

1 **SAO**
 Jonathan B. Lee, Esq.
 2 Nevada Bar No. 13524
RICHARD HARRIS LAW FIRM
 3 801 South Fourth Street
 Las Vegas, Nevada 89101
 4 Phone: (702) 444-4444
 Fax: (702) 444-4455
 5 Email: jlee@richardharrislaw.com
 6 *Attorney for Plaintiff*

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

9 MACK MILLER, an individual;

10 Plaintiff,

11 vs.

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

20 Defendants.

21 CLARK COUNTY, a Political Subdivision of
 State of Nevada,

22 Cross-claimant,

23 vs.

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

26 Cross-defendant,
 27

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

STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES

(Second Request)

28 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.

1 **I. DISCOVERY COMPLETED TO DATE**

2 The parties have participated in the following discovery to date:

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

- 1 of Requests for Production of Documents;
- 2 23. Defendant Preventive Measures' Response to Defendant Clark County's First Set
- 3 of Interrogatories;
- 4 24. Defendant Clark County's First Set of Interrogatories to Plaintiff;
- 5 25. Defendant Clark County's First Set of Requests for Admissions to Plaintiff;
- 6 26. Defendant Clark County's First Set of Requests for Production of Documents to
- 7 Plaintiff;
- 8 27. Plaintiff's Responses to Defendant Clark County's First Set of Requests for
- 9 Admissions;
- 10 28. Plaintiff's Responses to Defendant Clark County's First Set of Requests for
- 11 Production of Documents;
- 12 29. Plaintiff's Responses to Defendant Clark County's First Set of Interrogatories;
- 13 30. Defendant Preventive Measures' First Set of Interrogatories to Plaintiff;
- 14 31. Defendant Preventive Measures' First Set of Requests for Admissions to Plaintiff;
- 15 32. Defendant Preventive Measures' First Set of Requests for Production of Documents
- 16 to Plaintiff;
- 17 33. Plaintiff's Responses to Defendant Preventive Measures First Set of Requests for
- 18 Admissions;
- 19 34. Plaintiff's Responses to Defendant Preventive Measures First Set of Requests for
- 20 Production of Documents;
- 21 35. Plaintiff's Responses to Defendant Preventive Measures First Set of
- 22 Interrogatories;
- 23 36. Plaintiff's First Set of Interrogatories to Defendant Preventive Measures;
- 24 37. Plaintiff's First Set of Requests for Admissions to Defendant Preventive Measures;
- 25 38. Plaintiff's First Set of Requests for Production to Defendant Preventive Measures;
- 26 39. Plaintiff's First Set of Interrogatories to Defendant Clark County;
- 27 40. Plaintiff's First Set of Requests for Admissions to Defendant Clark County;
- 28 41. Plaintiff's First Set of Requests for Production to Defendant Clark County;

1 42. Defendant Preventive Measures' Responses to Plaintiff's First Set of Requests for
2 Admissions to Defendant Preventive Measures;

3 43. Defendant Clark County's Responses to Plaintiff's First Set of Interrogatories to
4 Defendant Clark County;

5 44. Defendant Clark County's Responses to Plaintiff's First Set of Requests for
6 Admissions to Defendant Clark County;

7 45. Defendant Clark County's Responses to Plaintiff's First Set of Requests for
8 Production to Defendant Clark County;

9 46. Defendant Preventive Measures' Responses to Plaintiff's First Set of
10 Interrogatories and Request for Production; and

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

12 1. Deposition of Plaintiff (currently scheduled for February 21, 2024);

13 2. Deposition of Kate Murray (currently scheduled for February 15, 2024);

14 3. Deposition of Brian Cooperman (currently scheduled for February 15, 2024);

15 4. Deposition of Elando Johnson (currently scheduled for February 15, 2024);

16 5. Deposition of newly added Defendant Marco Solorio;

17 6. Deposition of newly added Defendant Leonard Morris;

18 7. Deposition of David Sutton (current or former employee of Defendant Preventative
19 Measures);

20 8. Depositions of other fact witnesses present at the County Commission meeting
21 during the subject incident;

22 9. Supplemental FRCP 26 disclosures;

23 10. Expert disclosures;

24 11. Deposition of parties' treating physicians and/or experts;

25 12. Any additional discovery that is necessary as the parties proceed through discovery.

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

27 A motion to extend deadlines articulated in the court's scheduling order must be supported
28 by a showing of good cause. *See* Local Rule 26-3; *see also Johnson v. Mammoth Recreations, Inc.*,

1 975 F.2d 604, 608-09 (9th Cir. 1992). Good cause to extend a deadline exists if it cannot reasonably
2 be met despite the diligence of the party seeking extension. *Johnson*, 975 F.2d at 609. In the instant
3 matter, all parties have diligently attempted to comply with the Court’s scheduling order –
4 however, the parties have determined they will be unable to obtain unable to obtain and produce
5 key evidence related to the incident and alleged damages, which then deprives the parties and their
6 respective experts of access to all evidence to formulate their opinions, complete their evaluations
7 and prepare their reports accordingly, as well as impairs counsels ability to reach a proper
8 determination as to further discovery needed. A few procedural issues have been pending that have
9 influenced the parties’ ability to conduct the necessary discovery in this matter:

10 1. Mr. Miller was recently incarcerated and is currently an inmate at Southern Desert
11 Correctional Center. On October 2, 2023, Defendant Clark County filed a motion for leave to take
12 Mr. Miller’s deposition. *See* ECF Doc. 14. Plaintiff’s counsel filed a notice of non-opposition on
13 October 18, 2023. *See* ECF Doc. 24. **On January 2, 2024, the Court granted Defendant Clark
14 County’s Motion to take Plaintiff’s deposition. *See* ECF Doc. 33. The parties have already
15 coordinated with Southern Desert Correctional Center to conduct Plaintiff’s in-person
16 deposition on February 21, 2024.**

17 2. On October 10, 2023, the Court issued an order granting Mr. Miller’s request to amend
18 his complaint to add Defendants Marco Solorio and Leonard Morris. *See* ECF Doc. 15. Mr. Miller
19 subsequently filed the First Amended Complaint (“FAC”) the following day. *See* ECF Doc. 17.
20 Service of the first amended complaint and summonses has been complete. Defendant Solorio and
21 Morris recently filed an answer to the FAC on January 11, 2024. *See* ECF Doc. 35 and 36.

22 3. On October 16, 2023, Defendant Clark County moved to amend the Crossclaim that it
23 asserted against Defendant Preventative Measures. *See* ECF Doc. 19. **On January 2, 2024, the
24 Court also granted Defendant Clark County’s motion to amend the cross claim that it
25 asserted against Defendant Preventative Measures. *See* ECF Doc. 33. Defendant/Cross
26 claimant Clark County subsequently filed its amended cross claim on January 10, 2024. *See*
27 ECF Doc. 34. Defendant/Cross defendant Preventative Measures has yet to respond
28 Defendant/Cross claimant Clark County’s amended cross claim.**

1 **4. On October 24, 2023, Plaintiff conferred with counsel for the Defendants via email**
2 **about the deposition availability of the following current or former employees of the**
3 **Defendants: Elando Johnson (Clark County employee), Katie Murray (Clark County**
4 **employee), Brian Copperman (Clark County employee), Jon Kitchen (Preventative**
5 **Measures employee), and David Sutton (Preventative Measures employee). Since Plaintiff’s**
6 **inquiry regarding these depositions, Defense counsel has diligently attempted to locate/**
7 **coordinate the availability of these current/former employees. Recently, the parties were able**
8 **to set the depositions Elando Johnson (Clark County employee), Katie Murray (Clark**
9 **County employee), Brian Copperman (Clark County employee) – which are all scheduled**
10 **for February 15, 2024. The parties are still trying to coordinate the deposition availability**
11 **Jon Kitchen (Preventative Measures employee), David Sutton (Preventative Measures**
12 **employee) along with the newly added defendants, Marco Solorio and Leonard Morris.**
13 **however, with little success.**

14 **5. Lastly, counsel for Defendant Preventative Measures has a firm trial setting**
15 **through mid-February 2024.**

16 In sum, the parties cannot meet the expert deadline and complete discovery within the
17 current dates due to the reasons above. The parties believe that the depositions of Mr. Miller and
18 the current and former employees of Clark County and Preventative Measures are critical to the
19 opinions of the parties’ liability experts in this matter and, out of an abundance of caution, the
20 parties seek the requested extension to ensure that there is sufficient time to locate these
21 employees, set their respective depositions, and to allow the parties’ expert witnesses to a fair
22 opportunity to consider these individuals’ testimony so that they can formulating their expert
23 opinions. Equally important, the parties are also engaging in attempts to resolve this matter before
24 expending more time and resources on discovery. Accordingly, the parties respectfully request that
25 the discovery deadlines in this matter be extended by an additional ninety (90) days. requested
26 extension will ensure all parties have a full and fair opportunity to litigate the claims and defenses
27 on the merits. Therefore, and as set forth below, due diligence and good cause can be shown to
28 allow the Court, in its discretion, to extend the remaining deadlines as requested.

1 **IV. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY**

2 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	02.12.2024	05.13.2024
All Rebuttal Expert Disclosures	03.12.2024	06.10.2024
Discovery Cut-Off Date	04.11.2024	07.10.2024
Dispositive Motions	05.13.2024	08.12.2024

3
4
5
6
7
8 Dated this 29th day of January, 2024.
9 **RICHARD HARRIS LAW FIRM**

Dated this 29th day of January, 2024.
CLARK COUNTY DISTRICT ATTORNEY

10 */s/ Jonathan B. Lee*

/s/ Joel K. Browning

11
12 Jonathan B. Lee, Esq.
13 Nevada Bar Number 13524
14 801 South Fourth Street
15 Las Vegas, Nevada 89101
16 *Attorneys for Plaintiff*

17
18 Joel K. Browning, Esq.
19 Nevada Bar No. 14489
20 500 South Grand Central Parkway, Suite 5075
21 Las Vegas, Nevada 89155
22 *Attorneys for Defendant, Clark County*

23 Dated this 29th day of January, 2024.
24 **TYSON & MENDES**

25 */s/ Russell D. Christian*

26
27 Russell D. Christian, Esq.
28 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 subject to the following modification. The parties' proposed schedule fails to include a deadline for filing their joint pretrial order. Accordingly, the deadline to file the Joint Pretrial Order is **September 11, 2024**. If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.

DATED this 31st day of January 2024.



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE