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6 Attorneys for Defendants

7
 8 **IN THE UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10
 11 DARLENE GIROUARD, an individual,
 12
 13 Plaintiff,

14 vs.

15 WALMART TRANSPORTATION, LLC, a
 16 foreign corporation; WALMART, INC. dba
 WALMART, a foreign corporation;
 17 ROBERT WILLIAMS MENDOZA, an
 18 individual; DOES I through XV; and ROE
 CORPORATIONS I through X, inclusive,
 19
 20 Defendants.

CASE NO.: 2:23-cv-00674-CSD-EJY

Stipulation and Proposed Order to Extend Discovery

(Third Request)

21 Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of
 22 record, hereby stipulate and request that this Court extend discovery in the above-captioned case
 23 sixty (60) days from the current deadline of June 17, 2024 up to and including August 16, 2024. In
 24 addition, the parties request that all other future deadlines contemplated by the Discovery Plan and
 25 Scheduling Order be extended pursuant to Local Rule. In support of this Stipulation and Request,
 26 the parties state as follows:

- 27 1. On March 20, 2023, Plaintiff filed her Complaint in the Eighth Judicial District Court
 28 of Nevada.

- 1 2. On March 22, 2023, Defendants, Walmart Transportation, LLC and Walmart, Inc. dba
- 2 Walmart were served and on April 1, 2023, Robert Williams Mendoza was served.
- 3 3. On April 28, 2023, Defendants removed this action to the United States District
- 4 Court, District of Nevada.
- 5 4. On May 11, 2023, Defendants filed their Answers and Jury Demands.
- 6 5. On May 16 2023, Defendants filed their Statement Regarding Removal, pursuant to
- 7 the Court's May 1, 2023 Minute Order.
- 8 6. On May 18, 2023, the parties held their FRCP 26(f) conference.
- 9 7. On May 30, 2023, Plaintiff served her Initial Rule 26(f) Disclosures.
- 10 8. On May 31, 2023, the parties submitted their Joint Status Report.
- 11 9. On June 13, 2023, Defendants served their Initial Rule 26(f) Disclosures.
- 12 10. On June 14, 2023, Defendants served their First Set of Requests for Production of
- 13 Documents upon Plaintiff.
- 14 11. On June 14, 2023, Defendants served their First Set of Interrogatories upon Plaintiff.
- 15 12. On July 7, 2023, Defendants served their First Supplemental Rule 26(f) Disclosures.
- 16 13. On July 28, 2023, Plaintiff served her First Supplemental Rule 26(f) Disclosures.
- 17 14. On July 28, 2023, Plaintiff served her Answers to Defendants First Set of
- 18 Interrogatories.
- 19 15. On July 28, 2023, Plaintiff served her Responses to Defendants First Set of Requests
- 20 for Production of Documents.
- 21 16. On August 14, 2023, Plaintiff provided Defendants with a HIPAA consent allowing
- 22 for release of medical records from 2017 to present.
- 23 17. On August 15, 2023, Defendant subpoenaed medical records from Steinberg
- 24 Diagnostic Medical Imaging, Radar Medical Group, Centennial Surgery Center, David
- 25 26 27 28

1 Oliveri, M.D., Las Vegas Neurosurgery, Orthopedic & Rehabilitation, Centennial Spine &
2 Pain, Desert Radiology Solutions, UMC Quick Care Centennial and AlignMed.

3 18. On September 14, 2023, Defendants served their Second Supplemental Rule 26(f)
4 Disclosures.

5 19. On September 22, 2023 Plaintiff served her First Set of Interrogatories to Defendant
6 Walmart, Inc.

7 20. On September 22, 2023 Plaintiff served her First Set of Interrogatories to Defendant
8 Walmart Transportation, LLC.

9 21. On September 22, 2023, Plaintiff served her First Set of Interrogatories to Defendant
10 Robert William Mendoza.

11 22. On September 22, 2023, Plaintiff served her First Set of Requests for Production of
12 Documents to Defendant Robert William Mendoza.

13 23. On September 22, 2023, Plaintiff served her First Set of Requests for Production of
14 Documents to Defendant Walmart, Inc.

15 24. On September 22, 2023, Plaintiff served her First Set of Requests for Production of
16 Documents to Defendant Walmart Transportation, LLC.

17 25. On October 30, 2023, Defendants served their Third Supplemental Rule 26(f)
18 Disclosures.

19 26. On November 3, 2023, Defendant Robert Mendoza served his Responses to Plaintiff's
20 Request for Production of Documents to Plaintiff.

21 27. On November 27, 2023, Defendants served their Fourth Supplemental Rule 26(f)
22 Disclosures.

23 28. On December 14, 2023, Defendants served their Fifth Supplemental Rule 26(f)
24 Disclosures.

1 29. On December 18, 2023, Defendants served their Sixth Supplemental Rule 26(f)
2 Disclosures.

3 **30. On December 19, 2023, Defendants served their Seventh Supplemental Rule 26(f)**
4 **Disclosures.**

5 **31. On January 5, 2024, Defendants served their Eighth Supplemental Rule 26(f)**
6 **Disclosures.**

7 **32. On February 29, 2024, Howard Tung, M.D. performed a FRCP 35 Evaluation of**
8 **Mrs. Girouard, however, his report has not yet been completed.**
9

10 **Discovery Remaining**

- 11 1. The parties will continue participating in written discovery.
- 12 2. Defendants will take the deposition of Plaintiff.
- 13 3. Plaintiff will take the deposition of Defendants.
- 14 4. The parties may take the depositions of any and all other witnesses garnered through
15 discovery.
- 16 5. Expert retention.
- 17 6. Plaintiff has requested an inspection of the tractor-trailer involved in the accident.
18 While the trailer is available, the tractor is no longer in the Walmart fleet. Walmart is in the
19 process of locating that equipment so it can be made available at a mutually convenient time
20 and location for an inspection.
21

22 **Why Remaining Discovery Has Not Been Completed**

- 23 1. This request for an extension of time is sought for the following reasons, neither of
24 which are merely for delay or any other improper purpose:
- 25 **2. As noted in the third request to extend discovery, Walmart has been attempting**
26 **to locate the tractor involved in the subject accident for an inspection by the plaintiff.**
27 **Because the tractor is no longer in Walmart's fleet and cannot be located, the parties**
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have stipulated that an exemplar vehicle may be used for the inspection. The inspection will be set for April, 2024.

3. Defendants’ counsel has a firm trial setting on March 18, 2024 that is expected to last for three weeks in the Eighth Judicial District Court, Dept. 4 in *Kathleen Jehorek v. Phillips Crane Service, LLC, Case No. A-19-792801-C*.

4. Accordingly, the parties herein request a 90-day extension of all discovery deadlines, and respectfully submit good cause exists for the same.

Scheduled Event	Current Deadline	Proposed Deadline
Final date to amend pleadings or add parties	Closed	Closed
Initial Expert Disclosures	April 5, 2024	June 5, 2024
Rebuttal Expert Disclosures	May 6, 2024	July 5, 2024
Discovery Cut-Off	June 17, 2024	August 16, 2024
Final Date for Dispositive Motions	July 15, 2024	September 13, 2024
Joint Proposed Pre-Trial Order	September 16, 2024 or 30 days after resolution of dispositive motions	November 15, 2024, or 30 days after resolution of dispositive motions

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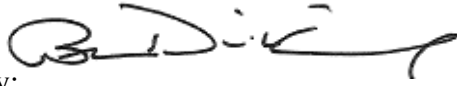
1 The parties respectfully request that this Court extend the discovery period by sixty (60) days
2 from the current deadline of June 17, 2024 up to and including August 16, 2024, and the other dates
3 as outlined in accordance with the table above.

4 DATED this 5th day of March, 2024.

DATED this 5th day of March, 2024.

5 THORNDAL ARMSTRONG, PC

CLEAR COUNSEL LAW GROUP

6 
7 By: _____

By: //Scott A. Flinders, Esq.//

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Order

IT IS SO ORDERED.

Dated this 5th day of March, 2024.

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19 _____
20 United States Magistrate Judge