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10
11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 ANTOINE HODGES, and ANNETTE
HODGES, husband and wife;

14 Plaintiffs,

CASE NO. 2:13-cv-2014-JCM-NJK

15 vs.

16 LAS VEGAS METROPOLITAN POLICE
17 DEPARTMENT, a political subdivison of the
State of Nevada; SHERIFF DOUGLAS
18 GILLESPIE, individually and as policy
maker of Las Vegas Metropolitan Police
19 Department; OFFICER JASON EVANS ,
20 individually; and DOE OFFICERS 1 through 10,
inclusive;

21 Defendants.
22 _____/

23 **STIPULATION AND ORDER TO EXTEND DISCOVERY**

24 **(Fourth Request)**

25 Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of
26 record, hereby stipulate and request that this Court extend discovery in the above-captioned case
27 for ninety-one (91) days, up to and including Monday, October 26, 2015.

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1 In addition, the parties request that the expert disclosures¹, rebuttal expert disclosures,
2 dispositive motions and pretrial order be extended in accordance with the discovery extension as
3 outlined herein. In support of this Stipulation and Request, the parties state as follows:

4 **DISCOVERY COMPLETED TO DATE**

5 The parties have exchanged their initial disclosures. The Plaintiffs have produced five
6 supplemental disclosures; the Defendants have produced five supplemental disclosures.

7 Defendants served and Plaintiffs have responded to the following written discovery
8 requests:

- 9 • First and Second sets of Interrogatories to Antoine Hodges;
- 10 • First, Second, and Third sets of Requests for Production to Antoine Hodges;
- 11 • First and Second sets of Interrogatories to Annette Hodges;
- 12 • First, Second, and Third sets of Requests for Production to Annette Hodges; and

13 Plaintiffs served and Defendants have responded to the following written discovery
14 requests:

- 15 • First set of Interrogatories; and
- 16 • First and Second sets of Requests for Production.
- 17 • Supplemental Set of Requests for Production, which are awaiting responses. The
18 parties must meet and confer regarding the Defendants' requested protective
19 order, which will take place during the week of May 18, 2015, after Defendants'
20 counsel has finished trial and Ninth Circuit Oral argument.

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24 ¹The parties recognize that they are requesting an extension of the expert disclosure deadline inside of the
25 twenty-one (21) day period as set forth in LR 26-4. As such, the parties submit that excusable neglect exists to
26 permit granting the instant requested extension. In evaluating excusable neglect, the court considers the following
27 factors: (1) the reason for the delay and whether it was in the reasonable control of the moving party, (2) whether
28 the moving party acted in good faith, (3) the length of the delay and its potential impact on the proceedings, and
the danger of prejudice to the nonmoving party. *See, Pioneer Inv. Servs. Co. v. Brunswick Assocs.*, 507 U.S.
380, 395 S. Ct. 1489, 123 L.Ed.2d 74 (1993). Twenty-one (21) days ago the parties believed they were on track
for the expert disclosure deadline, but since then have realized additional discovery is necessary prior to disclosing
their experts. This extension request is made in good faith, jointly by the parties, and not for the purposes of
delay. Trial in this matter has not yet been set. Moreover, since this request is a joint request, neither party will be
prejudiced.

1 The parties have also supplemented responses to written discovery in an effort to work
2 with each other and avoid motions to compel.

3 Defendants have served nineteen (19) COR deposition subpoenas.

4 **DISCOVERY REMAINING**

5 The following recitation of discovery to be completed is not intended to be limiting, but it
6 is set forth to advise the Court of the current remaining discovery. The parties must conduct the
7 following discovery:

- 8 • The parties must be deposed.
- 9 • The parties must disclose and depose experts and rebuttal experts.
- 10 • The parties must depose any expert/rebuttal experts, 30(b)(6) witnesses, and/or
11 percipient witnesses.
- 12 • The parties need to continue supplementing documents and disclosing information
13 as it is received.

14 **WHY SUCH REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

15 The parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested
16 extension. The parties agree that, pending this Court's approval, extension of remaining
17 discovery deadlines is appropriate.

18 The parties have been working diligently on discovery in this complex and document-
19 intensive matter. Counsel for both parties have been involved with trials and appeal oral
20 arguments that have prevented them from being able to scheduled depositions and/or extensively
21 confer regarding discovery matters. The parties have continued to supplement responses to
22 written discovery and produce supplemental disclosures in an effort to work with each other and
23 avoid motions to compel. In fact, the parties must meet and confer regarding the Defendants'
24 requested protective order, which will take place during the week of May 18, 2015, after
25 Defendants' counsel has finished trial and Ninth Circuit Oral argument.

26 This extension request is made in good faith, jointly by the parties, to allow the parties to
27 conduct the discovery necessary in this matter. Trial in this matter has not yet been set and
28 dispositive motions have not yet been filed. As such, this extension will not delay this case.

1 Moreover, since this request is a joint request, neither party will be prejudiced. In fact, the
2 extension will benefit the parties in allowing them to properly litigate their case.

3 **CURRENT AND PROPOSED DISCOVERY DEADLINES**

<u>SCHEDULED EVENT</u>	<u>CURRENT DEADLINE</u>	<u>PROPOSED DEADLINE</u>
Interim Status Report	Thursday, May 28, 2015	Thursday, August 27, 2015
Disclose Experts	Thursday, May 28, 2015	Thursday, August 27, 2015
Rebuttal Experts	Monday, June 29, 2015	Monday, September 28, 2015
Discovery Cut-Off	Monday, July 27, 2015	Monday, October 26, 2015
Dispositive Motions	Wed., August 26, 2015	Wed., November 25, 2015
Pretrial Order	Friday, September 25, 2015	Thurs., December 24, 2015

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1 This is the fourth request for extension of time in this matter. This request for an
2 extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is
3 sought by the parties solely for the purpose of allowing sufficient time to conduct discovery in
4 this case and adequately prepare their respective cases for trial. The parties respectfully submit
5 that the reasons set forth above constitute compelling reasons for the extension.

6 WHEREFORE, the parties respectfully request that this Court extend the discovery
7 period as outlined in the table above.

8 DATED this 13th day of May, 2015.

DATED this 13th day of May, 2015.

9 POTTER LAW OFFICES
10 JOSEPH P. REIFF, ESQ.

KAEMPFER CROWELL RENSHAW
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11 By /s/ C. J. Potter, IV, Esq.
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23 IT IS SO ORDERED.

24 May 14, 2015
25 DATED _____

ORDER NO FURTHER EXTENSIONS
WILL BE GRANTED.


UNITED STATES MAGISTRATE JUDGE