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 7 *Wal-Mart Stores, Inc.*

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 VALERIE GETTMAN and BILL GETTMAN,
 11 Plaintiff,
 12 v.
 13 WAL-MART STORES, INC., dba WAL-
 MART SUPERCENTER 2050, AND DOES I
 14 through X,
 15 Defendants.

Case No.: 2:15-cv-690-JAD-PAL

STIPULATION AND [PROPOSED]
ORDER TO CONDUCT CERTAIN
DEPOSITIONS AFTER THE CLOSE OF
DISCOVERY

[FIRST REQUEST]

17 Defendant WAL-MART STORES, INC., by and through its attorneys of record, the law firm
 18 of PHILLIPS, SPALLAS & ANGSTADT, LLC, and Plaintiff BILL GETTMAN (“Plaintiff”), by and
 19 through his counsel of record, PAUL M. GAUDET, ESQ., do hereby stipulate to allow the parties to
 20 conduct certain depositions after the close of discovery.
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22 The parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested leave.
 23 The parties have worked and continue to work in good faith, to conduct this discovery. However,
 24 because of the limited availability of the respective deponents and various conflicts of counsel, these
 25 depositions remain to be conducted.

26 Pursuant to Local Rule 6-1(b), the parties hereby aver that this is the first such discovery
 27 stipulation requested in the matter.
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1 Pursuant to Local Rule 26-4, the parties state the following:

2 **(a) Discovery completed**

3 The parties have conducted an FRCP 26(f) conference and have served their respective FRCP
4 26(a) disclosures. Both parties have propounded written discovery requests—including
5 interrogatories, requests for admission and requests for production. Both parties have answered
6 propounded written discovery requests. Depositions have been conducted of both Plaintiffs and a
7 Walmart employee. Plaintiff, Bill Gettman's FRCP 35 Independent Medical Evaluation was held on
8 July 24, 2015.

10 **(b) Specific Description Of Discovery That Remains To Be Completed**

11 Defendant's depositions of Plaintiff's experts regarding Plaintiff, Bill Gettman's damages
12 claim. These experts are: Dr. Matthew Otten of Advanced Ortho & Sports Medicine and Dr. Holman
13 Chan of Nevada Orthopedic & Spine Center.

15 **(c) Reasons Why The Deadline Was Not Satisfied Or The Remaining Discovery Was
16 Not Completed Within The Time Limits Set By The Discovery Plan**

17 The parties have completed all necessary discovery except for the depositions dependent on
18 the scheduling availability of the deponents and both counsel. Defendant scheduled the depositions of
19 Dr. Otten for October 9, 2015 and Dr. Chan for October 12, 2015, respectively. However, prior to the
20 scheduled depositions, each doctor's office contacted defense counsel to advise the doctors were not
21 available for deposition on the scheduled dates. Dr. Chan's office has advised he is available for
22 deposition on November 4, November 11 or November 18, 2015. Dr. Otten's office has advised he is
23 available for deposition on October 15 or October 22, 2015.

25 Despite the good faith efforts of the parties to comply with the Court's discovery deadlines,
26 Plaintiff's expert was unavailable for deposition prior to the current discovery deadline. This
27 stipulation seeks to conduct the depositions of these two (2) physicians and is not a request for an
28

1 extension of the discovery deadlines.

2 **(a) Proposed Schedule For Completing All Remaining Discovery**

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4 The parties note that discovery in this matter will close on October 13, 2015. All discovery in
5 this matter has been completed, with the exception of the two (2) depositions listed above. The parties
6 therefore respectfully request that the parties be granted leave as defined above to conduct this
7 discovery after the close of discovery on October 13, 2015.

8 As the completed discovery demonstrates, the parties have been reasonable and diligent in
9 adhering to this Court's Discovery Plan and Scheduling Order in conducting the completed discovery.
10 If this stipulation is granted, the two (2) expert depositions should be completed within the next thirty
11 (30) days. The parties aver that this stipulation is not made with dilatory intent; rather, it is a response
12 by the Plaintiff's medical experts, out of professional courtesy, to the respective availability of the
13 deponents and counsel.
14

15 Dated this 13th day of October, 2015.

Dated this 13th day of October, 2015.

16 /s/ Paul M. Gaudet
17 PAUL M. GAUDET, ESQ.
18 Nevada Bar No. 4612
19 6671 S. Las Vegas Blvd., Suite 210
Las Vegas, NV 89119

/s/ Brenda H. Entzminger
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21 *Attorneys for Plaintiffs'*
Valerie Gettman and Bill Gettman

Attorneys for Defendant
Wal-Mart Stores, Inc.

22
23 **IT IS SO ORDERED:**

24 
25 **UNITED STATES MAGISTRATE JUDGE**

26 **DATED:** October 27, 2015
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 13th day of October, 2015, I served a true and correct copy of the
3 foregoing, **STIPULATION AND [PROPOSED] ORDER TO CONDUCT CERTAIN**
4 **DEPOSITIONS AFTER THE CLOSE OF DISCOVERY** via U.S. Mail, in a sealed envelope, first-
5 class postage fully prepaid, addressed to the following counsel of record, at the address listed below:
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ATTORNEY OF RECORD	TELEPHONE/FAX	PARTY
PAUL M. GAUDET, ESQ. Nevada Bar No. 4612 6671 S. Las Vegas Blvd., Suite 210 Las Vegas, NV 89119	Phone 702-385-7475 Fax: NO FAX	Plaintiffs

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12 */s/ Billi Montijo*
13 An Employee of PHILLIPS, SPALLAS & ANGSTADT LLC
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