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5 *Attorneys for Defendant*
 6 *Wal-Mart Stores, Inc.*

7 UNITED STATES DISTRICT COURT

8 DISTRICT OF NEVADA

9 MARCELA BALTODANO and
 10 FRANCISCO BALTODANO,
 11 Plaintiff[s],
 12 v.
 13 WAL-MART STORES, INC.; DOES 1 through
 10; and ROE ENTITIES 11-20, inclusive,
 14 Defendants.
 15

Case No.: 2:10-cv-02062-JCM-RJJ

JOINT DISCOVERY
PLAN AND SCHEDULING ORDER
SUBMITTED IN COMPLIANCE WITH
LR 26-1(e)

16 Pursuant to Local Rule 26-1(e), the parties submit their proposed Discovery Plan and
 17 Scheduling Order.

18 1. **Meeting:** Pursuant to FRCP Rule 26(f), a meeting was held on December 9, 2010,
 19 and was attended telephonically by A. J. SHARP, ESQ. of PHILLIPS SPALLAS & ANGSTADT
 20 LLC, for Defendant Wal-Mart Stores, Inc., and JOSHUA R. HARRIS, ESQ., of RICHARD
 21 HARRIS LAW FIRM, for Plaintiffs.

22 2. **Pre-Discovery Disclosures:** Pursuant to FRCP Rule 26(a)(1), the parties will make
 23 their pre-discovery disclosures by December 23, 2010.
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25 3. **Areas of Discovery:** The parties agree that the areas of discovery should include, but
 26 not be limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil Procedure.
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1 4. **Discovery Plan:** The parties propose the following discovery plan:

2 A. **Discovery Cut-off Date(s):** LR 26(e)(1) provides that “unless otherwise
3 ordered, discovery periods longer than one hundred eighty (180) days from the date the first
4 defendant answers or appears will require special scheduling review.” The parties agree that there is
5 no need for a special scheduling review. Therefore, the parties agree that discovery must be
6 commenced and completed no later than May 23, 2011. This date is 180 days after Defendant’s
7 filing of its appearance and answer.
8

9 B. **Amending the Pleadings and Adding Parties:** The parties shall have until
10 February 22, 2011, to file any motions to amend the pleadings to add parties. This is 90 days before
11 the discovery cut-off date.
12

13 C. **FRCP 26(a)(2) Disclosure of Experts:** Disclosure of experts shall proceed
14 according to FRCP Rule 26(a)(2) and LR 26-1(e)(3) as follows: The disclosure of experts and their
15 reports shall occur on or before March 24, 2011. The disclosure of rebuttal experts and their reports
16 shall occur on or before April 22, 2011. These deadlines are 60 and 31 days before the discovery
17 cut-off date, respectively.
18

19 D. **Interim Status Report:** The parties shall file the interim status report by
20 March 24, 2011, 60 days before the discovery cut-off date, as required by LR 26-3.
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22 E. **Dispositive Motions:** The parties shall have until June 22, 2011, to file
23 dispositive motions. This is 30 days after the discovery cut-off date, as required by LR 26-1(e)(4).
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1 F. **Pre-Trial Order:** The parties will prepare a Consolidated Pre-Trial Order on
2 or before July 22, 2011, which is not more than 30 days after the date set for filing dispositive
3 motions in the case, as required by LR 26-1(e)(5). This deadline will be suspended if dispositive
4 motions are timely filed until 30 days after the decision of the dispositive motions or until further
5 order of the Court. The disclosure required by FRCP Rule 26(a)(3), and objections thereto, shall be
6 made in the pre-trial order.
7

8 G. **Court Conferences:** If the Court has questions regarding the dates proposed
9 by the parties, the parties request a conference with the Court before entry of the Scheduling Order.
10 If the Court does not have questions, the parties do not request a conference with the Court.
11

12 H. **Extensions or Modifications of the Discovery Plan and Scheduling Order:**
13 LR 26-4 governs modifications or extensions of this Discovery Plan and Scheduling
14 Order. Any stipulation or motion must be made not later than May 3, 2011, 20 days before the
15 discovery cut-off date.

16 I. **Authorizations:** It is agreed that Plaintiff MARCELA BALODANO will
17 complete, sign and serve on Defendants on or before December 23, 2010, the following forms
18 provided to Plaintiffs' counsel by Defendants' counsel: (1) Release Regarding Controlled Substance
19 Information; (2) HIPAA Compliant Authorization for the Release of Patient Information Pursuant to
20 45 CFR 164.508; (3) Social Security Administration Consent for Release of Information; (4)
21 Consent for Release of Employment Information; and (5) Request for Copy of Tax Return (for Tax
22 Years 2004-2009).
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1 J. **Format of Discovery:** Pursuant to the electronic discovery amendments to
2 the Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-
3 discovery issues pertaining to the format of discovery at the Rule 26(f) conference. The parties do
4 not anticipate discovery of native files or metadata at this time, but each party reserves the right to
5 make a showing for the need of such electronic data as discovery progresses.
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7 K. **Independent Medical Examination:** Plaintiff MARCELA BALTODANO
8 will participate in an independent medical examination performed by Defendant's doctor, to be
9 determined.

10 DATED this 10th day of December, 2010.

11
12 /s/ Joshua R. Harris
13 Joshua R. Harris, Esq.
14 RICHARD HARRIS LAW FIRM
15 801 South Fourth Street
16 Las Vegas, Nevada 89101

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18 *Attorneys for Plaintiffs Marcela and*
19 *Francisco Baltodano*

20 /s/ A. J. Sharp
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25 *Attorneys for Defendant Wal-Mart Stores,*
26 *Inc.*

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28 **IT IS SO ORDERED:**


UNITED STATES MAGISTRATE JUDGE

DATED: Dec. 20, 2010