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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ROBBIN L. LOLOGO, an individual; and
VINCENT J. LOLOGO, an individual,

Plaintiffs,

v.

WAL-MART STORES, INC., a Delaware corporation
d/b/a WAL-MART SUPERCENTER STORE #1834;
and DOES I – X, inclusive, and ROE
CORPORATIONS I through X, inclusive,

Defendants.

Case No. 2:13-cv-01493-GMN-PAL

**STIPULATION AND ORDER TO
AMEND SCHEDULING ORDER
TO CONTINUE DATES FOR TRIAL,
CALENDAR CALL AND MOTIONS IN
LIMINE**

**[FIRST REQUEST – TRIAL
CONTINUANCE]**

**[FOURTH REQUEST - SCHEDULING
ORDER CONTINUANCE]**

WAL-MART STORES, INC., a Delaware corporation
d/b/a WAL-MART SUPERCENTER STORE #1834,

Cross-Claimant/Counter Defendant,

v.

ADVANTAGE SALES & MARKETING LLC, a
foreign corporation; ROE CORPORATIONS I through
XX; and DOES 1 through XX, inclusive,

Cross-Defendants.

1 ROBBIN L. LOLOGO, an individual; and
2 VINCENT J. LOLOGO, an individual,

3 Plaintiffs,

4 v.

5 ADVANTAGE SALES & MARKETING LLC, a
6 foreign corporation; ROE CORPORATIONS I through
7 XX; and DOES I through XX, inclusive,

8 Defendants.

9 **STIPULATION AND ORDER TO AMEND SCHEDULING ORDER**
10 **TO CONTINUE DATES FOR TRIAL, CALENDAR CALL AND MOTIONS IN LIMINE**

11 **[FIRST REQUEST – TRIAL CONTINUANCE]**

12 **[FOURTH REQUEST - SCHEDULING ORDER CONTINUANCE]**

13 This STIPULATION TO AMEND SCHEDULING ORDER TO CONTINUE DATES FOR
14 TRIAL, CALENDAR CALL AND MOTIONS IN LIMINE is entered into by and between ROBBIN
15 L. LOLOGO; VINCENT J. LOLOGO (collectively "Plaintiffs"); WAL-MART STORES, INC.
16 ("Wal-Mart"); and ADVANTAGE SALES & MARKETING, LLC ("ASM"), by and through their
17 attorneys of record, pursuant to LR 6-1(b), LR16-3(b) and LR 26-4 and based upon the following:

18 **(A) A STATEMENT OF THE REASONS CONTINUANCE IS REQUESTED:**

19 This is a slip and fall personal injury case where Plaintiff Robbin Lologo (Robbin) underwent a
20 neck surgery. Now, Plaintiffs allege there is a change in circumstances as: (1) Robbin recently
21 underwent a back surgery on October 3, 2015; (2) Robbin is still undergoing treatment; and (3)
22 Robbin's surgeon believes it would be in the best interest of Robbin's current recovery to postpone the
23 trial on February 8, 2016.

24 **(B) THE STIPULATION OF THE PARTIES:**

25 Based upon the foregoing, the parties stipulate to continue trial for a period of no less than 180
26 days to a date to be set by the court, to continue motions in limine to be due pursuant to LR 16-3(b) in
27 conjunction with the new trial date and to continue the calendar call to a date to be set by the court.
28

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2 (C) **A STATEMENT OF DISCOVERY COMPLETED TO DATE:**

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4 Plaintiffs filed the instant action in state court on July 12, 2013 against only Wal-Mart, which
5 removed the case to this Court and filed its Answer to Plaintiffs' Complaint on August 20, 2013.
6 Plaintiffs and Wal-Mart exchanged initial disclosures of documents and the names of individuals with
7 knowledge of the facts pertaining to Plaintiffs' claims against Wal-Mart. Wal-Mart propounded written
8 discovery requests to Plaintiffs, including interrogatories and requests for production, and Plaintiffs
9 served their responses. Plaintiffs propounded written discovery requests to Wal-Mart, including
10 interrogatories and requests for production, and Wal-Mart served its responses. Wal-Mart deposed
11 Robbin L. Lologo, Vincent J. Lologo, three witnesses traveling with Plaintiffs at the time of the
12 accident, as well as Plaintiffs' three experts. Plaintiffs deposed Wal-Mart's Store Manager and a third-
13 party witness.
14
15

16 Plaintiff Robbin L. Lologo underwent an independent medical examination on December 13,
17 2013, a vocational rehabilitation interview on February 5, 2014, and an independent
18 neuropsychological examination with Wal-Mart's neuropsychologist on May 9, 2014. Pursuant to a
19 second stipulation to extend discovery entered into between Wal-Mart and Plaintiffs, Wal-Mart's
20 neuropsychologist provided his expert report following the IME.

21 On April 17, 2014, Wal-Mart filed a Third Party Complaint against ASM and ASM filed an
22 Answer to Wal-Mart's third party complaint on May 14, 2014. On the same date, ASM sent a demand
23 for prior pleadings and discovery to both Plaintiffs and Wal-Mart. Plaintiffs responded on May 16,
24 2014.

25 Plaintiffs amended their Complaint to add ASM as a Defendant on July 22, 2014. On August 1,
26 2014, Wal-Mart filed an Answer to the Plaintiff's Amended Complaint and asserted a Cross-Complaint
27 against ASM. On August 21, 2014, ASM filed an Answer to the Plaintiff's Amended Complaint and
28 asserted a Cross-Complaint against Wal-Mart. On August 21, 2014, ASM filed an Answer to the

1 Cross-Claim of Wal-Mart. On September 5, 2014, Wal-Mart filed an Answer to the Cross- Claim of
2 ASM.

3 ASM propounded written discovery requests to Plaintiffs, including interrogatories and requests
4 for production, and Plaintiffs served their responses. Plaintiffs propounded written discovery requests
5 to ASM, including interrogatories and requests for production, and ASM served its responses.

6 ASM propounded written discovery requests to Wal-Mart, including interrogatories and
7 requests for production, and Wal-Mart served their responses. Wal-Mart propounded written discovery
8 requests to ASM, including interrogatories and requests for production, and ASM served its responses.
9

10 (b) **ACTION BY THE COURT CURRENTLY IN EFFECT**

- 11 (1) This case is set for jury trial on the 8th day of February , 2016 at
12 8 30 a .m. Calendar call shall be held on the 1st day of February , 2016 at
13 9:00 a.m.
- 14 (2) An original and two (2) copies of each trial brief are be submitted to the clerk on
15 or before January 28, 2016 no later than 4:00 p.m.
- 16 (3) Jury Trials:
- 17 (a) An original and two (2) copies of all instructions requested by either
18 party are be submitted to the clerk for filing on or before January 28,
19 2016 no later than 4:00 p.m..
- 20 (b) An original and two (2) copies of all suggested questions of the parties to
21 be asked of the jury panel by the court on voir dire are to be submitted to
22 the clerk for filing on or before January 28, 2016 no later than 4:00 p.m.
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1 **STIPULATED AND AGREED TO:**

2
3 DATED this 8th day of January , 2016 DATED this 8th day of January , 2016

4 **LAW OFFICES OF ERIC R. BLANK, P.C.** **PHILLIPS, SPALLAS & ANGSTADT LLC**

5
6 By: /s/ William B. Palmer, II

7 **ERIC R. BLANK, ESQ.**

8 Nevada Bar No. 006910

9 **SCOTT E. PHILIPPUS, ESQ.**

10 Nevada Bar No. 013223

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18 Attorneys for Plaintiffs

19 By: /s/ Brenda H. Entzminger

20 **BRENDA H. ENTZMINGER, ESQ.**

21 Nevada Bar No. 009800

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25 Las Vegas, Nevada 89101

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28 Attorney for Defendant, Wal-Mart Stores, Inc.

15 DATED this 8th day of January , 2016

16 **MURCHISON & CUMMING, LLP.**

17
18 By: /s/ Ian McMenemy

19 **MICHAEL J. NUÑEZ, ESQ.**

20 Nevada Bar No. 10703

21 **IAN MCMENEMY, ESQ.**

22 Nevada Bar No. 13190

23 6900 Westcliff Drive, Suite 605

24 Las Vegas, Nevada 89145

25 Telephone: (702) 360-3956

26 Facsimile: (702) 360-3957

27 Attorneys For Third Party Defendant,

28 Advantage Sales & Marketing, LLC

ORDER

IT IS SO ORDERED.

AMENDED ACTION BY THE COURT

(A) This case is set for trial on the 8th day of August, 2016 at 8:30 a.m. Calendar call shall be held on the 1st day of August, 2016 at 9:00 a.m.

This represents a FIRM TRIAL DATE. NO FURTHER CONTINUANCES WILL BE GRANTED

(B) An original of each trial brief shall be submitted to the clerk on or before the 28th day of July, 2016 at 4:00 p.m.

(C) Jury Trials:

(1) An original of all instructions requested by either party shall be submitted to the clerk for filing on or before the 28th day of July, 2016 at 4:00 p.m.

(2) An original of all suggested questions of the parties to be asked of the jury panel by the court on voir dire shall be submitted to the clerk for filing on or before the 28th day of July, 2016 at 4:00 p.m.

DATED: this 14 day of January, 2016.



UNITED STATES DISTRICT JUDGE