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SAO
GEORGE M. RANALLI, ESQ.
Nevada Bar No. 5748
JASON ANDREW FOWLER, ESQ.
Nevada Bar No. 8071
RANALLI ZANIEL FOWLER & MORAN, LLC
2340 W. Horizon Ridge Parkway, Suite 100
Henderson, Nevada 89052
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Attorneys for Defendant,
WALGREEN, CO.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

RUFAEL KEBEDE MULUGETA,)
) Case No.: 2:23-cv-00881-RFB-DJA
Plaintiff,)
)
vs.)
)
WALGREEN CO, a foreign)
Corporation; RADIENZ LIVING)
fka U.S. NONWOVENS, Foreign)
LLC, NEW SPS POD, LLC dba)
RADIENZ LIVING, a Foreign LLC;)
DOES I through X; and ROE)
CORPORATIONS II through X,)
inclusive,)
)
Defendants.)

STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES (FIRST REQUEST)

Plaintiff RUFAEL KEBEDE MULUGETA and Defendants WALGREEN CO, by and through their respective counsel of record, do hereby stipulate to extend the discovery cutoff in the present case for a period of three months.

Pursuant to Local Rule 2.25, the parties hereby aver that this is the first discovery extension requested in this matter.

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DISCOVERY COMPLETED TO DATE

1. The parties conducted the FRCP 26(f) conference
2. Defendant, Walgreen, Co's Initial Requests for Admissions, Interrogatories, and Request for Production of Documents to Plaintiff served on July 17, 2023;
3. Plaintiff's Responses to Defendant's Initial Request for Admissions, Interrogatories, and Request for Production of Documents served on August 9, 2023;
4. Plaintiff's Supplemental Answer's to Defendant's Initial Interrogatories served on October 31, 2023;
5. Defendant, Walgreen, Co's Second Requests for Admissions to Plaintiff served on October 4, 2023;
6. Plaintiff's Responses to Defendant's Second Set of Request for Admissions served on October 30, 2023;
7. Plaintiff's Request for Admissions, Interrogatories, and Request for Production of Documents to Defendant, Walgreen, Co served on September 11, 2023;
8. Defendant, Walgreen, Co's Responses to Plaintiff's First Set of Request for Admissions served on November 13, 2023;
9. Defendant, Walgreen, Co's Responses to Plaintiff's First Set of Interrogatories served on November 22, 2023;
10. Errata to Defendant, Walgreen, Co's Responses to Plaintiff's First Set of Interrogatories served on November 30, 2023;
11. Defendant, Walgreen, Co's Initial FRCP 26f(f) Disclosure dated June 29, 2023;
12. Defendant, Walgreen, Co's First Supplemental FRCP 26f(f) Disclosure dated

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- July 26, 2023;
- 13. Defendant, Walgreen, Co's Second Supplemental FRCP 26f(f) Disclosure dated August 31, 2023;
- 14. Defendant, Walgreen, Co's Third Supplemental FRCP 26f(f) Disclosure dated September 29, 2023;
- 15. Defendant, Walgreen, Co's Fourth Supplemental FRCP 26f(f) Disclosure dated November 7, 2023;
- 16. Defendant, Walgreen, Co's Fifth Supplemental FRCP 26f(f) Disclosure dated November 22, 2023;
- 17. Defendant, Walgreen, Co's Sixth Supplemental FRCP 26f(f) Disclosure dated January 10, 2024;
- 18. Defendant, Walgreen, Co's Seventh Supplemental FRCP 26f(f) Disclosure dated January 23, 2024;
- 19. Plaintiff's Initial FRCP 26f(f) Disclosure dated June 21, 2023;
- 20. Plaintiff's First Supplemental FRCP 26f(f) Disclosure dated August 7, 2023;
- 21. Plaintiff's Second Supplemental FRCP 26f(f) Disclosure dated March 1, 2024;

DISCOVERY TO BE COMPLETED AND REASONS FOR EXTENSION OF DISCOVERY

- 1. Retention and disclosure of initial and rebuttal expert witnesses;
- 2. Continue obtaining records regarding Plaintiff, Rufael Kebede Mulugeta;
- 3. Depositions of parties;
- 4. Depositions of expert witnesses, physicians, and the Person Most Knowledgeable from Plaintiff's medical providers relevant to treatment rendered to Plaintiff

1 since the date of this accident;

2 5. Any other discovery which may be determined as relevant and necessary by the
3 parties.

4 The parties aver, pursuant to Local Rule 2.25, that good cause exists for the requested
5 extension. The parties have been diligently conducting discovery in this matter.

6 Difficulties getting the new Defendants to appear in the case have, however, necessitated
7 delaying the deposition of Plaintiff so that it does not have to be conducted multiple times. This is
8 especially important since Plaintiff lives out of state and the parties intended to conduct his
9 deposition in person in Oregon, increasing the cost of conducting discovery. Defendant NEW
10 SPS POD, LLC has only recently appeared and their posture in the case until they were
11 dismissed this week delayed conducting discovery including Plaintiff's deposition. Defendant
12 RADIENZ LIVING fka U.S. NONWOVENS it has now been learned is in bankruptcy in
13 Federal Bankruptcy Court in Delaware, Case No. and the parties, neither of whom's Counsel are
14 bankruptcy lawyers, are diligently trying to either obtain their involvement through their insurer
15 or to determine if the status of the bankruptcy would dictate a stay in this case as to all parties,
16 further complicating and delaying discovery. In light of these complications the now active
17 Defendants believe that good cause exists to extend discovery.

18 In light of this, the parties have agreed to and are seeking a ninety (90) day extension to
19 allow the parties to conduct the necessary discovery.

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TELEPHONE: (702) 477-7774 FAX: (702) 477-7778

1 The parties aver that this request for an extension of discovery deadlines is made by the
2 parties in good faith and not for the purpose of delay.

3 DATED March 28, 2024	DATED March 28, 2024
4 MOSS BERG INJURY LAWYERS	RANALLI ZANIEL FOWLER & MORAN
5 <u>Marcus A. Berg</u>	<i>Jason Andrew Fowler, Esq.</i>
6 MARCUS A. BERG, ESQ.	GEORGE M. RANALLI, ESQ.
7 Nevada Bar No. 9760	Nevada Bar No. 5748
8 BOYD B. MOSS, III, ESQ.	JASON ANDREW FOWLER, ESQ.
9 Nevada Bar No. 8856	Nevada Bar No. 8071
10 5420 w. Sahara Ave., Suite 101	2340 W. Horizon Ridge Pkwy., Ste. 100
11 Las Vegas, Nevada 89146	Henderson, Nevada 89052
12 <i>Attorneys for Plaintiff</i>	<i>Attorneys for Defendant,</i>
	WALGREEN, CO.

11 **ORDER**

12 Although the parties cite a unknown rule - Local Rule 2.25 - as the basis for their request,
13 the Court nonetheless finds that the parties have made an adequate showing of good cause
14 under Federal Rule of Civil Procedure 6 and Local Rule 26-3 to extend their deadlines.

15 **IT IS THEREFORE ORDERED** that the parties' stipulation (ECF No. 40) is **GRANTED**.

16 **DATED:** 4/1/2024



17
18 **DANIEL J. ALBRECHTS**
UNITED STATES MAGISTRATE JUDGE

19 Respectfully Submitted By:
20 **RANALLI ZANIEL FOWLER & MORAN, LLC**

21 *Jason Andrew Fowler, Esq.*

22 **JASON ANDREW FOWLER, ESQ.**
23 Nevada Bar No. 8071
24 2340 W. Horizon Ridge Pkwy., Ste. 100
Henderson, Nevada 89052

From: Tonya Baltazar
To: Jason Fowler; Mikayla Fritchley; Marcus Berg
Cc: Vicki Driscoll; Vicki Perez; John Funk
Subject: RE: Walgreens adv. Mulugeta - 6300.051
Date: Thursday, March 28, 2024 8:52:11 AM
Attachments: image001.png

Marcis said you can e-sign for him. Also, please confirm that the deposition of my client is not going forward tomorrow.

From: Jason Fowler <jfowler@ranallilawyers.com>
Sent: Wednesday, March 27, 2024 4:58 PM
To: Tonya Baltazar <Tonya@mossberglv.com>; Mikayla Fritchley <mfritchley@ranallilawyers.com>; Marcus Berg <Marcus@mossberglv.com>
Cc: Vicki Driscoll <vdriscoll@ranallilawyers.com>; Vicki Perez <vperez@ranallilawyers.com>; John Funk <John@mossberglv.com>
Subject: RE: Walgreens adv. Mulugeta - 6300.051
Importance: High

Counsel,

In light of the global dismissal New SPS Pod LLC, and the parties having now had interaction with the Counsel for the Trustee for Radienz Living, I have revised the proposed stipulation to extend as is attached.

Please advise if we may affix your respective electronic signatures or if you require any revisions. Thank you.

Jason

Jason Andrew Fowler, Esq.
Managing Partner
Ranalli Zaniel Fowler & Moran, LLC
2340 W. Horizon Ridge Pkwy. # 100
Henderson, Nevada 89052
702.477.7774 - Phone
702.477.7778 - Fax



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From: Dylan Ciciliano <dciciliano@Gtg.legal>
Sent: Wednesday, March 20, 2024 4:27 PM
To: Mikayla Fritchley <mfritchley@ranallilawyers.com>; Marcus Berg <Marcus@mossberglv.com>; Tonya Baltazar <Tonya@mossberglv.com>; peter.amend@srz.com; thomas.mott@srz.com
Cc: Jason Fowler <jfowler@ranallilawyers.com>; Vicki Driscoll <vdriscoll@ranallilawyers.com>; Vicki Perez <vperez@ranallilawyers.com>; Tonya Binns <tbinns@Gtg.legal>
Subject: RE: Walgreens adv. Mulugeta - 6300.051

Mikayla,

Plaintiff and Walgreens have both advised that they are seriously considering dismissing our client from the action. Upon those dismissals being filed, my client will be terminated from the action, such that our signature will be unnecessary. Even if we were to sign, New SPS Pod, LLC does not concede that it is subject to discovery, such that we would want a stipulation that “ By signing the stipulation, New SPS Pod, LLC is not waiving any rights, claims or defenses, including its right to seek a stay of discovery, defenses under FRCP 12(b), inclusive of FRCP 12(b)(2)-12(b)(7), and 11 USC 362.”

Dylan

Dylan T. Ciciliano, Esq.

Office: 725 777 3000 | Cellphone: 702 371 3256

Email: dciciliano@gtg.legal

From: Mikayla Fritchley <mfritchley@ranallilawyers.com>
Sent: Monday, March 18, 2024 1:52 PM
To: Marcus Berg <Marcus@mossberglv.com>; Tonya Baltazar <Tonya@mossberglv.com>; Dylan Ciciliano <dciciliano@Gtg.legal>; peter.amend@srz.com; thomas.mott@srz.com

Cc: Jason Fowler <jfowler@ranallilawyers.com>; Vicki Driscoll <vdriscoll@ranallilawyers.com>; Vicki Perez <vperez@ranallilawyers.com>

Subject: RE: Walgreens adv. Mulugeta - 6300.051

You don't often get email from mfritchley@ranallilawyers.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Dylan – I'm following up on the approval to e-sign the attached on your behalf. Please advise if I may do so.

Thank you

Mikayla Fritchley

Paralegal

Ranalli Zaniel Fowler & Moran, LLC

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From: Mikayla Fritchley

Sent: Friday, March 15, 2024 4:46 PM

To: Marcus Berg <Marcus@mossberglv.com>; Tonya Baltazar <Tonya@mossberglv.com>;
dciliano@gtg.legal; peter.amend@srz.com; thomas.mott@srz.com

Cc: Jason Fowler <jfowler@ranallilawyers.com>; Vicki Driscoll <vdriscoll@ranallilawyers.com>; Vicki Perez <vperez@ranallilawyers.com>

Subject: Walgreens adv. Mulugeta - 6300.051

Hi Marcus and Dylan - Please see the attached Stipulation and Order to Extend. Please advise if you are in agreement with the contents and if I am able to use your e-signature for this stipulation. If you have any questions or concerns, please contact our office.

Thank you!

Mikayla Fritchley

Paralegal

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