

Holland & Hart LLP
9555 Hillwood Drive, Second Floor
Las Vegas, Nevada 89134

1 Patrick J. Reilly, Esq.
Nevada Bar No. 6103
2 Andrea M. Champion, Esq.
Nevada Bar No. 13461
3 Holland & Hart LLP
9555 Hillwood Drive, Second Floor
4 Las Vegas, Nevada 89134
Tel: (702) 669-4600
5 Fax: (702) 669-4650
preilly@hollandhart.com
6 amchampion@hollandhart.com

7 *Attorneys for Plaintiff*

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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 SEAN T. DOUTRE,
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Plaintiff,
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vs.
14 DR. ROMEO ARANAS, BENEDICTO
GUTIERREZ, CHERYL DRESSLER, B.
OLIVER, AND DOE DEFENDANT,
15
Defendants.

Case No. : 2:12-cv-00772-RFB-VCF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

**(Second Request – Submitted in
Compliance with LR 26-4)**

16
17 **STIPULATION**

18 Plaintiff Sean T. Doutre, by and through his counsel of record, Holland & Hart LLP, and
19 Defendants Dr. Romeo Aranas, Benedicto Gutierrez, and Cheryl Dressler, by and through their
20 counsel of record, the State of Nevada Office of the Attorney General, hereby stipulate to extend
21 the deadlines for discovery within the Court’s January 6, 2015 Amended Scheduling Order as
22 follows:

- 23 1. On January 5, 2015, the Plaintiff filed a Stipulation and Order to Amend the
24 Scheduling Order (Dkt. 59).
25 2. An Amended Scheduling Order was entered on January 6, 2015 (Dkt. 60).
26 3. The Court’s Amended Scheduling Order set the discovery deadline in this action
27 for June 8, 2015.
28 4. Plaintiff has completed the following discovery to date:

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- a. On December 22, 2014, Plaintiff served his Initial Disclosures to Defendants;
- b. on December 22, 2014, Plaintiff served his First Set of Interrogatories to Defendants;
- c. On December 22, 2014, Plaintiff served his First Set of Requests for Admissions to Defendants;
- d. On December 22, 2014, Plaintiff served his First Set of Requests for Production of Documents to Defendants;
- e. On April 16, 2015, Plaintiff served Carson Tahoe Regional Healthcare with a Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises. Plaintiff subsequently received the requested documents from Carson Tahoe Regional Healthcare on or about May 11, 2015;
- f. On April 16, 2015, Plaintiff served Valley Hospital Medical Center with a Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises. Plaintiff subsequently received the requested documents from Carson Tahoe Regional Healthcare on or about May 12, 2015;
- g. On April 21, 2015, Plaintiff deposed Defendant Benedicto Gutierrez at a duly noticed deposition;
- h. On April 30, 2015, Plaintiff served Dr. Syed Ahmad with a Subpoena to Testify at a Deposition or to Produce Documents in a Civil Action. The deposition of Dr. Syed Ahmad is currently set for May 27, 2015 at 9:00 a.m.;
- i. On May 1, 2015, Plaintiff served Defendants with a Third Amended Notice of Deposition for Defendant Dr. Romeo Aranas. That deposition was set for May 18, 2015 at 10:30 a.m. and has been subsequently continued pursuant to agreement;

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- j. On May 6, 2015, Plaintiff served Defendants with his First Supplement to Plaintiff's Initial Disclosures;
 - k. On May 6, 2015, Plaintiff served his Second Set of Requests for Production of Documents to Defendants;
 - l. On May 6, 2015, Plaintiff served his Second Set of Interrogatories to Defendants; and
 - m. On May 11, 2015, Plaintiff served Defendants with his Second Supplement to Plaintiff's Initial Disclosures.
5. Defendants have completed the following discovery to date:
- a. On December 23, 2014, Defendants served their Initial Disclosures to Plaintiff;
 - b. On March 9, 2015, Defendant Romeo Aranas served Plaintiff with his Responses to Plaintiff's First Set of Interrogatories;
 - c. On March 9, 2015, Defendant Benedicto Gutierrez served Plaintiff with his Responses to Plaintiff's First Set of Interrogatories;
 - d. On March 9, 2015, Defendant Romeo Aranas served Plaintiff with his Responses to Plaintiff's First Set of Requests for Admissions;
 - e. On March 9, 2015, Defendant Benedicto Gutierrez served Plaintiff with his Responses to Plaintiff's First Set of Requests for Admissions;
 - f. On March 9, 2015, Defendant Cheryl Dressler served Plaintiff with her Response to Plaintiff's First Set of Requests for Admissions;
 - g. On March 17, 2015, Defendants served their First Supplement to Disclosures;
 - h. On March 17, 2015, Defendants served their Responses to Plaintiff's First Set of Requests for Production of Documents to Plaintiff;
 - i. On March 24, 2015, Defendant Cheryl Dressler served her Amended Responses to Plaintiff's First Set of Interrogatories;
 - j. On May 5, 2015, Defendants served their Second Supplement to

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Disclosures;

- k. May 5, 2015, Defendants served Plaintiff with their Second Supplemental Response to Plaintiff's Request for Production of Documents Number 12;
- l. On May 13, 2013, Defendants served their Third Supplement to Disclosures; and
- m. On May 15, 2015, Defendants deposed Plaintiff Sean T. Doutre at a duly noticed deposition.

6. The following discovery remains to be completed:

- a. Plaintiff's deposition of Dr. Syed Ahmad is currently set for May 27, 2015 at 9:00 a.m. but will likely be rescheduled due to a scheduling conflict;
- b. Plaintiff's deposition of Defendant Dr. Romeo Aranas was set for May 18, 2015 at 10:30 a.m. but has been subsequently continued pursuant to agreement. The parties have not set a new date for the deposition;
- c. Either Party may need to depose additional witnesses, recently discovered through the discovery process;
- d. Defendants' responses to Plaintiff's Second Set of Interrogatories and Second Set of Request for Production of Documents is due on June 6, 2016. No other written discovery needs to be completed.

7. Discovery cannot be completed within the time scheduled for the following reasons:

- a. The primary purpose of the instant request for a sixty (60) day extension is to facilitate settlement discussions. On May 15, 2015, following Defendants' deposition of Plaintiff Sean T. Doutre, the parties renewed settlement discussions. To facilitate settlement, the parties have agreed to continue discovery (including the May 18, 2015 deposition of Dr. Aranas).
- b. In addition, on May 14, 2015, the day prior to renewing settlement discussions, counsel for Plaintiff spoke to counsel for Dr. Syed Ahmad, a fact witness in this case who is currently set to be deposed on May 27,

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2015. Plaintiff's counsel was informed that Dr. Ahmad was requesting \$700.00 per hour for his deposition testimony and would likely need his deposition rescheduled due to a scheduling conflict. Dr. Ahmad's counsel has indicated that she may not be available until *after* the June 8, 2015 discovery deadline. Therefore, regardless of the outcome of the parties' settlement discussions, Dr. Ahmad's deposition will likely occur outside the currently set discovery deadline. Moreover, Plaintiff's counsel and counsel for Dr. Ahmad are currently engaged in discussions to reduce, or waive, Dr. Ahmad's deposition fees for his appearance in this case.

c. Finally, the parties may need to depose additional witnesses due to recent deposition testimony and Defendants' recent (and outstanding) discovery responses.

8. The parties propose the following schedule for the remaining discovery:

a. Discovery cut-off: Discovery is currently set to close on June 8, 2015.

The parties hereby stipulate to extend the discovery cut-off date to **August 7, 2015** for the limited purpose of completing deposition testimony.

b. Dispositive Motions: The deadline to file dispositive motions is currently set for July 8, 2015. The parties hereby stipulate to extend the dispositive motion deadline to **September 7, 2015**, which is thirty (30) days after the proposed close of discovery.

c. Pretrial Order: The parties hereby stipulate to extend the Pretrial Order to **October 7, 2015**, thirty (30) days after the proposed dispositive motion deadline.

d. Trial: On April 8, 2015, the parties filed their Joint Interim Status Report. Within the report, the parties proposed a January 2016 trial date to accommodate counsel for both parties counsel's maternity leave. The parties' stipulation will not affect this proposed trial date.

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9. This extension is sought in good faith and the parties respectfully request that the Court enter an order granting the requested extension.

DATED this 15th day of May, 2015.

HOLLAND & HART LLP

By /s/ Andrea M. Champion
Patrick J. Reilly, Esq.
Andrea M. Champion, Esq.
Attorneys for Plaintiff

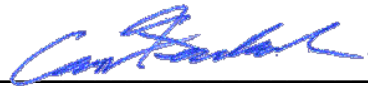
DATED this 15th day of May, 2015.

ATTORNEY GENERAL'S OFFICE

By /s/ Denise S. McKay
Denise S. McKay, Esq.
Attorneys for Defendants

ORDER

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE
DATED: May 18, 2015