discovery cutoff be moved by less than five months, from July 22 to December 3, 2021. December 3 is the current expert discovery cutoff date. This small extension of the fact discovery cutoff to coincide with the expert discovery cutoff date will not impact any other dates in the Scheduling Order. The Scheduling Order has never been amended before. The Division has shown good cause for this small revision to the Scheduling Order.

CERTIFICATION OF MEET AND CONFER

Although not required by Rule 7 or 16 The FTC and the Division have, in good faith, met and conferred with Defendants regarding the relief requested in this Motion. Defendants have refused to consent to an extension of the discovery cutoff in this matter and have refused to extend the date for the Division's 30(b)(6) witness to appear.

CONCLUSION

For the reasons stated above, the Court should revise the Scheduling Order to extend the close of fact discovery from July 22, 2021, to December 3, 2021.

Respectfully submitted this 17th day of June 2021.

/s/ Joni Ostler

Joni Ostler (9607)

Thomas M. Melton (4999)

Robert G. Wing (4445)

Kevin McLean (16101)

Assistant Attorneys General

Utah Attorney General's Office

Attorneys for Plaintiff Utah Division of Consumer
Protection

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 17, 2021, a true and correct copy of the foregoing document was served on counsel for all parties via electronic filing with the Court's ECF service.

/s/ Joni Ostler
Joni Ostler

EXHIBIT A

Joni Ostler

From: Jason McNeill <mcneill@mvmlegal.com>
Sent: Wednesday, June 16, 2021 2:53 PM
To: Joni Ostler
Cc: Eric Schnibbe; Harris, Thomas
Subject: RE: Matt Davis - FTC v. Zurixx

Joni,

After consideration of the subpoena received, we write to confer with you regarding Plaintiffs' request that Mr. Davis appear for deposition in this matter.

More particularly, we write to request a stipulation that the Plaintiffs refrain from deposing Mr. Davis until the parties receive a ruling from the Court on the pending motion to dismiss the related Receivership action brought against Mr. Davis. If that action continues, Mr. Davis will also have to be deposed by the Receiver, covering much if not all of the same ground that you will be covering here, as evidenced by the nature of the Receiver's allegations against Mr. Davis, which adopts much of the FTC's theory of the case and allegations against Zurixx as its own. Defending against multiple depositions on many of the same issues, and essentially from the same parties in interest, is unduly burdensome.

Moreover, the Court's upcoming rulings on the various pending motions that pertain to the fallout of the *AMG Capital* decision will impact the scope of depositions and necessarily implicate the proportionality factors of taking a non-party deposition to be considered under Rule 26. We submit that awaiting the rulings is the appropriate approach here to avoid unnecessary and undue burden that we contend will occur with commanding Mr. Davis to appear for an upcoming deposition.

Please let us know if Plaintiffs will agree to stand down on the deposition until we learn of the Court's ruling on the dispositive motion pending in the related Receivership action against Mr. Davis.

Best,

Jason A. McNeill



175 South Main Street
Suite 1050
Salt Lake City, Utah 84111
Main: 801.823.6464
Direct: 801.823.6465
mcneill@mvmlegal.com
www.mvmlegal.com

PRIVILEGE AND CONFIDENTIALITY NOTICE: This e-mail, including attachments, is intended exclusively for the individual(s) to whom it is addressed and may contain information that is proprietary, privileged, confidential, or otherwise protected or exempt from disclosure. If you are not the named recipient, you are not authorized to read, print, retain, copy, or disseminate this e-mail or any part of it. If you have received this e-mail in error, please notify the sender immediately by e-mail and delete all copies of the e-mail. This e-mail may be subject to the attorney-client privilege, work-product protection, common-interest rule, or other privileges, protections, or immunities and is strictly confidential.

From: Joni Ostler <joniostler@agutah.gov>
Sent: Monday, June 14, 2021 3:13 PM
To: Eric Schnibbe <Schnibbe@mvmlegal.com>
Cc: Harris, Thomas <tharris1@ftc.gov>
Subject: Matt Davis

Dear Eric,

I represent the Utah Division of Consumer Protection in the case *FTC et al. v. Zurixx LLC et al.* I understand from the FTC that you previously represented Matt Davis in responding to a document subpoena from the FTC. The FTC and Utah would now like to take Mr. Davis's deposition via remote means. Do you still represent him? If so, are you authorized to accept service of a deposition subpoena on his behalf? Please let me know.

Thank you
Joni

Joni Ostler
Assistant Attorney General
White Collar Commercial Enforcement Division
Utah Attorney General's Office
160 East 300 South, 5th Floor
Salt Lake City, UT 84114-6704
Cell: (385) 258-9045

Joni Ostler

From: Jason McNeill <mcneill@mvmlegal.com>
Sent: Wednesday, June 16, 2021 2:45 PM
To: Guerard, Collot
Cc: Doan, Josh; Grier, Amanda; Harris, Thomas; Robert Wing; Joni Ostler; Tom Melton; Eric Schnibbe
Subject: RE: Zurixx: Service of Deposition Subpoena - Shemin

Collot,

After consideration of the subpoena recently received, we write to confer with you regarding your client's request that Mr. Shemin appear for deposition in this matter.

More particularly, we write to request a stipulation that the Plaintiffs refrain from deposing Mr. Shemin until the parties receive a ruling from the Court on the various pending motions to dismiss the related Receivership action brought against Messrs. Davis, Freier, Swails and Hrisko. If that action continues, Mr. Shemin will also have to be deposed by the Receiver, covering much if not all of the same ground that you will be covering here, as evidenced by the nature of the Receiver's allegations against Mr. Shemin, which adopts much of the FTC's theory of the case and allegations against Zurixx as its own. Defending against multiple depositions on many of the same issues, and essentially from the same parties albeit the technical differences (the FTC's requested Receiver v. the FTC) is unduly burdensome.

Moreover, the Court's upcoming rulings on the various pending motions that pertain to the fallout of the *AMG Capital* decision will impact the scope of depositions and necessarily implicate the proportionality factors of taking a non-party deposition to be considered under Rule 26. We submit that awaiting the rulings is the appropriate approach here to avoid unnecessary and unduly burden that we contend will occur with commanding Mr. Shemin to appear for an upcoming deposition.

Please let us know if Plaintiffs will agree to stand down on the deposition until we learn of the Court's pending ruling on the pending motions to dismiss in the Receivership action.

Best,

Jason A. McNeill



175 South Main Street
Suite 1050
Salt Lake City, Utah 84111
Main: 801.823.6464
Direct: 801.823.6465
mcneill@mvmlegal.com
www.mvmlegal.com

PRIVILEGE AND CONFIDENTIALITY NOTICE: This e-mail, including attachments, is intended exclusively for the individual(s) to whom it is addressed and may contain information that is proprietary, privileged, confidential, or otherwise protected or exempt from disclosure. If you are not the named recipient, you are not authorized to read, print, retain, copy, or disseminate this e-mail or any part of it. If you have received this e-mail in error, please notify the sender immediately by e-mail and delete all copies of the e-mail. This e-mail may be subject to the attorney-client privilege, work-product protection, common-interest rule, or other privileges, protections, or immunities and is strictly confidential.

From: Guerard, Collot <CGUERARD@ftc.gov>
Sent: Tuesday, June 15, 2021 11:43 AM
To: Jason McNeill <mcneill@mvmlegal.com>
Cc: Doan, Josh <jdoan@ftc.gov>; Grier, Amanda <agrier@ftc.gov>; Harris, Thomas <tharris1@ftc.gov>; RobertWing-Contact <rwing@agutah.gov>; Joni Ostler <joniosstler@agutah.gov>; Tom Melton <tmelton@agutah.gov>; Eric Schnibbe <Schnibbe@mvmlegal.com>
Subject: RE: Zurixx: Service of Deposition Subpoena - Shemin

Jason and Eric—

We currently have Mr. Shemin's deposition scheduled for July 15. Please confirm that this is an acceptable date? If you want to discuss dates, please call me.

Best Wishes,

Collot

Collot Guerard
Attorney
Federal Trade Commission
600 Pennsylvania Avenue NW #CC-8602
Washington DC 20580

Tel: 202-326-3338
Fax: 202326-3395

From: Jason McNeill <mcneill@mvmlegal.com>
Sent: Friday, June 11, 2021 7:26 PM
To: Guerard, Collot <CGUERARD@ftc.gov>
Cc: Doan, Josh <jdoan@ftc.gov>; Grier, Amanda <agrier@ftc.gov>; Harris, Thomas <tharris1@ftc.gov>; RobertWing-Contact <rwing@agutah.gov>; Joni Ostler <joniosstler@agutah.gov>; Tom Melton <tmelton@agutah.gov>; Eric Schnibbe <Schnibbe@mvmlegal.com>
Subject: RE: Zurixx: Service of Deposition Subpoena - Shemin

Hi Collot,

Thanks for the email, and voice mail.

Yes, we can accept service of a subpoena for Mr. Shemin. Email is fine. Please also copy Eric Schnibbe, who I have copied here, as he is assisting me on these matters. We will be in touch early next week regarding your proposed date.

Best,

Jason A. McNeill



175 South Main Street
Suite 1050

Salt Lake City, Utah 84111
Main: 801.823.6464
Direct: 801.823.6465
mcneill@mvmlegal.com
www.mvmlegal.com

PRIVILEGE AND CONFIDENTIALITY NOTICE: This e-mail, including attachments, is intended exclusively for the individual(s) to whom it is addressed and may contain information that is proprietary, privileged, confidential, or otherwise protected or exempt from disclosure. If you are not the named recipient, you are not authorized to read, print, retain, copy, or disseminate this e-mail or any part of it. If you have received this e-mail in error, please notify the sender immediately by e-mail and delete all copies of the e-mail. This e-mail may be subject to the attorney-client privilege, work-product protection, common-interest rule, or other privileges, protections, or immunities and is strictly confidential.

From: Guerard, Collot <CGUERARD@ftc.gov>
Sent: Friday, June 11, 2021 11:27 AM
To: Jason McNeill <mcneill@mvmlegal.com>
Cc: Doan, Josh <jdoan@ftc.gov>; Grier, Amanda <agrier@ftc.gov>; Harris, Thomas <tharris1@ftc.gov>; RobertWing-Contact <rwing@agutah.gov>; Joni Ostler <joniostler@agutah.gov>; Tom Melton <tmelton@agutah.gov>
Subject: Zurixx: Service of Deposition Subpoena

Mr. McNeil—

I hope you are well. I left a voice message on your cell phone. I understand that you represent Robert Shemin in connection with the Receiver's lawsuit against Mr. Shemin.

Are you authorized to accept service of a deposition subpoena on behalf of Mr. Shemin, and if so, are you willing to accept it by email?

We have tentatively penciled in Mr. Shemin's deposition for July 15. Please let us know if that date is convenient for him. We will also be asking him for certain documents.

I look forward to your response.

Best Wishes,

Collot

Collot Guerard
Attorney
Federal Trade Commission
600 Pennsylvania Avenue NW #CC-8602
Washington DC 20580

Tel: 202-326-3338
Fax: 202326-3395

COLLOT GUERARD
JOSHUA DOAN
AMANDA GRIER
THOMAS HARRIS
(Each appearing pursuant to DUCivR 83-1.1(d)(1))
600 Pennsylvania Ave., NW, CC-8528
Washington, D.C. 20580
Telephone: (202) 326-3338
cguerard@ftc.gov; jdoan@ftc.gov
agrier@ftc.gov; tharris1@ftc.gov

Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

ROBERT G. WING (4445)
JONI OSTLER (9607)
THOMAS MELTON (4999)
KEVIN MCLEAN (16101)
Assistant Attorney General
Utah Attorney General’s Office
160 East 300 South, Fifth Floor
Salt Lake City, UT 84114
Tel: (801) 366-0310
rwing@agutah.gov; tmelton@agutah.gov
jonioستler@agutah.gov; kmclean@agutah.gov

Attorneys for Plaintiff
UTAH DIVISION OF CONSUMER
PROTECTION

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

Federal Trade Commission, and Utah
Division of Consumer Protection,

Plaintiffs,

v.

Zurixx, LLC, a Utah limited liability
company, et al.,

Defendants.

**DECLARATION OF JONI OSTLER IN
SUPPORT OF PLAINTIFFS’ MOTION
TO AMEND SCHEDULING ORDER TO
EXTEND CLOSE OF FACT
DISCOVERY**

Case No. 2:19-cv-00713-DAK-DAO

Judge Dale A. Kimball

Magistrate Judge Daphne A. Oberg

I, Joni Ostler, declare that:

1. I am an Assistant Attorney General and counsel for the plaintiff Utah Division of Consumer Protection (“Division”) in the above-referenced matter. I make this declaration in support of the accompanying Plaintiffs’ Motion to Amend Scheduling Order to Extend Close of Fact Discovery. I have personal knowledge of the facts stated herein, and if called I would testify competently to them.

2. On March 18, 2021, the defendants in this action served a combined 386 document requests on the Division. The Zurixx Defendants¹ served 325 document requests and the JSS Defendants² served 62 document requests. The Division served its objections and responses to the Zurixx Defendants’ document requests on April 19, 2021, and served its objections and responses to the JSS Defendants’ document requests on April 26, 2021.

3. I promptly began the work of interviewing current and former employees of the Division to identify the locations of potentially responsive documents, and I promptly engaged vendors and internal IT resources to collect the potentially relevant paper and electronic materials. The collection of those potentially responsive materials is ongoing, so it is not yet possible for me to get an accurate total volume of materials that will require review.

¹ Zurixx Defendants are Zurixx, LLC, Brand Management Holdings, LLC, CAC Investment Ventures, LLC, CAC Investment Ventures, LLC (Puerto Rico) Carlson Development Group, LLC, Carlson Development Group, LLC (Puerto Rico), CJ Seminar Holdings, LLC, Dorado Marketing and Management, LLC, Zurixx Financial, LLC, Zurixx Financial, LLC (Puerto Rico), Christopher A. Cannon, James M. Carlson, and Jeffrey D. Spangler.

²The JSS Defendants are JSS Investment Ventures, JSS Trust, Gerald D. Spangler, and Stephenie Spangler.

4. Based on the similarity of this case to another case brought by the Division against a real estate seminar company, i.e., *FTC and Utah Division of Consumer Protection v. Nudge, et al.*, Case No. 2:19-CV-00867-DBB-DAO, I believe that the volume of documents to review for this case will be similar to the volume of documents that the Division had to review for production in the *Nudge* case. In *Nudge*, the defendants served 208 document requests on the Division. I managed the collection, review, and production of documents to respond to those requests. With diligent efforts of a team of attorneys working under my supervision, it took the Division approximately six months to substantially complete its review and production of documents in *Nudge*. It took additional time to complete the privilege log. Here, the Division intends to marshal additional resources and hire more attorneys to expedite the document review and production to complete the work faster than in *Nudge*. Even so, it is impossible for the Division to complete its document review and production to respond to the Defendants' 325 document requests by the current July 22, 2021, fact cutoff date.

5. The Division's primary investigator in the Zurixx investigation was Leigh Veillette. Ms. Veillette left the Division's employ on March 7, 2021. She was the only Division employee with significant knowledge of the Zurixx case.

6. The Defendants served a Rule 30(b)(6) deposition notice on the Division on June 7, 2021, which set the date of the Division's deposition for July 14. The Division must designate and educate a new employee to testify on the Division's behalf. That new designee will need to review and analyze extensive materials to adequately prepare and needs the benefit of the Division's document review and production.

7. The Division has recently learned that Collot Guerard, the FTC's lead counsel on this case, has announced her retirement. While a firm date has not been sent, her retirement will be effective no later than August 31, 2021. The FTC's new counsel will require time to get up to speed on the case and cannot be reasonably expected to learn the case and meaningfully participate in the upcoming depositions.

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

DATED this 17th day of June 2021.

/s/ Joni Ostler
Joni Ostler (9607)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 17, 2021, a true and correct copy of the foregoing document was served on counsel for all parties via electronic filing with the Court's ECF service.

/s/ Joni Ostler
Joni Ostler

Collot Guerard (cguerard@ftc.gov)
Joshua Doan (jdoan@ftc.gov)
Amanda Grier (agrier@ftc.gov)
Thomas Harris (tharris1@ftc.gov)
(Each appearing pursuant to DUCivR 83-1.1(d)(1))
600 Pennsylvania Avenue, NW, CC-8602
Washington DC, 20580
202-326-3338 (Ms. Guerard)
202-326-3187 (Mr. Doan)
202-326-3745 (Ms. Grier)
202-326-3620 (Mr. Harris)
Attorneys for Plaintiff Federal Trade Commission

Thomas M. Melton (4999)
Robert G. Wing (4445)
Joni Ostler (9607)
Kevin Mclean (16101)
Assistant Attorneys General
Utah Attorney General’s Office
160 East 300 South, Fifth Floor
Salt Lake City, Utah 84114
Telephone: 801-366-0310
tmelton@agutah.gov
rwing@agutah.gov
jonioostler@agutah.gov
kmclean@agutah.gov
Attorneys for Plaintiff Utah Division of Consumer Protection

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

FEDERAL TRADE COMMISSION and
UTAH DIVISION OF CONSUMER
PROTECTION,

Plaintiffs,

v.

ZURIXX, LLC, *et al.*

Defendants.

**[PROPOSED] ORDER GRANTING
PLAINTIFFS’ MOTION TO AMEND
SCHEDULING ORDER TO EXTEND
CLOSE OF FACT DISCOVERY**

Case No. 2:19-cv-00713-DAK-DAO

District Judge Dale A. Kimball
Magistrate Judge Daphne A. Oberg

The Court has reviewed the Plaintiffs’ Motion to Amend Scheduling Order to Extend Close of Fact Discovery, and finds that Plaintiffs have shown good cause for the requested amendment. The Court hereby ORDERS that the Scheduling Order dated June 22, 2020 (ECF No. 151) is hereby amended to move the close of fact discovery from July 22, 2021 to December 3, 2021.

DATED this __ day of June, 2021.

BY THE COURT:
