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

13 ESTATE OF CLARENCE GAMBLE, by and  
 14 through its Special Administrator, BERNITA  
 LUJAN

CASE NO: 2:15-cv-00619-JAD-VCF

15 Plaintiff,

17 Vs.

**STIPULATION AND ORDER TO  
 EXTEND DISCOVERY**

18 SOUTHERN DESERT CORRECTIONAL  
 CENTER, et al.,

**(Third Request)**

19 Defendants.

21 Pursuant to LR 6-1 and LR 26-4, the Parties, through their respective attorneys of  
 22 record, hereby stipulate and request that this court extend the discovery deadlines in the  
 23 above-captioned case ninety days. In support of this stipulation and request, the parties state  
 24 as follows:  
 25

27 **I. DISCOVERY COMPLETED TO DATE**

- 28 1. Both parties served written discovery.

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- 1           2.     Both parties responded to written discovery.
- 2           3.     Plaintiff served subpoena duces tecum on medical providers.
- 3
- 4           4.     The parties are working together to schedule further depositions.

5     **II.   WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

6           This case was filed in 2015 by Gamble as a pro se inmate. The parties attended  
7 mediation on August 30, 2019, with the Hon. Magistrate Judge Cam Ferenbach. The parties  
8 did not resolve the matter. On that same date, while preparing to travel back to the correctional  
9 facility in which Plaintiff was housed, Plaintiff unexpectedly passed away. Special  
10 administration for Plaintiff's Estate has been accomplished. However, because of the  
11 COVID-19 pandemic, the parties have been unable to set the depositions of Defendants in  
12 this matter. The parties are exploring videoconference capabilities of Defendants and their  
13 availability.  
14  
15

16     **III.   DISCOVERY REMAINING**

- 17           1.     Depositions of the parties.
- 18           2.     Written discovery.
- 19           3.     Acquisition of medical records.
- 20           4.     Any other discovery the parties deem necessary as the case progresses.

21     **IV.   EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND**  
22     **SCHEDULING ORDER**

23           LR 26-4 governs modifications of extensions of the Discovery Plan and Scheduling  
24 Order. Any stipulation or motion must be made no later than twenty-one days before the  
25 expiration of the subject deadline and comply fully with LR 26-4.  
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1 The following is a list of the current discovery deadlines and the parties' proposed  
2 extended deadlines.

ACTIVITY	DATE	PROPOSED DEADLINE
Amend Pleadings or Add Parties	July 30, 2018	<b>Passed</b>
Expert Disclosures Pursuant to Fed.R.Civ.P. 26(a)(2)	April 16, 2020	<b>Passed</b>
Rebuttal Expert Disclosure Pursuant to Fed.R.Civ.P. 26(a)(2)	May 18, 2020	<b>Passed</b>
Discovery Cut-Off Date	June 15, 2020	<b>September 14, 2020</b>
Dispositive Motions	July 15, 2020	<b>October 14, 2020</b>
Joint Pretrial Order	September 16, 2019	<b>November 16, 2020</b>

14  
15 In the event that dispositive motions are filed, the date for filing the Joint Pre-Trial  
16 Order shall be suspended until thirty days after a decision on the dispositive motions or further  
17 order of the Court. The disclosures required by Rule 26(a)(3) and any objection hereto shall  
18 be included in the Pre-Trial Order.

19  
20 This request for an extension of time is not sought for any improper purpose or other  
21 purpose of delay. The parties have worked together at moving discovery forward and have  
22 worked to get this case moving forward, but the fact of this being a 2015 case, the matter  
23 having been stayed for a considerable amount of time, discovery having been re-opened  
24 following the denial of Plaintiffs' Motion for Summary Judgment and appointment of pro  
25 bono counsel, the time for appointment of pro bono counsel, and Plaintiff being an inmate  
26 and subsequently dying has made things more difficult and caused delays not necessarily  
27  
28

1 present in some other cases.

2 This is the third request for extension of time in this matter. The prior two extensions  
3 were requested by Plaintiff prior to having counsel appointed. The parties respectfully submit  
4 that the reasons set forth above constitute compelling reasons for the discovery extension.  
5

6 WHEREFORE, the parties respectfully request that this court extend the discovery  
7 period by ninety (90) days, from the current deadline of June 15, 2020 up to and including  
8 September 14, 2020, and the other discovery dates as outlined in accordance with the table  
9 above.  
10

11 DATED this 15th day of June, 2020.

12 **MESSNER REEVES LLP**

13  
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**ORDER**

IT IS SO ORDERED.

  
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UNITED STATES MAGISTRATE JUDGE

Dated: 6-17-2020  
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