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

11 THE ESTATE OF BARRY ISOM, by and)
through its Executrix, Mary Love-Isom; Jaime)
12 Isom Newberry and Kimberly Isom Grindstaff;)
Plaintiffs,) Case No. 2:14-cv-00475-RFB-VCF
13 v.)
14 UNITED STATES OF AMERICA,)
Defendant.)
16)
17)

18 **STIPULATED REQUEST FOR LIMITED EXTENSION OF SCHEDULING DEADLINES**
19 **AND JOINT REQUEST FOR REVISED SCHEDULING ORDER**
20 **(Sixth Request)**

21 Pursuant to Local Rules 6-1, 26-4, and Fed. R. Civ. P. 6(b), the parties stipulate, subject to this
22 Court’s approval, the deadline for the close of discovery in the current Scheduling Order (ECF No. 34)
23 be extended for forty-five (45) days from the date of the parties’ settlement conference for the reasons
noted below.

24 **1. Status Report.** This request is made one (1) day before the current close of discovery,
25 which is currently set for **October 9, 2015**. Pursuant to Local Rules 6-1(b) and 26-4, this request is
26 timely in that it is made before the discovery cutoff. However, it is not timely in that it is made less than

1 twenty-one (21) days before the discovery cutoff, which is set for **October 9, 2015**. Nonetheless, the
2 parties' stipulation should be approved because, as discussed more fully below, this stipulation is being
3 filed before the deadline. The parties wish to schedule a settlement conference in this case. In the event
4 the parties are unable to resolve this case following the settlement conference, the parties wish to keep
5 discovery open for the limited purpose of deposing expert witnesses. The Court granted previous
6 extensions of discovery deadlines in this case on January 12, 2015 (ECF No. 27), April 24, 2015 (ECF
7 No. 34), July 22, 2015 (ECF No. 40 (expert disclosure deadlines only)), August 31, 2015 (ECF No. 43
8 (expert disclosure deadlines only)), and October 6, 2015 (ECF No. 45 (expert disclosure deadlines
9 only)).

10 **2. Status/Discovery Completed.** On August 14, 2014, the parties held a conference
11 pursuant to Fed. R. Civ. P 26(f). On August 29, 2014, the Court entered a Scheduling Order (ECF No.
12 21). Pursuant to the Scheduling Orders (ECF Nos. 21, 27, 34, 40, 43 & 45) and Fed. R. Civ. P. 26(a)(1),
13 the parties have completed discovery, with the exception of expert witness depositions.

14 The parties have completed the following discovery:

- 15 • September 10, 2014: Defendant served Plaintiffs with interrogatories and requests for
16 production.
- 17 • October 31, 2014: Plaintiffs served responses to Defendant's interrogatories and requests for
18 production.
- 19 • November 20, 2014: Defendant and Plaintiffs met and conferred regarding Plaintiffs' responses.
- 20 • December 8, 2014: Defendant's counsel and Defendant's accident reconstructionist consultant
21 conducted an inspection of the motorcycle involved in the accident at issue in Panaca, Nevada.
- 22 • December 11, 2014: Plaintiffs served some supplemental discovery responses in accordance with
23 the parties' meet and confer.
- 24 • December 26, 2014: Plaintiffs served Defendant with interrogatories and requests for production
25 of documents.
- 26 • December 2014-April 2015: Plaintiffs noticed the depositions of six non-party witnesses, and the

1 parties worked together to set the depositions of Plaintiffs.

- 2 • January 7, 2015: Defendant and Plaintiffs met and conferred regarding outstanding supplemental
- 3 discovery responses, including documentation of benefits provided to Plaintiffs' economist
- 4 expert.
- 5 • January 11, 2015: Plaintiffs deposed Vanessa Van Zerr, driver of the government vehicle.
- 6 • January 11, 2015: Plaintiffs served their Fourth Supplemental Disclosures.
- 7 • January 12, 2015: Plaintiffs deposed Nelson Lau, passenger in the government vehicle.
- 8 • January 22, 2015: Plaintiffs deposed former Nevada Highway Patrol ("NHP") Officer John
- 9 Cunag.
- 10 • February 4, 2015: Defendant served discovery responses and its Third Supplemental Disclosures.
- 11 • February 18, 2015: Defendant served supplemental discovery responses.
- 12 • March 12, 2015: Plaintiffs deposed Irimi Lamkin, passenger in the government vehicle.
- 13 • March 17, 2015 & March 30, 2015: Defendant emailed Plaintiffs' counsel regarding the status of
- 14 supplemental discovery responses.
- 15 • March 31, 2015: Defendant served its Fourth Supplemental Disclosures.
- 16 • April 3, 2015: Plaintiffs served their Fifth Supplemental Disclosures.
- 17 • April 15, 2015: Plaintiffs served their Sixth Supplemental Disclosures.
- 18 • April 23, 2015: Plaintiffs deposed NHP Officer Alan Davidson.
- 19 • April 29, 2015: Plaintiffs served their Seventh Supplemental Disclosures.
- 20 • May 14, 2015: Plaintiffs served their Eighth Supplemental Disclosures.
- 21 • May 18, 2015: Plaintiff Kimberlee Isom Grindstaff served her First Supplemental Answers to
- 22 United States' First Set of Interrogatories.
- 23 • May 19, 2015: Defendant deposed Plaintiff Mary Love Isom.
- 24 • May 21, 2015: Defendant deposed Plaintiff Jaimee Newberry.
- 25 • June 3, 2015: Defendant deposed Plaintiff Kimberlee Grindstaff.
- 26 • June 18, 2015: Plaintiffs served their Ninth Supplemental Disclosures.

- 1 • June 26, 2015: Plaintiffs served Defendant with their Expert Witness Disclosure Statement and
2 Reports.
- 3 • July 2, 2015: Plaintiffs served their Tenth Supplemental Disclosures.
- 4 • July 7, 2015: Defendant served its Fifth Supplemental Disclosures.
- 5 • July 31, 2015: Defendant served its Sixth Supplemental Disclosures.
- 6 • August 10, 2015: Defendant served Plaintiff with its Expert Witness Disclosure Statement and
7 Reports.
- 8 • October 6, 2015: Plaintiffs served Defendant with their Rebuttal Expert Witness Disclosure
9 Statement and Reports.

10 **3. Discovery remaining.** The parties remaining discovery is limited to depositions of both
11 parties' experts.

12 **4. Reasons for extension.** The parties wish to schedule a settlement conference in this case.
13 In the event the parties are unable to resolve this case following the settlement conference, the parties
14 wish to keep discovery open for the limited purpose of deposing disclosed expert witnesses.
15 Accordingly, the parties are requesting an additional forty-five (45) days after the date of the settlement
16 conference to allow the parties to depose the disclosed expert witnesses, if necessary. The parties
17 stipulate to this extension in good faith and not for the purpose of unnecessarily delaying the
18 proceedings.

19 **5. Revised discovery schedule.**¹ The parties stipulate and agree to the following revised
20 discovery plan and ask that the Court adopt it as the revised scheduling order in this case.

21 **A. Discovery Deadline:** The discovery deadline shall be forty-five days after the
22 parties' settlement conference for the limited purpose of allowing the parties to take the depositions of
23 disclosed expert witnesses.

24 **B. Dispositive Motions:** Dispositive motions, if any, shall be filed 30 days after
25

26 ¹ Pursuant to Fed. R. Civ. P. 6(a)(C) deadlines falling on a weekend or legal holiday "run until the . . .
next day that is not a Saturday, Sunday, or legal holiday."

1 discovery cutoff.

2 **C. Joint Pretrial Order:** A Joint Pretrial Order shall be filed 30 days after the
3 deadline for filing dispositive motions. However, if any dispositive motions are filed, then the Joint
4 Pretrial Order shall be due 30 days after decision on such motion(s). Disclosures under Fed. R. Civ. P.
5 26(a)(3), and any objections thereto, shall be included in the Joint Pretrial Order.

6 Respectfully submitted this 8th day of October, 2015.

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13 *Attorneys for Plaintiffs*

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14 IT IS HEREBY ORDERED that a status hearing is scheduled for 10:00 a.m., December 15, 2015, in
15 courtroom 3D.

16 **IT IS SO ORDERED:**

17 

18 ~~UNITED STATES DISTRICT JUDGE~~
UNITED STATES MAGISTRATE JUDGE

19 **DATED:** October 14, 2015