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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 ROSA RIOS, as Special Administrator of
9 the Estate of ALEJANDRO RIOS,
deceased; ELI RIOS, individually and as
10 Heir of the ESTATE OF ALEJANDRO
RIOS, Deceased; ROSA RIOS,
11 individually and as Heir of the ESTATE OF
ALEJANDRO RIOS, Deceased; ALEX
12 RIOS, individually and as Heir of the
ESTATE OF ALEJANDRO RIOS,
13 Deceased; ROSA MANCINAS ALVAREZ,
individually and as Heir of the ESTATE OF
14 ALEJANDRO RIOS, Deceased; JESSICA
LOPEZ, individually and as Heir of the
15 ESTATE OF ALEJANDRO RIOS,
Deceased;

16 Plaintiffs,

17 vs.

18 NEVADA CVS PHARMACY, LLC, a
Domestic Limited-Liability Company; CVS
19 PHARMACY, INC, a Foreign Corporation;
CVS NV HOLDING COMPANY, L.L.C., a
20 Foreign Limited-Liability Company; CVS
1507 NV, L.L.C., a Foreign Limited-Liability
21 Company; NS RETAIL HOLDINGS, LLC, a
Foreign Limited-Liability Company; CVS
22 HEALTH CORP, a Foreign Corporation;
CAREMARK PHC, LLC, a Foreign Limited-
23 Liability Corporation; LAS VEGAS
PHARMACY DST, a Foreign Statutory
24 Trust; PHARMACY PORTFOLIO IV
EXCHANGE, L.L.C., A Foreign Limited-
25 Liability Company; INLAND PRIVATE
CAPITAL CORPORATION, a Foreign
26 Corporation; DOES 1-10; AND ROE
CORPORATIONS 11-20, DOE
27 EMPLOYEES/AGENTS 21-30, inclusive;

28 Defendants.

Case No. 2:23-cv-01108 RFB-NJK

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

(First Request)

1 **STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES**

2 Pursuant to LR IA 6-1, 6-2, and LR 26-1, Plaintiffs, by and through their counsel
3 of record, and Defendants, by and through their counsel of record, hereby stipulate to
4 amend the current scheduling order (ECF No. 22) by extending the outstanding
5 discovery deadlines for a period of one hundred twenty (120) days. This is the first
6 request for an extension to the scheduling order in this matter.

7 This is a complex wrongful death matter involving multiple Plaintiffs in multiple
8 states to which Rosa Rios was appointed as Special Administrator of the Estate of
9 Alejandro Rios, multiple defendants in multiple jurisdictions, and the parties have been
10 engaging in discovery diligently throughout this matter to pursue the mandates of FRCP
11 1.

12 **DISCOVERY COMPLETED TO DATE AND GOOD CAUSE REASONS FOR**
13 **EXTENSION TO COMPLETE DISCOVERY**

14 Fed. R. Civ. P. Rule 16(b)'s good cause standard looks primarily to the diligence
15 of the party seeking amendment. *CC.Mexicano.US, LLC v. Aero II Aviation, Inc.*, No.
16 2:14-CV-00108-JCM-NJK, 2015 WL 10059063, at *2 (D. Nev. Dec. 5, 2015), *report and*
17 *recommendation adopted sub nom. CC. Mexicano US, LLC v. Aero II Aviation, Inc.*,
18 No. 2:14-CV-108-JCM-NJK, 2016 WL 589668 (D. Nev. Feb. 11, 2016). The parties
19 proffer and respectfully state to this Honorable Court that such standard is readily met
20 in this matter.

21 The parties have exchanged their initial disclosures required under Fed. R. Civ.
22 P. 26(a)(1)(A) and continue to supplement such disclosures. Defendants Las Vegas
23 Pharmacy DST, Pharmacy Portfolio IV Exchange, LLC and Inland Private Capital
24 Corporation's ("LL Defendants") Initial Disclosure were tendered on August 29, 2023
25 and have been supplemented throughout discovery.

26 After extensive written discovery, meet and confers involving written
27 correspondence and phone calls, LL Defendants have tendered supplemental
28 disclosures and produced hundreds of pages of documents. LL Defendants and

1 Plaintiffs continue to meet and confer on production of documentation, scheduling of
2 depositions, continued authorizations needed or necessary for the Plaintiffs, any
3 stipulated protective order necessary, and responses to any discovery tendered by
4 Plaintiffs.

5 LL Defendants and Plaintiffs are working on an appropriate SAO per FRCP to
6 dismiss without prejudice some Defendants with appropriate stipulation for the
7 streamlining of this matter.

8 Throughout this matter, Plaintiffs have served and tendered over Four Thousand
9 (4,000) pages of disclosures. Defendants served their initial disclosures on August 29,
10 2023. Defendants Las Vegas Pharmacy DST, Pharmacy Portfolio IV Exchange, LLC,
11 and inland Private Capital Corporation served their first supplemental disclosures on
12 September 8, 2023.

13 Defendants Nevada CVS Pharmacy, LLC, CVS Pharmacy, Inc., CVS NV Holding
14 Company, L.L.C., CVS Healthcare Corporation, and Caremark PHC, LLC (CVS
15 Defendants) have served and tendered over 600 pages of disclosures.

16 As CVS Defendants are currently finalizing more disclosures, any appropriate
17 protective Order, authorizations, etc., more disclosures are anticipated and the parties
18 have been working together on appropriate language in a SAO to dismiss without
19 prejudice certain CVS Defendants for the streamlining of this matter.

20 Plaintiffs served their first set of requests to produce to Defendants Nevada CVS
21 Pharmacy, LLC, CVS Pharmacy, Inc., CVS NV Holding Company, L.L.C., CVS
22 Healthcare Corporation, and Caremark PHC, LLC. Responses were served on
23 November 13, 2023 and continuing throughout as the parties are working toward
24 appropriate language in any authorization and/or releases needed.

25 Plaintiffs have served their first set of requests to produce to Defendants Las
26 Vegas Pharmacy DST, Pharmacy Portfolio IV Exchange, LLC, and Inland Private
27 Capital Corporation and responses continue throughout.

28

1 Defendants Nevada CVS Pharmacy, LLC, CVS Pharmacy, Inc., CVS NV Holding
2 Company, L.L.C., CVS Healthcare Corporation, and Caremark PHC, LLC served their
3 first sets of interrogatories and requests to produce on October 16, 2023. Responses
4 were served on December 6, 2023.

5 On January 19, 2024, Defendants Nevada CVS Pharmacy, LLC, CVS Pharmacy,
6 Inc., CVS NV Holding Company, L.L.C., CVS Healthcare Corporation, and Caremark
7 PHC, LLC served notice of thirty-eight (38) subpoenas, served such subpoenas, and
8 Plaintiffs have provided all authorizations necessary through meet and confer process.

9 Last week, Plaintiffs timely responded to CVS second set of requests to
10 produce.

11 Plaintiffs have met and conferred on dates in March and April and otherwise
12 pending indulgence from this Honorable Court to schedule dispositions of all witnesses
13 pending completion of final responses as the

14 Unfortunately, Plaintiff's lead counsel was in ICU in January of 2024 for a
15 serious medical condition to which he is still receiving treatment. Just last month,
16 Plaintiff's lead trial counsel fell ill, received emergency transport, and was hospitalized
17 with congestive pneumonia and is still treating, recovering, and moving forward.
18 Additionally and prior to such circumstances, Plaintiff's lead trial counsel had to travel
19 out of state to be with and assist an ailing family member. Moreover, Plaintiff's counsel
20 had a 67-witness fair hearing for a local doctor that opposing party in that matter
21 refused to continue. In addition, the firm of Plaintiff's counsel also experienced
22 significant personnel turnover of legal staff further necessitating this extension and has
23 actively sought employees and provided the appropriate training, hiring, and
24 supervision to diligently pursue these matters. Finally, counsel for Defendants Las
25 Vegas Pharmacy DST, Pharmacy Portfolio IV Exchange, LLC, and Inland Private
26 Capital Corporation (David Gould, Esq.) is currently out on leave. The parties herein
27 continue to work together to complete discovery.

28 Plaintiffs' counsel takes this extension request seriously, has personally

1 engaged in hundreds of emails in this complex matter, personally meets and confers
2 with Defendants' counsel, has engaged in motion practice in this case, and such
3 amount of time and corresponding extension of dates will ensure the effective
4 completion of discovery in this matter. Plaintiffs' counsel understand the nature of this
5 serious request to this Honorable Court and has adjusted commitments, his medical
6 treatments, work and personal obligations, and other matters to effectively meet this
7 Honorable Court's due diligence requirements.

8 **DISCOVERY THAT REMAINS TO BE COMPLETED**

9 Plaintiffs anticipate taking Defendants' FRCP 30(b)(6) depositions, the
10 depositions of identified witnesses, and those in the document production tendered last
11 month. Defendants intend to take the depositions of the Plaintiffs; fact witnesses; and
12 experts. Appropriate experts will be disclosed as necessary.

13 Further, additional discovery will be exchanged and a proposed protective order,
14 according to this Honorable Court's appropriate wording will be submitted. The parties
15 are currently working together to finalize a proposed protective order.

16 **PROPOSED REVISED DISCOVERY PLAN**

17 1. **Discovery Cut-Off Deadline**

18 The discovery cut-off deadline shall be extended for one hundred twenty (120)
19 days from May 3, 2024 to **Tuesday, September 3, 2024** (August 31, 2024 falls on a
20 Saturday and September 2, 2024 is a federal holiday).

21 2. **Amending the Pleadings and Adding Parties**

22 The date for filing motions to amend the pleadings or to add parties was
23 February 2, 2024 and has passed. The parties do not seek an extension of this
24 deadline.

25 3. **Initial and Rebuttal Expert Witness Disclosures**

26 The disclosure of any expert witnesses shall be extended and made sixty (60)
27 days before the discovery cut-off date, which is **Friday, July 5, 2024**. The disclosures of
28 any rebuttal experts shall be due 30 days after the initial disclosures of experts, which is

1 **August 5, 2024** (August 4, 2024 falls on a Sunday).

2 4. Dispositive Motions Deadline

3 The parties shall file dispositive motions thirty (30) days after the extended
4 discovery cut-off date, and therefore, not later than **Thursday, October 3, 2024**.

5 5. Joint Pretrial Order Deadline

6 If no dispositive motions are filed and, unless otherwise ordered by this Court,
7 the Joint Pretrial Order shall be filed thirty (30) days after the date set for filing
8 dispositive motions, and therefore, not later than **Monday, November 4, 2024**
9 (November 2, 2024 falls on a Saturday). In the event dispositive motions are filed, the
10 date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after the
11 Court enters a ruling on the dispositive motions or otherwise by further order of the
12 Court.

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1 6. Trial and Calendar Call
2 No trial has been set in this matter.

3 Dated this 12th day of February 2024 by:

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22 Exchange, LLC; and Inland Private
23 Capital Corporation

**The Court is not inclined to grant
further extensions hereafter. See
also Docket No. 22 at 2.**

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

Dated: February 13, 2024