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7  
 8 **UNITED STATES DISTRICT COURT**  
 9 **DISTRICT OF NEVADA**

10 LANDRA HOGUE,

11 Plaintiff,

12 vs.

13  
 14 SMITH'S FOOD & DRUG CENTERS, INC.  
 dba SMITH'S, a foreign corporation; DOES I  
 15 through X, and ROE CORPORATIONS I-X,  
 inclusive,

16 Defendants.  
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) CASE NO. 2:17-cv-02702-APG-CWH  
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**STIPULATION AND ORDER TO**  
**EXTEND DISCOVERY**  
**(SECOND REQUEST)**

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 19 **STIPULATION AND ORDER TO EXTEND DISCOVERY**  
 20 **(SECOND REQUEST)**

21 Plaintiff LANDRA HOGUE, by and through her attorney, DAVID A. TANNER, Esq.  
 22 of the TANNER LAW FIRM, and Defendant, SMITH'S FOOD & DRUG CENTERS, INC. by  
 23 and through its attorney, JERRY BUSBY, Esq. of COOPER LEVENSON, and hereby stipulate  
 24 to the extension of all remaining discovery deadlines by sixty (60) days. Therefore, the parties  
 25 propose the following revised discovery plan:  
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**DISCOVERY COMPLETED TO DATE**

1. On March 16, 2017, Plaintiff filed her Complaint in the Eighth Judicial District Court.
2. On May 18, 2017, Plaintiff served the Complaint on Defendant.
3. On June 7, 2017, Defendant filed its Answer to Plaintiff's Complaint.
4. On September 1, 2017, the parties conducted the NRCP 16.1 Early Case Conference in the State Court case.
5. On October 19, 2017, Plaintiff propounded written discovery upon Defendant.
6. On October 23, 2017, Defendant filed its Petition for Removal.
7. On November 30, 2017, the parties submitted a Stipulated Discovery Plan and Scheduling Order for the Court's approval.
8. On December 1, 2017, the Court entered the Stipulated Scheduling Order.
9. On January 4, 2018, Defendant propounded written discovery upon Plaintiff.
10. On January 10, 2018, Defendant responded to Plaintiff's written discovery.
11. On February 13, 2018, Plaintiff responded to Defendant's written discovery.
12. On February 14, 2018, the parties submitted a Stipulation and Order to Extend Discovery (First Request) for the Court's approval.
13. On February 15, 2018, Defendant reviewed the Responses to Request for Production of Documents provided by Plaintiff and her former attorney and identified five (5) additional medical providers. Defendant sent a letter dated February 15, 2018 to Plaintiff's attorney requesting a revised HIPAA authorization to allow Defendant to recover the records from these additional providers.
14. On February 16, 2018, Defense counsel sent letters to the twenty-three (23) Medical Providers that Plaintiff and her former attorney had identified in Plaintiff's disclosure statement and in her responses to written discovery.
15. On February 22, 2018, the parties submitted a Joint Interim Status Report.
16. On February 28, 2018, the Court entered the Stipulated Scheduling Order.

1 17. On March 1, 2018, The Powell Law Firm filed a Motion to Withdraw as Counsel  
2 of Record Without Substitution for Plaintiff Landra Hogue.

3 18. On March 20, 2018, Tanner Law Firm filed a Notice of Association of Counsel.

4 19. On March 22, 2018, Defense counsel sent a letter to Plaintiff's current attorney  
5 requesting supplemental HIPAA authorizations that were never provided by  
6 Plaintiff's former attorney prior to his withdrawal. In addition, Defense counsel  
7 had identified a pharmacy where Plaintiff obtained prescriptions so Defendant  
8 requested new HIPAA authorizations to include the pharmacy. At present,  
9 Defense counsel has also learned of one new medical provider that Plaintiff  
10 identified in a recent supplemental disclosure so Defendant is in the process of  
11 requesting another HIPAA authorization to allow Defendant to recover records  
12 from this newly identified provider. Further, Defense counsel became aware that  
13 the IRS form 4506 (for recovery of Tax Returns) that was provided by Plaintiff's  
14 former attorney was insufficient as it was not an original document. Thus,  
15 Defendant has requested an original form 4506 from Plaintiff's current attorney  
16 in order to recover Plaintiff's Tax Returns. Finally, on March 22, 2018  
17 Defendant also requested that Plaintiff's current attorney provide a revised  
18 Employment Authorization Inasmuch as the authorization received from  
19 Plaintiff's former attorney was insufficient.

20 20. On March 23, 2018, Tanner Law Firm filed a Stipulation and Order to Grant the  
21 Powell Law Firm's Motion to Withdraw.

22 **DISCOVERY TO BE COMPLETED**

23 1. Plaintiff will take the depositions of Defendant's witnesses, Angelina Narvarro,  
24 Jennifer Caracciolo, Ronnie Coleman on May 22, 2018.

25 2. Plaintiff will take the deposition of the 30(b)(6) representative for Smith's Food  
26 & Drug Centers on May 23, 2018.

27 3. Defendant will take the deposition of Plaintiff, Landra Hogue on April 10, 2018.  
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- 1 4. The parties will attend an inspection on April 23, 2018 of where the incident  
2 occurred.
- 3 5. The parties will designate initial and rebuttal experts.
- 4 6. The parties will take the depositions of designated expert witnesses and medical  
5 providers.
- 6 7. The parties will take the depositions of any and all other witnesses garnered  
7 through discovery.

#### 8 **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

9 This Request for an extension of time is not sought for any improper purpose or other  
10 purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient  
11 time to conduct discovery.

12 The slow response of certain Plaintiff's medical treatment providers has impeded the  
13 parties' ability to take depositions and finalize their initial expert designations by April 23, 2018  
14 (the current deadline). Further, the Tanner Law Firm was associated into the case on March 20,  
15 2018. This has significantly restricted counsel's availability and to make deadlines.

16 Plaintiff's current and former attorneys have provided voluminous medical records;  
17 however, Defense counsel needs to recover records directly from the medical providers to  
18 ensure that the records are complete, accurate, and to help Defendant establish the necessary  
19 foundation for admission of the records at trial (Defendant is requesting that the medical  
20 providers give an authenticating affidavit along with the records).

21 Defendant needs additional time to recover complete damage (medical) records and  
22 justification for needing additional time is as follows: First, the parties have encountered slow  
23 responses from the medical providers in sending records. Second, Plaintiff's former attorney  
24 had not identified all of the Plaintiff's providers, or provided HIPAA authorizations for all of  
25 the providers, so counsel for the parties are working together to give the necessary HIPAA  
26 authorizations to allow Defense counsel to recover complete records. Third, the IRS form 4506  
27 provided by Plaintiff's former attorney was incomplete and was not an original document.  
28 Form 4506 explicitly mandates that an original form be used to recover IRS records. Fourth, the

1 employment authorization sent by Plaintiff's former attorney was insufficient as it did not allow  
2 Defendant to recover employment records from the date of the accident to the present. In short,  
3 the documents provided by Plaintiff's former attorney were incomplete and/or insufficient and  
4 Defendant needs additional time to recover complete records to submit to a medical/damage  
5 expert.

6 The parties respectfully submit that this constitutes good cause for the extension.

7 The following is a list of the current discovery deadlines and the parties' proposed  
8 extended deadlines.

<b>Scheduled Event</b>	<b>Current Deadline</b>	<b>Proposed Deadline</b>
Discovery Cut-Off	June 22, 2018	<b>August 21, 2018</b>
Interim Status Report	April 23, 2018	<b>June 22, 2018</b>
Expert Disclosure	April 23, 2018	<b>June 22, 2018</b>
Rebuttal Expert Disclosure	May 25, 2018	<b>July 24, 2018</b>
Dispositive Motions	July 23, 2018	<b>September 21, 2018</b>
Joint Pre-Trial Order	August 21, 2018	<b>October 19, 2018</b>

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

20 This is the second request for extension of time in this matter. The parties respectfully  
21 submit that the reasons set forth above constitute good cause for the short extension.

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1 WHEREFORE, the parties respectfully request that this Court extend the discovery  
2 period by sixty (60) days from the current deadline of June 22, 2018 and the other dates as  
3 outlined in accordance with the table above.

4 DATED this 27<sup>th</sup> day of March, 2018.

DATED this 27<sup>th</sup> day of March, 2018.

6 By: /s/ David A. Tanner

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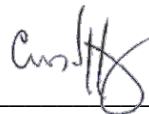
By: /s/ Jerry S. Busby

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15 **ORDER**

16 IT IS SO ORDERED.

17 DATED this 28<sup>th</sup> day of March, 2018.

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19 UNITED STATES MAGISTRATE JUDGE