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6 **UNITED STATES DISTRICT COURT**  
 7  
**DISTRICT OF NEVADA**

8 ZOHAR ROBIN, an individual, ) Case No.: 2:15-cv-00962-JCM-VCF  
 9 )  
 Plaintiff, )  
 10 )  
 vs. )  
 11 )  
 MID- CENTURY INSURANCE COMPANY; )  
 12 DOE individuals I through XX, and ROE )  
 CORPORATIONS I through XX, )  
 13 )  
 Defendants. )  
 14 \_\_\_\_\_ )

15 **ORDER AND STIPULATION TO MODIFY DISCOVERY PLAN**  
 16 **(FIRST REQUEST)**

17 The undersigned parties, by and through their counsel of record, stipulate and agree, based  
 18 on the recitals below, subject to ratification by the Court, that the present discovery plan should be  
 19 modified as set forth below.

20 **RECITALS:**

21 1. The Petition for Removal was filed on May 21, 2015. On July 23, 2015, a discovery  
 22 plan was approved by the Court (Doc. #13).

23 2. The current discovery plan contemplates the exchange of expert witness reports on  
 24 September 18, 2015, the exchange of rebuttal witness reports on October 19, 2015, and a discovery  
 25 cut-off of November 17, 2015. However, Plaintiff is still treating at this time, and medical experts  
 26 cannot therefore prepare a comprehensive or complete assessment at this time.

27 3. Both parties have made their initial disclosures pursuant to FRCP 26. Defendant has  
 28 scheduled the Plaintiff's deposition for September 24, 2015.

1           4.       The parties are still in the discovery process, and, specifically, Plaintiff is claiming  
2 that he suffered a hernia injury, which required subsequent surgery, and Defendant will depose  
3 Plaintiff's treating physicians, particularly the physical therapist who allegedly caused the hernia, the  
4 treating physician who gave the hernia referral, and the provider who diagnosed and performed the  
5 surgery on Plaintiff. Defendant is retaining an expert to opine regarding Plaintiff's medical  
6 causation, as well as Plaintiff's claimed hernia and whether it can be caused by physical therapy  
7 treatment, and whether surgery was necessary, related to this accident, and if so, reasonable in  
8 amount. Additionally, Defendants shall retain a separate physician to conduct a medical records  
9 review and possibly an Independent Medical Examination of Plaintiff.

10           5.       It is anticipated that upon completion of Plaintiff's deposition and the independent  
11 medical examination of Plaintiff, depositions will be taken of Plaintiff's treating physicians, as well  
12 as any designated expert(s) and rebuttal expert(s). Plaintiff may likewise depose Defendant's claims  
13 employees and experts.

14           6.       In addition, extra time will allow the parties to explore the possibility of settling this  
15 matter, without incurring expert expenses, if the same can be avoided, or subjecting the parties to  
16 any prejudice if settlement cannot be obtained. Counsel are in agreement that modification of all  
17 pending dates in the discovery plan is the most reasonable option. Accordingly, the parties have  
18 agreed to extend the deadlines to exchange expert reports, both initial and rebuttal, by thirty (60)  
19 days.

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7. The parties have agreed to the following modified deadlines:

	<u>Current</u>	<u>Proposed</u>
Expert Disclosure	September 18, 2015	November 17, 2015
Rebuttal Expert Disclosure	October 19, 2015	December 17, 2015
Discovery Cut-Off	November 17, 2015	January 15, 2015
Dispositive Motions	December 17, 2015	February 15, 2016
Pretrial Order (with date to change if dispositive motions filed)	January 18, 2015	March 16, 2016

RESPECTFULLY SUBMITTED.

Dated: September 4, 2015

Dated: September 4, 2015

*/s/ SIGAL CHATTHA*

*/s/ DAVID J. FELDMAN*

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**ORDER**

**IT IS SO ORDERED.**

Dated: September 8, 2015



UNITED STATES MAGISTRATE JUDGE