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8 *and Simon Property Group, L.P. (incorrectly referred to*
9 *herein as Simon Property Group Limited Partnership*
d/b/a The Shops at Crystals)

10 **UNITED STATES DISTRICT COURT**
11 **FOR THE STATE OF NEVADA**

12 TOVA INY,
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14 Plaintiff,
15
16 vs.
17
18 SIMON PROPERTY GROUP LIMITED
PARTNERSHIP d/b/a THE SHOPS AT
CRYSTALS; SCHINDLER ELEVATOR
CORPORATION; DOES I-X and ROE
ENTITIES XI-XX, inclusive,
19 Defendants.

Case No. 2:23-cv-00426-APG-DJA
JOINT STIPULATION AND ORDER
TO EXTEND DISCOVERY
DEADLINES
(First Request)

20 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff TOVA INY
21 (“Plaintiff”), Defendant SCHINDLER ELEVATOR CORPORATION (“Schindler”), and
22 Defendant SIMON PROPERTY GROUP LIMITED PARTNERSHIP d/b/a THE SHOPS AT
23 CRYSTALS (“Simon”), through their respective counsel, that the case management discovery
24 deadlines in the Amended Discovery Plan and Scheduling Order), May 30, 2023 [ECF No. 17] be
25 extended by 180 days, pursuant to FRCP 29 and LR 26-3 as follows. This is the first request for
26 an extension of the discovery deadlines.

- 27 **I. DISCOVERY COMPLETED TO DATE**
28 1. On May 23, 2023, Plaintiff served her FRCP 26 Initial Disclosures;

- 1 2. On June 15, 2023, Plaintiff served her First Supplement to FRCP 26 Initial
2 Disclosures.
- 3 3. On July 28, 2023, Plaintiff served her Second Supplement to FRCP Initial
4 Disclosures.
- 5 4. On May 26, 2023, Schindler served its FRCP 26 Initial Disclosures.
- 6 5. On July 20, 2023, Schindler served its First Supplement to FRCP Initial Disclosures.
- 7 6. On November 20, 2023, Schindler served its Second Supplement to FRCP Initial
8 Disclosures.
- 9 7. On May 26, 2023, Simon served its FRCP 26 Initial Disclosures.
- 10 8. On August 4, 2023, Simon served its First Supplement to Initial Disclosures.
- 11 9. On June 6, 2023, Plaintiff served her First Set of Interrogatories to Schindler and
12 Simon.
- 13 10. On June 28, 2023, Schindler served its First Set of Interrogatories to Plaintiff.
- 14 11. On September 18, 2023, Plaintiff served her Second Set of Interrogatories to both
15 Schindler and Simon.
- 16 12. On June 6, 2023, Plaintiff served her First Set of Requests for Production of
17 Documents to both Schindler and Simon.
- 18 13. On June 28, 2023, Schindler served its First Set of Requests for Production of
19 Documents to Plaintiff.
- 20 14. On July 28, 2023, Plaintiff served her Second Supplement to FRCP Initial
21 Disclosures.
- 22 15. On September 18, 2023, Plaintiff served her Second Set of Interrogatories and
23 Requests for Production to both Schindler and Simon.
- 24 16. On November 8, 2023, Schindler and Simon served their responses to Plaintiff's
25 Second Set of Interrogatories and Requests for Production.
- 26 17. On November 20, 2023, Schindler served its Second Supplement to FRCP Initial
27 Disclosures.
- 28 18. Plaintiff's deposition is set for December 8, 2023.

1 19. Plaintiff is out of town from approximately December 15, 2023 to the end of
2 February 2024.

3 20. The parties are working together to set an IME for Plaintiff in March 2024.

4 21. The Parties have subpoenaed various medical providers and other entities with
5 records pertaining to Plaintiff and the subject incident.

6 **II. DISCOVERY TO BE COMPLETED AND REASONS WHY THE**
7 **DISCOVERY REMAINING CANNOT COMPLETED WITHIN THE TIME LIMITS**

8 Plaintiff and Defendants respectfully request a 6-month extension of the current case
9 management deadlines to complete the following discovery:

10 1. **Independent Medical Examination:** Defendants wish to have their expert conduct
11 an IME of Plaintiff, and the parties have been working together to schedule this. However, due to
12 Defendants' expert's schedule and Plaintiff's schedule, the IME cannot be completed until 2024,
13 and the expert will need 30-60 days after the IME to complete the expert report, necessitating
14 additional time before the current February 9, 2024 Defendants' expert deadline.

15 2. **Fact witness depositions:** Defendants wish to depose Plaintiff's treating physicians
16 and Plaintiff Tova Iny, and this deposition is currently set for December 8, 2023. However,
17 Defendants are currently waiting for responses to subpoenas from medical providers before this
18 deposition can be completed, so this deposition will likely be continued to after February 2024 in
19 order to avoid the need for an unnecessary second deposition of Plaintiff and because Plaintiff will
20 be out of town until the end of February 2024.

21 3. **Inspection of the subject elevator:** The parties require an inspection of the subject
22 elevator and security gate at Caesars Palace, prior to the disclosure of expert witnesses and reports.
23 However, this inspection would involve the escalator at Crystals being shut down, which presents
24 a business issue to the property during the holidays. Therefore, this inspection likely cannot be
25 conducted until 2024, and the parties' experts will then need additional time to complete their
26 reports.

27 4. **Expert witness depositions:** Expert witness depositions are expected to be
28 completed after the disclosure of expert witnesses pursuant to this Court's order. However, each

1 party is expected to retain multiple expert witnesses and it will therefore take additional time to
2 coordinate, prepare for, and take the depositions.

3 5. **Other discovery:** Moreover, the extension will allow the parties to do any necessary
4 follow-up discovery after responses to existing written discovery are served, to depose later-
5 identified witnesses and experts, and to obtain any additional records.

6 6. **Additional issues:** The current scheduling order provides that rebuttal expert
7 disclosures are due on March 11, 2024; close of discovery is April 11, 2024, and dispositive motions
8 are due on May 13, 2024. Counsel for Defendants will be on maternity leave from April 2024 –
9 June 2024, during this operative time and will not be available to conduct expert depositions or
10 dispositive motions.

11 **III. GOOD CAUSE EXISTS FOR A DISCOVERY EXTENSION**

12 The parties have been diligently conducting discovery in this matter, as evidenced by the
13 written discovery exchanged between the parties. The parties have also been attempting to
14 coordinate an IME of Plaintiff, but Defendants' expert is unable to conduct the IME until at least
15 January 2024 and will require additional time to prepare the expert report before the February 9,
16 2024 disclosure deadline. Further, Plaintiff will not be available for an IME until March 2024.
17 Similarly, the parties' experts will require an inspection of the subject escalator at Crystals being
18 shut down, which presents a business issue to the property during the holidays. Therefore, this
19 inspection likely cannot be conducted until 2024, and the parties' experts will then need additional
20 time to complete their reports. In addition, counsel for Defendants will be on maternity leave from
21 March 2024 – June 2024, and many operative case deadlines fall within this time period, and a 6-
22 month extension will provide time after counsel returns for the parties to complete remaining
23 discovery, including expert depositions.

24 Plaintiff and Defendants agree with the proposed extension of the current discovery
25 deadlines by 180 days. Accordingly, no party is prejudiced by the additional time necessary to
26 conduct the remaining discovery and to prepare for expert discovery. Counsel for the parties have
27 been diligently working together to prepare this stipulation and obtain an extension of the current
28 discovery deadlines. All of the foregoing circumstances constitute good cause to extend the

1 remaining discovery deadlines, and the parties jointly and in good faith request this Court enter an
2 Order extending the discovery deadlines in accordance with their stipulation.

3 **IV. PROPOSED REVISED DISCOVERY PLAN**

4 The parties hereby stipulate to continue all discovery deadlines 180 days and propose the
5 following amendments to the current discovery deadlines:

	Old Deadline	New Deadline
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	Old Deadline	New Deadline
	Final date to amend pleadings or add parties:	January 11, 2024 July 11, 2024
	Plaintiff's initial expert disclosures:	January 11, 2024 July 11, 2024
	Defendant's initial expert disclosures:	February 9, 2024 August 9, 2024
	Defendant's rebuttal expert disclosures:	February 9, 2024 August 9, 2024
	Plaintiff's rebuttal expert disclosures:	March 11, 2024 September 11, 2024
	Discovery cut off:	April 11, 2024 October 11, 2024
	Dispositive Motions:	May 13, 2024 November 12, 2024 ¹
	No trial date has been set.	

16 **SUBMITTED BY THE FOLLOWING COUNSEL OF RECORD:**

17 Dated: November 21, 2023.

18 **EVANS FEARS SCHUTTERT MCNULTY KAPLAN YOUNG**
19 **MICKUS**

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24 *Attorneys for Defendants Schindler Elevator*
25 *Corporation and Simon Property Group, L.P.*
26 *(incorrectly referred to herein as Simon*
27 *Property Group Limited Partnership d/b/a The*
28 *Shops at Crystals)*

¹ November 11, 2024 is Veterans Day

~~PROPOSED~~ ORDER

IT IS SO ORDERED. Based upon the foregoing stipulation, the 180-day extension to discovery deadlines are granted as follows:

	Old Deadline	New Deadline
Final date to amend pleadings or add parties:	January 11, 2024	July 11, 2024
Plaintiff’s initial expert disclosures:	January 11, 2024	July 11, 2024
Defendant’s initial expert disclosures:	February 9, 2024	August 9, 2024
Defendant’s rebuttal expert disclosures:	February 9, 2024	August 9, 2024
Plaintiff’s rebuttal expert disclosures:	March 11, 2024	September 11, 2024
Discovery cut off:	April 11, 2024	October 11, 2024
Dispositive Motions:	May 13, 2024	November 12, 2024²
No trial date has been set.		



UNITED STATES MAGISTRATE JUDGE

DATED: 11/22/2023

Case No. 2:23-cv-00426-APG-DJA

Respectfully submitted by:

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referred to herein as Simon Property Group
Limited Partnership d/b/a The Shops at Crystals)*

² November 11, 2024 is Veterans Day.