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

12 THOMAS WALKER, an individual, and
CATHY CATALDO, an individual

13
14 Plaintiffs,

15 vs.

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17 CITY OF NORTH LAS VEGAS, OFFICER
PAUL MAALOUF, individually and in his
18 official capacity as a North Las Vegas Police
Department Officer, OFFICER TRAVIS
19 SNYDER, individually and in his official
capacity as a North Las Vegas Police
20 Department Officer,
21 Defendants.

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Case No.: 2:14-cv-01475-JAD-NJK

**STIPULATION TO EXTEND
DISCOVERY LIMITED TO
DEPOSITIONS AND EXTEND
DISPOSITIVE MOTIONS
DEADLINE SET FORTH IN
SCHEDULING ORDER**
[ECF No. 112]

(Eleventh Request)

as amended on p. 12

23
24 Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel
25 of record, hereby stipulate and request that this Court extend discovery (for the limited
26 purposes set forth herein) in the above-captioned case seventy-two days (72) days, up to and
27 including **June 15, 2017**. In addition, the parties request that the dispositive motions and
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1 pretrial order deadlines be extended for a corresponding additional seventy-two (72) days as
2 outlined herein. In support of this Stipulation and Request, the parties state as follows:

3 1. On September 12, 2014, this action was commenced by filing of the First Amended
4 Complaint.

5 2. On November 12, 2014, Defendants filed their Answer to Complaint and Demand
6 for Jury Trial.

7 3. On December 30, 2014, the Stipulated Discovery Plan Discovery Plan and
8 Scheduling Order was filed.

9 4. On January 2, 2015, Plaintiffs produced their Initial Disclosures of Production of
10 Documents.

11 5. On February 6, 2015, Defendants produced their Initial Disclosures of Production
12 of Documents.

13 6. On February 13, 2015, Plaintiffs propounded their First Set of Requests for
14 Admission to Officer Maalouf.

15 7. On February 13, 2015, Plaintiffs propounded their First Set of Requests for
16 Admission to Officer Snyder.

17 8. On February 13, 2015, Plaintiffs propounded their First Set of Requests for
18 Admission to North Las Vegas Police Department.

19 9. On February 13, 2015, Plaintiffs propounded their First Set of Requests for
20 Production of Documents to North Las Vegas Police Department.

21 10. On February 23, 2015, Defendants propounded their First Set of Interrogatories to
22 Cathy Cataldo.

23 11. On February 23, 2015, Defendants propounded their First Set of Interrogatories to
24 Thomas Walker.

25 12. On February 23, 2015, Defendants propounded their First Set of Requests for
26 Production of Documents to Cathy Cataldo.

27 13. On February 23, 2015, Defendants propounded their First Set of Requests for
28 Production of Documents to Thomas Walker.

1 14. On March 6, 2015, Plaintiffs produced their First Supplement to Initial Disclosures
2 and Production of Documents.

3 15. On May 18, 2015, Plaintiff Cathy Cataldo provided her Responses to Defendants'
4 First Set of Interrogatories.

5 16. On May 18, 2015, Plaintiff Thomas Walker provided his Responses to Defendants'
6 First Set of Interrogatories.

7 17. On May 18, 2015, Plaintiff Cathy Cataldo provided her Responses to Defendants'
8 First Set of Requests for Production of Documents.

9 18. On May 18, 2015, Plaintiff Thomas Walker provided his Responses to Defendants'
10 First Set of Requests for Production of Documents.

11 19. On May 18, 2015, Plaintiffs produced their Second Supplement to Initial
12 Disclosures and Production of Documents.

13 20. On May 18, 2015, Defendant Officer Maalouf provided his Responses to Plaintiffs'
14 First Set of Requests for Admission.

15 21. On May 18, 2015, Defendant Officer Snyder provided his Responses to Plaintiffs'
16 First Set of Requests for Admission.

17 22. On May 18, 2015, Defendant North Las Vegas Police Department provided their
18 Responses to Plaintiffs' First Set of Requests for Admission.

19 23. On May 18, 2015, Defendant North Las Vegas Police Department provided their
20 Responses to Plaintiffs' First Set of Requests for Production of Documents.

21 24. On June 19, 2015, Plaintiff Cathy Cataldo provided her First Supplement to
22 Responses to Defendants' First Set of Interrogatories.

23 25. On June 19, 2015, Plaintiff Thomas Walker provided his First Supplement to
24 Responses to Defendants' First Set of Interrogatories.

25 26. On June 19, 2015, Plaintiff Cathy Cataldo provided her First Supplement to
26 Responses to Defendants' First Set of Requests for Production of Documents.

27 27. On June 19, 2015, Plaintiff Thomas Walker provided his First Supplement to
28 Responses to Defendants' First Set of Requests for Production of Documents.

1 28. On June 19, 2015, Plaintiffs produced their Third Supplement to Initial Disclosures
2 and Production of Documents.

3 29. On July 30, 2015, Defendants provided their Amended Response to Plaintiffs' First
4 Set of Requests for Production of Documents to North Las Vegas Police Department.

5 30. On July 30, 2015, Defendants produced their Initial Disclosures of Production of
6 Documents.

7 31. On September 23, 2015, Plaintiffs propounded their Second Set of Requests for
8 Production of Documents to North Las Vegas Police Department.

9 32. On September 23, 2015, Plaintiffs propounded their First Set of Requests for
10 Production of Documents to Officer Maalouf.

11 33. On September 23, 2015, Plaintiffs propounded their First Set of Requests for
12 Production of Documents to Officer Snyder.

13 34. On September 23, 2015, Plaintiff Thomas Walker propounded his First Set of
14 Interrogatories to North Las Vegas Police Department.

15 35. On September 23, 2015, Plaintiff Thomas Walker propounded his First Set of
16 Interrogatories to Officer Maalouf.

17 36. On September 23, 2015, Plaintiff Thomas Walker propounded his First Set of
18 Interrogatories to Officer Snyder.

19 37. On September 29, 2015, Defendant North Las Vegas Police Department provided
20 its First Supplement to Responses to Plaintiffs First Set of Requests for Production of
21 Documents.

22 38. On October 22, 2015, Plaintiff Cathy Cataldo provided her Second Supplement to
23 Responses to Defendants' First Set of Interrogatories.

24 39. On October 22, 2015, Plaintiff Thomas Walker provided his Second Supplement to
25 Responses to Defendants' First Set of Interrogatories.

26 40. On October 28, 2015, Defendants produced their Second Supplement to Initial
27 Disclosures of Production of Documents.

28 41. On October 29, 2015, Defendants produced their Third Supplement to Initial

1 Disclosures of Production of Documents.

2 42. On October 29, 2015, Defendants submitted documents to the Court for in camera
3 review pursuant to Court Order (ECF No. 37).

4 43. On November 9, 2015, Defendant North Las Vegas Police Department provided its
5 Responses to Plaintiffs' Second Set of Requests for Production of Documents.

6 44. On November 9, 2015, Defendant Officer Maalouf provided his Responses to
7 Plaintiffs' First Set of Requests for Production of Documents.

8 45. On November 9, 2015, Defendant Officer Snyder provided his Responses to
9 Plaintiffs' First Set of Requests for Production of Documents.

10 46. On November 9, 2015, Defendant North Las Vegas Police Department provided its
11 Responses to Plaintiff Thomas Walker's First Set of Interrogatories.

12 47. On November 9, 2015, Defendant Officer Maalouf provided his Responses to
13 Plaintiff Thomas Walker's First Set of Interrogatories.

14 48. On November 9, 2015, Defendant Officer Snyder provided his Responses to
15 Plaintiff Thomas Walker's First Set of Interrogatories.

16 49. On November 9, 2015, Defendants produced their Fourth Supplement to Initial
17 Disclosures and Production of Documents.

18 50. On November 19, 2015, Plaintiffs produced their Fourth Supplement to Initial
19 Disclosures and Production of Documents.

20 51. On November 19, 2015, Defendants submitted additional documents to the Court
21 for in camera review pursuant to Court order.

22 52. On December 11, 2015, Plaintiff Thomas Walker provided his Second Supplement
23 to Responses to Defendants' First Set of Requests for Production of Documents.

24 53. On December 11, 2015, Plaintiff Cathy Cataldo provided her Second Supplement
25 to Responses to Defendants' First Set of Requests for Production of Documents.

26 54. On December 11, 2015, Plaintiff Thomas Walker provided his Third Supplement
27 to Responses to Defendants' First Set of Requests for Production of Documents.

28 55. On December 11, 2015, Plaintiff Cathy Cataldo provided her Third Supplement to

1 Responses to Defendants’ First Set of Interrogatories.

2 56. On December 11, 2015, Plaintiff Cathy Cataldo provided her Third Supplement to
3 Responses to Defendants’ First Set of Requests for Production of Documents.

4 57. On December 17, 2015, Defendants propounded their Second Set of Interrogatories
5 to Plaintiff Thomas Walker.

6 58. On December 17, 2015, Defendants propounded their Second Set of Interrogatories
7 to Plaintiff Cathy Cataldo.

8 59. On December 17, 2015, Defendants propounded their Second Set of Requests for
9 Production of Documents to Plaintiff Thomas Walker.

10 60. On December 17, 2015, Defendants propounded their Second Set of Requests for
11 Production of Documents to Plaintiff Cathy Cataldo.

12 61. On December 17, 2015, Defendant North Las Vegas Police Department provided
13 its Second Supplemental Responses to Plaintiffs’ First Set of Requests for Production of
14 Documents.

15 62. On December 17, 2015, Defendant North Las Vegas Police Department provided
16 its First Supplemental Responses to Plaintiffs’ Second Set of Requests for Production of
17 Documents.

18 63. On December 17, 2015, Defendants provided documents pursuant to Order
19 Granting in Part Plaintiffs’ Motion to Compel (ECF No. 46).

20 64. On December 28, 2015, Defendant North Las Vegas Police Department provided
21 its Second Supplemental Responses to Plaintiffs’ Second Set of Requests for Production of
22 Documents.

23 65. On December 28, 2015, Defendants produced their Fifth Supplement to Initial
24 Disclosures and Production of Documents.

25 66. On January 5, 2016, Plaintiffs produced their Fifth Supplement to Initial
26 Disclosures and Production of Documents.

27 67. On January 8, 2016, Plaintiffs produced their Sixth Supplement to Initial
28 Disclosures and Production of Documents.

1 68. On January 13, 2016, Defendant North Las Vegas Police Department provided its
2 Third Supplemental Responses to Plaintiffs' Second Set of Requests for Production of
3 Documents.

4 69. On January 20, 2016, Plaintiff Thomas Walker provided his Responses to
5 Defendants' Second Set of Interrogatories.

6 70. On January 20, 2016, Plaintiff Cathy Cataldo provided her Responses to
7 Defendants' Second Set of Interrogatories.

8 71. On January 20, 2016, Plaintiff Thomas Walker provided his Responses to
9 Defendants' Second Set of Requests for Production of Documents.

10 72. On January 20, 2016, Plaintiff Cathy Cataldo provided her Responses to
11 Defendants' Second Set of Requests for Production of Documents.

12 73. On January 20, 2016, Plaintiffs produced their Seventh Supplement to Initial
13 Disclosures and Production of Documents.

14 74. On February 4, 2016, Plaintiffs produced their Eighth Supplement to Initial
15 Disclosures and Production of Documents.

16 75. On February 12, 2016, the deposition of Plaintiff Thomas Walker was taken by the
17 Defendants.

18 76. On February 12, 2016, the deposition of Plaintiff Cathy Cataldo was taken by the
19 Defendants.

20 77. On May 2, 2016, Plaintiffs produced their Ninth Supplement to Initial Disclosures
21 and Production of Documents.

22 78. On May 9, 2016, Defendants served its Seventh Supplement to Initial Disclosures
23 and Production of Documents.

24 79. On May 17, 2016, Defendants served its Eighth Supplement to Initial Disclosures
25 and Production of Documents.

26 80. On May 20, 2016, Defendant City of North Las Vegas served its Third Supplement
27 to Responses to Plaintiff's First Request for Production of Documents.

28 81. On May 27, 2016, Defendant City of North Las Vegas served its Fourth Supplement

1 to Responses to Plaintiff's First Request for Production of Documents.

2 82. On May 27, 2016, Defendant City of North Las Vegas served its Fourth
3 Supplemental Responses to Plaintiff's Second Request for Production of Documents.

4 83. On June 1, 2016, Plaintiffs produced their Tenth Supplement to Initial Disclosures
5 and Production of Documents.

6 84. On June 2, 2016, the deposition of Travis Snyder was taken by Plaintiffs.

7 85. On June 3, 2016, the deposition of Paul Maalouf was taken by Plaintiffs.

8 86. On June 20, 2016, Plaintiff Cathy Cataldo served her First Set of Interrogatories to
9 Defendant City of North Las Vegas.

10 87. On July 22, 2016, the deposition of retired Sergeant Mike Waller was taken by
11 Plaintiffs.

12 88. On August 18, 2016, the deposition of Officer Jason Scarale was taken by Plaintiffs.

13 89. On August 19, 2016, the deposition of Officer Ryan Parrish was taken by Plaintiffs.

14 90. On August 31, 2016, the deposition of CSI Wendy Radke was taken by Plaintiffs.

15 91. On September 20, 2016, Defendants produced their Ninth Supplement to Initial
16 Disclosures and Production of Documents.

17 92. On November 15, 2016, the deposition of Animal Control Manager Dale Smock
18 was taken by Plaintiffs.

19 93. On December 19, 2016, Defendants produced their Tenth Supplement to Initial
20 Disclosures and Production of Documents. Over 7,000 pages were produced.

21 **94. On February 9, 2017, Plaintiffs served their Second Set of Requests for**
22 **Admission to Defendant City of North Las Vegas.**

23 **95. On February 10, 2017, Plaintiff Cathy Cataldo served her Second Set of**
24 **Interrogatories to Defendant City of North Las Vegas.**

25 **96. On February 10, 2017, Plaintiff Thomas Walker served his Second Set of**
26 **Interrogatories to Defendant City of North Las Vegas.**

27 **97. On February 10, 2017, Plaintiffs served their Third Set of Requests for**
28 **Production of Documents to Defendant City of North Las Vegas.**

1 **98. On February 15, 2017, Plaintiffs noticed a deposition of Defendant City of**
2 **North Las Vegas pursuant to Fed. R. Civ. P. 30(b)(6) for March 8-10, 2017. However,**
3 **the City’s designees are not available on the noticed dates.**

4 **99. On February 16, 2017, Defendant City of North Las Vegas served its Fifth**
5 **Supplemental Responses to Plaintiff’s First Request for Production of Documents.**

6 **100. On February 21, 2017, Plaintiffs served their Third Set of Requests for**
7 **Admission to Defendant City of North Las Vegas.**

8 **101. On March 2, 2017, Plaintiff Cathy Cataldo served her Third Set of**
9 **Interrogatories to Defendant City of North Las Vegas.**

10 **102. On March 2, 2017, Plaintiff Cathy Cataldo served her First Set of**
11 **Interrogatories to Defendant Officer Travis Snyder.**

12 **103. On March 2, 2017, Plaintiff Cathy Cataldo served her First Set of**
13 **Interrogatories to Defendant Officer Paul Maalouf.**

14 104. The parties are also working to schedule expert witnesses’ depositions.

15 **DISCOVERY REMAINING**

16 ***The parties intend to complete the following items(and expect to complete them***
17 ***in the following order:***

18 1. Responses to written discovery requests served by email and U.S. Mail on Friday,
19 March 3, 2017, will be treated as if hand-served the day served and the deadline for responses
20 thereto will be calculated as if hand-served (and thus due on or before the current close of
21 discovery date of April 4, 2017).

22 2. Plaintiff intends to issue limited subpoenas to third parties (seeking comparison
23 data regarding officer shootings of dogs and related policies in other police departments);

24 3. The depositions of all remaining witnesses, including experts and Fed. R. Civ. P.
25 30(b)(6) witnesses will be completed by **June 15, 2017.**

26 4. The deposition of the parties’ named experts will be completed by **June 15, 2017.**

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**PROPOSED EXPEDITED MOTION PRACTICE PERTAINING TO
DISCOVERY DISPUTES**

The parties hope to resolve any disputes regarding the remaining discovery in this matter without the need for court intervention. However, should there be issues the parties cannot resolve, they propose the following expedited process:

1. Any motions to compel pertaining to remaining discovery (discovery issued by Plaintiffs that Defendants have yet to respond to and discovery to be propounded by Plaintiffs to Defendants by March 3, 2017) shall be filed on or before April 18, 2017. Any response shall be filed by April 28, 2017, and any replies shall be filed by May 8, 2017.

REASONS WHY DISCOVERY WAS NOT COMPLETED

The parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested extension.

After motion work, court orders, and extensive meeting and conferring regarding the production of electronically stored information, Defendants produced over 7,000 documents on December 19, 2016 that Plaintiffs need to review, index, and analyze. That review led to additional discovery requests. Further, the review needed to be completed before taking Fed. R. Civ. P. 30(b)(6) depositions and expert depositions.

The parties are currently working together to schedule additional depositions, including expert witnesses and Fed. R. Civ. P. 30(b)(6) witness(es). As noted above, Plaintiffs previously noticed a Fed. R. Civ. P. 30(b)(6) deposition but Defendant North Las Vegas’s designee(s) were not available.

The following is a list of the current discovery deadlines and the parties’ proposed extended deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Written Discovery Cut-off	April 4, 2017	No change.
Discovery Cut-Off	April 4, 2017	June 15, 2017

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Scheduled Event	Current Deadline	Proposed Deadline
Dispositive Motions	May 4, 2017	July 17, 2017 or at least thirty (30) days after the close of discovery
Joint Pretrial Order	June 2, 2017	August 16, 2017 or at least thirty (30) days after the decision of last Dispositive Motions or further order of the Court.

Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-4
governs modifications or extension of this discovery plan and scheduling order. Any stipulation or motion must be made no later than twenty-one (21) days before the expiration of the subject deadline, and comply fully with LR 26-4.

This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time to conduct discovery in this case and adequately prepare their respective cases for trial.

This is the tenth request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the extension.

WHEREFORE, the parties respectfully request that this Court extend discovery (limited to taking depositions) in the above-captioned case seventy-two days (72) days, up to and including **June 15, 2017** and the other dates as outlined in accordance with the table above.

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IT IS SO STIPULATED.

DATED this 3rd day of March, 2017.

DATED this 3rd day of March, 2017.

LEWIS BRISBOIS BISGAARD & SMITH

MCLETCHIE SHELL LLC

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ORDER

NO FURTHER EXTENSIONS WILL BE GRANTED.

IT IS SO ORDERED.

DATED this 6th day of March , 2017.


UNITED STATES MAGISTRATE JUDGE