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JOHN T. KEATING
Nevada Bar No. 6373
KEATING LAW GROUP
9130 W. Russell Road
Suite 200
Las Vegas, Nevada 89148
jkeating@princekeating.com
(702) 228-6800 phone
(702) 228-0443 facsimile

Attorneys for Plaintiff
Alberto Lombardo

U.S. DISTRICT COURT
DISTRICT OF NEVADA

ALBERTO LOMBARDO, individually,

Plaintiff,

vs.

AMERICAN AIRLINES, INC., Foreign
Corporation; DOES I through X, inclusive;
ROE BUSINESS ENTITIES I through X,
inclusive;

Defendants.

Case No.: 2:14-cv-2095

STIPULATION AND ORDER TO
AMEND DISCOVERY PLAN
(THIRD REQUEST)

The parties hereto, by and through their respective undersigned counsel hereby submit the following Stipulation and Order to Amend Discovery Plan pursuant to Fed. R. Div. P. 26(b), LR 6-1 and LR 26-4:

(a) Discovery Completed to date:

1. On February 5, 2015, Plaintiff served its' Initial Disclosure of Witnesses and Documents;
2. On February 11, 2015, Defendant served Plaintiff with its Initial Disclosure of witnesses and Documents;
3. On March 3, 2015, the court approved the Stipulated Discovery Plan and Scheduling Order;

KEATING LAW GROUP
9130 W. RUSSELL RD., SUITE 200
LAS VEGAS, NEVADA 89148

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4. On April 7, 2015, Defendant served Plaintiff with Request for Admissions, Interrogatories and Request for Production of Documents;

5. On April 7, 2015, Defendant requested Plaintiff sign HIPAA-compliant medical records authorization for release of medical records, employment record authorization for release of employment records and Nevada Prescription Monitoring Program authorization for release of narcotic treatment records;

6. On February 11, 2015, Defendant served Plaintiff with its Initial Disclosure of Witnesses and Documents;

7. On April 7, 2015, Defendant served Plaintiff with Request for Admissions, Interrogatories and Request for Production of Documents;

8. On May 5, 2015, Plaintiff answered Defendant's Interrogatories, Request for Production of Documents and Responses to Request for Admissions;

9. On May 21, 2015, Defendant answered Plaintiff's Interrogatories and Request for Production of Documents;

10. On May 28, 2015, Defendant served Plaintiff with its Second Interrogatories. June 4, 2015;

11. On June 7, 2015 Defendant served it First Supplement to FRCP 26.1 Disclosures;

12. On June 12, 2015, Plaintiff served Defendant with his Second Request for Production of Documents;

13. On June 16, 2015, Plaintiff served Defendant with his Third Request for Production of Documents;

14. On June 25, 2015, Defendant served it's Third Supplement to FRCP 26.1 Disclosures;

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15. On June 29, 2015, Defendant served its Designation of Expert Witnesses;
16. On July 14, 2015, Plaintiff took the depositions of Defendant’s employees Janet Caldwell-Dirito, Sheila Hobin and Captain David Rubin;
17. On July 15, 2015, Defendant served its Second Supplement to FRCP 26.1 Disclosures
18. On July 17, 2015, Defendant served its Third Supplement to FRCP 26.1 Disclosures;
19. On July 20 2015, Defendant served its Fourth Supplement to FRCP 26.1 Disclosures;
20. On July 20, 2014, Plaintiff served his Fourth Request for Production of Documents to Defendant;
21. On July 22, 2015, Defendant served its Fifth Supplement to FRCP 26.1 Disclosures;
22. On July 22, 2015, Defendant responded to Plaintiff’s Second and Third Request for Production of Documents;
23. On July 27, 2015, Defendant served its Sixth Supplement to FRCP 26.1 Disclosures;
24. On July 28, 2015, Defendant served its Seventh Supplement to FRCP 26.1 Disclosures;
25. On August 14, 2015, Defendant took the deposition of the Plaintiff, Alberto Lombardo;
26. On August 16, 2015, Plaintiff noticed the deposition of Julie Gillespie-Resnisky;
27. On August 17, 2015, Defendant served its Eighth Supplement to FRCP 26.1 Disclosures;

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28. On August 27, 2015 Plaintiff served his Designation of Expert Witnesses;

29. On August 31, 2015, Defendant served it's Ninth Supplement to FRCP 26.1 Disclosures;

29. On September 9, 2015, Defendant served it's Tenth Supplement to FRCP 26.1 Disclosures;

30. On September 9, 2015, Plaintiff re-noticed the deposition of Julie Gillespie-Resnisky;

31. On September 10, 2015, Defendant served it's Eleventh Supplement to FRCP 26.1 Disclosures;

32. On September 15, 2015, Defendant took the deposition of witness, Robert Foreman.

(b) Discovery that remains to be completed:

1. Take the deposition of an additional flight attendant, Julie Gillespie-Resnisky (previously scheduled, but cancelled due to witness' unavailability);
2. Take depositions of Plaintiff's treating physicians;
3. Take depositions of each party's designated experts.

(c) Reasons discovery cannot be completed within previous time limits:

The parties have been working diligently to complete discovery within the time ordered in this matter. However, due to the availability of witnesses who reside outside the State of Nevada, including the Defendant's flight attendant Julie Gillespie-Resnisky, and Plaintiff's aviation expert, Robert Nester, the parties have been unable to conduct all necessary discovery in this matter. In addition, the parties have been in settlement negotiations and are endeavoring to reach a resolution of this matter. However, in the event a settlement cannot be reached, the parties respectfully seek an additional sixty (60) days to complete discovery.

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1 (d) Amended Schedule for Completing Remaining Discovery:

	<u>Current Schedule pursuant to June 29, 2015 Order</u>	<u>Amended Schedule</u>
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3		
4	Discovery Deadline	10/26/2015
5		12/28/2015
6	Last Day to Amend/Add Parties:	05/29/2015
7		No change
8	Disclosure of Initial Experts:	06/29/2015
9		No change
10	Disclosure of Rebuttal Experts:	09/28/2015
11		No change
12	LR 26-3 Interim Status Report	06/29/2015
13		No change
14	Dispositive Motion filing deadline	11/25/2015
15		01/25/2016

11 DATED: October 5, 2015

DATED: October 5, 2015

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PERRY & WESTBROOK

13 *s/John T. Keating*

s/Alan W. Westbrook

14 _____
15 JOHN T. KEATING
16 Nevada Bar No. 6373
17 9130 W. Russell Road
18 Suite 200
19 Las Vegas, Nevada 89148
20 Attorneys for Plaintiff
21 *Alberto Lombardo*

22 Alan W. Westbrook, Esq.
23 1701 W. Charleston Boulevard
24 Suite 200
25 Las Vegas, NV 89102
26 Attorneys for Defendant
27 *American Airlines, Inc.*

20 ORDER

21 IT IS SO ORDERED.

22 DATED this 6th day of October, 2015.

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27 UNITED STATES MAGISTRATE JUDGE
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