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1 **Marquis Aurbach** Craig R. Anderson, Esq.

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Officer,

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Attorneys for Defendants Las Vegas Metropolitan Police Department, Andrew Bauman, Matthew Kravetz, Supreet Kaur, David Jeong, and Theron Young

> UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

CONNIE SEMPER¹, an individual; ASHLEY MEDLOCK, an individual; LONICIA BOWIE, an individual; MICHAEL GREEN, an individual; CLINTON REECE, an individual; COREY JOHNSON, an individual; DEMARLO RILEY, an individual; CORY BASS, an individual; CARLOS BASS, an individual; BREANNA NELLUMS, an individual; and ANTONIO WILLIAMS, an individual,

Plaintiffs,

VS.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT, in its official capacity; ANDREW BAUMAN, individually and in his capacity as a Las Vegas Metropolitan Police Department Officer; DAVID JEONG, individually and in his capacity as a Las 20 | Vegas Metropolitan Police Department Officer; SUPREET KAUR, individually and in his capacity as a Las Vegas Metropolitan Police Department Officer; MATTHEW KRAVETZ, individually and in his capacity as a Las Vegas Metropolitan Police Department Officer; and THERON YOUNG, individually and in his capacity as a Las

Vegas Metropolitan Police Department

Defendants.

Case Number: 2:20-cv-01875-JCM-EJY

STIPULATION AND ORDER TO EXTEND DISCOVERY PLAN AND <u>SCHEDULING ORDER DEADLINES</u>

(FIFTH REQUEST)

Page 1 of 15

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¹ Pursuant to FRCP 25, Ms. Semper has been substituted for Phillip Semper pursuant to this court's order date January 13, 2022, as she is the executrix of his estate.

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STIPULATION AND ORDER TO EXTEND DISCOVERY PLAN AND SCHEDULING ORDER DEADLINES

(FIFTH REQUEST)

The Represented Plaintiffs, Connie Denise Semper, as Special Administrator for the Estate of Phillip Semper, Corey Johnson, Ashley Medlock, Michael Green, Demarlo Riley, Clinton Reece, and Lonicia Bowie ("Plaintiffs") and Defendants, the Las Vegas Metropolitan Police Department (the "Department" or "LVMPD"), Sheriff Joseph Lombardo ("Lombardo"), Andrew Bauman ("Bauman"), Matthew Kravetz ("Kravetz"), Supreet Kaur ("Kaur"), David Jeong ("Jeong"), and Theron Young ("Young"), collectively ("LVMPD Defendants"), by their respective counsel, hereby stipulate and agree to extend the Discovery Plan and Scheduling Order deadlines an additional twenty-one (21) days. This Stipulation is being entered in good faith and not for purposes of delay (supplemented information noted in **bold-face** type).

STATUS OF DISCOVERY.

PLAINTIFFS' DISCOVERY. Α.

- 1. Plaintiffs' Initial Disclosure of Witnesses and Documents Pursuant to FRCP 26.1(a)(1) dated July 6, 2021;
- 2. Plaintiffs' First Set of Interrogatories to Defendant Andrew Bauman dated July 22, 2021;
- 3. Plaintiffs' First Set of Requests for Production to Defendant Andrew Bauman dated July 22, 2021;
- 4. Plaintiffs' First Set of Interrogatories to Defendant David Jeong dated July 22, 2021;
- 5. Plaintiffs' First Set of Requests for Production to Defendant David Jeong dated July 22, 2021;
- 6. Plaintiffs' First Set of Interrogatories to Defendant Supreet Kaur dated July 22, 2021;

1	7.	Plaintiffs' First Set of Requests for Production to Defendant Supreet Kaur
2	dated July 22,	2021;
3	8.	Plaintiffs' First Set of Interrogatories to Defendant Matthew Kravetz dated July
4	22, 2021;	
5	9.	Plaintiffs' First Set of Requests for Production to Defendant Matthew Kravetz
6	dated July 22,	2021;
7	10.	Plaintiffs' First Set of Interrogatories to Defendant LVMPD dated July 22,
8	2021;	
9	11.	Plaintiffs' First Set of Requests for Production to Defendant LVMPD dated
10	July 22, 2021	;
11	12.	Plaintiffs' First Set of Interrogatories to Defendant Theron Young dated July
12	22, 2021;	
13	13.	Plaintiffs' First Set of Requests for Production to Defendant Theron Young
14	dated July 22,	2021;
15	14.	Plaintiffs' First Supplemental Disclosure of Witnesses and Documents
16	Pursuant to F	RCP 26.1(a)(1) dated July 30, 2021;
17	15.	Plaintiffs' Second Set of Interrogatories to LVMPD dated July 30, 2021;
18	16.	Plaintiffs' Second Set of Requests for Production of Documents to LVMPD
19	dated July 30,	2021;
20	17.	Plaintiffs' Third Set of Requests for Production to LVMPD dated October 22,
21	2021;	
22	18.	Plaintiffs' Fourth Set of Requests for Production of Documents to LVMPD
23	dated March 3	31, 2022;
24	19.	Plaintiffs' Second Supplemental FRCP 26.1 Disclosures dated March 31, 2022;
25	20.	Plaintiff Corey Johnson's Answers to Defendants' First Set of Requests for
26	Admissions d	ated April 15, 2022;
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	1	21.	Plaintiff Corey Johnson's Answers to Defendants' First Set of Interrogatories			
	2	dated April 15, 2022;				
	3	22.	Plaintiff Connie Semper's Answers to Defendants' First Set of Requests for			
	4	Admissions d	ated April 15, 2022;			
	5	23.	Plaintiff Connie Semper's Answers to Defendants' First Set of Interrogatories			
	6	dated April 1:	5, 2022;			
	7	24.	Plaintiff Michael Green's Answers to Defendants' First Set of Requests for			
	8	Admissions dated April 15, 2022;				
	9	25.	Plaintiff Michael Green's Answers to Defendants' First Set of Interrogatories			
	10	dated April 1:	5, 2022;			
	11	26.	Plaintiff Ashley Medlock's Answers to Defendants' First Set of Requests for			
316	12	Admissions dated April 15, 2022;				
) 145) 382-58	13	27.	Plaintiff Ashley Medlock's Answers to Defendants' First Set of Interrogatories			
vada 89 :: (702)	14	dated April 15, 2022;				
Las Vegas, Nevada 89145 702) 382-0711 FAX: (702) 382-5816	15	28.	Plaintiff Lonicia Bowie's Answers to Defendants' First Set of Requests for			
Las Ve. 382-071	16	Admissions d	ated April 15, 2022;			
(702)	17	29.	Plaintiff Lonicia Bowie's Answers to Defendants' First Set of Interrogatories			
	18	dated April 1:	5, 2022;			
	19	30.	Plaintiff Clinton Reece's Answers to Defendants' First Set of Requests for			
	20	Admissions d	ated April 15, 2022;			
	21	31.	Plaintiff Clinton Reece's Answers to Defendants' First Set of Interrogatories			
	22	dated April 1:	5, 2022;			
	23	32.	Plaintiff Demarlo Riley's Answers to Defendants' First Set of Requests for			
	24	Admissions d	ated April 15, 2022;			
	25	33.	Plaintiff Demarlo Riley's Answers to Defendants' First Set of Interrogatories			
	26	dated April 1:	5, 2022:			

1	35.	Plaintiffs' Second Set of Interrogatories to Defendant Andrew Bauman dated
2	February 16,	2023;
3	36.	Plaintiffs' First Set of Requests for Admissions to Defendant Andrew Bauman
4	dated Februa	ary 16, 2023;
5	37.	Plaintiffs' Fifth Set of Requests for Production to LVMPD dated February 27,
6	2023;	
7	38.	Michael Green's First Amended Answers to LVMPD's First Set of
8	Interrogatori	es dated March 23, 2023;
9	39.	Plaintiffs' Third Supplemental FRCP 26.1 Disclosures dated February 27,
10	2023;	
11	40.	Plaintiffs' Expert Witness 26.1 FRCP Disclosures dated July 17, 2023;
12	41.	Plaintiffs' Fourth Supplemental FRCP 26.1 Disclosures dated July 31,
13	2023;	
14	42.	Plaintiffs' Fourth Set of Interrogatories to LVMPD dated August 9, 2023;
15	43.	Plaintiffs' Sixth Set of Requests for Production to LVMPD dated August
16	9, 2023;	
17	44.	Plaintiffs' First Set of Requests for Admissions to LVMPD dated August
18	9, 2023;	
19	45.	Plaintiffs' Fifth Supplemental FRCP 26.1 Disclosures dated August 24,
20	2023;	
21	46.	Corey Johnson's Amended Answers to LVMPD's First Set of Requests for
22	Admissions	dated August 28, 2023;
23	47.	Connie Semper's Amended Answers to LVMPD's First Set for Requests
24	for Admissi	ons dated August 29, 2023;
25	48.	Demarlo Riley's Amended Answers to LVMPD's First Set for Requests
26	for Admissi	ons dated August 29, 2023;
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Clinton Reece's Amended Answers to LVMPD's First Set for Requests for

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2	Admissions of	lated August 29, 2023;	
3	50.	Ashley Medlock's Amended Answers to LVMPD's First Set for Requests	
4	for Admissions dated August 29, 2023;		
5	51.	Michael Green's Amended Answers to LVMPD's First Set for Requests	
6	for Admissio	ns dated August 29, 2023; and	
7	52.	Lonicia Bowie's Amended Answers to LVMPD's First Set for Requests for	
8	Admissions of	lated August 29, 2023.	
9	В.	DEFENDANTS' DISCOVERY.	
10	53.	LVMPD Defendants' Initial Disclosure of Witnesses and Documents Pursuant	
11	to FRCP 26.1	(a)(1) dated July 6, 2021;	
12	54.	Defendant's Answers to Plaintiffs' First Set of Interrogatories to Defendant	
13	Andrew Baur	nan dated August 31, 2021;	
14	55.	Defendant's Responses to Plaintiffs' First Set of Requests for Production to	
15	Defendant Ar	ndrew Bauman dated August 31, 2021;	
16	56.	Defendant's Answers to Plaintiffs' First Set of Interrogatories to Defendant	
17	David Jeong	dated August 31, 2021;	
18	57.	Defendant's Responses to Plaintiffs' First Set of Requests for Production to	
19	Defendant Da	avid Jeong dated August 31, 2021;	
20	58.	Defendant's Answers to Plaintiffs' First Set of Interrogatories to Defendant	
21	Supreet Kaur	dated August 31, 2021;	
22	59.	Defendant's Responses to Plaintiffs' First Set of Requests for Production to	
23	Defendant Su	preet Kaur dated August 31, 2021;	
24	60.	Defendant's Answers to Plaintiffs' First Set of Interrogatories to Defendant	
25	Matthew Kra	vetz dated August 31, 2021;	
26	61.	Defendant's Responses to Plaintiffs' First Set of Requests for Production to	
27	Defendant Ma	atthew Kravetz dated August 31, 2021;	

1	62.	Defendant's Answers to Plaintiffs' First Set of Interrogatories to Defendant	
2	LVMPD dated August 31, 2021;		
3	63.	Defendant's Responses to Plaintiffs' First Set of Requests for Production to	
4	Defendant LV	MPD dated August 31, 2021;	
5	64.	Defendant's Answers to Plaintiffs' First Set of Interrogatories to Defendant	
6	Theron Young	g dated August 31, 2021;	
7	65.	Defendant's Responses to Plaintiffs' First Set of Requests for Production to	
8	Defendant Th	eron Young dated August 31, 2021;	
9	66.	Defendants' First Supplemental Disclosure of Witnesses and Documents	
10	Pursuant to Fl	RCP 26.1(a)(1) dated August 31, 2021;	
11	67.	Defendant's Answers to Plaintiffs' Second Set of Interrogatories to LVMPD	
12	dated Septem	ber 1, 2021;	
13	68.	Defendant's Responses to Plaintiffs' Second Set of Requests for Production of	
14	Records to LV	MPD dated September 1, 2021;	
15	69.	Theron Young's Amended Answers to Plaintiffs' First Set of Interrogatories	
16	dated Septem	ber 8, 2021;	
17	70.	LVMPD's Amended Answers to Plaintiffs' First Set of Interrogatories dated	
18	September 16	, 2021;	
19	71.	LVMPD's Supplemental Responses to Plaintiffs' First Set of Requests for	
20	Production da	ted November 2, 2021;	
21	72.	LVMPD Defendants' Second Supplemental FRCP 26.1 Disclosures dated	
22	November 3,	2021;	
23	73.	LVMPD's Responses to Plaintiffs' Third Set of Requests for Production dated	
24	November 23	, 2021;	
25	74.	LVMPD Defendants' Third Supplemental FRCP 26.1 Disclosures dated	
26	November 23	, 2021;	
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1	/5.	LVMPD Defendants Fourth Supplemental FRCP 26.1 Disclosures dated
2	February 3, 20	023;
3	76.	LVMPD Defendants' Fifth Supplemental FRCP 26.1 Disclosures dated March
4	14, 2022;	
5	77.	LVMPD Defendants' First Set of Interrogatories to Plaintiff Connie Denise
6	Semper, as Sp	pecial Administrator for the Estate of Phillip Semper dated March 16, 2022;
7	78.	LVMPD Defendants' First Set of Interrogatories to Plaintiff Corey Johnson
8	dated March	16, 2022;
9	79.	LVMPD Defendants' First Set of Interrogatories to Plaintiff Ashley Medlock
10	dated March	16, 2022;
11	80.	LVMPD Defendants' First Set of Interrogatories to Plaintiff Michael Green
12	dated March	16, 2022;
13	81.	LVMPD Defendants' First Set of Interrogatories to Plaintiff Demarlo Riley
14	dated March	16, 2022;
15	82.	LVMPD Defendants' First Set of Interrogatories to Plaintiff Clinton Reece
16	dated March	16, 2022;
17	83.	LVMPD Defendants' First Set of Interrogatories to Plaintiff Lonicia Bowie
18	dated March	16, 2022;
19	84.	LVMPD Defendants' First Set of Interrogatories to Plaintiff Cory Bass dated
20	March 16, 202	22;
21	85.	LVMPD Defendants' First Set of Interrogatories to Plaintiff Antonio Williams
22	dated March	16, 2022;
23	86.	LVMPD Defendants' First Set of Interrogatories to Plaintiff Breanna Nellums
24	dated March	16, 2022;
25	87.	LVMPD Defendants' First Set of Interrogatories to Plaintiff Carlos Bass dated
26	March 16, 202	22;
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88.	LVMPD Defendants' First Set of Requests for Admissions to Plaintiff Connie
Denise Semp	er, as Special Administrator for the Estate of Phillip Semper dated March 16,
2022;	
89.	LVMPD Defendants' First Set of Requests for Admissions to Plaintiff Corey
Johnson dated	d March 16, 2022;
90.	LVMPD Defendants' First Set of Requests for Admissions to Plaintiff Ashley
Medlock date	d March 16, 2022;
91.	LVMPD Defendants' First Set of Requests for Admissions to Plaintiff Michael
Green dated M	March 16, 2022;
92.	LVMPD Defendants' First Set of Requests for Admissions to Plaintiff Demarlo
Riley dated M	March 16, 2022;
93.	LVMPD Defendants' First Set of Requests for Admissions to Plaintiff Clinton
Reece dated M	March 16, 2022;
94.	LVMPD Defendants' First Set of Requests for Admissions to Plaintiff Lonicia
Bowie dated l	March 16, 2022;
95.	LVMPD Defendants' First Set of Requests for Admissions to Plaintiff Cory
Bass dated M	arch 16, 2022;
96.	LVMPD Defendants' First Set of Requests for Admissions to Plaintiff Antonio
Williams date	ed March 16, 2022;
97.	LVMPD Defendants' First Set of Requests for Admissions to Plaintiff Breanna
Nellums dated	d March 16, 2022;
98.	LVMPD Defendants' First Set of Requests for Admissions to Plaintiff Carlos
Bass dated M	arch 16, 2022;
99.	LVMPD's Responses to Plaintiffs' Fourth Set of Requests for Production dated
May 10, 2022). ,
100.	LVMPD Defendants' Sixth Supplemental FRCP 26.1 Disclosures dated May
10, 2022;	
	Denise Semp 2022; 89. Johnson dated 90. Medlock date 91. Green dated M 92. Riley dated M 93. Reece dated M 94. Bowie dated M 95. Bass dated M 96. Williams date 97. Nellums dated 98. Bass dated M 99. May 10, 2022 100.

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1	101.	LVMPD's Second Supplemental Responses to Plaintiffs' First Set of Requests	
2	for Production dated August 16, 2022;		
3	102.	LVMPD's First Supplemental Responses to Plaintiffs' Third Set of Requests	
4	for Production	n dated August 16, 2022;	
5	103.	LVMPD Defendants' Seventh Supplemental FRCP 26.1 Disclosures dated	
6	August 16, 20)22;	
7	104.	LVMPD Defendants' Eighth Supplemental FRCP 26.1 Disclosures dated	
8	December 7,	2022;	
9	105.	LVMPD Defendants' Ninth Supplemental FRCP 26.1 Disclosures dated	
10	January 12, 20	023;	
11	106.	LVMPD Defendants' Tenth Supplemental FRCP 26.1 Disclosures dated	
12	February 2, 20	023;	
13	107.	LVMPD's Answers to Plaintiffs' Third Set of Interrogatories dated March 20,	
14	2023;		
15	108.	Andrew Bauman's Answers to Plaintiffs' Second Set of Interrogatories dated	
16	March 21, 202	23;	
17	109.	Andrew Bauman's Answers to Plaintiffs' First Set of Requests for Admissions	
18	dated March 2	21, 2023;	
19	110.	LVMPD's Responses to Plaintiffs' Fifth Set of Requests for Production dated	
20	April 5, 2023	; and	
21	111.	LVMPD Defendants' Eleventh Supplemental FRCP 26.1 Disclosures dated	
22	April 5, 2023		
23	С.	DEPOSITIONS.	
24	1.	Plaintiffs deposed Defendant Officer Andrew Bauman on November 9, 2021.	
25	2.	Plaintiffs deposed Officer Nicholas Brigandi on April 18, 2022.	
26	3.	Plaintiffs deposed Det. Blake Walford on May 11, 2022.	
27	4.	Plaintiffs deposed Defendant Officer Theron Young on May 16, 2022.	

1	5.	Plaintiffs deposed Defendant Officer Supreet Kaur on August 31, 2022.
2	6.	Plaintiffs deposed Defendant Officer Matthew Kravetz on September 6, 2022.
3	7.	Plaintiffs deposed FRCP 30(b)(6) of LVMPD (Landon Reyes) on December
4	13, 2022;	
5	8.	Plaintiffs deposed FRCP 30(b)(6) of LVMPD (Fred Haas) on January 10,
6	2023;	
7	9.	LVMPD Defendants deposed/recorded Non-Appearance of Plaintiff Pro Per
8	Cory Bass on	March 13, 2023;
9	10.	LVMPD Defendants deposed/recorded Non-Appearance of Plaintiff Pro Per
10	Carlos Bass o	on March 13, 2023;
11	11.	LVMPD Defendants deposed/recorded Non-Appearance of Plaintiff Pro Per
12	Breanna Nell	ums on March 15, 2023;
13	12.	LVMPD Defendants deposed/recorded Non-Appearance of Plaintiff Pro Per
14	Antonio Will	iams on March 15, 2023;
15	13.	LVMPD Defendants deposed of Plaintiff Michael Green on March 27, 2023.
16	14.	LVMPD Defendants deposed of Plaintiff Lonicia Bowie on August 21,
17	2023;	
18	15.	LVMPD Defendants deposed of Plaintiff Counnie Walker [Connie
19	Semper] on	August 22, 2023;
20	16.	LVMPD Defendants deposed of Plaintiff Clinton Reece on August 22,
21	2023;	
22	17.	LVMPD Defendants deposed of Plaintiffs' Expert Ana Muñiz, Ph.D. on
23	August 25, 2	023;
24	18.	LVMPD Defendants deposed of Plaintiff Corey Johnson on August 28,
25	2023; and	
26	19.	LVMPD Defendants deposed of Plaintiff Demarlo Riley on September 11,
27	2023.	

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II. **DISCOVERY THAT REMAINS TO BE COMPLETED.**

The Parties are actively conducting discovery. For the reasons explained below, the Parties will need additional time to respond to written discovery and conduct depositions.

III. SPECIFIC DESCRIPTION OF WHY EXTENSION IS NECESSARY.

Pursuant to Local Rule 26-3, the Parties submit that good causes exists for the extension requested. This is the fifth request for an extension of discovery deadlines in this matter. The Parties acknowledge that, pursuant to Local Rule 26-3, a stipulation to extend a deadline set forth in a discovery plan must be submitted to the Court no later than 21 days before the expiration of the subject deadline, and that a request made within 21 days must be supported by a showing of good cause. Any modifications to the scheduling order to deadlines that have since passed may only be approved upon the showing of excusable neglect. See Fed. R. Civ. P. 6(b)(1); LaNier v. United States, Case No. 15cv360-BAS (BLM), 2017 WL 951040, at *4 (S.D. Cal. Mar. 10, 2017) (requiring a showing of good cause and excusable neglect if request for extension is made after deadline passes); Herrera v. Hitman Fight Gear, LLC, No. CV 12-7927 AG (VBKX), 2013 WL 12138586, at *3 (C.D. Cal. Nov. 18, 2013) (same). As the discovery cut off deadline is September 14, 2023, the Parties request for an extension must be supported by good cause.

The Parties have been diligently conducting discovery and continue to conduct discovery. However, due to unforeseen circumstances, the Parties have been unable to complete three depositions that the Parties had scheduled to complete prior to the current discovery cut off.

Parties began Clinton Reece's deposition on August 22, 2023, but counsel for LVMPD had a childcare emergency that arose approximately an hour into the deposition, requiring that Clinton Reece's deposition be terminated prior to the completion of the deposition. The Parties stipulated to continue Clinton Reece's deposition to September 11, 2023, but due to a funeral, Clinton Reece was ultimately unavailable to be deposed on that date. The Parties now need more time to complete his deposition.

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The Parties also had previously scheduled a FRCP 30(b)(6) deposition of a LVMPD designee for September 13, 2023, and Ashley Medlock's deposition for September 14, 2023. Due to an out-of-town family emergency that arose on September 12, 2023, counsel for LVMPD now cannot attend those depositions. Plaintiff's counsel is amendable to rescheduling those depositions but more time will be needed to calendar them.

Finally, due to the emergency, additional time is needed for LVMPD to complete outstanding discovery responses and to allow time for the parties to meet and confer over any outstanding discovery issues.

Except for these unforeseen complications, Parties would have been able to complete discovery as planned as all depositions were scheduled prior to the current cut off. Accordingly, the Parties respectfully submit that good cause exists to extend the discovery deadlines in this matter.

IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING **DEADLINES**

	Current Deadline	Proposed New Deadline
Amend Pleadings and Add Parties	March 18, 2023	Past Due/Unchanged
Initial Expert Disclosures	July 17, 2023	Past Due/Unchanged
Rebuttal Expert Disclosures	August 16, 2023	Past Due/Unchanged
Discovery Cut-Off	September 14, 2023	October 5, 2023
Dispositive Motions	October 13, 2023	November 3, 2023
Pretrial Order	November 13, 2023	December 4, 2023 (If dispositive motions are filed, the deadline for shall be suspended until thirty (30) days after the decision of the dispositive motions or further order of the Court.)

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Е	Based on the foregoing stipulation and	d proposed	deadlines plan,	the Parties	request
that the	Discovery Plan and Scheduling Order	r deadlines	be extended an	additional	twenty-
one (21)	days so that the parties may conduct	depositions	5.		

IT IS SO STIPULATED.

Dated this <u>13th</u> day of September, 2023 Dated this <u>13th</u> day of September, 2023

AMERICAN CIVIL LIBERTIES UNION MARQUIS AURBACH OF NEVADA

By: /s/ Christopher M. Peterson
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Johnson, Ashley Medlock, Michael
Green, Demarlo Riley, Clinton Reece,
and Lonicia Bowie

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Attorneys for Defendants Las Vegas
Metropolitan Police Department,
Sheriff Joseph Lombardo, Andrew
Bauman, Matthew Kravetz, Supreet
Kaur, David Jeong, and Theron Young

ORDER

IT IS SO ORDERED this 13th day of September, 2023.

United States Magistrate Judge