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

11 RICHARD HARDMAN, an individual  
12  
13 Plaintiff,  
14 v.  
15 PROPERTY AND CASUALTY INSURANCE  
16 COMPANY OF HARTFORD, aka THE  
17 HARTFORD, a foreign corporation; DOES I  
through X; and ROE CORPORATIONS I  
through X, inclusive,  
Defendants.

Case No.: 2:14-cv-02168-JAD-NJK

**STIPULATION TO TAKE DEPOSITION  
OF PLAINTIFF OUTSIDE OF THE  
DISCOVERY DEADLINES**

**(First Request)**

18 Defendant Property and Casualty Insurance Company of Hartford aka The Hartford  
19 (**Hartford or Defendant**) and Plaintiff Richard Hardman (**Plaintiff**) respectfully submit the  
20 following stipulation requesting to take Plaintiff's deposition outside of the discovery deadline. This  
21 is the parties first request to take a deposition outside of the discovery deadline.

22 **I. INTRODUCTION.**

23 This lawsuit arises out of a personal automobile insurance policy. Plaintiff Richard Hardman  
24 alleges that he was injured during a motor vehicle accident when a third party driver struck his  
25 vehicle. Plaintiff alleges that he was an occupant of a vehicle insured by Hartford at the time of the  
26 accident, and is entitled to underinsured motorist benefits under the policy. When a dispute arose  
27 over Plaintiff's entitlement to benefits under the policy, Plaintiff filed suit alleging breach of contract  
28 and bad faith, among other extra contractual claims.

{35352078;1}

1 On December 19, 2014, Hartford removed this matter to federal court. [ECF No. 1]. On  
2 March 24, 2015 Plaintiff filed an Amended Complaint. [ECF No. 16]. On April 8, 2015, Hartford  
3 filed an Answer to the First Amended Complaint. [ECF No. 17]. On April 16, 2015, the court  
4 entered a Scheduling Order stating that the Discovery Cutoff was July 27, 2015. [ECF No. 20].  
5 Hartford was compliant with this Scheduling Order.

6 **II. STATEMENT SPECIFYING THE DISCOVERY COMPLETED.**

7 On April 16, 2015, the court entered a Scheduling Order and set the following deadlines:

- 8
- 9 (a) Discovery Cut Off: July 27, 2015
  - 10 (b) Deadline to File Motions or Amend Pleadings: April 28, 2015
  - 11 (c) Initial Expert Disclosures Deadline: May 28, 2015
  - 12 (d) Rebuttal Expert Disclosures Deadline: June 26, 2015
  - 13 (e) Dispositive Motion Deadline: August 26, 2015

14 The following discovery has been completed:

- 15 1. Hartford served its First Set of Interrogatories to Plaintiff on May 13, 2015.
- 16 2. Hartford served its First Set of Request for Production of Documents to Plaintiff on  
17 May 13, 2015.
- 18 3. Hartford served its Initial Disclosure of Documents and Witnesses on May 18, 2015.
- 19 4. Plaintiff served its Initial Disclosure of Documents and Witnesses on May 21, 2015.
- 20 5. Hartford served its Initial Expert Disclosure on May 28, 2015.
- 21 6. Plaintiff served its Request for Interrogatories to Hartford on June 23, 2015.
- 22 7. Plaintiff served its Request for Production of Documents to Hartford on June 23,  
23 2015.
- 24 8. Plaintiff served its Request for Admissions to Hartford on June 23, 2015.
- 25 9. Plaintiff served its Response to Hartford's First Set of Interrogatories on June 29,  
26 2015.
- 27 10. Plaintiff served its Response to Hartford's First Set of Request for Production of  
28 Documents on June 29, 2015.

1 11. Plaintiff served its First Supplement to Initial Disclosures on June 30, 2015.

2 12. Hartford served its Notice of Deposition to Plaintiff on July 8, 2015.

3 13. Hartford served its First Supplement to Initial Disclosures on August 4, 2015.

4 14. Hartford served its Amended Notice of Deposition of Plaintiff on August 5, 2015.

5 **II. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE COMPLETED.**

6 1. Hartford served a notice to take Plaintiff's deposition on July 8, 2015.

7 2. Plaintiff's deposition was scheduled for July 27, 2015 in Las Vegas, Nevada.

8 3. Plaintiff's deposition is currently scheduled for September 11, 2015 in Florida.

9 **III. REASON WHY EXTENSION IS REQUIRED.**

10 Discovery closed on July 27, 2015. [ECF No. 20]. The parties have participated in discovery  
11 in good faith, but have been unable to complete Plaintiff's deposition. A few days prior to Plaintiff's  
12 deposition, Plaintiff's counsel informed Hartford that an accommodation needs to be made for  
13 Plaintiff's location, age, and health. Upon representation of Plaintiff's counsel, Plaintiff is unable to  
14 travel outside his home state of Florida for the deposition on July 27, 2015 due to his age and other  
15 personal issues. Hartford found out on short notice that the Plaintiff was unable to attend the Las  
16 Vegas deposition which left virtually no time to reschedule an out of state deposition by discovery  
17 cut off. The parties are requesting an extension in order to complete Plaintiff's deposition on  
18 September 11, 2015 in Florida. Additionally, plaintiff provided defendant with an extension to  
19 answer written discovery until August 10, 2015.

20 Although the request to take the deposition outside of discovery is being requested after the  
21 deadline has passed, the fact that neither party realized the extent of plaintiff's requirements  
22 demonstrates excusable neglect.

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1 **IV. CONCLUSION**

2 The parties believe that allowing Hartford to take Plaintiff's deposition outside of discovery  
 3 is appropriate and necessary given the circumstances. Additionally, the parties further agree to an  
 4 extension of the deadline to file Dispositive Motions. [ECF No. 20]. The parties are requesting a  
 5 Dispositive Motion deadline of **October 11, 2015**. Good cause exists for extending this deadline, as  
 6 the current dispositive motion deadline would occur prior to the plaintiff's deposition.

7 DATED this 6th day of August, 2015.

DATED this 6th day of August, 2015.

<p>8 <b>AKERMAN LLP</b></p> <p>9 <i>/s/ William S. Habdas</i></p> <p>10 <u>DARREN BRENNER, ESQ.</u>                  Nevada Bar No. 8276                  WILLIAM S. HABDAS, ESQ.                  Nevada Bar No. 13138                  1160 Town Center Drive, Suite 330                  Las Vegas, Nevada 89144</p> <p>13 <i>Attorneys for Defendant, Property &amp; Casualty                  Insurance Company of Hartford</i></p>	<p><b>BOWEN LAW OFFICES</b></p> <p><i>/s/ Sarah M. Banda</i></p> <p><u>Jerome R. Bowen, Esq.</u>                  Nevada Bar No. 4540                  Sarah M. Banda, Esq.                  Nevada Bar No. 11909                  9960 W. Cheyenne Ave., Suite 250                  Las Vegas, NV 89129</p> <p><i>Attorneys for Plaintiff Richard Hardman</i></p>
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15 **ORDER**

16 **IT IS SO ORDERED:**

17 

18 **UNITED STATES MAGISTRATE JUDGE**

19 **DATED:** August 7, 2015