

1 GEORGE K. BREW, ESQ.
LAW OFFICE OF GEORGE K. BREW
 2 Florida Bar No. 854379
 6817 Southpoint Parkway, Suite 1804
 3 Jacksonville, Florida 32216
 Telephone: (904) 354-4741
 4 Facsimile: (904) 854-6057
 Email: george.brew@brewlawfirm.com
 5 *Attorney for Robert H. Odell, Jr.,*
M.D., PH.D and Robert Odell,
 6 *M.D., PH.D. Medical Enterprises,*
A Nevada Corporation
 7

8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10
 11 **ROBERT H. ODELL, JR., et al.,**)
)
 12 **Plaintiff,**)
)
 13 **v.**)
)
 14 **ERIC D. HARGAN¹, ACTING SECRETARY**)
 15 **OF HEALTH AND HUMAN SERVICES, et al.,**)
)
 16 **Defendants.**)
)
 17)
 18)

Case No.: 2:15-cv-1793-RFB-GWF

**JOINT REQUEST FOR
 EXTENSION OF
 SCHEDULING DEADLINES**

19 The Parties, through their undersigned counsel, respectfully request the Court
 20 extend the discovery Motion and briefing deadlines set forth in the Court’s Order dated
 21 August 18, 2017 and would state in support thereof as follows:

22 1. Pursuant to the Court’s Order, Plaintiffs were provided the opportunity to
 23 conduct discovery necessary to support its jurisdictional allegations. Said discovery would
 24 include in part, three depositions. In this matter, said depositions are corporate depositions
 25 of the defendant agency and two other large corporate entities. Document production has
 26 been requested as well. The parties have conferenced and coordinated the deposition of
 27

28 ¹ Pursuant to Fed. R. Civ. P. 25(d), Eric D. Hargan, the new Acting Secretary of Health and Human Services, is automatically substituted as the Defendant in this action.

1 several representatives, locations, availability and document production. The document
2 production involves obtaining some records stored off site and requires a detailed review
3 of documents in order to determine relevant material.

4 2. The Parties have conducted several scheduling telephone conferences which
5 have included third party Noridian Healthcare Solutions, the Medicare Administrative
6 Contractor responsible for processing many of the claims described in the Amended
7 Complaint. This third party will also be producing corporate representatives for
8 deposition. Defendant will be producing its representatives in Baltimore, Maryland. A
9 third corporate deposition of a Qualified Independent Contractor for Defendant is
10 currently being arranged.

11 3. During this process Hurricane Irma had a significant impact on Florida,
12 including evacuations in Plaintiffs' counsels' area resulting in a 10-14 day delay in
13 operations.

14 4. Document production prior to deposition and availability of deponents
15 currently necessitates scheduling deposition dates for mid-November into December,
16 2018.

17 5. Even with extensive coordination of opposing counsel and counsel for
18 outside entities, the ninety (90) day window of opportunity to conduct the discovery in
19 question provided by the Court Order does not appear feasible under the circumstances.
20 Therefore, the Parties respectfully request the Court extend the deadline for discovery
21 through December 15, 2017 and reset the deadlines for filing dispositive motions and
22 briefing.

23 6. Under the Court's August 18, 2017 Order, briefing on dispositive motions
24 is scheduled to commence on December 8. In order to complete discovery, and afford
25 the Parties the time necessary to prepare the necessary memorandum accompanying
26 dispositive motions, the Parties respectfully request the Court enter a revised scheduling
27 order setting a new due date for dispositive motions to be filed on or before January 26,
28 2018, responses on February 16, 2018, and replies on March 9, 2018.

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

Respectfully submitted,

/s/ George K. Brew
GEORGE K. BREW, ESQUIRE
Florida Bar No.: 854379
6817 Southpoint Parkway, Suite 1804
Jacksonville, Florida 32216
Telephone: (904)354-4741
Facsimile: (904) 854-6057

ROURKE LAW FIRM

ROBERT D. ROURKE, ESQUIRE
10161 Park Rim Drive Suite 150
Las Vegas, NV 89145
702-515-7440
Fax 702-515-7441

STEVEN W. MYHRE
Acting United States Attorney
District of Nevada

/s/ Roger Wenthe
ROGER W. WENTHE
Assistant United States Attorney
Nevada Bar No. 8920
United States Attorney's Office
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Telephone: 702-388-6336
Facsimile: 702-388-6787
Email: roger.wenthe@usdoj.gov

Attorneys for the United States.

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

CERTIFICATE OF SERVICE

The undersigned certifies that the following were served with a copy of the foregoing document on the date and by the method of service identified below:

CM/ECF

All counsel of record

Dated: October 25, 2017

/s/ Roger Wenthe
Roger W. Wenthe
Assistant United States Attorney

1
2 **UNITED STATES DISTRICT COURT**
3 **DISTRICT OF NEVADA**

4 **ROBERT H. ODELL, JR., et al.,**)

5 **Plaintiff,**)

6 **v.**)

Case No.: 2:15-cv-1793-RFB-GWF

7)
8 **ERIC D. HARGAN, ACTING SECRETARY OF**)
9 **HEALTH AND HUMAN SERVICES, et al.,**)

10 **Defendants.**)
11)

12 **PROPOSED ORDER**

13 Upon consideration of the Parties' Joint Request for Extension of Scheduling Deadlines,
14 it is HEREBY ORDERED:

15 Discovery shall remain OPEN through December 15, 2017;

16
17 IT IS FURTHER ORDERED that dispositive motions shall be due January 26, 2018,
18 Responses due February 16, 2018, with Replies due March 9, 2018.

19
20
21 IT IS SO ORDERED:

22
23 

24 RICHARD F. BOULWARE, II
25 United States District Judge

26 DATED this 14th day of November, 2017.
27
28