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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MARK PICOZZI,

Plaintiff,

v.

CLARK COUNTY DETENTION CENTER,
et al.,

Defendants.

Case No. 2:15-cv-00816-JCM-PAL

**AMENDED
SCHEDULING ORDER**

(Mot. Extend Discovery – ECF No. 118)

This matter is before the court on Plaintiff Mark Picozzi’s Motion to Extend Discovery (ECF No. 118), filed February 26, 2018. This Motion is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A) and LR IB 1-3 of the Local Rules of Practice. The court has considered the Motion and Defendant Amanda Vertner’s Non-Opposition (ECF No. 119) and Defendants Brooks, Hans, Garcia, Razo, and Jolly’s Opposition (ECF No. 120).

On October 16, 2017, the court set 90 days of discovery for the recently-served defendants Brooks, Hans, Garcia, Razo, Jolly, and Vertner. Scheduling Order (ECF No. 97).¹ In December 2017, Picozzi asked the court to extend the deadlines. He advised the court he was scheduled to see two surgeons regarding his rectum and back and he expected the medical reports generated from these appointments to document his alleged injuries and determine defendant Vertner’s negligence. Defendants opposed the motion noting that Picozzi failed to disclose any expert witnesses who would be able to opine on the results of his exams, and the time to do so had passed. The court granted Picozzi’s motion finding good cause for an extension. *See* Order (ECF No. 112). The scheduling order deadlines were extended by approximately 60 days. *Id.*

In the current Motion (ECF No. 118), Mr. Picozzi seeks an extension of 120 days to

¹ Discovery was not reopened for defendants Coker, Daos, Goins, Hightower, Judd, and Phillips. *Id.*

1 accomplish outstanding discovery as to defendants Brooks, Hans, Garcia, Razzo, Jolley and
2 Vertner. He states that counsel for defendant Vertner subpoenaed High Desert State Prison and
3 UMC hospital for his medical records and the parties are waiting for those documents. In addition,
4 Picozzi is still waiting to be seen by two surgeons for his injuries. Counsel for Vertner does not
5 oppose the motion but believes the outstanding tasks can be accomplished with a 90-day extension.

6 Defendants Brooks, Hans, Garcia, Razo, and Jolly believe the current discovery deadline
7 is sufficient and Picozzi has not established good cause to extend the deadlines. *See* Opposition
8 (ECF No. 120). They argue that Mr. Picozzi should not be rewarded with continual extensions for
9 baseless discovery when he failed to follow through on appointments with two surgeons, failed to
10 disclose any expert witnesses that would be able to opine regarding the results of any exams, and
11 the time to do so has long since passed.

12 The court finds good cause for a short extension of the Amended Scheduling Order's
13 deadlines. However, the parties are cautioned that any further request for extension will be
14 scrutinized for a strong showing of compelling circumstances, good cause, and that the parties
15 could not complete discovery within the extended time allowed despite the exercise of due
16 diligence.

17 Accordingly,

18 **IT IS ORDERED:**


- 19 1. Plaintiff Mark Picozzi's Motion to Extend Discovery (ECF No. 118) is **GRANTED**.
- 20 2. The following Discovery Plan and Scheduling Order dates shall apply:
 - 21 a. Discovery as to defendants Brooks, Hans, Garcia, Razo, Jolly, and Vertner is
22 extended until **June 11, 2018**;
 - 23 b. Discovery motions as to defendants Brooks, Hans, Garcia, Razo, Jolly, and Vertner
24 shall be filed and served no later than **June 25, 2018**;
 - 25 c. The deadline for filing dispositive motions for all parties is extended until **July 11,**
26 **2018**; and
 - 27 d. A joint pretrial order shall be filed on or before **August 10, 2018**.

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- e. If dispositive motions are timely filed, the deadline for filing the joint pretrial order shall be suspended until 30 days after a decision of dispositive motions.
- f. Absent compelling circumstances, a strong showing of good cause, and that discovery could not be completed within the extended time allowed despite the exercise of due diligence, no further extensions will be allowed.

Dated this 13th day of March, 2018.



PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE