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 7 *Attorneys for Plaintiff*

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

10 CINDY SILVAGNI,  
 11  
 Plaintiff,  
 12  
 13 vs.  
 14 WAL MART STORES, INC, and DOES  
 1 through 100; And ROE  
 15 CORPORATIONS 101 through 200  
 16  
 Defendant.  
 17

**CASE NO.: 2:16-CV-00039-JCM-NJK**

18 **STIPULATION AND ORDER ALLOWING PLAINTIFF EXTENDED TIME TO**  
 19 **RESPOND TO DEFENDANT’S MOTION TO EXCLUDE PLAINTIFF’S UNTIMELY**  
 20 **DISCLOSED CLAIM FOR LOSS OF EARNING CAPACITY, DEFENDANT’S MOTION**  
 21 **TO EXCLUDE PLAINTIFF’S UNTIMELY DISCLOSED CLAIM FOR FUTURE**  
 22 **LUMBAR SPINE SURGERY, AND DEFENDANT’S MOTION TO EXCLUDE**  
 23 **PLAINTIFF’S UNTIMELY DISCLOSED CLAIM FOR HIP SURGERY**

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1 IT IS HEREBY STIPULATED AND AGREED, by and between the Plaintiff,  
2 CINDY SILVAGNI, by and through her attorney of record, SCOTT L. POISSON, ESQ.,  
3 and CHRISTOPHER BURK, ESQ. of the firm BERNSTEIN & POISSON, and the  
4 Defendant, WAL MART STORES, INC, through the undersigned counsel, RYAN  
5 KERBOW, ESQ.  
6

7 The parties stipulate that Plaintiff may have until May 19, 2017 to respond to  
8 Defendant's Motion to Exclude Plaintiff's Untimely Disclosed Claim for Loss of Earning  
9 Capacity, Defendant's Motion to Exclude Plaintiff's Untimely Disclosed Claim for Future  
10 Lumbar Spine Surgery, and Defendant's Motion to Exclude Plaintiff's Untimely  
11 Disclosed Claim for Hip Surgery.  
12

13 The reason for the stipulation is Plaintiff's counsel has not been given sufficient  
14 time to respond to all three motions. Plaintiff's counsel has, unfortunately, numerous  
15 depositions as well during this time in other cases. Plaintiff's counsel needs until the 19<sup>th</sup>  
16 of May to ensure he has ample time to research and respond to each motion.  
17

18 Dated this 4<sup>th</sup> of May, 2017.  
19

20 **BERNSTEIN & POISSON**

**PHILLIPS, SPALLAS & ANGSTADT, LLC**

21  
22 */s/ Christopher Burk, Esq.*

*/s/ Ryan Kerbow, Esq.*

23 \_\_\_\_\_  
24 Christopher Burk, Esq.  
25 Nevada Bar No.: 8976  
26 *Attorneys for Plaintiff*

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27 Ryan Kerbow, Esq.  
28 Nevada Bar No.: 11403  
*Attorneys for Defendant*

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1  
2 **ORDER**

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff is given an  
4 extension to May 19, 2017 to Respond to Defendant's Motion to Exclude Plaintiff's  
5 Untimely Disclosed Claim for Loss of Earning Capacity, Defendant's Motion to Exclude  
6 Plaintiff's Untimely Disclosed Claim for Future Lumbar Spine Surgery, and Defendant's  
7 Motion to Exclude Plaintiff's Untimely Disclosed Claim for Hip Surgery.  
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9  
10 **IT IS SO ORDERED"**

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12   
13 **UNITED STATES MAGISTRATE JUDGE**

14 Dated: May 5, 2017.

15 Submitted by:  
16 BERNSTEIN & POISSON

17 /s/ Christopher Burk, Esq.

18 \_\_\_\_\_  
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