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ESURANCE INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA, SOUTHERN DIVISION

ROSALIND SEARCY,

Case No.: 2:15-cv-00047-APG-NJK

Plaintiff,

vs.

ESURANCE INSURANCE COMPANY, and  
DOES I through X, inclusive; and ROE  
CORPORATIONS I through X, inclusive,

## Defendants.

**STIPULATION AND ORDER TO EXTEND DATE FOR FILING JOINT PRE-TRIAL  
ORDER  
(FIFTH REQUEST)<sup>1</sup>**

Defendant Esurance Insurance Company (“Defendant” or “Esurance”), by and through its attorneys of record, McCormick, Barstow, Sheppard, Wayte & Carruth LLP, and Plaintiff, by and through her counsel of record of the Law Office of James J. Ream, hereby file this request to extend the time for the parties to submit the Joint Pre-Trial Order. The parties hereby stipulate and agree,

<sup>1</sup> This is the parties' first request to specifically extend the deadline for filing the Joint Pre-Trial Order. The prior requests related to discovery extensions.

1 subject to the Court's approval, to extend the time for filing the Joint Pre-Trial Order set forth in the  
2 Scheduling Order (Dkt. No. 3), as amended by the January 21, 2016, Stipulation For Extension of  
3 Time (Fourth Request), (Dkt. No. 57). The parties desire to extend the time for filing the Joint Pre-  
4 Trial Order by twenty-one (21) days.

5 In accordance with the Court's dismissal (Dkt. No. 38) of Plaintiff's Complaint with leave to  
6 file an Amended Complaint, Plaintiff filed an Amended Complaint on October 16, 2015 (Dkt. No.  
7 43). Defendant filed its Answer to Plaintiff's Amended Complaint on November 9, 2015. (Dkt. No.  
8 48). All discovery has been completed. Dispositive motions recently were completed, as the Court  
9 issued an order granting in part and denying part Defendant's Motion for Summary Judgment (Dkt.  
10 No. 91) on March 17, 2017.

11 The parties are cooperative in preparing the Joint Pre-Trial Order, and have on multiple  
12 occasions discussed the contents of the Joint Pre-Trial Order with reference to the Court's recent order  
13 granting in part and denying part Defendant's Motion for Summary Judgment. The parties have  
14 differing views on which facts and claims remain relevant in the action based on the order on  
15 Defendant's Motion for Summary Judgment, but are amicably attempting to discern which facts and  
16 exhibits may be admitted in the Joint Pre-Trial Order. Accordingly, the parties require further time to  
17 analyze these issues and collaborate to narrow down the relevant contents of the Order.

18 **1. DISCOVERY COMPLETED:**

19 All discovery in this matter has been completed.

20 **2. DISCOVERY THAT REMAINS TO BE COMPLETED:**

21 None.

22 **3. REASONS WHY DISCOVERY HAS NOT BEEN COMPLETED AND  
23 SHOULD BE EXTENDED:**

24 Discovery is complete, and this request relates solely to the deadline to submit the Joint Pre-  
25 Trial Order. The parties acknowledge that this request is being made within 21 days of the subject  
26 deadline, and accordingly submit that good cause exists to extend the deadline. In regards to why the  
27 parties require further time to prepare the Joint Pre-Trial Order, the parties required a significant  
28 amount of time to analyze the impact and scope of the Court's order on Defendant's Motion for

1 Summary Judgment issued on March 17, 2017, as that order impacted the issues to be tried.

2       When the parties began discussing the contents of the Joint Pre-Trial Order, it became clear  
3 that there were remaining disputes as to whether certain facts and items of evidence remained relevant  
4 based on the Court's order on the Motion for Summary Judgment. Given the importance that the  
5 Court's order placed on the order of events (for example, a finding that claims based upon actions  
6 occurring prior to the filing of the UIM complaint were barred), the parties are in the process of  
7 carefully reviewing the sequence and timing of facts and evidence in conjunction with the Court's  
8 order to assess what facts remain relevant. **In particular, there are over 3,000 pages of claims file**  
9 **materials and related documents disclosed in this matter that must be reviewed to ascertain**  
10 **which items of evidence and claims remain relevant given the Court's recent order.**

11       The parties are requesting an extension of 21 days in which to perform this analysis, discuss  
12 what issues may be agreed upon in the Joint Pre-Trial Order, and submit the order to the Court.

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1           **4. PROPOSED SCHEDULE FOR PLEADINGS AND COMPLETING**  
2           **REMAINING DISCOVERY:**

3           Each of the deadlines that have already expired are not affected by this stipulation.

4           **A. Date for filing Pre-Trial Order: May 8, 2017** (formerly April 17, 2017, which  
5           is 30 days after decision on the dispositive motion).

6           THEREFORE, the parties stipulate and request that the Court enter an order approving the  
7           proposed schedule set forth above.

8           DATED April 13, 2017.

9           LAW OFFICE OF JAMES J. REAM, ESQ.

11          By: //s// James J. Ream  
12          JAMES J. REAM, ESQ.  
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15          Las Vegas, Nevada 89106

16          *Attorney for Plaintiff Rosalind Searcy*

8           DATED April 13, 2017.

9           MCCORMICK, BARSTOW, SHEPPARD,  
10           WAYTE & CARRUTH LLP

11          By: //s// Gordon M. Park  
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18  
19          *Attorneys for Defendant Esurance  
20           Insurance Company*

21           **ORDER**

22           **IT IS SO ORDERED.**

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25          UNITED STATES MAGISTRATE JUDGE

26          DATE: April 14, 2017

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