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

12 CATHI BROOME, an individual,

13 Plaintiff,

14 v.

15 ALBERTSON’S, LLC, a foreign
 16 corporation d/b/a Albertson’s; DOES I
 through X; and ROE
 17 CORPORATIONS I through X,
 18 inclusive,

19 Defendants.

CASE NO.: 2:14-cv-02157-RFB-GWF

20 **STIPULATION AND ORDER FOR EXTENSION/MODIFICATION OF DISCOVERY**
 21 **PLAN AND SCHEDULING ORDER**
 22 **(THIRD REQUEST)**

23 Plaintiff, CATHI BROOME, and Defendant, ALBERTSONS, LLC, by and through
 24 their undersigned counsel, submit to the Court the following Stipulation and Order for
 25 Extension/Modification of the Discovery Plan and Scheduling Order pursuant to LR 26-4 (a)
 26 and to Court Order Document No. 10.

27 **I. Local Rule 6-1**
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1 Under LR 6-1(b) every stipulation to extend time must inform the court of any previous
2 extensions granted and state the reason for the extension requested.

3 **A. The Requirement of Local Rule 6-1 Are Satisfied**

4 This is the Third request for extension filed by the parties. This extension is
5 requested so that Defendant may continue to compile Plaintiff's medical records both
6 allegedly related to this matter's subject incident and her pre-incident injuries and treatment.

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8 **II. Local Rule 26-4(a)**

9 Under LR 26-4 (a) a statement specifying the Discovery completed:

10 Both Plaintiff and Defendant have exchanged their initial documents and witness
11 disclosures, with supplements thereto. Additionally, both Plaintiff and Defendant have
12 exchanged and responded to written discovery requests. Defendant has subpoenaed
13 Plaintiff's various disclosed medical providers, but is still awaiting responses from at least
14 one (1) of Plaintiff's known treating providers. Plaintiff's deposition was completed on
15 February 24, 2015.

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17 **III. Local Rule 26-4(b)**

18 Under LR 26-4(b) a specific description of the Discovery that remains to be completed:

19 The remaining Discovery to be completed involves initial and rebuttal expert
20 disclosures, initial and rebuttal experts depositions, Plaintiff's treating providers, Defendant's
21 30(b)(6) witness(es) and designated fact witnesses. Additionally, Defendant is still awaiting
22 responses from at least one (1) remaining provider. Lastly, Defendant is in the process of
23 determining the need for a FRCP Rule 35 exam, which is based upon receipt and
24 confirmation of Plaintiff's complete pre- and post-incident treatment history.



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1 **IV. Local Rule 26-4(c)**

2 Under LR 26-4(c) the reasons why Discovery remaining was not completed within the
3 time limits set by the Discovery Plan:

4 Defendant had delayed responses to subpoenas from at least three (3) of Plaintiff's
5 known treating providers, and is still awaiting responses from at least one (1) remaining
6 provider. Defendant has been diligent in attempting to secure responses to all its subpoenas,
7 however, at least one (1) response to these subpoenas remains outstanding. Additionally, due
8 to the delayed subpoena responses from Plaintiff's medical providers, Defendant has not
9 been able to completely investigate Plaintiff's complete medical history. Finally, due to the
10 existence of possible pre-existing medical conditions, an FRCP Rule 35 Exam may be
11 necessary, after receipt of Plaintiff's complete medical history.
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14 **V. Local Rule 26-4(d)**

15 Under LR 26-4(d) a proposed schedule for completing all remains Discovery:

- 16 (i) Discovery cutoff dates: Extend the current Discovery cutoff date from October
17 16, 2015 to a Discovery cutoff date of November 16, 2015;
- 18 (ii) Expert witness disclosures from August 17, 2015 to a new date of September 16,
19 2015;
- 20 (iii) Rebuttal expert witness disclosures from September 18, 2015 to October 19,
21 2015;
- 22 (iv) Submittal of the Joint Pre-Trial Order (if no Dispositive Motions are filed) to be
23 extended to January 19, 2015;
- 24 (v) Interim Status Report from August 17, 2015 to a new date of September 16,
25 2015; and
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(vi) Final date to file Dispositive Motions extended from November 16, 2015 to December 16, 2015.

Therefore, good cause existing, counsel jointly request that this Honorable Court allow them the above proposed extended Discovery dates.

DATED this 23rd day of July, 2015.

**LAW OFFICE OF BENJAMIN NADIG,
CHTD.**

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IT IS SO ORDERED.


U.S. Magistrate Judge

Dated: July 24, 2015



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