

1 **DANIEL S. SIMON, ESQ.**
 Nevada Bar No. 4750
 2 **BENJAMIN J. MILLER, ESQ.**
 Nevada Bar No. 10406
 3 **SIMON LAW**
 810 S. Casino Center Blvd.
 4 Las Vegas, NV 89101
 Telephone: 702-364-1650
 5 Facsimile: 702-364-1655
 lawyers@simonlawlv.com
 6 *Attorneys for Plaintiff*

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

9
 10 MICHAELA LEE,
 11 Plaintiff,

CASE NO.: 2:19-CV-01724-RFB-NJK

12 v.

**STIPULATION AND ORDER TO EXTEND
 DISCOVERY (60 DAYS) (THIRD
 REQUEST)**

13 MVW OF NEVADA, INC. d/b/a
 14 MARRIOTT'S GRAND CHATEAU; DOE
 EMPLOYEE; DOES II through V and ROE
 CORPORATIONS VI through X, inclusive,
 15 Defendants.

16
 17 Plaintiff MICHAELA LEE ("Plaintiff"), by and through her attorneys of record, Daniel S.
 18 Simon, Esq., and Benjamin J. Miller, Esq., of the law firm SIMON LAW, and Defendant
 19 MARRIOTT RESORTS HOSPITALITY CORP. (erroneously named as MVW of NEVADA, INC.
 20 d/b/a MARRIOTT'S GRAND CHATEAU), by and through its attorneys of record JANICE M.
 21 MICHAELS, ESQ., ANALISE N.M. TILTON, ESQ., and KYLE J. HOYT, ESQ., of the law firm
 22 WOOD, SMITH, HENNING & BERMAN LLP (collectively the "Parties"), hereby respectfully
 23 request and stipulate to a 60-day extension of all remaining deadlines pursuant to FRCP 26 as
 24 follows:
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2 **I. CURRENT DEADLINES:**

3 The current deadlines under the Stipulated Discovery Plan and Scheduling Order dated July 6,
4 2020 are as follows:

- 5 • All parties shall complete discovery on or before **December 30, 2020;**
- 6 • All parties shall file motions to amend pleading or add parties on or before **August 31, 2020;**
- 7 • All parties shall make initial expert disclosures pursuant to FRCP 16.1(a)(2) on or before
8 **August 31, 2020;**
- 9 • All parties shall make rebuttal expert disclosures pursuant to FRCP 16.1(a)(2) on or before
10 **September 30, 2020;**
- 11 • All parties shall file dispositive motions no later than **January 29, 2021.**

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

14 To date, the Parties have engaged in the following discovery:

- 15 • Plaintiffs made their initial disclosures on, about December 3, 2019; her first supplemental
16 disclosures, or about March 9, 2020; her second supplemental disclosures on April 8, 2020;
17 her third supplemental disclosures on April 17, 2020; her fourth supplemental disclosures on
18 May 28, 2020; and her fifth supplemental disclosures on October 2, 2020.
- 19 • Defendants made their initial disclosures on or about November 27, 2019; its first
20 supplemental disclosures on April 24, 2020; its second supplemental disclosures on May 4,
21 2020; its third supplemental disclosures on May 11, 2020; its fourth supplemental disclosures
22 on May 13, 2020; its fifth supplemental disclosures on May 20, 2020; its sixth supplemental
23 disclosures on Jun 10, 2020; its seventh supplemental disclosures on July 16, 2020; its eighth
24 supplemental disclosures on July 27, 2020; and its ninth supplemental disclosures on
25 September 1, 2020.
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- 1 • Defendant propounded interrogatories, requests for admission and requests for production of
- 2 documents to Plaintiff on January 31, 2020.
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- 4 • Plaintiff provided written responses to Defendant’s interrogatories, requests for admission and
- 5 requests for production of documents on March 9, 2020.
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- 7 • Plaintiff and Defendant stipulated to Plaintiff undergoing a Rule 35 examination, which was
- 8 set for March 18, 2020 but was vacated due to the ongoing COVID-19 pandemic.
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- 10 • Defendant provided written responses to Plaintiff’s interrogatories, requests for admission and
- 11 requests for production of documents on May 28, 2020.
- 12
- 13 • Depositions of Michaela Lee and Dennis Lee were conducted on September 15, 2020.

STATEMENT OF DISCOVERY THAT REMAINS TO BE COMPLETED:

14 Discovery was proceeding in the normal course. The Parties had stipulated to a Rule 35
15 examination of Plaintiff and were intending to move forward with party depositions, expert
16 disclosures, and expert and/or treating physician depositions. Notably, the parties sought its first
17 extension in light of the ongoing COVID-19 pandemic and the prohibition of any unessential in-person
18 matters with the expectation that in-person matters would likely resume in June of 2020. The parties
19 had set multiple depositions for early June of 2020.

21 The parties have continued to experience significant difficulty in coordinating depositions in
22 light of the ongoing pandemic. Plaintiff and her husband’s depositions were recently conducted, and
23 Defendant has coordinated its FRCP 30(b)(6) designee(s)’ deposition to be taken on November 10,
24 2020. Further, the parties have agreed to participate in a private mediation. Thus, the parties seek a
25 brief continuance of discovery to complete the depositions and participate in private mediation before
26 determining if any expert depositions need to be conducted.

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2 **III. REASONS WHY DISCOVERY WAS NOT COMPLETED:**

3 As discussed above, the parties did not expect the pandemic to continue to the extent that it
4 has. The parties had depositions tentatively set for early June 2020 in order to comply with pending
5 expert disclosures and to finish all needed discovery. Unfortunately, the pandemic has continued to
6 cause significant delays and difficulties with conducting discovery.

7 Notably, Defendant has encountered significant difficulties in coordinating witness
8 depositions, especially its FRCP 30(b)(6) designee(s) in light of the ongoing pandemic and
9 Defendant's current operating structure as a result. Defendant resolved this matter and its FRCP
10 30(b)(6) designee is being deposed on November 10, 2020.

11 Additionally, the parties have agreed to participate in a private mediation in order to try and
12 resolve this matter. Thus, the parties seek this continuance to complete that mediation and avoid
13 potential expert depositions and costs.

14 The parties and their counsel have been very cooperative during discovery and agree that
15 neither party will be prejudiced by the proposed extension. The parties submit that the delay is
16 reasonable in the circumstances due to the ongoing difficulties during the pandemic. Finally, the
17 parties agree the extension is sought in good faith.

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20 **IV. PROPOSED SCHEDULE:**

21 Accordingly, the Parties agree to extend the discovery deadlines as follows:

- 22 • All parties shall complete discovery on or before **March 1, 2021;**
- 23 • All parties shall file motions to amend pleading or add parties on or before **August 31, 2020**
24 **(unchanged);**
- 25 • All parties shall make initial expert disclosures pursuant to FRCP 16.1(a)(2) on or before
26 **August 31, 2020 (unchanged);**
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- All parties shall make rebuttal expert disclosures pursuant to FRCP 16.1(a)(2) on or before **September 30, 2020 (unchanged)**;
- All parties shall file dispositive motions no later than **April 1, 2021**.

Based upon the foregoing, it is hereby stipulated that the Court vacate the current deadlines as stated in the Stipulated Discovery Plan and Scheduling Order, and that the Court issue a new order setting the deadlines as set forth in this Stipulation and Order.

Respectfully submitted this 9th day of November, 2020.

DATED this 9th day of November, 2020.

DATED this 9th day of November, 2020.

/s/ Benjamin J. Miller
Daniel S. Simon, Esq.
Nevada Bar No. 4750
Benjamin J. Miller, Esq.
Nevada Bar No. 10406
SIMON LAW
810 S. Casino Center Blvd.
Las Vegas, Nevada 89101
Attorneys for Plaintiff

/s/ Analise N.M. Tilton
Analise N.M. Tilton, Esq.
Nevada Bar No. 13185
Kyle J. Hoyt, Esq.
Nevada Bar No. 14886
WOOD, SMITH, HENNING &
BERMAN LLP
2881 Business Park Ct., Suite 200
Las Vegas, Nevada 89128
Attorneys for Defendant

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ORDER

IT IS HEREBY ORDERED that the Discovery Plan and Scheduling Order is third amended as follows:

- a. All parties shall complete discovery on or before **March 1, 2021**.
- b. All parties shall file initial expert disclosures on or before **August 31, 2020**
(unchanged).
- c. All parties shall file rebuttal expert disclosure on or before **September 30, 2020**
(unchanged).
- d. All parties shall file dispositive motions on or before **April 1, 2021**.

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

Dated: November 12, 2020