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 7 *Attorneys for Plaintiffs*

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

10 *****

11 HECTOR CLEMENTE and TINA
 12 CLEMENTE, individually and as natural
 parents and legal guardians of EZRA
 13 CLEMENTE, a Minor,

CASE NO.: 2:22-cv-02169-RFB-BNW

14 Plaintiffs,

15 v.

16 AMANDA ELIZABETH LANHAM, an
 17 individual; POSTMATES, LLC, a Foreign
 Limited Liability Corporation; DOES I
 18 through X, inclusive; and ROE
 19 CORPORATIONS I through X, inclusive,

20 Defendants.

21 **STIPULATION AND ORDER TO STAY DISCOVERY DEADLINES**

22
 23 Plaintiffs HECTOR CLEMENTE, TINA CLEMENTE, and EZRA CLEMENTE, a minor,
 24 and Defendants, AMANDA ELIZABETH LANHAM and POSTMATES, LLC, by and through
 25 their respective counsel of record, submit the foregoing stipulation and order to stay discovery
 26 deadlines as follows:

27 1. Summary of Discovery Completed:

28 To date, the following discovery has been completed in this case:

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1	Plaintiffs Initial Rule 26(a) Disclosures	1/24/2023
2	Defendant Postmates Initial Rule 26(a) Disclosures	2/8/2023
3	Plaintiffs' First Set of Requests for Admission, Requests for Production	3/29/2023
4	and Interrogatories to Defendant Postmates	
5	Plaintiffs First Supplemental Rule 26(a) Disclosures	5/9/2023
6	Defendant Elizabeth Lanham Initial Rule 26(a) Disclosures	5/9/2023
7	Defendant Postmates First Supplemental Rule 26(a) Disclosures	5/18/2023
8	Defendant Postmates's Responses to Plaintiffs First Set of Requests for	5/18/2023
9	Production of Documents and Answers to Plaintiffs First Set of	
10	Interrogatories	
11	Defendant Elizabeth Lanham First Supplemental Rule 26(a) Disclosures	6/20/2023

12
13 2. Discovery Remaining

14 The following discovery remains to be completed:

- 15 a) The parties will disclose initial expert witnesses;
- 16 b) The parties will disclose rebuttal expert witnesses;
- 17 c) Additional Written Discovery;
- 18 d) Deposition of Person(s) Most Knowledgeable for Defendant;
- 19 e) Deposition of Plaintiff;
- 20 f) Deposition of Defendant
- 21 g) Deposition(s) of percipient witnesses;
- 22 h) Deposition(s) of treating physicians; and
- 23 i) Deposition(s) all expert witnesses.

24
25 3. Reason Why Discovery Was Not Completed

26 The parties initial focus in this case was to determine if this matter would be remanded.
27 The parties have agreed to remand. Therefore, the parties have filed a Stipulation and Order to
28 Remand to State Court on 7/26/2023. Currently, the Stipulation and Order is still pending

signature of the United States District Judge. As such, the parties believe that good cause exists to justify the stay of discovery deadlines to allow for additional time to file the appropriate pleadings to finalize remanding to State Court. Once this case remands back to State Court, new discovery deadlines will be appointed per the Joint Case Conference Report filed in State Court.

4. Current Schedule for Completing Discovery

Event	Current Deadline
Expert Designations	September 28, 2023
Rebuttal Expert Designations	October 30, 2023
Discovery Cut-off	November 27, 2023
Dispositive Motions	December 27, 2023
Joint Pre-Trial Order	January 26, 2024

Accordingly, the parties respectfully request that this Court enter an order setting the following stay of current discovery deadlines:

Counsel further state that the requested stay of discovery deadlines is not offered for purposes of delay, but rather for the purposes set forth above.

<p>DATED this <u>25th</u> day of September, 2023.</p> <p>ERIC ROY LAW FIRM</p> <p><i>/s/ Eric Roy</i></p> <p>Eric Roy, Esq. Nevada Bar No. 11869 Stephen K. Lewis, Esq. Nevada Bar No. 7064 703 South Eighth Street Las Vegas, Nevada 89101 <i>Attorneys for Plaintiffs</i></p>	<p>DATED this <u>25th</u> day of September, 2023.</p> <p>WOOD SMITH HENNING & BERMAN, LLC</p> <p><i>/s/ Dane W. Smith</i></p> <p>Susana Santana, Esq. Nevada Bar No. 13753 2881 Business Park Court, Suite 200 Las Vegas, Nevada 89128-9020 <i>Attorney for Defendant, Postmates, LLC</i></p>
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1 **DATED this 25th** day of September, 2023.

2 **BREMER WHYTE BROWN &**
3 **O'MEARA, LLP**

4 /s/ Deleela M. Weinerman
5 Jared G. Christensen, Esq.
6 Nevada Bar No. 11538
7 Deleela M. Weinerman, Esq.
8 Nevada Bar No. 13985
Attorneys for Defendant,
Amanda Elizabeth Lanham

9 **ORDER**

10 IT IS SO ORDERED.

11 Dated this 26 day of September, 2023.

12
13
14
15 **IT IS SO ORDERED**

16 **DATED:** 10:20 am, September 26, 2023

17 Respectfully Submitted by:

18 

19 **ERIC ROY LAW FIRM**

20 **BRENDA WEKSLER**
21 **UNITED STATES MAGISTRATE JUDGE**

22 /s/ Eric Roy
23 Eric Roy, Esq.
24 Nevada Bar No. 11869
25 Stephen K. Lewis, Esq.
26 Nevada Bar No. 7064
27 703 South Eighth Street
28 Las Vegas, Nevada 89101
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Jennifer Pascual

From: Deleela M. Ivey Weinerman <dweinerman@bremerwhyte.com>
Sent: Wednesday, September 20, 2023 12:45 PM
To: Jennifer Pascual; Stephen Lewis
Cc: SSantana@wshblaw.com; Jared G. Christensen; Alexis Robinson; Autumn Humble; Dane W. Smith; Kyle J. Hoyt
Subject: RE: Clemente vs. Lanham - 2:22-CV-02169-RFB-BNW (BWBO 1357.199)

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Thanks!

Deleela M. Ivey Weinerman

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From: Jennifer Pascual <Jennifer@ericroylawfirm.com>
Sent: Wednesday, September 20, 2023 12:31 PM
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Cc: SSantana@wshblaw.com; Jared G. Christensen <jchristensen@bremerwhyte.com>; Alexis Robinson <arobinson@bremerwhyte.com>; Autumn Humble <ahumble@bremerwhyte.com>; Dane W. Smith <DSmith@wshblaw.com>; Kyle J. Hoyt <KHoyt@wshblaw.com>
Subject: RE: Clemente vs. Lanham - 2:22-CV-02169-RFB-BNW (BWBO 1357.199)

Attached is the revised version.



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From: Dane W. Smith <DSmith@wshblaw.com>
Sent: Friday, September 22, 2023 1:43 PM
To: Jennifer Pascual; Stephen Lewis; Deleela M. Ivey Weinerman
Cc: Jared G. Christensen; Alexis Robinson; Autumn Humble; Kyle J. Hoyt
Subject: RE: Clemente vs. Lanham - 2:22-CV-02169-RFB-BNW (BWBO 1357.199)

Good Afternoon,

Please add my name to my firm's signature block. You may affix my e-signature.

Thanks,

Dane W. Smith

Associate

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Cc: Susana Santana <SSantana@wshblaw.com>; Jared G. Christensen <jchristensen@bremerwhyte.com>; Alexis Robinson <arobinson@bremerwhyte.com>; Autumn Humble <ahumble@bremerwhyte.com>; Dane W. Smith <DSmith@wshblaw.com>; Kyle J. Hoyt <KHoyt@wshblaw.com>
Subject: [EXTERNAL] RE: Clemente vs. Lanham - 2:22-CV-02169-RFB-BNW (BWBO 1357.199)

Attached is the revised version.



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