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

9 THE ESTATE OF)
STEPHEN THOMAS CARY, JR.,)
10)
Plaintiff,)
11)
v.)
12)
UNITED STATES OF AMERICA,)
13)
Defendant.)
14)

Case No. 2:16-cv-00067-JAD-GWF

**JOINT STIPULATION TO EXTEND
SCHEDULING ORDER DEADLINES**
(Sixth Request)

15 Pursuant to Local Rules 6-1, 26-4, and Fed. R. Civ. P. 6(b), the parties stipulate, subject
16 to this Court’s approval, that the deadlines in the approved discovery schedule be extended as
17 set forth below. The parties assert that good cause exists for the requested extension.

18 **1. Status Report.** Discovery is currently set to close on **March 15, 2018**. This
19 request is made more than 21 days prior to that cutoff date solely for the purpose of extending
20 the deadline to conduct depositions while the parties are actively engaged in settlement
21 negotiations. The parties assert that good cause exists to extend the deadline as set forth in
22 Paragraph 4. Additionally, should this stipulation be approved by the Court, it will facilitate and
23 increase the possibility of resolution without the parties having to balance upcoming deadlines.
24 While the parties had previously represented that they did not anticipate needing an additional
25 extension, Plaintiff’s counsel was notified at the end of December 2017 that an office relocation
26 he was intending to make had to be postponed which will now affect his ability to devote the
27 time necessary to this and other case commitments. By filing this stipulation jointly, the parties
28 are in agreement that this extension is warranted under the circumstances.

1 **2. Status/Discovery Completed.** The parties have completed the following
2 discovery:

- 3 • Initial and supplemental disclosures pursuant to Fed. R. Civ. P. 26(a)(1)(C).
- 4 • Exchanged written discovery.
- 5 • Exchanged expert witness disclosures.
- 6 • Taken depositions of fact witnesses.

7 **3. Discovery remaining.** The only outstanding discovery is depositions of expert
8 witnesses (one in California and one in Virginia) and some of Plaintiff's treating physicians and
9 health care providers, all of whom are/were employed by Defendant. This additional discovery
10 that remains will require out-of-town travel and additional coordination of schedules.

11 **4. Reasons for extension.** The parties request this extension to provide them with
12 the time to facilitate potential resolution of the matter. The parties are actively engaged in
13 settlement negotiations and both parties are hopeful that a resolution can be reached in the near
14 future. The parties continue to negotiate in good faith and request this extension to avoid costly
15 expert depositions and the travel costs associated therewith.

16 Of course, if the parties are not able to reach a resolution, they will need sufficient time
17 to complete discovery. Given the travel involved and the coordination of schedules (including
18 those of experts who have medical practices) additional time is needed to provide enough time
19 to complete discovery while the parties continue the dialogue regarding settlement. In addition
20 to the foregoing, counsel for Plaintiff had anticipated making an office relocation (after being
21 located approximately 6 years in his current location) in early January 2018. However, in late
22 December 2017, after the parties filed the last extension request, he was notified by the
23 management of the building to which he is relocating that the office move would need to be
24 postponed until mid-February 2018. The anticipated move to new offices has required him to
25 make a number of arrangements that are disruptive to his law practice and which will continue
26 to be disruptive now that the relocation date has been postponed. Upon relocation, Plaintiff's
27 counsel will need time to adjust to the new office (including implementing computer support
28 and related matters) while balancing numerous case commitments in state and federal court.

1 For all of these reasons, the parties are in agreement that an additional 90-day extension
2 of the discovery period is appropriate and warranted.

3 **5. Revised discovery schedule.** The parties stipulate and agree to a **90-day**
4 extension of the discovery deadline. The parties agree to the following revisions to the
5 discovery plan and ask that the Court adopt it as the revised scheduling order in this case.

6 **A. Depositions:** The parties agree and respectfully request that the discovery
7 cutoff date be extended from **March 15, 2018 to June 13, 2018**, for the limited purpose of
8 completing depositions.

9 **B. Dispositive Motions:** The parties request that the Court extend the
10 deadline to file dispositive motions, if any, to **July 13, 2018**, which is 30 days after the
11 proposed discovery cutoff.

12 **C. Pretrial Order:** The parties request that the Court extend the deadline to
13 file the Pretrial Order to **August 13, 2018**,¹ which is 31 days after the deadline for filing
14 dispositive motions. However, if any dispositive motions are filed, then the Pretrial Order shall
15 be due 30 days after decisions on such motion(s). Disclosures under Fed. R. Civ. P. 26(a)(3) and
16 any objections thereto shall be included in the Joint Pretrial Order.

17 Respectfully submitted this 11th day of January 2018.

18 PAUL PADDA LAW, PLLC

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23 **IT IS SO ORDERED:**

24 
25 _____
26 **UNITED STATES MAGISTRATE JUDGE**

27 **DATED:** 1/12/2018

28 ¹ Deadlines falling on a Saturday, Sunday or legal holiday have been rolled to the next day that is not a
Saturday, Sunday, or legal holiday pursuant to Fed. R. Civ. P. 6(a)(1)(C).