

THE LAW OFFICES OF MARY F. CHAPMAN, LTD
8440 W. Lake Mead Blvd.
Suite 203
Las Vegas, Nevada 89128
Ph. (702) 202-4223
Fax (702) 202-2003

1 Law Office of Mary F. Chapman, Ltd.
Mary F. Chapman, Esq.
2 Nevada Bar No. 6591
8440 W. Lake Mead Blvd.
3 Suite 203
Las Vegas, Nevada 89128
4 (702)202-4223
(702)202-2003
5 maryf.chapman@juno.com
Attorney for Plaintiff

6
7 Dustin Clark, Esq. (#10548)
Holly, Driggs, Walch, Fine, Puzey, Stein & Thompson
400 S. 4th Street, Suite 300
8 Las Vegas, Nevada 89101
Tel: (702) 791-0308
9 Email: dclark@nevadafirm.com

10 Stacey A. Campbell, (Colorado Bar #38378)
(Admitted Pro Hac Vice)
11 Stacey@Campbell-Litigation.com
Alison Lungstrum Macneill, (Colorado Bar #51689)
12 (Admitted Pro Hac Vice)
Alison@Campbell-Litigation.com
13 Campbell Litigation, P.C.
1571 Race Street
14 Denver, Colorado 80206
Tel: (303) 536-1833
15 Attorneys for Defendant

16 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

17 DONNA BROWER)
18) Case No. 2:19-cv-2099-GMN-BNW
Plaintiff,)
19) SECOND REQUEST TO EXTEND
vs.) DISCOVERY
20)
MCDONALD'S CORPORATION, a)
21 Foreign Corporation licensed)
to do business in Nevada,)
22)
23 Defendant.)
24)

25 Pursuant to Federal Rules of Civil Procedure 6 and 16(b)(4) as
26 well as LR IA 6-1, LR IA 6-2, LR 7-1, and LR 26-4, Plaintiff
27 Donna Brower ("Plaintiff" or "Brower") and Defendant McDonald's
28 Corporation ("Defendant" or "McDonald") by and through their
respective attorneys, hereby stipulate and agree to extend the

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1 discovery cutoff and other pretrial deadlines by one hundred
2 eighty (180) days due to a medical emergency involving
3 Plaintiff's minor daughter. Previously the parties extended
4 discovery for ninety (90) days due to various Stay At Home and/or
5 Shelter In Place Orders issued in response to the coronavirus
6 disease 2019 ("COVID-19") pandemic.

7 The Parties have engaged in extensive written discovery,
8 agreed upon a protective order which was issued by the Court and
9 had scheduled and were preparing to start deposition. However, a
10 medical emergency has arisen causing Plaintiff to be unavailable.
11 Specifically, two days before Plaintiff was to have been deposed,
12 Plaintiff was informed her minor child who has been battling
13 cancer for the past two years has a terminal diagnosis.
14 Plaintiff's child is in treatment in California and Plaintiff can
15 not travel for the remainder of her time. As expected, Plaintiff
16 will remain at her child's side and will not be available for
17 deposition.

18 This is the Parties' second stipulation to extend discovery
19 and other pretrial deadlines and is filed not later than
20 twenty-one days before the discovery cutoff.

21 The Parties are exchanging written discovery, and are
22 discussing what depositions could go forward while Plaintiff is
23 not available. However, to ensure the parties have sufficient
24 time to complete discovery, permit sufficient time for the
25 preparation and filing of dispositive motions, and allow the
26 Court sufficient time to review and rule on any dispositive
27 motion submitted before trial—and for good cause shown—the
28

1 parties hereby stipulate and respectfully request the Court to
2 extend the remaining discovery and pretrial deadlines as detailed
3 below.

4 In accordance with LR 26-4(a)-(d), the parties provide the
5 following information in support of this stipulation to extend
6 discovery and other pretrial deadlines:

7 **(a) Discovery Completed**

8 The Parties have served their initial disclosures. Defendant
9 previously served its first set of written discovery to which
10 Plaintiff has responded and provided additional supplemental
11 information thereto. Plaintiff served her first and second set of
12 written discovery requests. Defendant has responded to
13 Plaintiff's discovery and also provided supplemental information.

14 **(b) Discovery That Remains To Be Completed**

15 In addition to the prospect of additional written discovery,
16 the Parties have identified individuals whom they plan to depose,
17 and the Parties are working together to determine available
18 deposition dates. It is premature at this stage of the
19 litigation for the Parties to determine the necessity of any
20 expert witnesses.

21 **(c) Reasons Why The Deadline Was Not Satisfied Or The Remaining**
22 **Discovery Was Not Completed Within The Time Limits Set By The**
23 **Discovery Plan**

24 The terminal diagnosis of Plaintiff's minor child has interrupted
25 the Parties ability to conduct depositions of the Plaintiff and
26 key witnesses for whom Plaintiff's input is needed. The Parties
27 agree that Plaintiff's mental state is impacted and prevents her
28

1 current involvement in these proceedings.
2 Additionally, on March 16, 2020, Chief Judge Miranda M. Du
3 entered Temporary General Order 2020-03, which recognized the
4 recent outbreak of the coronavirus disease 2019 ("COVID-19") in
5 the District of Nevada, and ordered that "[a]ll civil and
6 criminal trials, including any associated deadlines, are
7 continued until April 10, 2020 pending further order of the
8 Court." (See Temporary General Order 2020-03). Subsequently, the
9 additional Temporary General Orders 2020-04 to 2020-08 have been
10 issued as the COVID-19 pandemic continues. Similarly, governments
11 in Illinois and Colorado where McDonald's and its undersigned
12 counsel are located, respectively, issued so-called "Stay-At-Home
13 Orders," impacting the ability to conduct business as usual.
14 While states are beginning to "open up" the lasting effects will
15 continue as social distancing will remain in place for an unknown
16 time period. Obtaining information from the Parties' records has
17 been hampered by the reduced work force and stay at home orders.
18 Moreover, travel for depositions has been impacted.

19 Federal Rule of Civil Procedure 6(b)(1) governs extension of
20 time and provides that "the court may, for good cause, extend the
21 time. If a request is made, before the original time or its
22 extension expires." The parties hereby stipulate and agree to
23 continue or extend the discovery and pretrial deadlines for one
24 hundred eighty (180) days in light of the terminal diagnosis of
25 Plaintiff's minor child and COVID-19, the District of Nevada's
26 Temporary General Order 2020-03 through 2020-08, and the
27 respective Stay-At-Home Orders, travel restrictions and social
28

1 distancing orders affecting the parties and their undersigned
2 counsel.

3 **(d) Proposed Schedule For Completing All Remaining Discovery**

4 In accordance with LR 26-4(d), the parties propose the
5 following schedule for completing all remaining discovery:

6 1. Discovery Cut-Off Date: Monday, **March 1, 2021.**

7 2. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts): In
8 accordance with Federal Rule of Civil Procedure 26(a)(2), initial
9 disclosures identifying experts shall be made sixty (60) days
10 prior to the discovery cut-off date, and therefore, not later
11 than Thursday, **December 31, 2020**, and disclosures identifying
12 rebuttal experts shall be made thirty (30) days after the initial
13 disclosure of experts and, therefore, not later than Monday,
14 **February 1, 2019**, since the thirtieth day falls on a Saturday.

15 3. Interim Status Report: In accordance with LR 26-3, an
16 Interim Status Report will be filed by the parties with the Court
17 sixty (60) days prior to the discovery cut-off date, and
18 therefore, not later than, Thursday, **December 31, 2020.**

19 4. Dispositive Motion deadline: The parties shall file
20 dispositive motions not more than thirty days after the discovery
21 cutoff date and, therefore, not later than Wednesday, **March 31,**
22 **2021.**

23 5. Joint Pretrial Order: If no dispositive motions are
24 filed, and unless otherwise ordered by this Court, the joint
25 pretrial order shall be filed not more than thirty days after the
26 date set for filing dispositive motions and, therefore, not later
27 than Friday, **April 30, 2021.** If a dispositive motion is filed,
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1 the date for filing the joint pretrial order shall be suspended
2 until thirty days after an order on the dispositive motions or
3 until further order of the Court.

4 6. Subsequent Requests to Extend the Discovery Cut-Off
5 Date: In accordance with LR 26-4, a stipulation or motion for
6 modification or extension of a discovery plan and scheduling
7 order "must be received by the court no later than 21 days before
8 the expiration of the subject deadline." *Id.* Therefore, any
9 subsequent request to extend the discovery cut-off date must be
10 filed not later than Monday, **February 8, 2021**, which is
11 twenty-one days prior to the March 1, 2021 discovery cut-off date
12 requested herein.

13 7. Any deadline not extended pursuant to this Stipulation
14 and Order shall remain controlled by the Joint Discovery Plan and
15 Scheduling Order, ECF No. 16.

16 For the reasons set forth above, the parties stipulate and
17 agree to extend the discovery cutoff and the other pretrial
18 deadlines as detailed herein for one hundred eighty (180) days,
19 and neither Party will be prejudiced by the extension of the
20 deadlines above.

21 Dated: June 25, 2020

22 Respectfully submitted,

23 Law Office of Mary F. Chapman, Ltd.


24 /S/ Mary F. Chapman, Esq. #6591

25 Mary F. Chapman, Esq.
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 10 Email: dclark@nevadafirm.com
 Attorneys for Defendant

11
 12 **IT IS SO ORDERED**
 13 this 26th day of June, 2020.

14
 15 
 16 United States Magistrate Judge

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