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17 **UNITED STATES DISTRICT COURT**
18 **DISTRICT OF NEVADA**

19 EDWARD WHEELER, an individual,
20
21 Plaintiff,
22 vs.

Case. No.: 2:15-cv-01772-JCM-CWH

**STIPULATION TO EXTEND
DISCOVERY DEADLINES SET
FORTH IN SCHEDULING ORDER
[ECF No. 60]**

23 CITY OF HENDERSON, a Nevada
24 Municipal Corporation; CITY OF NORTH
25 LAS VEGAS, Nevada, a Municipal
26 Corporation; and SERGEANT TRAVIS
27 SNYDER, individually and in his official
28 capacity as a North Las Vegas Police
Sergeant,
Defendants.

(Sixth Request)

Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend discovery in the above-captioned case sixty (60) days, up to and including **Tuesday, December 4, 2018**. In addition, the parties request that the dispositive motions and pretrial order deadlines be extended for

1 an additional sixty (60) days as outlined herein. In support of this Stipulation and Request,
2 the parties state as follows:

3 **DISCOVERY COMPLETED TO DATE**

4 1. On September 15, 2015, this action was commenced by Plaintiff Edward
5 Wheeler filing of this Complaint and Jury Demand (ECF No. 1).

6 2. On December 11, 2015 Plaintiff Edward Wheeler filed his Amended
7 Complaint (ECF No. 5).

8 3. On January 5, 2016, Defendant City of Henderson filed its Motion to
9 Dismiss Amended Complaint (ECF No. 17).

10 4. On August 1, 2016, Plaintiff Edward Wheeler filed his Second Amended
11 Complaint (ECF No. 25).

12 5. On December 21, 2016, Plaintiff Edward Wheeler filed his Third Amended
13 Complaint (ECF No. 30).

14 6. On January 10, 2017, Defendant City of Henderson filed its Motion to
15 Dismiss Third Amended Complaint (ECF No. 34).

16 7. On January 18, 2017, Defendants City of North Las Vegas and Sergeant
17 Travis Snyder filed their Answer to Third Amended Complaint and Demand for Jury Trial
18 (ECF Nos. 35 and 37).

19 8. On March 10, 2017, Plaintiff Edward Wheeler propounded his First Set of
20 Requests for Production of Documents to Defendant City of Henderson.

21 9. On March 10, 2017, Plaintiff Edward Wheeler propounded his First Set of
22 Requests for Production of Documents to Defendant City of North Las Vegas.

23 10. On March 10, 2017, Plaintiff Edward Wheeler propounded his First Set of
24 Interrogatories to Defendant City of Henderson.

25 11. On March 10, 2017, Plaintiff Edward Wheeler propounded his First Set of
26 Interrogatories to Defendant City of North Las Vegas.

27 12. On March 14, 2017, the Stipulated Discovery Plan Discovery Plan and
28 Scheduling Order was filed (ECF No. 46).

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1 13. On March 14, 2017, Plaintiff Edward Wheeler propounded his Second Set
2 of Interrogatories to Defendant City of Henderson.

3 14. On March 14, 2017, Plaintiff Edward Wheeler propounded his Second Set
4 of Interrogatories to Defendant City of North Las Vegas.

5 15. On March 20, 2017, Defendants City of North Las Vegas and Sergeant
6 Travis Snyder produced their Initial Disclosures of Production of Documents.

7 16. On March 21, 2017, Plaintiff Edward Wheeler produced his Initial
8 Disclosures of Production of Documents.

9 17. On March 21, 2017, Defendant City of Henderson produced its Initial
10 Disclosures of Production of Documents.

11 18. On April 10, 2017, Defendant City of Henderson responded to Plaintiff
12 Edward Wheeler's First Set of Requests for Production of Documents.

13 19. On April 10, 2017, Defendant City of Henderson responded to Plaintiff
14 Edward Wheeler's First Set of Interrogatories.

15 20. On April 13, 2017, Defendant City of Henderson responded to Plaintiff
16 Edward Wheeler's Second Set of Interrogatories.

17 21. On April 13, 2017, Defendant City of Henderson produced its First
18 Supplement to Initial Disclosures of Production of Documents.

19 22. On May 5, 2017, Defendant City of North Las Vegas responded to Plaintiff
20 Edward Wheeler's First Set of Requests for Production of Documents.

21 23. On May 5, 2017, Defendant City of North Las Vegas responded to Plaintiff
22 Edward Wheeler's First Set of Interrogatories.

23 24. On May 5, 2017, Defendant City of North Las Vegas responded to Plaintiff
24 Edward Wheeler's Second Set of Interrogatories.

25 25. On June 5, 2017, Defendant City of North Las Vegas and Sergeant Travis
26 Snyder produced their First Supplement to Initial Disclosures of Production of Documents.

27 26. On June 8, 2017, Defendant City of North Las Vegas propounded its First
28 Set of Requests for Production of Documents to Plaintiff Edward Wheeler.

1 27. On June 8, 2017, Defendant City of North Las Vegas propounded its First
2 Set of Interrogatories to Plaintiff Edward Wheeler.

3 28. On June 19, 2017, Plaintiff Edward Wheeler produced his First Supplement
4 to Initial Disclosures of Production of Documents.

5 29. On July 28, 2017, this Court granted the parties’ Stipulated Protective Order
6 (ECF No. 52).

7 30. On August 3, 2018, Plaintiff Edward Wheeler responded to Defendant City
8 of North Las Vegas’s First Set of Requests for Production of Documents.

9 31. On August 3, 2018, Plaintiff Edward Wheeler responded to Defendant City
10 of North Las Vegas’s First Set of Interrogatories.

11 32. On September 22, 2017, Plaintiff Edward Wheeler propounded his Third
12 Set of Interrogatories to Defendant City of North Las Vegas.

13 33. On September 22, 2017, Plaintiff Edward Wheeler propounded his Third
14 Set of Interrogatories to Defendant City of Henderson.

15 34. On September 22, 2017, Plaintiff Edward Wheeler propounded his Second
16 Set of Request for Production of Documents to Defendant City of North Las Vegas.

17 35. On September 22, 2017, Plaintiff Edward Wheeler propounded his First Set
18 of Interrogatories to Defendant Sgt. Travis Snyder.

19 36. On September 22, 2017, Plaintiff Edward Wheeler propounded his First Set
20 of Request for Production of Documents to Defendant Sgt. Travis Snyder.

21 37. On November 8, 2017, Defendant City of North Las Vegas responded to
22 Plaintiff Edward Wheeler’s Third Set of Interrogatories.

23 38. On November 8, 2017, Defendant Sgt. Travis Snyder responded to Plaintiff
24 Edward Wheeler’s First Set of Interrogatories.

25 39. On November 8, 2017, Defendant City of North Las Vegas responded to
26 Plaintiff Edward Wheeler’s Second Set of Requests for Production of Documents.

27 40. On November 8, 2017, Defendant Sgt. Travis Snyder responded to Plaintiff
28 Edward Wheeler’s First Set of Requests for Production of Documents.

1 41. On November 16, 2017, Defendant City of Henderson responded to
2 Plaintiff Edward Wheeler's Third Set of Interrogatories.

3 42. On November 29, 2017, Defendants City of North Las Vegas and Sgt.
4 Travis Snyder noticed the deposition of Plaintiff Edward Wheeler.

5 43. On January 9, 2018, Defendant City of Henderson produced its Second
6 Supplement to Initial Disclosures of Production of Documents.

7 44. On January 23, 2018, Defendants took the deposition of Plaintiff Edward
8 Wheeler.

9 45. On March 16, 2018, Plaintiff Edward Wheeler produced his Third
10 Supplement to Initial Disclosures of Production of Documents.

11 46. On April 20, 2018, Plaintiff Edward Wheeler produced his Fourth
12 Supplement to Initial Disclosures of Production of Documents. This supplement included a
13 flashdrive with over 7,000 pages of confidential documents from Walker et al. v. City of
14 North Las Vegas, et al., U.S. District Court Case 2:14-cv-01475-JAD-NJK.

15 47. On May 18, 2018, Defendant City of Henderson filed its Answer to
16 Plaintiff's Third Amended Complaint (ECF No. 61).

17 48. The parties anticipate that additional written discovery will be necessary.

18 **DISCOVERY REMAINING**

19 1. The deposition of parties, Fed. R. Civ. P. 30(b)(6) witness(es), and any
20 disclosed experts will be completed by the close of discovery.

21 2. Additional written discovery and responses.

22 3. Expert disclosures.

23 **REASONS WHY DISCOVERY WAS NOT COMPLETED**

24 The parties aver, pursuant to Local Rule 6-1, that good cause exists for the
25 requested extension.

26 The parties have stipulated to a Protective Order which was entered by the Court
27 and will provide documents subject to that order. Said documents will also be submitted for
28 expert review. In addition, the parties are working on scheduling depositions.

1 Counsel for Plaintiff Edward Wheeler has an oral argument in Carson City on July
2 18, 2018 in Las Vegas Review-Journal v. Clark County School District, Nev. S. Ct. Case No.
3 73525. Counsel for Plaintiff has a settlement conference in Idaho on June 29, 2018 in Roy
4 Trost aka Daisy Meadows v. State of Nevada et al., U.S. District Court Case 3:14-cv-00611-
5 MMD-WGC. Counsel for Plaintiff and Defendants City of North Las Vegas and Sgt. Travis
6 Snyder have replies to dispositive motions due in Walker et al. v. City of North Las Vegas,
7 et al., U.S. District Court Case No. 2:14-cv-01475-JAD-NJK on August 3, 2018. Plaintiff's
8 counsel also has a Reply to Response to Supplemental Petition for Writ of Habeas Corpus
9 (Post-Conviction) in State v. Fleming, Eighth Judicial Court Case No. C-11-276132-1, due
10 on August 9, 2018. Counsel for Plaintiff also has an Answering Brief due on August 13,
11 2018, in Clark County Office of the Coroner/Medical Examiner v. Las Vegas-Review
12 Journal, Nev. S. Ct. Case No. 75095. Plaintiff's Counsel also has a settlement conference in
13 the Las Vegas Review-Journal v. City of Henderson, scheduled for August 14, 2018.

14 Counsel for Defendants City of North Las Vegas and Sgt. Travis Snyder has been
15 occupied with preparing dispositive briefing in Murry v. City of North Las Vegas, U.S.
16 District Court Case No. 2:17-cv-157-APG-CWH and in Picozzi v. Sergeant Judd, et al, U.S.
17 District Court Case No. 2:15-cv-0816-JCM-PAL. Counsel for Defendants City of North Las
18 Vegas and Sgt. Travis Snyder has also been occupied in preparing for trial in O.P.H. of Las
19 Vegas v. Oregon Mutual Insurance Company, Eighth Judicial District Court Case No. A-12-
20 672158-C as well as occupied in conducting discovery in Small et al v. University Medical
21 Center of Southern Nevada, U.S. District Court Case No. 2:13-cv-00298-APG-PAL, a 600
22 member class action FLSA matter that has a discovery cutoff date of August 27, 2018.

23 Given counsels' time constraints and availability, the time to complete discovery
24 in this case has been telescoped. The parties are diligently working on the discovery in this
25 case.

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1 The following is a list of the current discovery deadlines and the parties' proposed
2 extended deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	Monday, October 5, 2018	Tuesday, December 4, 2018
Expert Disclosure pursuant to Fed. R. Civ. P. 26(a)(2)	Monday, August 6, 2018	Friday, October 5, 2018
Rebuttal Expert Disclosure pursuant to Fed. R. Civ. P. 26(a)(2)	Wednesday, September 5, 2018	Monday, November 5, 2018
Interim Status Report	Monday, August 8, 2018	Friday, October 5, 2018
Dispositive Motions	Monday, November 5, 2018	Thursday, January 3, 2019, or at least thirty (30) days after the close of discovery.
Joint Pretrial Order	Wednesday, December 5, 2018	Monday, February 4, 2019, or at least thirty (30) days after the decision of last Dispositive Motions or further order of the Court.

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Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-4 governs modifications or extension of this discovery plan and scheduling order. Any stipulation or motion must be made no later than twenty-one (21) days before the expiration of the subject deadline, and comply fully with LR 26-4. In this case, the current deadline for the expert disclosures is August 6, 2018, and thus this request is timely.

This extension request is made in good faith, jointly by the parties, and not for the purposes of delay. Trial in this matter has not yet been set. Moreover, since this request is a joint request, neither party will be prejudiced.

This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time to conduct discovery in this case and adequately prepare their respective cases for trial.

This is the sixth request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the extension.

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