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ALVAREZ

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SERGIO MOMOX-CASELIS, MARIA
MOMOX-CASELIS; NICOLASA
HERNANDEZ, as Special Administrator of
the estate of M.M., born May 15, 2013 and
died October 12, 2014,

Plaintiffs,

v.

MAIRA JUAREZ-PAEZ; LISA RUIZ-
LEE; KIM KALLAS; TARA DONOHUE;
BETH ANN NELSON; JEREMY LAW;
IRENE KOZIKI, SHUUANDY
ALVAREZ, individuals; Estate of
JOAQUIN JUAREZ-PAEZ; DOE
individuals I-X; ROE CLARK COUNTY
DEPARTMENT OF FAMILY SERVICES
EMPLOYEES; XI-XX, individually and in
their official capacities; CLARK COUNTY
DEPARTMENT OF FAMILY SERVICES;
COUNTY OF CLARK, a political
subdivision of the State of Nevada; and
ZOE CORPORATIONS XXI-XXX,

Defendants.

CASE NO. 2:16-cv-00054-APG-GWF

ERRATA TO STIPULATION
AND ORDER TO EXTEND
DISCOVERY (#101)
(Fourth Request)

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1 Pursuant to FRCP 6 and FRCP 26, the parties, by and through their respective counsel of
2 record, hereby submit this errata because they inadvertently forgot to include a request to extend
3 the discovery cut-off date, which is necessary because they are requesting other dates that come
4 before that date be extended. The parties stipulate and agree to jointly move this Court for an
5 Order to extend the discovery deadlines, as set forth below.

- 6 1. Extend the date to disclose rebuttal expert witnesses from 10/20/17 to 12/4/17
- 7 2. Extend the discovery cut-off deadline from 11/20/17 to 1/4/2018
- 8 3. Extend the date to file dispositive motions from 12/20/17 to 2/5/18
- 9 4. Extend the date to file the Joint Pre-Trial Order from 1/18/18 to 3/4/18
- 10 5. Extend the date to file Pre-Trial Disclosures or objections to the Pre-Trial Order
11 from 2/19/18 to 4/3/18.

12 **I. DISCOVERY COMPLETED**

13 Defendants COUNTY OF CLARK, CLARK COUNTY DEPARTMENT OF
14 FAMILY SERVICES, TARA DONOHUE, LISA RUIZ-LEE, KIM KALLAS, BETH ANN
15 NELSON, JEREMY LAW, IRENE KOZIKI, and SHUUANDY ALVAREZ (“Defendants”)
16 provided their initial witness and document disclosures pursuant to FRCP 26(a)(1) on April 19,
17 2016, and have since provided 15 supplemental disclosures. To date, Defendants have disclosed
18 thousands of pages of documents. Plaintiffs provided their initial witness and document
19 disclosures pursuant to FRCP 26(a)(1) on April 15, 2016.

20 Defendants propounded written discovery (interrogatories, requests for production and
21 requests for admission) to Plaintiffs SERGIO MOMOX-CASELIS, MARIA MOMOX-
22 CASELIS and NICOLASA HERNANDEZ (“Plaintiffs”) and Plaintiffs responded thereto.

23 Plaintiffs propounded written discovery (interrogatories, requests for production and
24 requests for admission) to Defendants, and Defendants responded thereto.

25 The following depositions have been taken to date: Kim Kallas, Patricia Meyers, Maria
26 Juarez-Paez, Shuuandy Alvarez, Lani Aitken and Oscar Benavides.

27 Plaintiffs have disclosed their initial expert witnesses in accordance with FRCP 26(a)(2).
28

1 **II. GROUNDS FOR DISCOVERY EXTENSION:**

2 This case is complicated due to the number of parties and the circumstances of this case,
3 including the fact that there are two sets of foster parents relevant to and that are parties in this
4 action. As such, there are twice as many documents to disclose and many more depositions that
5 will need to be taken. While Defendants have produced the most of their documents in this case,
6 they still have additional documents to produce that need to be reviewed and redacted as to other
7 minors, including pursuant to their obligations under NRS 432B.280 and NRS 432B.290, before
8 those documents can be produced. At present, Defendants have identified approximately 91
9 other minors indicated in their records.

10 After Defendant Maira Juarez-Paez's deposition was taken on May 20, 2017, additional
11 alleged information came to light requiring a further search for any additional information and/or
12 potential documents relating thereto, which Defendants began, but are in the process of
13 continuing to do. Thus, additional time is needed for Defendant to complete that search to
14 determine if there is any additional information and/or documents that need to be disclosed in
15 this case. The document search is not limited to within Defendant's possession, custody and/or
16 control but is extending, in part, beyond that.

17 In addition, Defendants want to take the depositions of Plaintiffs Nicolasa Hernandez
18 and Maria Momox. Those depositions have been noticed three times. The parties have engaged
19 in discussions that could eliminate the need for taking those depositions if certain things happen
20 in this case, including an order being entered by the probate court as to the Estate of the MM, a
21 new administrator being substituted in the probate case for Nicolasa Hernandez, and Nicolasa
22 Hernandez being dismissed as a Plaintiff in this case. When and if all that occurs, there will be
23 no need to take these 2 depositions. The petition was submitted to Probate Court on
24 September 12, 2017. Unfortunately, things have been moving very slowly in probate court,
25 which is why this issue has not been resolved yet. This delay is not the fault of the parties.

26 All parties have been diligently conducting discovery in this case. Defendants disclosed
27 several thousand pages of records. Additionally, Defendants have designated about 157
28

1 witnesses in their disclosures and it is unclear at this time what other witnesses will need to be
2 deposed. Defendant expects to disclose additional witnesses.

3 The parties intend to disclose rebuttal expert witnesses.

4 The parties might conduct additional COR depositions related to the case depending on
5 any newly discovered additional information and/or documents disclosed in this case.

6 Based on the above, additional discovery needs to be done as indicated herein. As such,
7 there is good cause to extend the discovery deadlines. Therefore, the parties hereby stipulate and
8 request that this Court extend discovery in the above-captioned case for another 45 days, up to
9 and including January 4, 2018, due to all of the above.

10 **III. DISCOVERY THAT REMAINS TO BE COMPLETED:**

11 A. Plaintiffs:

- 12 1. Plaintiffs would like to take the depositions of other named Defendants
13 and/or any additional witnesses disclosed by Defendants;
- 14 2. Plaintiffs require additional time to designate rebuttal experts.
- 15 3. Plaintiffs may propound additional written discovery upon Defendant.

16 B. Defendants:

- 17 1. Defendants would like to take the depositions of all Plaintiffs, and
18 additional witnesses disclosed by either party;
- 19 2. Defendants require additional time to designate rebuttal experts; and
- 20 3. Defendants may propound additional written discovery upon Plaintiff.

21 The parties will continue to work together to get the remaining discovery done and
22 depositions completed.

23 **IV. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY:**

24 The parties have agreed to extend all of the discovery deadlines in this case by 45 days,
25 as set forth below:

- 26 1. Extend the date to disclose rebuttal expert witnesses from 10/20/17 to 12/4/17
- 27 2. Extend the discovery cut-off deadline from 11/20/17 to 1/4/2018
- 28 3. Extend the date to file dispositive motions from 12/20/17 to 2/5/18

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- 4. Extend the date to file the Joint Pre-Trial Order from 1/18/18 to 3/4/18
- 5. Extend the date to file Pre-Trial Disclosures or objections to the Pre-Trial Order from 2/19/18 to 4/3/18.

DATED this 11th day of October, 2017.

DATED this 11th day of October, 2017.

GANZ & HAUF

OLSON, CANNON, GORMLEY
ANGULO & STOBERSKI

/s/ Marjorie Hauf

/s/ Felicia Galati

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KALLAS, BETH ANN NELSON,
JEREMY LAW, IRENE KOZIKI, and
SHUUANDY ALVAREZ

ORDER

IT IS SO ORDERED:

George Foley Jr.

UNITED STATES MAGISTRATE JUDGE

Dated: October 12, 2017