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6 AMERICAN MEDICAL SYSTEMS, INC.

7
8 UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF NEVADA

10)
11) */
12) Case No.: 2:09-cv-01981-PMP-LRL
13)
14) CAROL S. AUSTIN-FINK,)
15) Plaintiff,)
16) vs.)
17) AMERICAN MEDICAL SYSTEMS, INC.)
18) Defendant.)

19 **DEFENDANT AMERICAN MEDICAL SYSTEMS, INC.'S ERRATA**
20 **TO THE RECENT STIPULATION AND ORDER EXTENDING DISCOVERY**

21 COMES NOW Defendant, AMERICAN MEDICAL SYSTEMS, INC., by and through its
22 attorneys, Alverson Taylor, Mortensen & Sanders, and submits this Errata to the Stipulation and Order
23 Extending Dates in the Scheduling Order, which inadvertently indicated that "[t]he current discovery
24 cut off be continued through and including January 3, 2010, and any discovery extension request shall
25 be due on or before December 14, 2010." (See p. 3 lns. 3-4, Stip. and Order attached hereto as **Exhibit**
26 "A") (emphasis added). As January 3, 2010 is in the past, the Order would not flow chronologically,
27 or adhere to the Court's scheduling guidelines, it is apparent that the Order should have indicated that
28 the discovery deadline in this matter would be January 3, 2011, not 2010.

///

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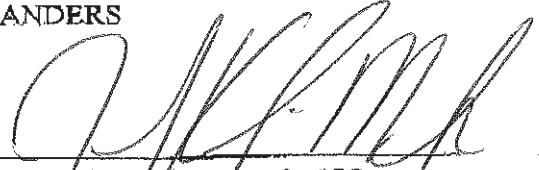
As such, and by way of clarification, Defendant AMERICAN MEDICAL SYSTEMS, INC. and Plaintiff CAROL AUSTIN-FINK hereby petition the Court to take note of and authorize via signature this Errata confirming that discovery is extended until January 3, 2011.

DATED this 29th day of July, 2010.

DATED this 29th day of July, 2010

ALVERSON, TAYLOR, MORTENSEN & SANDERS

MURPHY, SMALL & ASSOCIATES

By 

By 

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1100 East Bridger Avenue
Las Vegas, NV 89101
Attorneys for Plaintiff

ORDER

IT IS SO ORDERED.

DATED this 10th day of August, 2010.



U.S. MAGISTRATE JUDGE

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*** RX REPORT ***

RECEPTION OK

TX/RX NO	7593
RECIPIENT ADDRESS	7022594748
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12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 CAROL S. AUSTIN-FINK,)
15)
16 Plaintiff,)
17)
18 vs.)
19)
20 AMERICAN MEDICAL SYSTEMS, INC.,)
21 a Delaware corporation; DOES 1 through)
22 10, inclusive,)
23)
24 Defendants.)

Case No.: 2:09-cv-01981-PMP-LRL

25 **STIPULATION AND ORDER TO EXTEND DATES IN SCHEDULING ORDER**
26 **(SPECIAL SCHEDULING REVIEW REQUESTED)**
27 **(SECOND REQUEST BEFORE THIS COURT)**

28 The Parties, by and through their undersigned counsel of record, hereby stipulate to amend the Court's Order to Extend Dates in Scheduling Order of March 12, 2010, by extending the October 1, 2010 discovery deadline for an additional 90 days (including the dates for disclosures as specified in FRCP 26(a)(2)).

Plaintiff's deposition was previously scheduled for May 26, 2010, and at the request of defense counsel her deposition was vacated and rescheduled for July 8, 2010. Plaintiff's counsel

Handwritten:
Drs
Rea
18349
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1 subsequently advised defense counsel that Plaintiff would be in the process of moving during
2 that time period to Arizona. The Defendant has agreed to vacate the deposition scheduled for
3 July 8, 2010 and to reschedule it for sometime in August or September, 2010. Defense counsel
4 is also vacating the deposition of Plaintiff's treating physician, Jeff Zapinsky, M.D., currently
5 scheduled for July 26, 2010, in order that they may take the Plaintiff's deposition first. Plaintiff
6 is also in the process completing her supplements to written discovery. This is the Second
7 Request to extend the discovery deadlines in the Discovery Plan and Scheduling Order.
8

9
10 Plaintiff and Defendant are in the process of obtaining the necessary experts in this case
11 and after the experts complete the review of the materials provided, Plaintiff will provide
12 written discovery to the Defendant. This action involves complex medical issues that need to be
13 further evaluated by experts. The parties have identified the necessary discovery in this case,
14 which will take longer than the October 1, 2010 discovery cut-off date.

15
16 **I. DISCOVERY PROPOUNDED BUT NOT COMPLETED**

17 The Defendant's have served written discovery upon the Plaintiff. Plaintiff is in the
18 process of supplementing her responses. Plaintiff will initiate written discovery after the experts
19 have completed their review of the medical records and other materials.

20
21 **II. DISCOVERY THAT REMAINS TO BE COMPLETED**

22 **Depositions**

23 1. The parties anticipate that the Plaintiff will take the depositions of
24 employees/officers of Defendant American Medical Systems, Inc., and believe three to four
25 witnesses will be deposed. Plaintiff will also take the deposition of Defendant's expert(s).

26 2. The Defendant will take the deposition of the Plaintiff and her surgeon, Jeffrey
27 Zapinsky, M.D. Defendant will also take the deposition of Plaintiff's expert(s).
28

1 **III. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY**

2 The parties propose the following schedule for the remaining discovery:

3
4 1. The current discovery cut off be continued through and including January 3,
5 2011
6 and any discovery extension request shall be due on or before December 31, 2010.

7 2. The parties shall submit their expert disclosures on or before November 1, 2010.

8 3. The parties shall submit their rebuttal expert disclosures on or before December
9 1, 2010.

10 4. The parties shall file interim status reports as required by LR 26-3 on or before
11 November 1, 2010.

12 5. All pretrial motions, including, but not limited to, discovery motions, motions to
13 dismiss, motions for summary judgment, and motions in limine shall be filed and served no
14 later than February 2, 2011
15 such date being 30 days after the close of discovery.

16 6. The joint pretrial order shall be filed with the Court no later than March 4, 2011,
17 such date being 30 days after the date set for filing dispositive motions.

18 Dated this 30th day of June, 2010.

Dated this 30th day of June, 2010.

19 MURPHY, SMALL & ASSOCIATES

ALVERSON, TAYLOR, MORTENSEN &
20 SANDERS

21
22 /s/ Michael R. Small
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ORDER

IT IS SO ORDERED.

DATED this _____ of _____, 2010.

UNITED STATES MAGISTRATE JUDGE

Electronic Filing

From: cmecf@nvd.uscourts.gov
Sent: Wednesday, June 30, 2010 3:10 PM
To: cmecfhelpdesk@nvd.uscourts.gov
Subject: Activity in Case 2:09-cv-01981-PMP-LRL Austin-Fink v. American Medical Systems, Inc. Proposed Discovery Plan/Scheduling Order

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United States District Court

District of Nevada

Notice of Electronic Filing

The following transaction was entered by Small, Michael on 6/30/2010 at 3:10 PM PDT and filed on 6/30/2010

Case Name: Austin-Fink v. American Medical Systems, Inc.

Case Number: 2:09-cv-01981-PMP-LRL

Filer: American Medical Systems, Inc.
Carol S. Austin-Fink

Document Number: 18

Docket Text:

PROPOSED Discovery Plan/Scheduling Order filed by Defendant American Medical Systems, Inc., Plaintiff Carol S. Austin-Fink. (Small, Michael)

2:09-cv-01981-PMP-LRL Notice has been electronically mailed to:

Jennifer Kissel efile@alversontaylor.com

LeAnn Sanders efile@alversontaylor.com

Michael R Small farlite@aol.com

Patrick J Murphy murphylaw@msn.com, debbie@patrickmurphylaw.com

2:09-cv-01981-PMP-LRL Notice has been delivered by other means to:

6/30/2010

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

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