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*Clark County School District, D. Couthen,*  
*M. Caldwell and J. Schell*

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEVADA**

JOHN PHIPPS, individually, and as Guardian  
ad litem for MONTGOMERY PHIPPS; DINA  
PHIPPS,  
  
Plaintiffs,  
  
vs.  
  
LACHELLE DEANNE JAMES; CLARK  
COUNTY SCHOOL DISTRICT, a Political  
Subdivision of the State of Nevada; D.  
COUTHEN; M. CALDWELL; J. SCHELL;  
DOES I through X; and ROES I through X,  
inclusive,  
  
Defendants.

No. 2:13-cv-00002

**STIPULATION AND ORDER TO EXTEND  
EXPERT DEPOSITION AND  
DISPOSITIVE MOTION DEADLINES**

**[FIRST REQUEST]**

**Discovery Closes: June 1, 2015**

Pursuant to Local Rule 26-4, IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs John Phipps, individually, and as a guardian ad litem for Montgomery Phipps and Dina Phipps (collectively, "Plaintiffs") together with the Clark County School District ("CCSD"), D. Couthen, M. Caldwell, and J. Schell (CCSD, Couthen, Caldwell, and Schell are

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1 collectively referred to herein as “Defendants”)<sup>1</sup> that the deadline for taking expert depositions be  
2 extended to July 23, 2015. The Parties<sup>2</sup> further stipulate to extend the dispositive motion deadline  
3 to August 14, 2014 and to extend the pretrial order filing date to September 14, 2015, if dispositive  
4 motions are not timely filed. **The Parties will file the joint pretrial order by November 13, 2015**  
5 **regardless of whether the dispositive motions have been decided.**

6 The parties request this extension because the experts for both Plaintiffs and Defendants are  
7 out of state and have scheduling conflicts and the expert depositions cannot be completed prior to  
8 the current close of discovery. There are a total of three experts that need to be deposed. The  
9 depositions of two of the expert are scheduled to be completed in June and the third is scheduled to  
10 be completed in July, when the expert is planning to be in Las Vegas for another matter. Despite  
11 the Parties’ collective best efforts, the experts simply do not have availability prior to June and July,  
12 respectively. Accordingly, good cause exists to extend the expert deposition and dispositive motion  
13 deadline in this matter.

14 1. Discovery completed:

- 15 a. To date, the parties have exchanged their initial disclosure documents pursuant to
- 16 FRCP 26(f).
- 17 b. Defendants served early disclosures on January 31, 2013.
- 18 c. Defendants served their initial disclosures on June 18, 2014.
- 19 d. Plaintiffs served their initial disclosures on July 1, 2014.
- 20 e. Plaintiffs served their first production request and first interrogatories request on
- 21 July 14, 2014.
- 22 f. Defendants served their first production request and first interrogatories request
- 23 on July 17, 2014
- 24 g. Plaintiffs answered Defendants’ first production request and first interrogatories
- 25 request on September 2, 2014.
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28 <sup>1</sup> Defendant Lachelle James has not yet appeared in this case.

<sup>2</sup> Plaintiffs and Defendants are collectively referred to herein as the “Parties.”

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- h. Plaintiffs served their second request for production of documents to Defendants on September 2, 2014.
- i. Defendants answered Plaintiffs' first production request and first interrogatories request on September 3, 2014.
- j. Defendants served their first supplemental disclosures on September 3, 2014.
- k. Plaintiffs served their third request for production of documents to Defendants on September 9, 2014.
- l. Defendants served subpoena duces tecum on September 18, 2014 to various medical providers referenced in Plaintiffs' answers to Defendant's First Interrogatories.
- m. Plaintiffs served their first supplemental initial disclosures on October 2, 2014.
- n. Defendants served their responses to Plaintiffs' second request for production of documents on October 6, 2014.
- o. Counsel for the parties met and conferred regarding discovery issues on October 8, 2014.
- p. Defendants served their responses to Plaintiffs' third request for production of documents on October 14, 2014.
- q. Plaintiffs supplemented their answers to Defendant's first interrogatories and first set of requests for production of documents on November 25, 2014.
- r. Defendants served their disclosures of names and contact information pursuant to Order on Motion to Compel on January 21, 2015.
- s. Defendants served their third supplemental disclosures on January 27, 2015.
- t. Plaintiffs served their fourth request for production of documents to Defendants and second production request to D. Couthen on February 12, 2015.
- u. Defendants served their fourth supplemental disclosures on February 17, 2015.
- v. Defendants served their fifth supplemental disclosures on February 18, 2015.

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- w. Defendants served their second requests for production of documents on Plaintiffs; Plaintiffs served their fifth request for production of documents to Defendants; and Plaintiffs served their sixth request for production of documents to Defendants on February 25, 2015.
- x. Defendants served their sixth supplemental disclosures on March 2, 2015.
- y. Defendants served their seventh supplemental disclosures and responses to Plaintiff’s fourth request for production of documents on March 16, 2015.
- z. Defendants served their eighth supplemental disclosures and D. Couthen’s response to Plaintiff’s second request for production of documents on March 19, 2015.
- aa. Defendants served their ninth supplemental disclosures and supplemental responses to Plaintiff’s fourth request for production of documents on March 27, 2015.
- bb. Defendants served their tenth supplemental disclosures; responses to Plaintiff’s fifth request for production of documents; responses to Plaintiff’s sixth request for production of document; and Plaintiff’s served their answers to Defendants’ second production request and answers to Defendants’ second interrogatories on March 30, 2015.
- cc. Defendants served their first set of requests for admissions on Plaintiffs on April 6, 2015.
- dd. Plaintiffs served their seventh request for production of documents and second set of interrogatories on Defendants on April 10, 2015.
- ee. Plaintiffs served their seventh request for production of documents on Defendants on April 10, 2015.
- ff. Plaintiffs served their eighth request for production of documents and third set of interrogatories on Defendants on April 21, 2015.
- gg. Defendants served their eleventh supplemental disclosures on May 5, 2015.

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- hh. Defendants served their twelfth supplemental disclosures, responses to Plaintiff’s seventh set of requests for production of documents and responses to Plaintiff’s second set of interrogatories on May 11, 2015.
- ii. Defendants served their thirteenth supplemental disclosures, responses to Plaintiff’s eighth set of request for production of documents and answers to Plaintiff’s third set of interrogatories on May 14, 2015.
- jj. Defendants served subpoenas for records on Advanced Behavioral Care, Walgreens, Solomon’s Porch, Dr. Charles Mahakian M.D., Dinesh Talwar M.D., Dr. Srinivas N. Halthore M.D., the Lovaas Center, Tenaya Surgical Center, IU Health Methodist Hospital, Brandye E. Tinson, M.S., MFT-I, Marvin Picollo School and Plaintiff’s medical provider in Reno.
- kk. Plaintiffs deposed Maria Amaya, Christopher Chin, Jason Fico, Tyler Hall, Stephanie Harris, James Ketsaa, Matt Caldwell, Jeffery Schell, Darnell Couthen, Lachelle James Coleman, Zachary Brewer, Donald “Doc” Harris, Claudia Walthers, and have scheduled 30(b)(6) depositions on a number of categories.
- ll. Defendants deposed Dina Phipps and have scheduled the deposition of John Phipps and Joy Kurowski.
- mm. Plaintiffs served their expert witness disclosures.
- nn. Defendants served their rebuttal expert witness disclosures.

2. Discovery Remaining:

- a. Three expert depositions. (All experts reside out of state. The Parties have tentatively scheduled two depositions out of state in June and one on July 23, 2015 when the expert will be in Las Vegas on another matter.)

3. Proposed Modification:

Based on the foregoing, the parties seek to modify the discovery plan as follows:

- a. Deadline for completing expert depositions: **July 23, 2015.**

1 f. Deadline for filing dispositive motions: Extended from **June 29, 2015 to**  
2 **August 14, 2015.**

3 g. Deadline for filing joint pretrial order: Extended from **July 29, 2015 to**  
4 **September 14, 2015.**

5 The Parties will file the joint pretrial order by November 13, 2015 regardless of whether the  
6 dispositive motions have been decided as previously directed by the Court.

7 This request is made in good faith and not for purposes of delay.

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9 **IT IS SO STIPULATED.**

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11 Dated this 27th day of May, 2015.

12 GREENBERG TRAUERIG, LLP

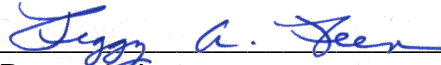
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14 /s/ Kara B. Hendricks

15 MARK E. FERRARIO  
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18 Nevada Bar No. 7743  
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24 *Counsel for Clark County School District,*  
25 *D. Couthen, M. Caldwell and J. Schell*

26  
27 **IT IS SO ORDERED.**

28 **IT IS FURTHER ORDERED** that, in any future submissions for signature to this court,  
the parties shall comply with LR 6-2(a) in that the ". . . signature block shall not be on a  
separate page, but shall appear approximately one inch below the last typewritten matter  
on the right-hand side of the last page . . . ."

Dated this 2nd day of June, 2015.

  
Peggy A. Leen  
United States Magistrate Judge