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9 **COSTCO WHOLESALE CORPORATION**

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 MELISSA ELIZABETH HOFFMAN,) Case No.: 2:19-cv-00462-KJD-BNW
individually,)
13)
Plaintiff,) **JOINT STIPULATION AND**
14) **[PROPOSED] ORDER TO STAY**
vs.) **DISCOVERY PENDING**
15) **COMPLETION OF MEDIATION**
COSTCO WHOLESALE CORPORATION,)
16 a Delaware corporation; FALCON FARMS,)
INC., a California Corporation; DOES 1)
17 through 100; and ROE CORPORATIONS 1)
through 100,)
18)
Defendants.)
19)

20 Plaintiff MELISSA ELIZABETH HOFFMAN (“Plaintiff”), by and through her attorneys
21 of record, CHRISTIAN Z. SMITH, ESQ. of the law firm RICHARD HARRIS LAW FIRM,
22 Defendant FALCON FARMS, INC. (“Falcon Farms”), by and through its attorneys of record,
23 BRIAN GOLDMAN, ESQ. and JAMES P.C. SILVESTRI, ESQ. of the law firm PYATT
24 SILVERSTRI, and Defendant COSTCO WHOLESALE CORPORATION (“Costco”), by and
25 through its attorneys of record, ROBERT E. SCHUMACHER, ESQ. and DIONE C. WRENN,
26 ESQ. of the law firm GORDON REES SCULLY MANSUKHANI, LLP, (collectively,
27 “Defendants” or the “Parties”) hereby stipulate and request that the court stay discovery until
28 after the Parties complete a mediation. The Parties have previously requested two extensions to

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1 the scheduling order. In support of this Stipulation, the Parties state as follows:

2 **I. CURRENT DEADLINES:**

3 The current deadlines under the Amended Stipulated Discovery Plan and Scheduling
4 Order [ECF No. 43] dated May 11, 2020 are as follows:

- 5 • All Parties shall complete discovery on or before **October 5, 2020;**
- 6 • All Parties shall file motions to amend pleadings or add Parties on or before
7 **CLOSED;**
- 8 • All Parties shall file Interim Status Report on or before **August 3, 2020;**
- 9 • All Parties shall make initial expert disclosures pursuant to NRCP 16.1(a)(2) on
10 or before **August 3, 2020;**
- 11 • All Parties shall make rebuttal expert disclosures pursuant to NRCP 16.1(a)(2) on
12 or before **September 8, 2020;**
- 13 • All Parties shall file dispositive motions no later than **November 9, 2020;**
- 14 • All Parties shall file Joint Pre-Trial Order no later than **December 7, 2020.**

15 **II. STATEMENT SPECIFYING THE DISCOVERY COMPLETED:**

16 To date, the Parties have engaged in substantial discovery including but not limited to the
17 following:

- 18 • On April 3, 2019, the Parties conducted the Rule 26 Conference.
- 19 • On April 3, 2019, Plaintiff served her FRCP 26(f) Initial Disclosure Statement;
- 20 • On April 9, 2019, Costco served its FRCP 26(f) Initial Disclosure Statement;
- 21 • On April 10, 2019, the Parties submitted a Stipulated Discovery Plan and
22 Scheduling Order for the Court's approval;
- 23 • On April 11, 2019, Plaintiff served written discovery on Costco. Plaintiff gave
24 Defendant an extension to respond to the written discovery;
- 25 • On April 26, 2019, Plaintiff served her 1st Supplement to her FRCP 26(f) Initial
26 Disclosure Statement;
- 27 • On May 1, 2019, Costco served its 1st Supplement to its FRCP 26(f) Initial
28 Disclosure Statement;

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- 1 • On May 3, 2019, Costco served its written discovery on Plaintiff;
- 2 • On May 28, 2019, Costco responded to Plaintiff's written discovery;
- 3 • On June 5, 2019, Plaintiff served her 3rd Supplement to her FRCP 26(f) Initial
- 4 Disclosure Statement;
- 5 • On June 10, 2019, Plaintiff served her 4th Supplement to her FRCP 26(f) Initial
- 6 Disclosure Statement;
- 7 • On June 10, 2019, Plaintiff responded to Costco's written discovery;
- 8 • On June 22, 2019, Plaintiff served her 5th Supplement to her FRCP 26(f) Initial
- 9 Disclosure Statement;
- 10 • On July 2, 2019, Plaintiff served first amended responses to Costco's First Set of
- 11 Requests for Production of Documents;
- 12 • On July 19, 2019, Plaintiff served second amended responses to Costco's First Set
- 13 of Requests for Production of Documents;
- 14 • On August 7, 2019, Plaintiff served written discovery on Defendant Falcon
- 15 Farms;
- 16 • On August 9, 2019, Plaintiff served her 6th Supplement to her FRCP 26(f) Initial
- 17 Disclosure Statement;
- 18 • On September 19, 2019, Falcon Farms served its FRCP 26(f) Initial Disclosure
- 19 Statement;
- 20 • On September 19, 2019, Falcon Farms responded to Plaintiff's written discovery;
- 21 • On September 30, 2019, Plaintiff served written discovery on Falcon Farms and
- 22 Costco;
- 23 • On September 30, 2019, Plaintiff served her 7th Supplement to her FRCP 26(f)
- 24 Initial Disclosure Statement;
- 25 • On October 27, 2019, Plaintiff served her 9th Supplement to her FRCP 26(f)
- 26 Initial Disclosure Statement;
- 27 • On November 1, 2019, Falcon Farms served its First Supplement to its FRCP
- 28 26(f) Initial Disclosure Statement;

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- 1 • On November 4, 2019, Falcon Farms served its Second Supplement to its FRCP
- 2 26(f) Initial Disclosure Statement;
- 3 • On November 4, 2019, Falcon Farms and Costco responded to Plaintiff’s written
- 4 discovery;
- 5 • On November 4, 2019, the depositions of Falcon Farms’ employees, Ingrid and
- 6 Jayden Weiner were completed;
- 7 • On November 5, 2019, the deposition of Falcon Farms’ employee Cari Lynn
- 8 Jenkins was completed;
- 9 • On November 26, 2019, the deposition of Kayla Apostolec, Plaintiff’s daughter
- 10 was completed;
- 11 • On November 6, 2019, Plaintiff served her 10th Supplement to her FRCP 26(f)
- 12 Initial Disclosure Statement;
- 13 • On November 19, 2019, Plaintiff served her 11th Supplement to her FRCP 26(f)
- 14 Initial Disclosure Statement;
- 15 • On November 22, 2019, Plaintiff served her 12th Supplement to her FRCP 26(f)
- 16 Initial Disclosure Statement.
- 17 • Plaintiff’s Independent Medical Examination performed on December 13, 2019;
- 18 • On January 16, 2020, Plaintiff served her 13th Supplement to her FRCP 26(f)
- 19 Initial Disclosure Statement;
- 20 • On February 5, 2020, Plaintiff served her 14th Supplement to her FRCP 26(f)
- 21 Initial Disclosure Statement;
- 22 • On February 6, 2020, Plaintiff served her 15th Supplement to her FRCP 26(f)
- 23 Initial Disclosure Statement; and
- 24 • On February 6, 2020, the deposition of Plaintiff was completed;
- 25 • On February 7, 2020, Costco served its 2nd Supplement to its FRCP 26(f) Initial
- 26 Disclosure Statement;
- 27 • On February 10, 2020, Plaintiff served supplemental answers to Costco’s First Set
- 28 of Interrogatories;

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- 1 • On February 13, 2020, Falcon Farms served its Third Supplement to its FRCP
- 2 26(f) Initial Disclosure Statement;
- 3 • On March 16, 2020, Falcon Farms served its Fourth Supplement to its FRCP 26(f)
- 4 Initial Disclosure Statement;
- 5 • On April 3, 2020, Costco served its 3rd Supplement to its FRCP 26(f) Initial
- 6 Disclosure Statement;
- 7 • On June 3, 2020, Costco served its 4th Supplement to its FRCP 26(f) Initial
- 8 Disclosure Statement
- 9 • On June 15, 2020, the Parties took the deposition of percipient witness Denisse
- 10 Marquez; and
- 11 • On June 24, 2020, Plaintiff served her 16th Supplement to her FRCP 26(f) Initial
- 12 Disclosure Statement.

13 **III. STATEMENT OF DISCOVERY THAT REMAINS TO BE COMPLETED:**

14 The discovery that remains to be completed includes the following:

- 15 • Depositions of Defendants’ Rule 30(b)(6) witnesses;
- 16 • Depositions of Plaintiff’s treating providers;
- 17 • Designation of initial and rebuttal experts by all Parties;
- 18 • Depositions of designated expert witnesses; and
- 19 • Additional written discovery, as necessary.

20 **IV. REASONS WHY A STAY IS REQUESTED:**

21 1. The Parties have agreed to participate in a mediation with the Honorable Jackie

22 Glass, Ret. The Parties are currently coordinating a date with Judge Glass to hold the mediation,

23 and anticipate it will be held within 60 days from the date of this stipulation.

24 2. The Parties agree it is in the best interest of all parties to wait until the mediation

25 process is complete prior to incurring the time and expense of further written discovery, initial

26 and rebuttal expert designations, depositions of experts and treating physicians, and motion

27 practice as the mediation could resolve this matter in its entirety, thereby relieving the Parties

28 and the court of further cost and expense.

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1 3. It would be burdensome and unfair to have the Parties incur the expense of time-
2 consuming and costly discovery because the Parties have agreed to stay such proceedings in
3 favor of attempting to achieve an early resolution to this matter. Rule 1 of the Federal Rules of
4 Civil Procedure provides that the federal rules of practice should be “construed and administered
5 to secure the just, speedy, and *inexpensive* determination of every action and proceeding.”
6 (emphasis added). Thus, staying discovery in this case is consistent with the spirit and intent of
7 the Federal Rules of Civil Procedure. If a stay is not granted, the parties will be required to
8 engage in and incur the costs of the remaining discovery, which may not be necessary.

9 4. In order to preserve the Parties’ and the Court’s resources, and to promote judicial
10 economy, the Parties have agreed, subject to the Court’s approval, to stay all discovery for
11 approximately 60 days, or until September 28, 2020, in order for the Parties to complete the
12 agreed upon mediation.

13 5. In the event that the Parties are unable to reach a resolution at the mediation, the
14 Parties agree that they will submit to the court an amended Discovery Plan and Scheduling Order
15 no later than ten days (10) days from the conclusion of the mediation.

16 6. This stipulation is made in good faith and not for the purposes of delay.

17 DATED this 28th day of July 2020.

 DATED this 28th day of July 2020.

18 **GORDON & REES SCULLY**
19 **MANSUKHANI LLP**

PYATT SILVESTRI

20 /s/ Dione C. Wrenn

/s/ Brian W. Goldman

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 Attorney for Defendant
 FALCON FARMS, INC.

1 DATED this 28th day of July 2020.

2 **RICHARD HARRIS LAW FIRM**

3 */s/ Christian Z. Smith*

4 Christian Z. Smith, Esq.
5 Nevada Bar No. 8266
6 80 South Fourth Street
7 Las Vegas, NV 89101

8 *Attorney for Plaintiff*
9 **MELISSA ELIZABETH HOFFMAN**

10 IT IS ORDERED that the parties' stipulation is GRANTED. Discovery is stayed
11 until September 28, 2020. IT IS FURTHER ORDERED that by October 12, 2020,
12 the parties must submit a joint status report providing an update on the mediation
13 (whether it has occurred, and if so, whether the parties settled). IT IS FURTHER
14 ORDERED that if the parties have not settled by October 12, 2020, they must also
15 submit a proposed, revised discovery plan and scheduling order, **regardless of**
16 **whether the mediation has occurred.**

17 IT IS SO ORDERED

18 DATED: 5:24 pm, July 30, 2020

19 

20 **BRENDA WEKSLER**
21 **UNITED STATES MAGISTRATE JUDGE**

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