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THE DICKERSON KARACSONYI LAW GROUP  
JOSEF M. KARACSONYI, ESQ.  
Nevada Bar No. 010634  
SABRINA M. DOLSON, ESQ.  
Nevada Bar No. 013105  
1645 Village Center Circle, Suite 291  
Las Vegas, Nevada 89134  
Telephone: (702) 388-8600  
Facsimile: (702) 388-0210  
Email: [info@thedklawgroup.com](mailto:info@thedklawgroup.com)

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MARK HARTER,	)	
	)	CASE NO.: 2:19-cv-01330-JCM-EJY
Plaintiff,	)	
	)	
v.	)	
	)	
GOVERNMENT EMPLOYEES	)	
INSURANCE COMPANY, duly	)	
authorized to conduct business in the	)	
State of Nevada; and DOES I through X,	)	
inclusive, and ROE CORPORATIONS I	)	
through X, inclusive,	)	
	)	
Defendants.	)	

**STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES**  
**(FIFTH REQUEST)**

Plaintiff, MARK HARTER, by and through his attorneys, JOSEF M. KARACSONYI, ESQ., and SABRINA M. DOLSON, ESQ., of THE DICKERSON KARACSONYI LAW GROUP, and Defendant, GOVERNMENT EMPLOYEES INSURANCE COMPANY, by and through its attorneys, THOMAS E. WINNER, ESQ., CHRISTINE M. BOOZE, ESQ., and LARA L. MILLER, ESQ., of WINNER & SHERROD, respectfully submit the following stipulation requesting a 90-day extension of the current scheduling order deadlines pursuant to LR IA 6-1 and LR 26-4, and FRCP 29. This is the fifth stipulation to extend time of discovery deadlines.

1 **I. INTRODUCTION**

2 This case is a dispute arising out of coverage under an automobile insurance  
3 policy. Plaintiff was in a motor vehicle accident on June 8, 2017, and made a claim  
4 under his insurance policy provided by Defendant, Government Employees Insurance  
5 Company. Plaintiff filed a Complaint in the Eighth Judicial District Court, Clark  
6 County, Nevada on June 5, 2019, alleging breach of contract, violations of NRS §  
7 686A.310 and NAC § 686A.675, and breach of covenant of good faith and fair dealing.  
8 On August 1, 2019, Defendant filed its Notice of Petition for Removal and removed  
9 this matter to this Court.

10 A Stipulated Discovery Plan and Scheduling Order was entered October 4, 2019.  
11 An Amended Stipulated Discovery Plan and Scheduling Order was entered October 18,  
12 2019 to correct dates. A Stipulation and Order to Extend Discovery Deadlines (First  
13 Request) was entered February 6, 2020, which provided a 120-day extension of the  
14 discovery deadlines because the parties required additional time to gather the plaintiff's  
15 medical records and to take needed depositions before disclosing experts and  
16 participating in settlement negotiations and/or mediation. A Stipulation and Order to  
17 Extend Discovery Deadlines (Second Request) was entered June 5, 2020, which  
18 provided a 45-day extension of the discovery deadlines due to the COVID-19  
19 shutdowns resulting in the rescheduling of the Plaintiff's medical examination and  
20 deposition for later dates, to allow the parties to engage in settlement discussions  
21 before completing all discovery and incurring the cost of same, and to allow additional  
22 time for expert witnesses to prepare reports and rebuttal reports.

23 On September 24, 2020, Plaintiff filed his Motion to Extend the Deadline to  
24 Submit An Expert Rebuttal Report Pursuant to F.R.C.P. 16(b) and the Close of  
25 Discovery (Third Request)<sup>1</sup> ("Motion to Extend Deadlines"), requesting this Court to  
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27 <sup>1</sup> Plaintiff's Motion to Extend Deadlines is the first request to extend the  
28 discovery deadlines made by motion, and the third request overall for a continuance  
of the discovery deadlines.

1 extend the discovery deadlines to allow the parties to complete discovery. At that time,  
2 the remaining discovery to be completed included (1) the disclosure of Plaintiff's expert  
3 Rebuttal Report, (2) expert depositions, (3) potential depositions of Defendant's  
4 agents, and (4) the disclosure of any documents pertaining to Plaintiff's continued  
5 treatment.

6 By way of the Court's Order entered December 21, 2020, Plaintiff's Motion to  
7 Extend Deadlines was granted and the parties were ordered to submit a brief status  
8 report with a proposed schedule for extension of discovery pertaining to damages. On  
9 January 8, 2021, this Court entered Plaintiff's Status Report on Discovery and set  
10 Plaintiff's proposed discovery deadlines as orders of the Court.

11 A Stipulation and Order to Extend Discovery Deadlines (Fourth Request) was  
12 entered March 18, 2021, which provided a 112-day extension of the discovery  
13 deadlines due to Plaintiff continuing to receive treatment and Defendant's request for  
14 a second independent medical examination with a spine surgeon, and to afford the  
15 parties additional time to conduct discovery on same.

16 On July 23, 2021, Plaintiff served his Notice of FRCP 30(b)(6) Videotaped  
17 Deposition to Defendant. On August 5, 2021, Defendant filed its Emergency Motion  
18 for Protective Order Pursuant to FRCP 26(c) and Local Rule 7-4 Regarding Plaintiff's  
19 Unilateral Notice of FRCP 30(b)(6) Videotaped Deposition of Defendant Government  
20 Employees' Insurance Company. On August 12, 2021, Plaintiff filed his Opposition to  
21 Defendant's Emergency Motion. Magistrate Judge Elayna J. Youchah held a hearing on  
22 Defendant's Emergency Motion on August 18, 2021. The Court granted in part and  
23 denied in part Defendant's Emergency Motion and directed the parties to reschedule  
24 the deposition of GEICO's FRCP 30(b)(6) representative.

## 25 **II. DISCOVERY STATUS**

26 On March 18, 2021, the Court entered the Stipulation and Order to Extend  
27 Discovery Deadlines (Fourth Request), which set the following deadlines:

- 28 1. Discovery Cut Off: August 23, 2021;

- 1           2.     Disclosure of Independent Medical Exam Report and Any Expert Reports  
2 Regarding Ongoing/Future Medical Treatment: June 23, 2021;
- 3           3.     Rebuttal Expert Disclosures: July 23, 2021;
- 4           4.     Pretrial Order: October 22, 2021;
- 5           5.     Pretrial Disclosures: Thirty (30) days prior to trial as required by FRCP  
6 26(a)(3)(B); and
- 7           6.     Extensions or Modifications of the Discovery Plan and Scheduling Order:  
8 No later than twenty-one (21) days before the discovery cut-off date.
- 9     A.     Discovery That Has Been Completed
- 10          1.     On October 15, 2019, Plaintiff served his FRCP 26(a)(1) Initial List of  
11 Witnesses and Documents.
- 12          2.     On November 15, 2019, Defendant served its First Set of Interrogatories  
13 and First Set of Requests for Production to Plaintiff.
- 14          3.     On December 18, 2019, Defendant served its Initial Disclosures Pursuant  
15 to FRCP 26(a)(1).
- 16          4.     On December 20, 2019, Plaintiff served his (1) Responses to Defendant's  
17 First Set of Interrogatories; (2) Response to Defendant's First Set of Requests for  
18 Production; and (3) FRCP 26(e) First Supplemental List of Witnesses and Documents.
- 19          5.     On February 28, 2020, Defendant served its Second Set of Requests for  
20 Production to Plaintiff.
- 21          6.     On March 5, 2020, Defendant served its Notice of Taking Deposition  
22 Duces Tecum of the Custodian of Records for Farmers Insurance Exchange.
- 23          7.     On March 30, 2020, Defendant served its First Supplemental Disclosures  
24 Pursuant to FRCP 26(a)(1).
- 25          8.     On April 7, 2020, Plaintiff served his FRCP 26(e) Second Supplemental  
26 List of Witnesses and Documents and Response to Defendant's Second Set of Requests  
27 for Production.
- 28     ...

1           9.     On May 1, 2020, Plaintiff served his First Set of Requests for Admissions  
2 to Defendant, FRCP 33 First Set of Interrogatories to Defendant, and FRCP 34 First  
3 Request for Production of Documents to Defendant.

4           10.    On May 5, 2020, Defendant served the following:

5               a.     Notice of Intent to Serve Subpoena Duces Tecum on American  
6 Medical Response, Inc. and Notice of Taking Deposition Duces Tecum of the  
7 Custodian of Records for American Medical Response, Inc.

8               b.     Notice of Intent to Serve Subpoena Duces Tecum on S and S Kim  
9 Group, PC d/b/a Brighton Family Medicine and Notice of Taking Deposition Duces  
10 Tecum of the Custodian of Records for S and S Kim Group, PC d/b/a Brighton Family  
11 Medicine.

12              c.     Notice of Intent to Serve Subpoena Duces Tecum on Canyon  
13 Medical Billing, LLC and Notice of Taking Deposition Duces Tecum of the Custodian  
14 of Records for Canyon Medical Billing, LLC.

15              d.     Notice of Intent to Serve Subpoena Duces Tecum on Desert  
16 Radiologist, Inc. and Notice of Taking Deposition Duces Tecum of the Custodian of  
17 Records for Desert Radiologist, Inc.

18              e.     Notice of Intent to Serve Subpoena Duces Tecum on Yarbro, Ltd.  
19 d/b/a Lake Mead Radiologists and Notice of Taking Deposition Duces Tecum of the  
20 Custodian of Records for Yarbro, Ltd. d/b/a Lake Mead Radiologists.

21              f.     Notice of Intent to Serve Subpoena Duces Tecum on NBC  
22 Operations, LLC d/b/a Advantage Diagnostic Imaging and Notice of Taking Deposition  
23 Duces Tecum of the Custodian of Records for NBC Operations, LLC d/b/a Advantage  
24 Diagnostic Imaging.

25              g.     Notice of Intent to Serve Subpoena Duces Tecum on NBC  
26 Operations, LLC d/b/a The Neck and Back Clinics and Notice of Taking Deposition  
27 Duces Tecum of the Custodian of Records for NBC Operations, LLC d/b/a The Neck  
28 and Back Clinics.

1           h.     Notice of Intent to Serve Subpoena Duces Tecum on Pain Institute  
2 of Nevada, Inc. and Notice of Taking Deposition Duces Tecum of the Custodian of  
3 Records for Pain Institute of Nevada, Inc.

4           i.     Notice of Intent to Serve Subpoena Duces Tecum on Primary Care  
5 Consultants, LLP and Notice of Taking Deposition Duces Tecum of the Custodian of  
6 Records for Primary Care Consultants, LLP.

7           j.     Notice of Intent to Serve Subpoena Duces Tecum on Shadow  
8 Emergency Physicians, PLLC and Notice of Taking Deposition Duces Tecum of the  
9 Custodian of Records for Shadow Emergency Physicians, PLLC.

10          k.     Notice of Intent to Serve Subpoena Duces Tecum on West Las  
11 Vegas Surgery Center, LLC d/b/a Valley View Surgery Center and Notice of Taking  
12 Deposition Duces Tecum of the Custodian of Records for West Las Vegas Surgery  
13 Center, LLC d/b/a Valley View Surgery Center.

14          l.     Notice of Intent to Serve Subpoena Duces Tecum on Walgreens  
15 Pharmacy Strategies, LLC d/b/a Walgreens Pharmacy and Notice of Taking Deposition  
16 Duces Tecum of the Custodian of Records for Walgreens Pharmacy Strategies, LLC  
17 d/b/a Walgreens Pharmacy.

18          m.     Notice of Intent to Serve Subpoena Duces Tecum on Walmart  
19 Pharmacy and Notice of Taking Deposition Duces Tecum of the Custodian of Records  
20 for Walmart Pharmacy.

21          11.    On May 5, 2020, Plaintiff served his Second Set of Requests for  
22 Admissions to Defendant, FRCP 33 Second Set of Interrogatories to Defendant, and  
23 FRCP 34 Second Request for Production of Documents to Defendant.

24          12.    On May 8, 2020, Plaintiff served his FRCP 26(e) Third Supplemental List  
25 of Witnesses and Documents.

26          13.    On May 14, 2020, Plaintiff participated in an independent medical  
27 examination with Dr. David Fish via telemedicine.

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1           14. On May 26, 2020, Defendant served its Responses to First Set of  
2 Requests for Admission, Responses to Second Set of Requests for Admissions,  
3 Responses to FRCP 34 First Request for Production of Documents, and Responses to  
4 FRCP 34 Second Request for Production of Documents.

5           15. On May 27, 2020, Defendant served its Answers to FRCP 33 First Set of  
6 Interrogatories, and Answers to FRCP 33 Second Set of Interrogatories.

7           16. On June 4, 2020, Plaintiff served his FRCP 26(e) Fourth Supplemental  
8 List of Witnesses and Documents.

9           17. Defendant deposed Plaintiff on June 5, 2020 at 9:00 a.m. via  
10 videoconference.

11           18. On June 24, 2020, Plaintiff served his FRCP 26(e) Fifth Supplemental  
12 List of Witnesses and Documents.

13           19. On June 25, 2020, Defendant served its Initial Designation of Expert  
14 Witnesses and Documents in Compliance with FRCP 26(a)(2), which contained Dr.  
15 David E. Fish's Expert Report, and its Second Supplemental Disclosures Pursuant to  
16 FRCP 26(a)(1).

17           20. On August 24, 2020, Plaintiff served his Amended Response to Second  
18 Request for Production of Documents, his Amended Answers to First Set of  
19 Interrogatories, and his FRCP 26(e) Sixth Supplemental List of Witnesses and  
20 Documents.

21           21. On August 27, 2020, Defendant served its First Supplemental  
22 Designation of Expert Witnesses and Documents in Compliance with FRCP 26(a)(2),  
23 which contained Dr. David E. Fish's First Supplemental Expert Report, "Report #2:  
24 Records Review Addendum #1," dated July 27, 2020.

25           22. On September 4, 2020, Plaintiff served his FRCP 26(e) Seventh  
26 Supplemental List of Witnesses and Documents.

27           23. On September 28, 2020, Plaintiff served his FRCP 26(e) Eighth  
28 Supplemental List of Witnesses and Documents.

1           24. On October 20, 2020, Defendant served its Third Supplemental  
2 Disclosures Pursuant to FRCP 26(a)(1).

3           25. On October 28, 2020, Plaintiff served his FRCP 26(a)(2) Expert  
4 Disclosure, which contained Dr. Katherine D. Travnicek’s expert rebuttal report,  
5 specifically, the Medical Records Review and Treating Expert Report.

6           26. On October 29, 2020, Defendant served its Second Supplemental  
7 Designation of Expert Witnesses and Documents in Compliance with FRCP 26(a)(2),  
8 which contained Dr. David E. Fish’s Second Supplemental Expert Report, “Report #3:  
9 Records Review Addendum #2,” dated October 29, 2020.

10          27. On November 30, 2020, Plaintiff served his FRCP 26(e) Ninth  
11 Supplemental List of Witnesses and Documents.

12          28. On December 2, 2020, Defendant served its Fourth Supplemental  
13 Disclosures Pursuant to FRCP 26(a)(1), and its Third Supplemental Designation of  
14 Expert Witnesses and Documents in Compliance with FRCP 26(a)(2), which contained  
15 Dr. David E. Fish’s Third Supplemental Expert Report, “Report #4: Records Review  
16 Addendum #3,” dated November 5, 2020.

17          29. On December 4, 2020, Plaintiff served his FRCP 26(e) Tenth  
18 Supplemental List of Witnesses and Documents.

19          30. On January 28, 2021, Defendant served its Fifth Supplemental  
20 Disclosures Pursuant to FRCP 26(a)(1), and its Fourth Supplemental Designation of  
21 Expert Witnesses and Documents in Compliance with FRCP 26(a)(2), which contained  
22 Dr. David E. Fish’s Fourth Supplemental Expert Report, “Report #5: Records Review  
23 Addendum #4,” dated December 2, 2020.

24          31. On March 1, 2021, Plaintiff served his FRCP 26(a)(2) First Supplemental  
25 Disclosure, which contained Dr. Katherine D. Travnicek’s Supplemental Report to her  
26 Medical Records Review and Treating Expert Report, previously disclosed on October  
27 28, 2020.

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1           32.    On April 7, 2021, Defendant served its Fifth Supplemental Designation  
2 of Expert Witnesses and Documents in Compliance with FRCP 26(a)(2), which  
3 contained Dr. David E. Fish’s “Report #6: Records Review Addendum #5,” dated  
4 March 31, 2021.

5           33.    On April 12, 2021, Defendant conducted the deposition of Dr. Katherine  
6 Travnicek.

7           34    On April 21, 2021, Plaintiff served his FRCP 26(e) Eleventh  
8 Supplemental List of Witnesses and Documents.

9           35.    On April 23, 2021, Jeffrey C. Wang, M.D., conducted the medical  
10 examination of Plaintiff.

11          36.    On April 26, 2021, Plaintiff served his FRCP 26(e) Twelfth Supplemental  
12 List of Witnesses and Documents.

13          37.    On June 15, 2021, Plaintiff served his FRCP 26(e) Thirteenth  
14 Supplemental List of Witnesses and Documents.

15          38.    On June 22, 2021, Defendant served its Sixth Supplemental Designation  
16 of Expert Witnesses and Documents in Compliance with FRCP 26(a)(2), which  
17 contained Dr. Jeffrey C. Wang’s Initial Expert Report dated April 23, 2021 and  
18 Addendum Report dated May 20, 2021.

19          39.    On June 23, 2021, Plaintiff served his FRCP 26(e) Fourteenth  
20 Supplemental List of Witnesses and Documents.

21          40.    On July 21, 2021, Defendant served its Seventh Supplemental  
22 Designation of Expert Witnesses and Documents in Compliance with FRCP 26(a)(2),  
23 which contained Dr. David E. Fish’s “Report #7: Records Review Addendum #6,”  
24 dated July 6, 2021, and Dr. Jeffrey C. Wang’s Addendum Report #2; and its  
25 Designation of Rebuttal Expert Witnesses and Documents in Compliance with F.R.C.P.  
26 26(a)(2).

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1           41. On July 23, 2021, Plaintiff served his Notice of FRCP 30(b)(6)  
2 Videotaped Deposition to Defendant, Government Employees Insurance Company,  
3 and his Notice of FRCP 30(b)(6) Deposition of Southwest Medical Associates, Inc.

4           42. On August 5, 2021, Defendant served its Sixth Supplemental Disclosures  
5 Pursuant to FRCP 26(a)(1).

6           43. On August 13, 2021, Plaintiff served his FRCP 26(e) Fifteenth  
7 Supplemental List of Witnesses and Documents and Re-Notice of FRCP 30(b)(6)  
8 Deposition of Southwest Medical Associates, Inc.

9           44. On August 18, 2021, Plaintiff took the deposition of Warren Guinn,  
10 Southwest Medical Associates.

11 B. Discovery That Remains

12           1. Plaintiff will take the deposition of Defendant's FRCP 30(b)(6)  
13 representative on November 10, 2021; and

14           2. Any additional disclosures of documents.

15           The parties stipulate that the deposition may be conducted via remote  
16 technology due to the COVID-19 pandemic to avoid the need for witnesses or counsel  
17 to travel for the deposition and to avoid in-person contact. The parties and their  
18 counsel stipulate that they will cooperate with one another to schedule and coordinate  
19 the deposition.

20 **III. REASONS WHY EXTENSION IS REQUIRED**

21           On July 23, 2021, Plaintiff served his Notice of FRCP 30(b)(6) Videotaped  
22 Deposition to Defendant. On August 5, 2021, Defendant filed its Emergency Motion  
23 for Protective Order Pursuant to FRCP 26(c) and Local Rule 7-4 Regarding Plaintiff's  
24 Unilateral Notice of FRCP 30(b)(6) Videotaped Deposition of Defendant Government  
25 Employees' Insurance Company. On August 12, 2021, Plaintiff filed his Opposition  
26 to Defendant's Emergency Motion. Magistrate Judge Elayna J. Youchah held a hearing  
27 on Defendant's Emergency Motion on August 18, 2021. The Court granted in part

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1 and denied in part Defendant's Emergency Motion and directed the parties to  
2 reschedule the deposition of GEICO's FRCP 30(b)(6) representative.

3 The parties are requesting an additional 120-days of discovery to permit Plaintiff  
4 to depose GEICO's FRCP 30(b)(6) representative.

5 **IV. PROPOSED SCHEDULE**

6 1. Discovery Cut Off: Wednesday, December 22, 2021;

7 2. Dispositive Motions: Friday, January 21, 2022;

8 3. Pretrial Order: Tuesday, February 22, 2022;

9 4. Pretrial Disclosures: Thirty (30) days prior to trial as required by FRCP  
10 26(a)(3)(B); and

11 5. Extensions or Modifications of the Discovery Plan and Scheduling Order:  
12 No later than twenty-one (21) days before the discovery cut-off date.

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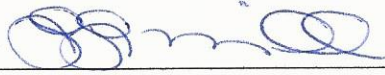
1 The parties believe that the 120-day extension of the deadlines in discovery is  
2 necessary and appropriate to provide sufficient time to finish the remaining discovery.  
3 The parties also believe good cause is demonstrated by the recited facts in support of  
4 the extension.

5 DATED this 15<sup>th</sup> day of November, 2021.

6 THE DICKERSON KARACSONYI  
7 LAW GROUP

WINNER & SHERROD

8 By /s/ Sabrina M. Dolson

By 

9 JOSEF M. KARACSONYI, ESQ.  
10 Nevada Bar No. 010634  
11 SABRINA M. DOLSON, ESQ.  
12 Nevada Bar No. 013105  
13 1745 Village Center Circle  
14 Las Vegas, Nevada 89134  
15 Attorneys for Plaintiff

CHRISTINE M. BOOZE, ESQ.  
Nevada Bar No. 007610  
LARA L. MILLER, ESQ.  
Nevada Bar No. 012618  
1117 South Rancho Drive  
Las Vegas, Nevada 89102  
Attorneys' for Defendant

16 IT IS SO ORDERED:

17   
UNITED STATES MAGISTRATE JUDGE

18 DATED: November 16, 2021

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