

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

SAO
Jonathan B. Lee, Esq.
Nevada Bar No. 13524
RICHARD HARRIS LAW FIRM
801 South Fourth Street
Las Vegas, Nevada 89101
Phone: (702) 444-4444
Fax: (702) 444-4455
Email: jlee@richardharrislaw.com
Attorney for Plaintiff Mack Miller

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MACK MILLER, an individual;

Plaintiff,

vs.

CLARK COUNTY, NEVADA, a political
subdivision; DOE CLARK COUNTY
OFFICERS, in their personal capacities; DOE
PRIVATE SECURITY GUARDS, in their
personal capacities; PREVENTIVE
MEASURES SECURITY FIRM, LLC, a
domestic limited liability company; MARCO
SOLORIO, individually; LEONARD MORRIS,
individually; ROE PRIVATE SECURITY
COMPANY; DOES 1 through 20; ROE
BUSINESS ENTITIES 1 through 20, inclusive
jointly and severally,

Defendants.

CLARK COUNTY, a Political Subdivision of
State of Nevada,

Cross-claimant,

vs.

PREVENTIVE MEASURES SECURITY
FIRM, LLC, a domestic limited liability
company.

Cross-defendant,

CASE NO. 2:23-cv-00070-CDS-DJA

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

(First Request)

IT IS HEREBY STIPULATED AND AGREED by and between the parties hereto, by and through their respective counsel that the discovery deadlines shall be extended in this matter.

I. DISCOVERY COMPLETED TO DATE

The parties have participated in the following discovery to date:

1. Plaintiff's FRCP 26(a)(1) Initial disclosures;
2. Plaintiff's FRCP 26(a)(1) First Supplemental disclosures;
3. Plaintiff's FRCP 26(a)(1) Second Supplemental disclosures;
4. Plaintiff's FRCP 26(a)(1) Third Supplemental disclosures;
5. Plaintiff's FRCP 26(a)(1) Fourth Supplemental disclosures;
6. Plaintiff's FRCP 26(a)(1) Fifth Supplemental disclosures;
7. Plaintiff's FRCP 26(a)(1) Sixth Supplemental disclosures;
8. Defendant Clark County's FRCP 26(a)(1) Initial disclosures;
9. Defendant Clark County's FRCP 26(a)(1) First Supplemental disclosures;
10. Defendant Preventative Measures' FRCP 26(a)(1) Initial disclosures;
11. Defendant Preventative Measures' FRCP 26(a)(1) First Supplemental disclosures;
12. Defendant Preventative Measures' FRCP 26(a)(1) Second Supplemental disclosures;
13. Defendant Clark County's First Set of Requests for Admissions to Preventive Measures;
14. Defendant Clark County's First Set of Requests for Production of Documents to Preventive Measures;
15. Defendant Clark County's First Set of Interrogatories to Preventive Measures;
16. Defendant Preventative Measures' Response to Defendant Clark County's First Set of Requests for Admissions;
17. Defendant Preventative Measures' Response to Defendant Clark County's First Set of Requests for Production of Documents;
18. Defendant Preventative Measures' Response to Defendant Clark County's First Set of Interrogatories;
19. Defendant Clark County's First Set of Interrogatories to Plaintiff;
20. Defendant Clark County's First Set of Requests for Admissions to Plaintiff;



1 21. Defendant Clark County’s First Set of Requests for Production of Documents to
2 Plaintiff;

3 22. Plaintiff’s Responses to Defendant Clark County’s First Set of Requests for
4 Admissions;

5 23. Plaintiff’s Responses to Defendant Clark County’s First Set of Requests for
6 Production of Documents;

7 24. Plaintiff’s Responses to Defendant Clark County’s First Set of Interrogatories;

8 25. Defendant Preventive Measures’ First Set of Interrogatories to Plaintiff;

9 26. Defendant Preventive Measures’ First Set of Requests for Admissions to Plaintiff;

10 27. Defendant Preventive Measures’ First Set of Requests for Production of Documents
11 to Plaintiff;

12 28. Plaintiff’s Responses to Defendant Preventive Measures First Set of Requests for
13 Admissions;

14 29. Plaintiff’s Responses to Defendant Preventive Measures First Set of Requests for
15 Production of Documents;

16 30. Plaintiff’s Responses to Defendant Preventive Measures First Set of
17 Interrogatories;

18 31. Plaintiff’s First Set of Interrogatories to Defendant Preventive Measures;

19 32. Plaintiff’s First Set of Requests for Admissions to Defendant Preventive Measures;

20 33. Plaintiff’s First Set of Requests for Production to Defendant Preventive Measures;

21 34. Plaintiff’s First Set of Interrogatories to Defendant Clark County;

22 35. Plaintiff’s First Set of Requests for Admissions to Defendant Clark County;

23 36. Plaintiff’s First Set of Requests for Production to Defendant Clark County;

24 37. Defendant Preventive Measures’ Responses to Plaintiff’s First Set of Requests for
25 Admissions to Defendant Preventive Measures;

26 38. Defendant Clark County’s Responses to Plaintiff’s First Set of Interrogatories to
27 Defendant Clark County;

28 39. Defendant Clark County’s Responses to Plaintiff’s First Set of Requests for



1 Admissions to Defendant Clark County;

2 40. Defendant Clark County's Responses to Plaintiff's First Set of Requests for
3 Production to Defendant Clark County; and

4 41. The pending motion before the Court for leave to take Plaintiff's deposition
5 pursuant to FRCP 30(2)(B). Mr. Miller was recently incarcerated. *See* ECF No. 14.

6 **II. DISCOVERY REMAINING TO BE COMPLETED**

7 1. Defendant Preventive Measures' Responses to Plaintiff's First Set of
8 Interrogatories and Request for Production;¹

9 2. Deposition of Plaintiff;

10 3. Deposition of newly added Defendant Marco Solorio;

11 4. Deposition of newly added Defendant Leonard Morris;

12 5. Depositions of other fact witnesses present at the County Commission meeting
13 during the subject incident;

14 6. Supplemental FRCP 26 disclosures;

15 7. Expert disclosures;

16 8. Deposition of parties' treating physicians and/or experts;

17 9. Any additional discovery that is necessary as the parties proceed through discovery.

18 **III. REASONS WHY DISCOVERY NOT COMPLETED WITHIN TIME SET BY DISCOVERY PLAN**

19 A motion to extend deadlines articulated in the court's scheduling order must be supported
20 by a showing of good cause. *See* Local Rule 26-3; *see also Johnson v. Mammoth Recreations, Inc.*,
21 975 F.2d 604, 608-09 (9th Cir. 1992). Good cause to extend a deadline exists if it cannot reasonably
22 be met despite the diligence of the party seeking extension. *Johnson*, 975 F.2d at 609. In the instant
23 matter, all parties have diligently attempted to comply with the Court's scheduling order –
24 however, due to recent developments that have transpired during litigation, the parties have
25 determined they will be unable to obtain unable to obtain and produce key evidence related to the
26 incident and alleged damages, which then deprives the parties and their respective experts of access
27

28 _____
¹ Counsel for Preventative Measures has required an extension of the original deadline(s) for the foregoing discovery to obtain the information and documents responsive the pending discovery requests.



1 to all evidence to formulate their opinions, complete their evaluations and prepare their reports
2 accordingly, as well as impairs counsels ability to reach a proper determination as to further
3 discovery needed. Within the past month the following has transpired:

4 1. On October 10, 2023, the Court issued an order granting Mr. Miller's request to amend
5 his complaint to add Defendants Marco Solorio and Leonard Morris. ECF No. 15. Mr. Miller
6 subsequently filed the First Amended Complaint the following day. ECF No. 17. Service of the
7 first amended complaint and summonses is pending, and the newly added defendants have yet to
8 file a responsive pleading.

9 2. Mr. Miller was recently incarcerated and is currently an inmate at Southern Desert
10 Correctional Center. On October 2, 2023, Defendant Clark County filed a motion for leave to take
11 Mr. Miller's deposition. ECF No. 14. Plaintiff's counsel filed a notice of non-opposition on
12 October 18, 2023. ECF No. 24. The parties are simply awaiting an order from the Court with
13 respect to the request to take Mr. Miller's deposition.

14 3. On October 16, 2023, Defendant Clark County moved to amend the Crossclaim that it
15 asserted against Defendant Preventative Measures. ECF No. 19. The Court has not issued a ruling
16 on pending motion yet.

17 In sum, the parties cannot meet the expert deadline and complete discovery within the
18 current dates due to the reasons above. The parties have worked diligently in their attempts to
19 schedule Mr. Miller's deposition (after his recent incarceration). Further, with the recent addition
20 of the new defendants, additional time is necessary to allow the newly added defendants the
21 opportunity to respond to Plaintiff's allegations and conduct the necessary discovery to defend
22 against the claims asserted against them in them in this matter. The requested extension will ensure
23 all parties have a full and fair opportunity to litigate the claims and defenses on the merits.
24 Therefore, and as set forth below, due diligence and good cause can be shown to allow the Court,
25 in its discretion, to extend the remaining deadlines as requested.

26 ...
27 ...
28 ...



IV. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY

Based on the foregoing, the proposed schedule for completing discovery is as follows:

Discovery Deadline	Current Deadline	Proposed Deadline
Motion to Amend/Add Parties	No extension	No extension
Plaintiff's Initial Expert Disclosures	11.13.2023	02.12.2024
All Rebuttal Expert Disclosures	12.13.2023	03.12.2024
Discovery Cut-Off Date	01.12.2024	04.11.2024
Dispositive Motions	02.12.2024	05.13.2024

Dated this 7th day of November, 2023.
RICHARD HARRIS LAW FIRM

/s/ Jonathan B. Lee

 Jonathan B. Lee, Esq.
 Nevada Bar Number 13524
 801 South Fourth Street
 Las Vegas, Nevada 89101
Attorneys for Plaintiff

Dated this 7th day of November, 2023.
CLARK COUNTY DISTRICT ATTORNEY

/s/ Joel K. Browning

 Joel K. Browning, Esq.
 Nevada Bar No. 14489
 500 South Grand Central Parkway, Suite 5075
 Las Vegas, Nevada 89155
Attorneys for Defendant, Clark County

Dated this 7th day of November, 2023.
TYSON & MENDES

/s/ Russell D. Christian

 Russell D. Christian, Esq.
 Nevada Bar No. 11785
 2835 St. Rose Parkway, Suite 140
 Henderson, Nevada 89052
*Attorneys for Defendant,
 Preventive Measures Security Firm, LLC*

ORDER

IT IS SO ORDERED.

Dated: 11/9/2023

 UNITED STATES MAGISTRATE
 JUDGE

