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9 Attorneys for Petitioner

10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF NEVADA
 12

13 KEVIN JAMES LISLE,

14 Petitioner,

15 v.

16 WILLIAM GITTERE, Warden, Ely State
 Prison, AARON FORD, Nevada Attorney
 17 General,

18 Respondents.

Case No. 2:03-cv-01006-MMD-DJA

STIPULATION AND PROPOSED ORDER

(DEATH PENALTY CASE)

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1 On March 4, 2020, this Court ordered that:

2 [T]he parties are to either file Dr. Piasecki's report and
3 supporting documents as described in paragraphs 14 and
4 15 of the July 5, 2019 stipulation and order (ECF No.
5 363), or file a joint statement or stipulation explaining the
6 delay and proposing a new schedule.

7 ECF No. 385 at 2.

8 Since this Court issued its order, the parties have not had an opportunity to
9 speak with Dr. Piasecki about the status of her report. Thus, the parties enter this
10 stipulation, and request ten additional days to comply with the Court's order.
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12 IT IS HEREBY STIPULATED AND AGREED that:

13 1. On Wednesday, March 4, 2020, this Court ordered the parties to file a joint
14 stipulation or Dr. Piasecki's report. *See* ECF No. 385. That same day, the parties
15 attempted to schedule a time to discuss this Court's order and coordinate a
16 response.

17 2. Owing to schedules, this phone call did not occur until Friday morning on
18 March 6, 2020. The parties agreed to e-mail Dr. Piasecki to ask if she could offer an
19 estimate for how long until her report could be filed.

20 3. Shortly after the phone call, still on Friday morning, the parties e-mailed the
21 inquiry to Dr. Piasecki.

22 4. On Monday afternoon, March 9, 2020 the parties had still not heard back
23 from Dr. Piasecki, and they exchanged e-mails about coordinating an attempt to call
Dr. Piasecki. The parties then jointly called Dr. Piasecki and left a voicemail
requesting that she respond to the previously sent e-mail. The parties agreed they

1 would initiate a phone conference the following morning, today, at 9:30 am to again
2 try to reach Dr. Piasecki.

3 5. Shortly before the call, Dr. Piasecki, sent an e-mail to the parties: “Thanks
4 for the call regarding report date. I’m traveling and in court today and will respond
5 ASAP.” The parties sent a follow-up e-mail asking for an estimate on when the
6 report would be completed.

7 6. As of the time of the filing of this stipulation, the parties have still not heard
8 back from Dr. Piasecki.

9 7. The parties request an additional ten days to comply with this Court’s March
10 3, 2020 order. Upon receiving word from Dr. Piasecki, the parties anticipate
11 complying with the Court’s March 3, 2020 order with all due haste; the ten days
12 requested here is in an abundance of caution because the parties cannot be sure
13 when they will hear back from Dr. Piasecki.

14 8. In all other respects, the parties will continue to comply with the July 5, 2019
15 stipulation.

16 DATED this 10th day of March, 2020

17 RENE L. VALLADARES
18 Federal Public Defender

AARON FORD
Nevada Attorney General

19 /s/ David Anthony
DAVID ANTHONY
Assistant Federal Public Defender

/s/ Michael Bongard
MICHAEL BONGARD
Deputy Attorney General

1 **ORDER**

2 Based on the stipulation and for good cause shown, it is hereby ordered that
3 the Court adopts the parties' proposed stipulation dated March 10, 2020.

4 It is therefore ordered that, no later than March 20, 2020, the parties are to
5 either file Dr. Piasecki's report and supporting documents as described in
6 paragraphs 14 and 15 of the July 5, 2019 stipulation and order (ECF No. 363), or
7 file a joint statement or stipulation explaining the delay and proposing a new
8 schedule.

9 Dated this 16th day of March

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13 MIRANDA M. DU
14 Chief United States District Judge
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