Mullaney v. T	he Travelers Indemnity Company Case 2:23-cy-01530-1AD-RNW Docu	ument 16 Filed 05/01/24 Page 1 of 7	Doc. 17	
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1 2 3 4 5 6 7	John R. Hanson, Esq. Nevada State Bar No. 13141 WORTHE HANSON & WORTHE A Law Corporation 1851 E First Street, Suite 860 Santa Ana, CA 92705 Telephone (714) 285-9600 Facsimile (714)285-9700 E-Mail: jhanson@whwlawcorp.com Attorneys for Defendant, THE STANDA	RD FIRE INSURANCE COMPANY		
8	UNITED STATE I	DISTRICT COURT		
9	DISTRICT OF NEVADA			
10	ALISON MULLANEY, an Individual.	CASE NO.: 2:23-cv-01530-JAD-BNW		
11	Plaintiff,			
12	v.			
13	THE TRAVELERS INDEMNITY	STIPULATION AND ORDER TO		
14	COMPANY, a foreign Corporation; DOES I through X, inclusive; and ROE	EXTEND DEFENDANT'S CLAIMS EXPERT REPORT SUBMISSION		
15	CORPORATIONS I through X,	BY 14 DAYS.		
16	inclusive.	3RD REQUEST		
17	Defendants.			
18				
19 20		ND ACREED 1 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
20		AND AGREED by and between Plaintiff		
22	Alison Mullaney ("Plaintiff"), and Defendant The Travelers Indemnity Company			
23	("Defendant") by and through their undersigned counsel of record, stipulate to extend the un-expired expert disclosure date by 14 days as to defendant's claims			
24		nade in good faith and not for purposes of		
25	delay.	hade in good faith and not for purposes of		
26	I. DISCOVERY COMPLETED			
27		e parties participated in a Rule 26(f)		
28	conference.	1 1 1		
		1		
		DEFENDANT'S CLAIMS EXPERT REPORT I BY 14 DAYS		
	SUBMISSION	Dockets	s.Justia.com	

- 2. On November 17, 2023, Plaintiff served her first set of requests for admission, requests for production of documents, and interrogatories to Defendant, and Defendant served its responses to each on January 2, 2023.
 - 3. On December 26, 2023, Plaintiff served her initial disclosures.
 - 4. On January 10, 2024, Defendant served its initial disclosures.
- 5. On February 13, 2024, Plaintiff conducted the deposition of Valerie Vo, who was designated as the FRCP 30(b)(6) representative for certain topics of Defendant. The parties agreed that Defendant would produce Mary C. Liparulo, RN, as a witness to address the additional topics contained within the FRCP 30(b)(6) deposition notice at a later date.
- 6. On March 7, 2024, Defendant served their first set of requests for requests for production of documents, and interrogatories to Plaintiff, and Plaintiff's responses are due on April 8, 2024.
- 7. On March 7, 2024, Defendant served their Notice Of Taking Remote Deposition Of Plaintiff, Alison Mullaney.
- 8. On March 7, 2024, Defendant served their Notice Of Taking Remote Deposition Of Plaintiff's Retained Expert Of Dr. Raimundo Leon Pursuant To Deposition Subpoena And Request For Production Of Documents At Time Of Deposition. Dr. Leon's deposition was completed on April 1, 2024.
- 9. On March 5, 2024, Plaintiff's served her first supplement to initial disclosures.

II. DISCOVERY THAT REMAINS TO BE COMPLETED AND REASONS SUPPORTING THE REQUESTED EXTENSION

- 1. Deposition of Plaintiff;
- 2. Deposition of Mary C. Liparulo, RN;
- 3. Deposition of Plaintiff's medical providers;
- 4. The parties will take the depositions of any and all other necessary witnesses as determined through discovery. The parties are coordinating on

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scheduling those depositions, along with any others;

- 5. The parties will issue and respond to any necessary additional written discovery; and
 - 6. Any additional discovery as needed.

The reason for the requested extension arises from the inadvertent miscalendaring of the disclosure date by the defense claims expert.

On April 30, 2024, defense counsel wrote to Schratz reminding him disclosures were due on May 1, 2024. (Accompanying declaration of John R. Hanson.) Mr. Schratz responded that his office didn't have the date calendared and he was on his way to testify at a trial in Seattle. He advised that if defendant could secure a two seek extension, he could get the report complete.

Schratz was retained on January 10, 2024 and the file documents, claims notes and policy were forwarded to him then on that date. (Accompanying declaration of John R. Hanson.)

On April 30, 2024, defense counsel left a phone message advising plaintiff's counsel that the above had occurred. Defense counsel also sent an email to that effect. On May 1, 2024, the date set by the Court for Rule 26 expert disclosures, defense counsel received an email from Mr. Gutierrez, counsel for plaintiff. Counsel stated, "[w]e are planning on getting our expert disclosures filed today. We are fine if you need two weeks to get your expert report submitted but we want to ensure that your expert does not review our expert report beforehand." (Accompanying declaration of John R. Hanson.) As part of this stipulation, defendant and defense counsel agree that no person associated with the defense of this action will review plaintiff's claims expert's Rule 26 report unless and until the defense has timely disclosed Mr. Schratz's report to plaintiffs. Defense counsel will ask his assistant to segregate the expert report from the balance of any Rule 26 expert disclosures and to keep it filed separately until Schratz has submitted his report.

1	III.	PROPOSED	SCHED	ULE	FOR	COMP	PLETING	REMAINING
2	DISC	OVERY						
3			Curre	nt Disco	very Dead	llines: <u>I</u>	Proposed Disc	covery Deadlines:
4	1.	Discovery cut-o	off:	June 2	28, 2024		No chang	<u>ge</u>
5	2.	Amend /add par	rties:	No cha	ange.		No chang	<u>ge.</u>
6	3.	Initial experts:		May 1	, 2024		No chang	ge - with the
7							sole exce	ption of the
8							report of	James Schratz
9							to be sub	mitted on May
10							15, 2024	and subject to
11							the agree	ment of defense
12							not to rev	riew plaintiff's
13							claims ex	pert report prior
14							to the ser	vice of Mr.
15							Schratz's	report.
16	4.	Rebuttal experts	s:	May 2	9, 2024		No Chang	<u>ge</u>
17	5.	Dispositive mot	ions:	June 2	9, 2024		No Chang	<u>ge</u>
18	6.	Pretrial order:		July 3	1, 2024		No Chang	<u>ge</u>
19		This is the pa	rties' thi	ird stip	oulated re	equest 1	for extension	on of discovery
20	deadl	ines. This reque	st for an	extens	ion of ti	me is n	ot sought fo	or any improper
21	purpo	se or other purpo	ose of del	ay. Ra	ther, it is	sought 1	by the partie	es solely for the
22	///							
23	///							
24	///							
25	///							
26	///							
27	///							
28	///							
					4			

1 2 purpose of addressing the unforeseen calendar error to which Mr. Schratz refers. 3 The parties respectfully and mutually submit that the reasons set forth above constitute compelling reasons for their requested extension. 4 5 DATED this __ day of May, 2024. DATED this __ day of May, 2024. 6 MAIER GUTIERREZ & ASSOCIATES WORTHE HANSON & WORTHE 7 /s/ John R. Hanson, Esq /s/ Joseph A. Gutierrez, Esq. 8 JOHN R. HANSON, ESQ. Nevada Bar No. 13141 1851 East First Street, Suite 860 Santa Ana, California 92705 9 JOSEPH A. GUTIERREZ, ESQ. Nevada Bar No. 9046 STEPHEN G. CLOUGH, ESQ. 10 Nevada Bar No. 10549 8816 Spanish Ridge Avenue Attorneys for Defendant 11 Las Vegas, Nevada 89148 Attorneys for Plaintiff Alison Mullaney 12 13 14 15 **ORDER** 16 IT IS SO ORDERED. 17 DATED: May 2, 2024 18 19 UNITED STATES MAGISTRATE JUDGE 20 21 22 23 24 25 26 27 28 5

WORTHE, HANSON & WORTHE 1851 EAST FIRST ST., SUITE 860 SANTA ANA, CALIFORNIA 92705 TELEPHONE: (714) 285-9600

PROOF OF SERVICE

		Case 2:23-cv-01530-JAD-BNW Document 16 Filed 05/01/24 Page 7 of 7
WORTHE, HANSON & WORTHE 1851 EAST FIRST ST., SUITE 860 SANTA ANA, CALIFORNIA 92705 TELEPHONE: (714) 285-9600	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	SERVICE LIST Mullaney v. The Travelers Indemnity Company, et al. USDC Case No. 2:23-cv-01530-JAD-BNW Joseph A. Gutierrez, Esq. Stephen G. Clough, Esq. Maier Gutierrez & Associates 8816 Spanish Ridge Avenue Las Vegas, NV 89148 Office: (702) 629-7905 Fax: (702) 629-7905 Fax: (702) 629-7905 F-Mail: jag@mgalaw.com; sgc@mgalaw.com ATTORNEYS FOR PLAINTIFF, ALISON MULLANEY
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PROOF OF SERVICE

1	John R. Hanson, Esq. Nevada State Bar No. 13141			
2	WORTHE HANSON & WORTHE			
3	A Law Corporation			
4	1851 E First Street, Suite 860 Santa Ana, CA 92705			
5	Telephone (714) 285-9600			
6	Facsimile (714)285-9700 E-Mail: jhanson@whwlawcorp.com			
7	Attorneys for Defendant, THE STANDA	RD FIRE INSURANCE COMPANY		
8	UNITED STATE I	DISTRICT COURT		
9	DISTRICT OF NEVADA			
10	ALISON MULLANEY, an Individual.	CASE NO.: 2:23-cv-01530-JAD-BNW		
11	Plaintiff,			
12	V.			
13	THE TRAVELERS INDEMNITY	DECLARATION OF JOHN R. HANSON IN SUPPORT OF THE		
14	COMPANY, a foreign Corporation;	STIPULATION AND ORDER TO		
15	DOES I through X, inclusive; and ROE	EXTEND DEFENDANT'S CLAIMS		
16	CORPORATIONS I through X, inclusive.	EXPERT DISCLOSURE BY 14 DAYS		
17				
18	Defendants.	THIRD REQUEST		
19				
20	I, JOHN R. HANSON DECLARE	AS FOLLOWS:		
21	1. I am an attorney at law duly	licensed to practice before all the Courts		
22	in the State of Nevada, and a partner in the	ne law firm of Worthe Hanson & Worthe		
23	a Law Corporation, attorneys of record fo	r Defendant, THE STANDARD FIRE		
24	INSURANCE COMPANY. As such, I ha	ave personal knowledge of the file,		
25	pleadings and facts stated herein. If called	l upon as a witness, I could and would		
26	competently testify to the following:			
27	2. On April 30, 2024, I wrote to	defense expert James Schratz,		
28	reminding him Rule 26 reports were due	on May 1, 2024.		

- 3. On April 30, 2024, Mr. Schratz advised that his office did not have the date on calendar. He stated he was on his way to Seattle for trial. He asked if I could obtain a two week extension for submission of his report.
- 4. I retained Mr. Schratz on January 10, 2024 and provided the policy at issue, the claim file and notes to him. On January 30, I provided the complaint to Mr. Schratz.
- 5. Plaintiff's counsel stated in email, "[w]e are planning on getting our expert disclosures filed today. We are fine if you need two weeks to get your expert report submitted but we want to ensure that your expert does not review our expert report beforehand." (Accompanying declaration of John R. Hanson.) This office will segregate plaintiff's claims expert's report as described in the stipulation and it will not be reviewed by defense counsel or Schratz unless and until Schratz has timely submitted his report.
 - 6. Defendant will file the balance of its disclosures today.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this 1st day of May, 2024, at Santa Ana, California.

__/s/ John R. Hanson .
JOHN R. HANSON, DECLARANT

	1	PROOF OF SERVICE STATE OF CALIFORNIA)					
	2)ss COUNTY OF ORANGE)					
	3	I am employed in the County of Orange, State of California. I am over the age of 18 and not a					
	4	party to the within action. My business address is 1851 East First Street, Suite 860, Santa Ana, California 92705.					
	5	On May 1, 2024, I served the foregoing document described as: DECLARATION OF					
	6 7	JOHN R. HANSON IN SUPPORT OF THE STIPULATION AND ORDER TO EXTEND DEFENDANT'S CLAIMS EXPERT DISCLOSURE BY 14 DAYS to all interested parties in said action by:					
	8	□ BY FACSIMILE TRANSMISSION from FAX No. (714)285-9700 to the FAX number(s)					
	9	listed below. The facsimile machine I used complied with Rule 2003(3) and no error was report the machine. Fax Number(s):					
	10	BY PERSONAL SERVICE as follows: I caused such envelope to be delivered by hand to the offices of the addressee.					
8	11	BY THE E.C.F. SYSTEM as follows:					
HANSON & WORTHE FIRST ST., SUITE 860 A, CALIFORNIA 92705 ONE: (714) 285-9600	12 13	☐ BY ELECTRONIC SERVICE to the e-mail addresses stated on the attached Service List					
I & W(F., SUI ORNIA 285-9	14	and □ BY MAIL as follows:					
RST S'CALIF	15	placing the original a true copy thereof in a sealed envelope addressed as stated on the ATTACHED MAILING LIST.					
RTHE, HANSC I EAST FIRST TA ANA, CAL TELEPHONE: (71	16	I deposited such envelope in the mail at Santa Ana, California. The envelope was mailed with postage thereon fully prepaid.					
WORTHE, HA 1851 EAST FI SANTA ANA, (TELEPHONE	17	I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on					
\mathbf{S}_{A}	18	that same day with postage thereon fully prepaid at Santa Ana, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal					
	19	cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.					
	20	□ BY PRIORITY OVERNIGHT DELIVERY (VIA FEDERAL EXPRESS): I deposited such					
	21	an envelope in a box or other facility regularly maintained by express service carrier, or delivered to an authorized courier or driver authorized by the express service carrier to receive documents in an					
	22	envelope or package designated by the express service carrier with delivery fees paid or provided for, addressed to the person on whom it is to be served as indicated on the attached Service List, at the					
	23	office address as last given by that person on any document filed in the case and served o the party making service.					
	24	STATE - I declare under penalty of perjury under the laws of the State of California that the					
	25	above is true and correct. FEDERAL - I declare that I am employed in the office of a member of the bar of this court at					
	26	FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.					
	27	Executed on May 1, 2024, at Santa Ana, California.					
	28	LACY ROBERTS					

	Ï	Case 2:23-cv-01530-JAD-BNW Document 16-1 Filed 05/01/24 Page 4 of 4
WORTHE, HANSON & WORTHE 1851 EAST FIRST ST., SUITE 860 SANTA ANA, CALIFORNIA 92705 Telephone: (714) 285-9600	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	SERVICE LIST Mullaney v. The Travelers Indemnity Company, et al. USDC Case No. 2:23-cv-01530-JAD-BNW Joseph A. Gutierrez, Esq. Stephen G. Clough, Esq. Maier Gutierrez & Associates 8816 Spanish Ridge Avenue Las Vegas, NV 89148 Office: (702) 629-7905 E-Mail: jag@mgalaw.com; sgc@mgalaw.com ATTORNEYS FOR PLAINTIFF, ALISON MULLANEY
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PROOF OF SERVICE