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6 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

7 NICOLE THOMPSON,)
)
8 Plaintiff,) Case No.: 2:09-cv-1375-PMP-LRL
)
9 vs.) **FOURTH STIPULATED AMENDED**
) **DISCOVERY PLAN AND**
10 AUTOLIV ASP, INC., an Indiana) **SCHEDULING ORDER**
)
11 Corporation; TRW AUTOMOTIVE U.S.)
12 LLC, a Delaware Corporation)
13 licensed in Nevada; DOES I-X,)
14 inclusive; ROE CORPORATIONS I-X,)
Defendants.)

15 Pursuant to LR 26-4, the parties hereby submit this Fourth
16 Stipulated Amended Discovery Plan and Scheduling Order as
17 follows:

18 This is a product liability action that arises out of a
19 motor vehicle collision that occurred on 4/27/07. The Plaintiff
20 alleges defects in the vehicle's air bag and seat belt systems
21 and that as a result of those defects Nicole Thompson sustained
22 injury and is claiming over \$600,000 in medical expenses alone.
23 Both of the Defendants deny these defects, the amount of the
24 Plaintiff's claimed medical expenses and the Plaintiff's alleged
25 injuries.

26 The current Discovery Scheduling Plan and Order was

1 approved and filed on 9/15/10 (Doc #44). The parties also
2 agreed to and the Court granted an extension on the filing of
3 the Joint Interim Status Report on 11/18/10 (Doc #51). The
4 current discovery schedule is as follows:

Event	Deadline
Deadline to amend pleadings or add parties	September 16, 2010
Expert Disclosures	November 1, 2010
Rebuttal Expert Disclosures	December 16, 2010
Discovery Cut-off date	January 17, 2011
Parties' Interim Status Report	November 30, 2010
Dispositive Motions	March 3, 2011
Pretrial Order	April 3, 2011

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13 Since the stipulation and order to extend the Joint Interim
14 Status Report was signed the parties participated in a
15 teleconference on 11/23/10 and discussed the various issues
16 surrounding the current discovery schedule. The parties have
17 also agreed to mediate this matter with Joe Bongiovi, Esq.,
18 whose first available date is 1/27/11. The parties wish to
19 disclose their rebuttal experts after the mediation date.

20 Additionally, since the last request for an extension of
21 discovery the parties have exchanged their initial expert
22 designations. Given the number of experts identified, the
23 parties believe that expert discovery and coordinating numerous
24 expert depositions will require additional time and warrants
25 another discovery extension.

26 As of yet, the parties have also been unable to resolve
27 Plaintiff's outstanding discovery issues, due to calendar

1 conflicts. The Plaintiff continues to believe that the
2 defendants' FRCP 30(b)(6) depositions were partial, and further
3 testimony is necessary to respond to the Plaintiff's notice and
4 that another notice is forthcoming and warranted. Plaintiff
5 also feels that additional written discovery is necessary and
6 still disputes the completeness of Defendants' current responses
7 to discovery and anticipates the need to file motions to compel
8 certain documents. Defendants disagree. Accordingly, Plaintiff
9 asserts that there are still discovery disputes that remain to
10 be resolved with respect to the Defendants' depositions and
11 discovery responses¹.

12 To date the parties have been diligently engaging in
13 pretrial discovery. The following is a list of some of the
14 discovery that has been undertaken to date²:

- 15 • The parties exchanged FRCP 26(a)(1) Initial Disclosures;
- 16 • Plaintiff has provided supplements to their FRCP 26(a)(1)
17 Initial Disclosures;
- 18 • Plaintiff responded to discovery requests from both
19 defendants;
- 20 • Both Defendants have responded to discovery requests from
21 the Plaintiff;
- 22 • Defendant TRW has served non-party subpoenas on several of

24 ¹ By signing this stipulation no Defendant is stipulating
25 that additional discovery from Defendants is necessary or
appropriate.

26 ² By listing these tasks, no party hereby stipulates to the
27 completeness of any other party's discovery responses,
including depositions.

1 Plaintiff's medical providers to obtain updated medical
2 records;

3 • Defendant Autoliv ASP served a non-party subpoena on
4 Chrysler Group and obtained documents in response related
5 to the previous litigation brought by Plaintiffs against
6 Chrysler arising out of the same incident;

7 • Defendant Autoliv ASP served non-party subpoenas to obtain
8 employment and education records related to Plaintiff
9 Nicole Thompson;

10 • Both Defendants have deposed the Plaintiff and her parents;

11 • Plaintiff has deposed a FRCP 30(b)(6) representative from
12 each defendant;

13 • The Plaintiff has designated 9 trial expert witnesses and
14 21 expert treating physicians; and

15 • The defendants have jointly designated 3 experts, TRW has
16 designated 3 additional experts and Autoliv has designated
17 2 additional experts.

18 Despite these efforts, the parties are still faced with
19 very complex products liability matter, voluminous medical
20 records and design documents, potentially in excess of 20 expert
21 depositions, as well as additional FRCP 30(b)(6) depositions of
22 the defendants that the Plaintiffs feel are warranted, which the
23 Defendants disagree with.

24 For all these reasons, the parties request the following
25 extension of the current deadlines:
26
27
28

Event	Previous Deadline	New Deadline
Deadline to amend pleadings or add parties	September 16, 2010	September 16, 2010
Expert Disclosures	November 1, 2010	November 1, 2010
Rebuttal Expert Disclosures	December 16, 2010	February 10, 2011 ³
Fact Discovery Cut-off	January 17, 2011	March 31, 2011 ⁴
Discovery Cut-off date	January 17, 2011	June 24, 2011 ⁵
Parties' Interim Status Report	November 30, 2010	April 25, 2011
Dispositive Motions	March 3, 2011	August 8, 2011
Pretrial Order	April 3, 2011	September 7, 2011

These modifications to the current Scheduling Order are not sought for the purpose of delay or to frustrate the progress of this case, and are sought only to give the parties additional time to complete the discovery necessary to prepare this matter for trial. As the Court has not yet set a trial date in this matter, permitting the above requested extensions to the current Scheduling Order will neither interfere with any existing pre-trial obligations nor delay the progress on this case for trial.

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This deadline is for the disclosure of new rebuttal experts only and not for rebuttal from experts previously identified in the parties' Initial Expert Disclosures. The parties agree that any experts disclosed in their Initial Expert Disclosures reserve the right to submit rebuttal opinions during their depositions.

All written discovery and depositions of fact witnesses will be completed by this date.

All discovery of expert witnesses will be completed by this date.

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IT IS SO STIPULATED.

DATED this 29th day of November, 2010.

BY /s/ Edward Achrem
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IT IS SO ORDERED this 3rd day of December 2010.



U.S. MAGISTRATE JUDGE