

1 LESLIE MARK STOVALL, ESQ.  
 Nevada Bar No. 2566  
 2 ROSS MOYNIHAN, ESQ.  
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 3 STOVALL & ASSOCIATES  
 4 2301 Palomino Lane  
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 5 Telephone: (702) 258-3034  
 E-service: court@lesstovall.com  
 6 *Attorneys for Plaintiff*

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

10 DEVRA HANEY-WILLIAMS,

11 Plaintiff,

12 v.

13 SAM'S WEST INC., dba SAM'S PHARMACY  
 #10-4974,

14 Defendants.

Case No.: 2:17-cv-02900-JCM-EJY

**STIPULATION AND ORDER**  
**EXTENDING TIME TO FILE RESPONSE**  
**BRIEFS TO PENDING MOTIONS ECF**  
**NOS. 136, 137, 138, 139**

**[SECOND REQUEST]**

15 SAM'S WEST INC.,

16 Third-Party Plaintiff,

17 v.

18 JUBILANT CADISTA  
 PHARMACEUTICALS, INC., and DOES 1-10,  
 19 inclusive,

20 Third-Party Defendants.

21 Plaintiff DEVRA HANEY-WILLIAMS (hereinafter "Plaintiff"), Defendant/Third-Party  
 22 Plaintiff SAM'S WEST, INC. (hereinafter "Sam's West"), (collectively, "the Parties"), by  
 23 and through their respective counsel of record, do hereby stipulate and jointly request that the court  
 24 approve extensions of time for the parties to file responses with respect to the following motions  
 25 currently pending before this Court:

- 26 (1) Defendant Sam's West, Inc.'s Motion For Summary Judgment On The First Amended  
 27 Complaint Filed By Plaintiff Devra Haney-Williams [ECF No. 136] – Response due  
 28 **December 3, 2021, Reply due December 17, 2021**

- 1 (2) Defendant Sam’s West, Inc.’s Motion to Exclude Plaintiff’s Untimely Disclosure of  
2 Expert Christopher Milford M.D. Pursuant to FRCP 37(c)(1) [ECF No. 137] –  
3 Response due **December 3, 2021, Reply due December 17, 2021**
- 4 (3) Plaintiff’s Motion To Strike Defendant’s Expert Neal L. Benowitz, M.D. [ECF No.  
5 138]– Response due **December 3, 2021, Reply due December 17, 2021**
- 6 (4) Plaintiff’s Motion for Summary Judgment [ECF No. 139] – Response due **December**  
7 **3, 2021, Reply due December 17, 2021**

8 The responses to the above motions have required extensive briefing regarding the facts of the  
9 case and the law applicable to the motions and the parties require additional time to complete the  
10 responses. The parties have agreed to an extension of time for the responses from December 3, 2021  
11 to December 7, 2021, with the current reply date of December 17, 2021 to remain. The parties aver  
12 that this is the second stipulation for an extension of time with respect to these Motions, that the  
13 requested extension will not alter any date previously set by the Court in this matter, and this request  
14 is made in good faith and not for purposes of delay.

15 IT IS HEREBY STIPULATED AND AGREED as follows:

- 16 (1) Plaintiff’s Opposition to Sam’s West’s Motion for Summary Judgment [ECF No. 136]  
17 shall be due **December 7, 2021;**
- 18 (2) Sam’s West’s Reply Brief in support of their Motion for Summary Judgment [ECF No.  
19 136] shall be due **December 17, 2021;**
- 20 (3) Plaintiff’s Opposition to Sam’s West’s Motion to Exclude Plaintiff’s Untimely  
21 Disclosure of Expert Christopher Milford M.D. Pursuant to FRCP 37(c)(1) [ECF No.  
22 137] shall be due **December 7, 2021;**
- 23 (4) Sam’s West’s Reply in Support of their Motion to Exclude Plaintiff’s Untimely  
24 Disclosure of Expert Christopher Milford M.D. Pursuant to FRCP 37(c)(1) [ECF No.  
25 137] shall be due **December 17, 2021;**
- 26 (5) Sam’s West’s Opposition to Plaintiff’s Motion To Strike Defendant’s Expert Neal L.  
27 Benowitz, M.D. [ECF No. 138] shall be due **December 7, 2021;**

- 1 (6) Plaintiff's Reply Brief in Support of Motion to Strike Defendant's Expert Neal L.  
2 Benowitz, M.D. [ECF No. 138] shall be due **December 17, 2021**;
- 3 (7) Sam's West's Opposition to Plaintiff's Motion for Summary Judgment [ECF No. 139]  
4 shall be due **December 7, 2021**;
- 5 (8) Plaintiff's Reply Brief in support of her Motion for Summary Judgment [ECF No. 139]  
6 shall be due **December 17, 2021**.

7 **IT IS SO AGREED AND STIPULATED.**

8 Dated: December 1, 2021  
9 **PHILLIPS, SPALLAS & ANGSTADT LLC**

10 */s/ Alyce W. Foshee*

11 \_\_\_\_\_  
12 ROBERT K. PHILLIPS  
13 Nevada Bar No. 11441  
14 ALYCE W. FOSHEE  
15 Nevada Bar No. 14519  
16 504 South Ninth Street  
17 Las Vegas, Nevada 89101  
18 *Attorneys for Defendant/Third-Party Plaintiff*  
19 *Sam's West, Inc.*

20 Dated: December 1, 2021  
21 **STOVALL & ASSOCIATES**

22 */s/ Ross Moynihan*

23 \_\_\_\_\_  
24 LESLIE MARK STOVALL, ESQ.  
25 Nevada Bar No. 2566  
26 ROSS MOYNIHAN, ESQ.  
27 Nevada Bar No. 11848  
28 2301 Palomino Lane  
Las Vegas, Nevada 89107  
*Attorneys for Plaintiff*  
*Devra Haney-Williams*

**IT IS SO ORDERED.**

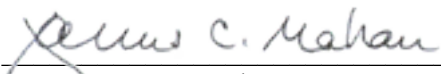
Dated: December 1, 2021  
**MORRISON MAHONEY LLP**

*/s/ Arthur J. Liederman*

\_\_\_\_\_

ARTHUR J. LIEDERMAN, ESQ.  
(admitted pro hac vice)  
New York Bar No. 1184167  
Wall Street Plaza  
88 Pine Street, Suite 1900  
New York, NY 10005  
ADAM R. KNECHT, ESQ.  
Nevada State Bar No. 13166  
ALVERSON TAYLOR & SANDERS  
6605 Grand Montecito Parkway, Suite 200  
Las Vegas, Nevada 89149  
*Attorneys for third-Party Defendant Jubilant*  
*Cadista Pharmaceuticals, Inc.*

Dated December 3, 2021.

  
\_\_\_\_\_  
Hon. James C. Mahan  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 2nd day of December 2021, service of the foregoing

Stipulation and [Proposed] Order was made by electronic service through CM/ECF to:

Robert K. Phillips, Esq.  
Alyce Foshee, Esq.  
PHILLIPS SPALLAS & ANGSTADT, LLC  
504 S. Ninth Street  
Las Vegas, NV 89101  
*Attorneys for Defendant Sam's West, Inc.*

Nicole M. Battisti, Esq.  
MORRISON MAHONEY LLP  
Wall Street Plaza  
88 Pine Street, Suite 1900  
New York, NY 10005  
Adam Knecht, Esq.  
Alverson Taylor & Sanders  
6605 Grand Montecito Pkwy., Suite 200  
Las Vegas, NV 89149  
*Attorneys for Jubilant Cadista Pharmaceuticals, Inc*

*/s/ Melina Gonzalez*

\_\_\_\_\_  
An Employee of Stovall & Associates

1 LESLIE MARK STOVALL, ESQ.  
Nevada Bar No. 2566  
2 ROSS MOYNIHAN, ESQ.  
Nevada Bar No. 11848  
3 STOVALL & ASSOCIATES  
4 2301 Palomino Lane  
Las Vegas, NV 89107  
5 Telephone: (702) 258-3034  
E-service: court@lesstovall.com  
6 *Attorneys for Plaintiff*

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

10 DEVRA HANEY-WILLIAMS,  
11 Plaintiff,  
12 v.  
13 SAM’S WEST INC., dba SAM’S PHARMACY  
#10-4974,  
14 Defendants.

Case No.: 2:17-cv-02900-JCM-EJY

**STIPULATION AND ORDER**  
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**BRIEFS TO PENDING MOTIONS ECF**  
**NOS. 136, 137, 138, 139**

**[SECOND REQUEST]**

15 SAM’S WEST INC.,  
16 Third-Party Plaintiff,  
17 v.  
18 JUBILANT CADISTA  
PHARMACEUTICALS, INC., and DOES 1-10,  
19 inclusive,  
20 Third-Party Defendants.

21 Plaintiff DEVRA HANEY-WILLIAMS (hereinafter “Plaintiff”), Defendant/Third-Party  
22 Plaintiff SAM’S WEST, INC. (hereinafter “Sam’s West”), (collectively, “the Parties”), by  
23 and through their respective counsel of record, do hereby stipulate and jointly request that the court  
24 approve extensions of time for the parties to file responses with respect to the following motions  
25 currently pending before this Court:

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27 Complaint Filed By Plaintiff Devra Haney-Williams [ECF No. 136] – Response due  
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5 138]– Response due **December 3, 2021, Reply due December 17, 2021**
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11 to December 7, 2021, with the current reply date of December 17, 2021 to remain. The parties aver  
12 that this is the second stipulation for an extension of time with respect to these Motions, that the  
13 requested extension will not alter any date previously set by the Court in this matter, and this request  
14 is made in good faith and not for purposes of delay.

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- 16 (1) Plaintiff’s Opposition to Sam’s West’s Motion for Summary Judgment [ECF No. 136]  
17 shall be due **December 7, 2021;**
- 18 (2) Sam’s West’s Reply Brief in support of their Motion for Summary Judgment [ECF No.  
19 136] shall be due **December 17, 2021;**
- 20 (3) Plaintiff’s Opposition to Sam’s West’s Motion to Exclude Plaintiff’s Untimely  
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- 1 (6) Plaintiff's Reply Brief in Support of Motion to Strike Defendant's Expert Neal L.  
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4 shall be due **December 7, 2021**;
- 5 (8) Plaintiff's Reply Brief in support of her Motion for Summary Judgment [ECF No. 139]  
6 shall be due **December 17, 2021**.

7 **IT IS SO AGREED AND STIPULATED.**

8 Dated: December 1, 2021  
9 **PHILLIPS, SPALLAS & ANGSTADT LLC**

10 */s/ Alyce W. Foshee*

11 \_\_\_\_\_  
12 ROBERT K. PHILLIPS  
13 Nevada Bar No. 11441  
14 ALYCE W. FOSHEE  
15 Nevada Bar No. 14519  
16 504 South Ninth Street  
17 Las Vegas, Nevada 89101

18 *Attorneys for Defendant/Third-Party Plaintiff*  
19 *Sam's West, Inc.*

20 Dated: December 1, 2021  
21 **STOVALL & ASSOCIATES**

22 */s/ Ross Moynihan*

23 \_\_\_\_\_  
24 LESLIE MARK STOVALL, ESQ.  
25 Nevada Bar No. 2566  
26 ROSS MOYNIHAN, ESQ.  
27 Nevada Bar No. 11848  
28 2301 Palomino Lane  
Las Vegas, Nevada 89107  
*Attorneys for Plaintiff*  
*Devra Haney-Williams*

Dated: December 1, 2021  
**MORRISON MAHONEY LLP**

*/s/ Arthur J. Liederman*

\_\_\_\_\_

ARTHUR J. LIEDERMAN, ESQ.  
(admitted pro hac vice)  
New York Bar No. 1184167  
Wall Street Plaza  
88 Pine Street, Suite 1900  
New York, NY 10005

ADAM R. KNECHT, ESQ.  
Nevada State Bar No. 13166  
ALVERSON TAYLOR & SANDERS  
6605 Grand Montecito Parkway, Suite 200  
Las Vegas, Nevada 89149

*Attorneys for third-Party Defendant Jubilant  
Cadista Pharmaceuticals, Inc.*

1 *Haney-Williams vs. Sam's West, Inc.*  
2 *2:17-cv-02900-JCM-EJY*  
3 *Stipulation and Order*  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 1<sup>st</sup> day of December 2021, service of the foregoing

Stipulation and [Proposed] Order was made by electronic service through CM/ECF to:

Robert K. Phillips, Esq.  
Alyce Foshee, Esq.  
PHILLIPS SPALLAS & ANGSTADT, LLC  
504 S. Ninth Street  
Las Vegas, NV 89101  
*Attorneys for Defendant Sam's West, Inc.*

Nicole M. Battisti, Esq.  
MORRISON MAHONEY LLP  
Wall Street Plaza  
88 Pine Street, Suite 1900  
New York, NY 10005  
Adam Knecht, Esq.  
Alverson Taylor & Sanders  
6605 Grand Montecito Pkwy., Suite 200  
Las Vegas, NV 89149  
*Attorneys for Jubilant Cadista Pharmaceuticals, Inc*

*/s/ Melina Gonzalez*

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An Employee of Stovall & Associates

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**Melina Gonzales**

---

**From:** Battisti, Nicole <NBattisti@morrisonmahoney.com> on behalf of Battisti, Nicole  
**Sent:** Wednesday, December 1, 2021 3:02 PM  
**To:** Ross Moynihan  
**Cc:** Alyce Foshee  
**Subject:** Re: Haney-Williams SAO to extend time to file response

Good here. Thanks.

**Nicole M. Battisti**  
Partner

MORRISON MAHONEY LLP  
Wall Street Plaza  
88 Pine Street, Suite 1900, New York, NY 10005  
T (212) 428-2490 | F (646) 576-8934  
[NBattisti@morrisonmahoney.com](mailto:NBattisti@morrisonmahoney.com) | [www.morrisonmahoney.com](http://www.morrisonmahoney.com)

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On Dec 1, 2021, at 5:46 PM, Ross Moynihan <[ross@lesstovall.com](mailto:ross@lesstovall.com)> wrote:

**\*\*External Email\*\***

Thank you.

Nicole, please respond.

**From:** Alyce Foshee <[afoshee@psalaw.net](mailto:afoshee@psalaw.net)>  
**Sent:** Wednesday, December 1, 2021 1:43 PM  
**To:** Ross Moynihan <[ross@lesstovall.com](mailto:ross@lesstovall.com)>  
**Cc:** Battisti, Nicole <[NBattisti@morrisonmahoney.com](mailto:NBattisti@morrisonmahoney.com)>  
**Subject:** RE: Haney-Williams SAO to extend time to file response

Ross, you my affix my signature.

Thanks,

**Alyce Foshee**

Partner

San Francisco | Las Vegas | Los Angeles | Napa Valley

560 Mission Street, Suite 1010  
San Francisco, CA 94105

t 415-278-9400  
f 415-278-9411  
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**From:** Ross Moynihan <[ross@lesstovall.com](mailto:ross@lesstovall.com)>  
**Sent:** Wednesday, December 1, 2021 1:34 PM  
**To:** Alyce Foshee <[afoshee@psalaw.net](mailto:afoshee@psalaw.net)>; [Ross@lesstovall.com](mailto:Ross@lesstovall.com)  
**Cc:** Battisti, Nicole <[NBattisti@morrisonmahoney.com](mailto:NBattisti@morrisonmahoney.com)>  
**Subject:** FW: Haney-Williams SAO to extend time to file response

**CAUTION: This Sender is Outside the PSA Organization! DO NOT click links or open attachments unless you recognize the sender and know the content is safe!**

Alyce,

Please find attached a draft stipulation and order to extend our opposition due dates to 12/7. Please review and advise if I may affix your esignature.

Nicole,

At my request, Alyce and I agreed to extend the opposition due dates on our respective motions to 12/7. It does not affect your motion but I have included you on the stipulation as you are a party. Please advise if I have approval to affix Arthur's esignature to the stipulation.

Thanks,

Ross Moynihan

**From:** Melina Gonzales <[melina@lesstovall.com](mailto:melina@lesstovall.com)>  
**Sent:** Wednesday, December 1, 2021 1:27 PM  
**To:** Ross Moynihan <[ross@lesstovall.com](mailto:ross@lesstovall.com)>  
**Subject:** Haney-Williams SAO to extend time to file response

Melina Gonzalez  
Legal Assistant  
Stovall & Associates