

1 Peter Goldstein [SBN 6992]
 2 PETER GOLDSTEIN LAW CORP
 3 peter@petergoldsteinlaw.com
 4 10161 Park Run Drive, Suite 150
 5 Las Vegas, Nevada 89145
 6 Telephone: (702) 474-6400
 7 Facsimile: (888) 400-8799

8 Malcolm P. LaVergne [SBN 10121]
 9 mlavergne@lavergnelaw.com
 10 400 South 4th Street, Suite 500
 11 Las Vegas, Nevada 89101
 12 Telephone: (702)448-7981
 13 Facsimile: (702)966-3117

14 *Attorney for Plaintiff*
 15 **KEYHERRA GREEN**

16 **UNITED STATES DISTRICT COURT**
 17 **DISTRICT OF NEVADA**

18 KEYHERRA GREEN,
 19
 20 Plaintiff,
 21
 22 vs.
 23 LAS VEGAS METROPOLITAN POLICE
 24 DEPARTMENT, a political subdivision of the State
 25 of Nevada and the County of Clark and operating
 26 CLARK COUNTY DETENTION CENTER
 27 (CCDC); NAPHCARE, INC., as foreign
 28 corporation, doing business in the State of Nevada
 and is the Medical Care Provider for the CCDC;
 FRED MERRICK; LORA CODY; and DOES 1-10,
 inclusive,
 Defendants.

Case No. 2:20-cv-00769-KJD-DJA
**AMENDED DISCOVERY PLAN AND
 SCHEDULING ORDER**

AMENDED DISCOVERY PLAN AND SCHEDULING ORDER

1. **Meeting:** Pursuant to FRCP 26(f) and LR 26-1(a), a telephonic meeting was held on August 13, 2020 and was attended by: Peter Goldstein, Esq. for Plaintiff; Katherine Gordon, Esq., Attorney for Defendant Naphcare, Inc. Previously, Plaintiff’s counsel,

1 Peter Goldstein, Esq. and Lyssa S. Anderson, Esq. for Defendants Las Vegas
2 Metropolitan Police Department, Fred Merrick, Lora Cody, met and conferred on July
3 28, 2020. The Court entered a Discovery Plan and Scheduling Order pursuant thereto
4 on August 7, 2020, a true and correct copy of which is attached hereto (Doc. 24).

5 The parties will exchange the initial disclosures within 14 days of the Rule 26-1
6 Conference in accordance with Rule 26(a)(C).

7 2. **Discovery Plan:** The parties jointly propose the following discovery plan:

8 (a) **Subject of Discovery:** Discovery will be needed in the following subject: All
9 claims set forth in the Amended Complaint, as well as the defenses relevant to
10 the action.

11 (b) **Discovery Cut-off Dates:** The parties believe it is too early in the case to have
12 a meaningful settlement discussion. Due to logistical and procedural issues
13 with COVID-19 pandemic, the parties request 180 days from the date of
14 Defendants' Answer to the Amended Complaint (Filed on July 22, 2020)
15 which is due on **August 11, 2020** (or 20 days from date of filing Amended
16 Complaint), rather than the date the first defendant appeared, which was June
17 2, 2020. Therefore, the discovery cut-off date will be **February 8, 2021**.

18 (c) **Disclosure of Experts:** Disclosure of experts shall proceed according to FRCP
19 26(a)(2), except that:

20 (1) the disclosure of experts and expert reports shall occur on **December**
21 **9, 2020**, which is sixty (60) days before the discovery cut-off date; and

22 (2) the disclosure of rebuttal experts and their reports shall occur on
23 **January 8, 2021**, which is thirty (30) days before the discovery cut-off
24 date.

25 (d) **Alternative Dispute Resolution and Case Disposition:** Pursuant to LR 26-
26 1(b)(8) and FRCP 73, the parties discussed trial by a magistrate judge and the
27 possibility of alternative dispute resolutions and the Short Trial Program; the
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiff and the Defendants do not agree that any of the foregoing are appropriate for this case.

(e) FRCP 26-1(b)(9) – Electronic Evidence: The parties certify that they have discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberation. Although not known at this time which exhibits will be electronically presented, the parties stipulate that they will provide discovery in an electronic format compatible with the Court’s electronic jury evidence display system. The parties stipulate that they will contact the courtroom administrator for instructions about how to prepare evidence in an electronic format and other requirements for the Court’s electronic jury evidence system.

3. **Other Items**

(a) Amending the Pleadings and Adding Parties. The parties have until **November 9, 2020** to file a motion to amend the pleadings or to add parties. This is ninety (90) days before the discovery cut-off date and does not extend the outside limit LR 26-1(e)(2) presumptively sets for ninety (90) days before the discovery cut-off date of filing such motions.

(b) Interrogatories and Depositions: The parties agree to the customary total number of interrogatories of 25 per party; the parties may agree to more interrogatories by mutual agreement or application to the Court. The parties also agree to no more than ten (10) depositions by Plaintiff and no more than ten (10) depositions by Defendants as provided in Rule 30(a)(2)(A)(i). However, the parties may agree to more depositions by mutual agreement or application to Court.

(c) Dispositive Motions: The parties shall have until **March 9, 2021** to file dispositive motions. This is thirty (30) days after the discovery cut-off date and does not exceed the outside limit of thirty (30) days following the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

discovery cut-off date that LR 26-1(e)(4) presumptively sets for filing dispositive motions.

(d) Settlement: The parties have initially addressed the issue of settlement and agree to continue to enter into meaningful negotiations prior to and during the discovery phase of this litigation but both sides require exchange of initial disclosures to properly assess their respective cases and defenses.

(e) The Pretrial Order: The pretrial order shall be filed by **April 8, 2021** which is not more than thirty (30) days after the date set for filing dispositive motions in this case. This deadline is suspended if the dispositive motion is timely filed. The disclosures required by FRCP 26(a)(3) shall be made in the joint pretrial order.

(f) Court Conference: The parties do not request a conference with the court before the entry of the scheduling order.

(g) Later Appearing Parties: A copy of the discovery plan and scheduling order shall be served on any person served after it is entered, or, if an additional defendant should appear within five days of their first appearance. This discovery plan scheduling order shall apply to such later appearing parties, unless the Court on motion for good cause shown, orders otherwise.

(h) Extension or Modification of the Discovery Plan and Scheduling Order: LR 26-3 governs modifications or extensions of this discovery plan scheduling order. Any stipulation or motion must be made not later than twenty-one (21) days before the subject deadline date and comply fully with LR 26-3.

///
///
///
///
///
///
///

Activity	Date
Amend Pleadings	November 9, 2020
Expert Disclosures	December 9, 2020
Rebuttal Expert Disclosures	January 8, 2021
Discovery Cut-Off Date	February 8, 2021
Dispositive Motions	March 9, 2021
Pretrial Order	April 8, 2021

DATED: August 24, 2020

LEWIS BRISBOIS

PETER GOLDSTEIN LAW CORP

By: /s/ Katherine Gordon
 Katherine Gordon, Esq.
 LEWIS BRISBOIS BISGAARD & SMITH LLP
 6385 South Rainbow Boulevard, Suite 600
 Las Vegas, Nevada 89118
Attorneys for Defendant
Naphcare, Inc.

By: /s/ Peter Goldstein
 Peter Goldstein (SBN 6992)
 10161 Park Run Drive, Suite 150
 Las Vegas, Nevada 89145
Attorneys for Plaintiff
 Keyherra Green

KAEMPFER CROWELL

By: /s/ Lyssa S. Anderson
 Lyssa S. Anderson, Esq.
 1980 Festival Plaza Drive, Suite 650
 Las Vegas, Nevada 89135
Attorneys for Defendants
Las Vegas Metropolitan Police Department,
Fred Merrick and Lora Cody

ORDER

IT IS SO ORDERED

DATED this 25th day of August, 2020.



UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I am employed in the County of Clark, State of Nevada. I am over the age of eighteen years and not a party to the within action; my business address is 10161 Park Run Drive, Suite 150, Las Vegas, Nevada 89145.

I hereby certify that on this 24th day of August, 2020, a true and correct copy of the following document **AMENDED DISCOVERY PLAN AND SCHEDULING ORDER [SPECIAL SCHEDULING REVIEW REQUESTED]** was served by electronically filing with the Court’s CM/ECF electronic filing system to the following parties:

Lyssa S. Anderson, Esq.
Ryan W. Daniels, Esq.
KAEMPFER CROWELL
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
Telephone: (702) 792-7000
Facsimile: (702) 796-7181
Email: landerson@kcnvlaw.com
rdaniels@kcnvlaw.com
*Attorneys for Defendants
Las Vegas Metropolitan Police Department,
Fred Merrick and Lora Cody*

S. Brent Vogel, Esq.
Katherine J. Gordon, Esq.
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 South Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Telephone: (702) 893-3383
Facsimile: (702) 893-3789
Email: brent.vogel@lewisbrisbois.com
Katherine.gordon@lewisbrisbois.com
*Attorneys for Defendant
Naphcare, Inc.*

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

By: 
An Employee of Peter Goldstein Law Corp