

**MCLETCHIESHELL**

ATTORNEYS AT LAW  
701 EAST BRIDGER AVE., SUITE 520  
LAS VEGAS, NV 89101  
(702)728-5300 (T) / (702)425-8220 (F)  
WWW.NVLITIGATION.COM

1 Margaret A. McLetchie, Nevada Bar No. 10931  
Alina M. Shell, Nevada Bar No. 11711  
2 **MCLETCHIE SHELL LLC**  
701 East Bridger Ave., Suite 520  
3 Las Vegas, NV 89101  
4 Telephone: (702) 728-5300  
5 Facsimile: (702) 425-8220  
6 Email: maggie@nvlitigation.com

6 Jennifer L. Braster, Nevada Bar No. 9982  
7 **MAUPIN NAYLOR BRASTER**  
1050 Indigo Drive, Suite 112  
8 Las Vegas, NV 89145  
9 Telephone: (702) 420-7000  
10 Facsimile: (702)420-7001  
11 Email: jbraster@naylorandbrasterlaw.com

11 *Attorneys for Plaintiff, Edward Wheeler*

12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 EDWARD WHEELER, an individual,

15  
16 Plaintiff,

17 vs.

18  
19 CITY OF HENDERSON, a Nevada  
20 Municipal Corporation; HENDERSON  
21 POLICE DEPARTMENT, in its official  
22 capacity; CITY OF NORTH LAS VEGAS,  
23 Nevada, a Municipal Corporation; and  
24 NORTH LAS VEGAS POLICE  
DEPARTMENT, in its official capacity,

24 Defendants.

**Case No.: 2:15-cv-01772-JCM-CWH**

**STIPULATION AND PROPOSED ORDER**

25 COME NOW, the parties, by and through their undersigned counsel of record,  
26 hereby stipulate and agree as follows:

- 27 1. Plaintiff filed his Amended Complaint on December 11, 2015 (Dckt. # 5).  
28 Defendant City of Henderson filed a motion to dismiss on January 5, 2016 (Dckt. #17).

1 Pursuant to Fed. R. Civ. P. 15(a), Plaintiff had until January 22, 2016, to file a response to  
2 the motion to dismiss. Plaintiff and the Defendant City of Henderson stipulated that  
3 Plaintiff’s response to the Motion to Dismiss be due on Friday, February 5, 2016.

4 2. Plaintiff and Defendants the City of North Las Vegas and the North Las  
5 Vegas Police Department (“North Las Vegas Defendants”) stipulated that the North Las  
6 Vegas Defendants’ response to the Amended Complaint would be due on Wednesday,  
7 February 3, 2016. (Dckt. #20).

8 3. Pursuant to Local Rule 26-1(d), the deadline for Plaintiff to initiate the  
9 scheduling of Fed. R. Civ. P. 26(f) conference is February 4, 2016.

10 4. In light of the facts set forth above, to promote judicial efficiency, to avoid  
11 the incurrence of unnecessary attorneys’ fees and costs, to narrow the focus of any motions  
12 to dismiss, and to synchronize the deadlines for all defendants in this case,

13 a. Plaintiff shall file a Motion to Amend and proposed Second  
14 Amended Complaint on or before February 8, 2016 (to the extent the parties cannot  
15 reach a stipulation to amend);

16 b. Discovery shall be stayed until any and all briefing is completed on  
17 Plaintiff’s motion to amend and/or on any motions to dismiss; and,

18 c. ~~Plaintiff shall initiate the Fed. R. Civ. P. 26(f) conference with all~~  
19 ~~defendants within thirty (30) days of the date the briefing is complete on Plaintiff’s~~  
20 ~~motion to amend and/or on any motions to dismiss.~~

21 5. In light of Plaintiff’s anticipated Second Amended Complaint, North Las  
22 Vegas Defendants’ response to Plaintiff’s Amended Complaint will no longer be due  
23 February 3, 2016, but rather North Las Vegas Defendants will be required to respond to the  
24 Second Amended Complaint or Amended Complaint, to the extent the Court does not allow  
25 the filing of the Second Amended Complaint, in accordance with Fed. R. Civ. P. 15.

26 ///  
27 ///  
28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED this 2<sup>nd</sup> day of February, 2016.

CITY OF HENDERSON

/s/ Nancy D. Savage

Josh M. Reid, NBN 7497  
Nancy D. Savage, NBN 392  
240 Water Street, MSC 144  
Henderson, NV 89015  
*Attorneys for Defendant, City of Henderson*

DATED this 2<sup>nd</sup> day of February, 2016.

MCLETSCHIE SHELL LLC

/s/ Margaret A. McLetchie

Margaret A. McLetchie, NBN 10931  
Alina M. Shell, NBN 11711  
701 East Bridger Ave., Suite 520  
Las Vegas, NV 89101

MAUPIN NAYLOR BRASTER  
Jennifer L. Braster, NBN 9982  
1050 Indigo Drive, Suite 112  
Las Vegas, NV 89145

*Attorneys for Plaintiff, Edward Wheeler*

DATED this 2<sup>nd</sup> day of February, 2016.

LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Robert W. Freeman

Robert W. Freeman, NBN 3062  
Gregory S. Bean, NBN 12694  
6385 S. Rainbow Boulevard, Suite 600  
Las Vegas, Nevada 89118  
*Attorneys for Defendants, City of North Las Vegas and North Las Vegas Police Department*

**ORDER**

IT IS FURTHER ORDERED that the parties must file their stipulated discovery plan and scheduling order 14 days after briefing on the motion to dismiss is complete.

DATED: February 4, 2016

  
\_\_\_\_\_  
U.S. MAGISTRATE                      JUDGE