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 12 *Keolis Transit America, Inc.*

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 MICHAEL CANNON, RITA HUNTER,
 16 RICHARD MOYER, JOHN STARKS
 and DANIEL VARGAS,

17 Plaintiffs,

18 v.

19 KEOLIS TRANSIT AMERICA, INC., a
 Delaware Corporation; MV
 20 TRANSPORTATION, INC., a
 California Corporation; and VIOLIA
 21 TRANSPORTATION SERVICES,
 INC., a Maryland Corporation,

22 Defendants.
 23
 24

Case No. 2:14-cv-01983-JCM-CWH

**STIPULATION AND ORDER TO
 EXTEND DISCOVERY AND
 DISPOSITIVE MOTION DEADLINES**

(First Request)

25 Defendants KEOLIS TRANSIT AMERICA, INC. (“Keolis”), MV
 26 TRANSPORTATION, INC. (“MV”), and Veolia Transportation Services, Inc. (“Veolia”)
 27 (collectively “Defendants”), and Plaintiffs MICHAEL CANNON, RITA HUNTER,
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1 RICHARD MOYER, JOHN STARKS and DANIEL VARGAS (collectively “Plaintiffs”), by
2 and through their respective counsel of record, hereby stipulate and agree as follows:

3 1. On February 5, 2015, this Court entered an Order granting the Stipulated
4 Discovery Plan and Scheduling Order submitted in this matter (Doc. #14).

5 2. This is the first request by the parties to amend the Court’s February 5, 2015
6 Scheduling Order.

7 3. As set forth herein, the parties stipulate and agree to extend the remaining and
8 applicable discovery deadlines for ninety (90) days to allow the parties to continue settlement
9 efforts, coordinate multiple schedules and conduct necessary depositions in order to fully
10 evaluate the claims and defenses presented in a matter involving five (5) individual plaintiffs
11 and three (3) corporate entities named as defendants.

12 **STATEMENT OF DISCOVERY THAT HAS BEEN COMPLETED**

13 The parties have served the following disclosures:

- 14 a. Keolis’ Initial Disclosures on February 24, 2015.
- 15 b. MV’s Initial Disclosures on February 24, 2015.
- 16 c. Plaintiffs’ Initial Disclosures on February 24, 2015.
- 17 d. Plaintiffs’ First Supplement to Initial Disclosures on March 27, 2015.
- 18 e. Veolia’s Initial Disclosures on April 1, 2015.

19 The parties have served/responded to the following written discovery requests:

- 20 a. MV’s First Set of Interrogatories to Plaintiffs on February 4, 2015.
- 21 b. MV’s First Set of Requests for Production to Plaintiffs on February 4, 2015.
- 22 c. Keolis’ First Set of Interrogatories to Plaintiffs on February 13, 2015.
- 23 d. Keolis’ First Set of Requests for Production to Plaintiffs on February 13, 2015.
- 24 e. Veolia’s Demand for Prior Discovery Pursuant to Local Rule 26-6.26(a)(1) on
25 March 16, 2015.
- 26 f. MV’s Response to Demand for Prior Discovery Pursuant to Local Rule 26-
27 6.26(a)(1) on March 17, 2015.

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- 1 g. Keolis' Response to Demand for Prior Discovery Pursuant to Local Rule 26-
- 2 6.26(a)(1) on March 26, 2015.
- 3 h. Plaintiffs' Response to Demand for Prior Discovery Pursuant to Local Rule 26-
- 4 6.26(a)(1) on March 27, 2015.
- 5 i. Plaintiffs' Responses to MV's First Set of Interrogatories on March 27, 2015.
- 6 j. Plaintiffs' Responses to MV's First Set of Request for Production of Documents on
- 7 March 27, 2015.
- 8 k. Plaintiffs' Responses to Keolis' First Set of Interrogatories on March 27, 2015.
- 9 l. Plaintiffs' Responses to Keolis' First Set of Request for Production of Documents
- 10 on March 27, 2015.
- 11 m. Keolis' First Set of Requests for Production of Documents to Veolia Transportation
- 12 Services, Inc. on April 29, 2015.

13 Keolis has subpoenaed the following Custodians of Records:

- 14 a. February 12, 2015 subpoenas to EEOC re all Plaintiffs. Responses received March
- 15 2, 2015 and March 5, 2015.
- 16 b. April 27, 2015 subpoena to Bobby J. Forsyth D.C. re Daniel Vargas. Response
- 17 received May 13, 2015.
- 18 c. April 27, 2015 subpoena to John B. Siegler, M.D. re Daniel Vargas. No response
- 19 received.
- 20 d. April 27, 2015 subpoena to Jeffery Evenson, M.D. re Daniel Vargas. Response
- 21 received May 7, 2015.
- 22 e. April 27, 2015 subpoena to Concerta – Polaris Urgent Care Medical Center re
- 23 Daniel Vargas. No response received.
- 24 f. April 28, 2015 subpoena to Concerta – Polaris Urgent Care Medical Center re
- 25 Richard Moyer. No response received.
- 26 g. April 28, 2015 subpoena to VA Southern Nevada Healthcare System re Richard
- 27 Moyer. No response received.
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- 1 h. April 28, 2015 subpoena to Southwest Medical Associates, Inc. re Rita Hunter.
2 Response received May 27, 2015.
- 3 i. April 28, 2015 subpoena to Oscar J. Moore, Jr. M.D. re Rita Hunter. No response
4 received.
- 5 j. April 28, 2015 subpoena to S. Paul Daniels, M.D. re Rita Hunter. No response
6 received.

7 The following depositions have been noticed by Keolis in this matter:

- 8 a. Deposition of Rita Hunter on June 15, 2014.
- 9 b. Deposition of Richard Moyer on June 16, 2014.
- 10 c. Deposition of Michael Cannon on June 17, 2014.
- 11 d. Deposition of John Starks on June 18, 2014.
- 12 e. Deposition of Daniel Vargas on June 19, 2014.

13 **STATEMENT OF DISCOVERY THAT REMAINS TO BE COMPLETED**

14 Should the case not settle at the May 28, 2015, Early Neutral Evaluation, Plaintiffs
15 intend to propound interrogatories and demands for production to all Defendants and to notice
16 depositions of witnesses listed in each of Defendants' Initial Disclosures as well as depositions
17 of persons most knowledgeable for each of the Defendants. MV and Veolia (to the extent
18 Veolia is not dismissed from the case based on its pending Motion for Judgment on the
19 Pleadings/Motion to Dismiss) intend to depose each of the Plaintiffs. Defendants also intend to
20 depose additional fact witnesses disclosed by Plaintiffs in discovery, potentially including
21 Plaintiffs' various health care providers. Finally, based on the testimony taken at deposition,
22 the parties anticipate serving additional written discovery requests.

23 In order to accommodate the remaining discovery, including the necessary depositions
24 of each of the five named Plaintiffs by Defendants as well as Plaintiffs' intent to depose
25 multiple employees for each of the named Defendants, the parties seek to extend the applicable
26 discovery deadlines as set forth below.

PROPOSED SCHEDULE

The parties stipulate and agree that:

1. **Discovery**: The discovery period shall be extended ninety (90) days from June 22, 2015 to September 21, 2015.
2. **Dispositive Motions**: The deadline to file dispositive motions shall be extended up to and including October 21, 2015, thirty (30) days after the proposed discovery deadline.
3. **Pre-Trial Order**: If no dispositive motions are filed, the Joint Pretrial Order shall be filed thirty (30) days after the date set for the filing of dispositive motions. Therefore, the Joint Pretrial order shall be filed no later than November 20, 2015. In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after decision on the dispositive motions or by further order of the Court. The disclosures required by Federal Rules of Civil Procedure 26(a)(3), and any objections thereto, shall be included in the pretrial order as required by LR 26-1(e)(6).

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1 This stipulation and order is sought in good faith and not for the purpose of delay. No
2 prior request for any extension of scheduling deadlines has been made.

3 Dated this 29th day of May, 2015.

4
5 Dated: May 29, 2015

6 /s/ Peter D. Navarro
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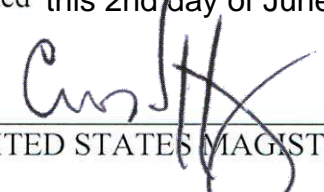
15 /s/ Jeremy R. Alberts
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18 6385 S. Rainbow Blvd., Ste. 400
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*Attorneys for Veolia Transportation
Services, Inc.*

22 **ORDER**

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24 **IT IS SO ORDERED.**

25 Dated this 2nd day of June, 2015.

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28 UNITED STATES MAGISTRATE JUDGE