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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ELLEN REEVES, individually,

Plaintiff,

vs.

DISCOVER YOUR MOBILITY, INC., a foreign corporation; DOE EMPLOYEES I-V, individually; DOE MANAGERS I-V, individually; ROE MANUFACTURERS I-X; ROE INSPECTION COMPANIES I-V; ROE DISTRIBUTORS I-X; DOE INDIVIDUALS I-X; and ROE BUSINESS ENTITIES I-X, inclusive,

Defendants.

CASE NO: 2:22-CV-01361-GMN-DJA

**STIPULATION AND ORDER TO
EXTEND DISCOVERY PLAN AND
SCHEDULING ORDER**

(FIRST REQUEST)

Plaintiff ELLEN REEVES and Defendant DISCOVER YOUR MOBILITY, INC., by and through their respective counsel of record, do hereby stipulate to extend the discovery cutoff in the present case for a period of ninety (90) days.

Pursuant to LR IA 6-1, the parties hereby aver that this is the first such discovery extension requested in this matter:

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1 **I. GOOD CAUSE SUPPORTING THE EXTENSION**

2 The parties come to this Court seeking a first extension of the Discovery Plan and
3 Scheduling Order governing this complicated product liability/personal injury case. The parties
4 have diligently moved this case forward, but additional discovery remains to be completed which
5 warrants the requested extension.
6

7 **A. SUMMARY OF EFFORTS THUS FAR**

8 Plaintiff filed her Complaint in the Eighth Judicial District Court on June 17, 2022.
9 Defendant removed this matter to the United States District Court, District of Nevada, on August
10 22, 2022. *See* ECF No. 1. On September 12, 2022, Defendant filed its Statement Regarding
11 Removal. *See* ECF No. 7. Defendant filed its Answer to Plaintiff's Complaint on September 25,
12 2022. *See* ECF No. 13.

13 On August 17, 2022, the Discovery Plan and Scheduling Order was filed. *See* ECF No.
14 15. Plaintiff served her Initial Disclosure of Witness and Production of Documents Pursuant to
15 FRCP 26(a)(1) on October 6, 2022. Defendant served its Initial Disclosure of Witness and
16 Production of Documents Pursuant to FRCP 26(a)(1) on November 4, 2022.

17 Plaintiff then served her First Requests for Production of Documents on December 16,
18 2022. Due to a change in Defendant's counsel from within defense counsel's office, extensions
19 were granted for Defendant's responses to those Requests for Production.

20 On March 8, 2023, Defendant responded to Plaintiff's First Requests for Production. The
21 materials produced raised a tangential, but important issue regarding the scope of Defendant's
22 potential liability coverage. Counsel for both parties have met and conferred regarding the issue
23 and Plaintiff has inquired into the same via additional written discovery.

24 Since then, Plaintiff has sent additional written discovery to which Defendant has
25 produced responses. Further, the parties are planning another meet and confer to fully address
26 all of the outstanding issues and move the case forward meaningfully.
27

1 **B. GOOD CAUSE**

2 This is a complex product liability - personal injury case. Further complicating this case
3 is the lack of information as to the entity who manufactured the subject product and that entity's
4 role in the chain of commerce. Plaintiff's counsel and Defense counsel have been working
5 together to address the issue and potentially identify the manufacturer. Moreover, both sides are
6 cognizant of litigation costs and desire to maintain economic efficiency where possible.
7 Therefore, certain discovery has not yet been completed.
8

9 Plaintiff has inquired about conducting the FRCP 30(b)(6) deposition of Defendant DYM
10 but not yet done so pending the issues addressed here. With the lack of clarity regarding these
11 issues, both parties have tried to be conservative and limit costs. The parties anticipate that the
12 issues can be resolved through cooperation rather than costly back-and-forth discovery. However,
13 both parties wish to preserve their rights to conduct further discovery upon resolution of the
14 issues referenced herein. The parties anticipate those issues will be resolved relatively soon,
15 which will give more clarity on the direction of the case and allow for more meaningful discovery
16 going forward.

17 Additionally, Plaintiff's counsel has a one-to-two-week federal trial starting in the
18 beginning of July. This will hinder any discovery from going forward for the week prior to the
19 trial through the end of the trial. The efforts of the parties thus far and Plaintiff's counsel's
20 upcoming trial coupled with the complexities of the case certainly illustrate good cause for the
21 requested extension. Therefore, for the reasons stated above, granting an extension to the
22 discovery deadlines in this case is in the interest of justice and good cause exists therefor.

23 **II. DISCOVERY COMPLETED TO DATE.**

24 **To date, Plaintiff has produced the following discovery:**

- 25 • Plaintiff's Initial Disclosure of Witnesses and Exhibits (served October 6, 2022);
- 26 • Plaintiff's First Set of Requests for Production of Documents to Defendant DYM
27 (served December 16, 2022);

- 1 • Plaintiff's Second Set of Requests for Production of Documents to Defendant DYM
2 (served March 3, 2023);
- 3 • Plaintiff's First Set of Interrogatories to Defendant DYM (served March 3, 2023);
- 4 • Plaintiff's First Supplemental Disclosure of Witnesses and Exhibits (served March 6,
5 2023).
- 6 • Plaintiff's First Set of Requests for Admission to Defendant DYM (served April 11,
7 2023);
- 8 • Plaintiff's Amended First Set of Interrogatories to Defendant DYM (served April 11,
9 2023);
- 10 • Plaintiff's Second Supplemental Disclosure of Witnesses and Exhibits (served May 23,
11 2023).
- 12

13 **To date, Defendant DYM has produced the following discovery:**

- 14 • Defendant DYM's Initial Disclosure of Witnesses and Exhibits (served November 4,
15 2022);
- 16 • Defendant DYM's Responses to Plaintiff's First Set of Requests for Production of
17 Documents (Served March 8, 2023);
- 18 • Defendant DYM's Responses to Plaintiff's Second Set of Requests for Production of
19 Documents (Served April 10, 2023);
- 20 • Defendant DYM's Responses to Plaintiff's Amended First Set of Interrogatories
21 (served April 20, 2023);
- 22 • Defendant DYM's Responses to Plaintiff's First Set of Requests for Admission (Served
23 May 10, 2023);
- 24

25 **III. DISCOVERY REMAINING TO BE COMPLETED.**

26 In accordance with LR II 26-4(b), the Parties provide the following statement of
27 discovery remaining to be completed:

- 28 1. Depositions of fact witnesses;

2. Deposition(s) of Defendant’s FRCP 30(b)(6) witness(es);
3. Deposition(s) of insurance broker(s);
4. Additional written discovery;
5. Addition of other parties;
6. Initial Expert disclosures;
7. Rebuttal Expert disclosures; and
8. Depositions of expert witnesses.

A. WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED.

The parties have been working together diligently to resolve outstanding issues and push the case forward. Plaintiff intends to take the FRCP 30(b)(6) deposition of Defendant DYM in the coming weeks to resolve the outstanding issues. Following the deposition, both parties will have clarity on the direction of the case and anticipate that it will move forward quickly thereafter.

Based upon the foregoing, the parties respectfully request a ninety (90) day extension of all current discovery deadlines. The parties are confident that a granting of the request for a ninety (90) day extension of the remaining discovery deadlines would allow them to complete the required discovery. This request is made in good faith, not for the purpose of delay.

IV. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY.

This request for an extension of time is not sought for any improper purpose or other purpose of delay. The parties respectfully submit that this constitutes good cause for the extension. The following is a list of the current discovery deadlines and the parties’ proposed extended deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut Off	September 25, 2023	December 24, 2023
Amend Pleadings/Add Parties	June 27, 2023	September 25, 2023
Initial Expert Disclosures	June 27, 2023	September 25, 2023
Rebuttal Expert Disclosures	August 26, 2023	November 24, 2023
Dispositive Motions	October 25, 2023	January 23, 2024
Joint Pre-Trial Order	November 24, 2023	February 22, 2024

1 This is the first request for an extension of time in this matter and no trial date will be
2 impacted by the extension as no such trial date has been set. The parties submit that the reasons
3 set forth above constitute good cause for the requested extension.

4 If this extension is granted, all discovery mentioned above should be concluded within
5 the stipulated extended deadlines. The parties aver that this request for extension of discovery
6 deadlines is made by the parties in good faith and not for the purpose of delay.
7

8 Dated this 9th day of June, 2023.
9 **ALVERSON TAYLOR & SANDERS**

Dated this 9th day of June, 2023.
MAINOR WIRTH, LLP

10 */s/ Vincent Garrido*
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15 **IT IS SO ORDERED.**

16 DATED this 13th day of June, 2023.

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UNITED STATES MAGISTRATE JUDGE