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19 UNITED STATES DISTRICT COURT
20 DISTRICT OF NEVADA

21 JENNIFER KWASNIEWSKI, et al.,) Case No. 2:12-cv-00515-GMN-CWH
22)
23 Plaintiffs,)
24 v.) STIPULATION AND ORDER TO
25) STAY PROCEEDINGS TO ALLOW
26 SANOFI-AVENTIS U.S. LLC, a) PARTIES TIME TO MEDIATE
27 Delaware limited liability company;)
28 DOES I through X, inclusive; and) FIRST REQUEST
ROE CORPORATIONS I through X,)
inclusive,)
Defendants.)

As the Court is aware, this Court was filed in state court on February 29, 2012, and was timely removed to this Court where it has been pending. A full stay of proceedings entered pending a decision from the Ninth Circuit Court of Appeals on an interlocutory appeal of an order denying remand resulted in significant delay, and the case became fully

1 active again in mid-2016. The operative scheduling order in the case (ECF
2 No. 315) was entered on June 14, 2018. The scheduling order set the close
3 of fact discovery for December 20, 2018. Although the parties have some
4 outstanding fact discovery issues to resolve, fact discovery is complete.

5 Before continuing with expert discovery, the parties have
6 agreed to participate in mediation, which has been scheduled through
7 JAMS for February 12, 2018. In order to prepare for mediation, the parties
8 have agreed to seek a stay of deadlines that remain open, and believe that
9 a full stay of judicial proceedings until that time will allow them to focus
10 on the mediation efforts. Should mediation fail, the parties would not seek
11 to extend fact discovery, other than to permit a short time to resolve
12 outstanding discovery issues and the discovery fact issues that may be
13 allowed by the Court pending various Motions. The parties agree that any
14 Motion, Discovery Motion, Pleading, Opposition, Reply, Supplement,
15 which could have been filed on December 20, 2018, may be filed without
16 consequence as to timing if the mediation is not successful within 30 days
17 after the unsuccessful mediation.

18 The parties request a stay of the following motions pending
19 before the Court; where a hearing has been set, it is noted and the parties
20 respectfully ask that the hearing be vacated at this time:

- 21 1. **ECF No. 318** – Sanofi-Aventis' Objection to Magistrate
22 Judge's Order re Spoliation (ECF No. 313).
- 23 2. **ECF No. 335/336** – Plaintiffs' Motion to Disqualify Northrip
24 and SHB from representing third-party Yadav, set for
25 hearing at 9:00 a.m. on January 18, 2019.
- 26 3. **ECF No. 348/349** – Plaintiffs' Motion for Protective Order re
27 Dr. Miller Deposition, set for hearing at 9:00 a.m. on January
28 18, 2019.

1 4. ECF No. 359/360 – Plaintiffs' Motion to Lift Stipulated
 2 Protective Order ECF 62 for a Limited Purpose, set for
 3 hearing at 9:00 a.m. on January 18, 2019.

4 5. ECF No. 368/369 – Sanofi -Aventis' Motion to Further
 5 Supplement Objection to Magistrate Judge's Order re Spoliation

6 The parties also request that the following remaining deadlines
 7 be continued for 60 days, as noted, to allow time for the scheduled
 8 mediation:

ACTION	EXISTING DEADLINE	PROPOSED DEADLINE
Deadline for plaintiffs to disclose experts	1/21/19	3/22/19
Deadline for Defendants to Complete Depositions of Plaintiffs Experts	2/15/19	4/16/19
Deadline for Defendants to disclose experts	2/28/19	4/29/19
Deadline for Plaintiffs to Complete Depositions of Defense Experts	3/22/19	5/21/19
Deadline for Dispositive & Daubert Motions	4/26/19	6/15/19
Deadline to submit Pretrial Order	5/24/19	7/26/19

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1 For the foregoing reasons, the parties stipulate to stay all
2 further judicial proceedings to permit time for mediation, and to continue
3 the remaining deadlines as set forth.

4 ECKLEY M. KEACH, CHTD. and MORRIS LAW GROUP
5 MURDOCK & ASSOCIATES,
6 CHTD.

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ORDER

IT IS HEREBY ORDERED that the parties' Stipulation to Stay, (ECF No. 372), is **GRANTED** as follows:

1. This case is hereby **STAYED** pending the parties' mediation on February 12, 2019. The parties shall file a joint status report by February 19, 2019, informing the Court of the status of the parties' mediation.

2. The following Motions are **DENIED as Moot** without prejudice to the refile of the Motions if mediation negotiations are unsuccessful: Objection, (ECF No. 318), Motion to Disqualify, (ECF Nos. 335, 336), Motion for Protective Order, (ECF Nos. 348, 349), Motion to Lift Stipulated Protective Order, (ECF Nos. 359, 360), and Motion to Supplement the Objection, (ECF No. 368, 369).

3. The January 18, 2019, hearing on the Motion to Disqualify, (ECF Nos. 335, 336), Motion for Protective Order, (ECF Nos. 348, 349), and Motion to Lift Stipulated Protective Order, (ECF Nos. 359, 360), is **VACATED**.

4. Pursuant to the parties' stipulation, should mediation be unsuccessful, any motion, pleading, discovery motion, opposition, reply, or supplement that could have been filed by December 20, 2018, shall be filed or refiled within 30 days of the parties' status report indicating that mediation was not successful.


IT IS FURTHER ORDERED that the parties' discovery deadlines are hereby modified as follows:

1. The deadline for Plaintiffs to Disclose Experts is **March 22, 2019**.
2. The deadline for Defendants to Complete Depositions of Plaintiffs' experts is **April 16, 2019**.
3. The deadline for Defendants to Disclose Experts is **April 29, 2019**.
4. The deadline for Plaintiffs to Complete Depositions of Defendant's experts is **May 21, 2019**.
5. The deadline for dispositive and/or *Daubert* Motions is **June 15, 2019**.

IT IS FURTHER ORDERED that, for good cause appearing, the parties' stipulation to seal, (ECF No. 371), is **GRANTED**.

IT IS SO ORDERED.

DATED this 2 day of January, 2019.



Gloria M. Navarro, Chief Judge
UNITED STATES DISTRICT COURT