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10 *UniFirst Corporation*

11  
12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14  
15 ROBERT WINLAND, Special Administrator  
for the Estate of Joyce Windland,

16 Plaintiff,

17 vs.

18 HARBOR FREIGHT TOOLS USA, INC.; and  
19 DOES 1 through 100; and ROE  
CORPORATIONS 101 through 200,

20 Defendants.

Case No. 2:16-CV-00987-JCM-GWF

21  
22  
23 **STIPULATION AND ORDER TO**  
24 **EXTEND EXPERT WITNESS**  
25 **DISCOVERY (FIFTH REQUEST)**

26 Plaintiff ROBERT WINLAND, SPECIAL ADMINSTRATOR FOR THE ESTATE OF  
27 JOYCE WINLAND (“Plaintiff”), Defendant/Third Party Plaintiff HARBOR FREIGHT TOOLS,  
28 USA. INC. (“Harbor Freight” or “Defendant”), and Third Party Defendant UNIFIRST  
CORPORATION (“Third Party Defendant” or “UniFirst”) by and through their respective  
counsel, hereby respectfully submits their Stipulation and Order to Extend Expert Witness  
Discovery (Fifth Request) pursuant to Rules 6(b) and 26(f) of the Federal Rules of Civil Procedure

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1 and Local Rules 6-1 and 26-4. The proposed Stipulation contemplates a one week extension on  
2 the current expert disclosure deadline, given Third Party Defendant UniFirst’s recent entry into the  
3 case.

4 **I. DISCOVERY COMPLETED**

- 5 1. Plaintiff and Harbor Freight exchanged their Initial Disclosures pursuant to FRCP 26(a)(1);
- 6 2. Plaintiff propounded written discovery on Harbor Freight;
- 7 3. Harbor Freight responded to Plaintiff’s written discovery;
- 8 4. Plaintiff provided authorizations for Harbor Freight to procure Plaintiff’s medical records;
- 9 5. Harbor Freight requested medical records from Plaintiff’s treating physicians;
- 10 6. Harbor Freight propounded written discovery on Plaintiff;
- 11 7. Both Plaintiff and Harbor Freight disclosed their initial experts;
- 12 8. Harbor Freight disclosed its rebuttal expert;
- 13 9. Harbor Freight deposed Plaintiff and Plaintiff’s medical expert, Dr. Von Preyss-Friedman;
- 14 10. UniFirst was made a third-party defendant via Defendant’s Third-Party Complaint;
- 15 11. Harbor Freight deposed Dr. Samir Saxena;
- 16 12. UniFirst requested from all parties prior pleadings and discovery.

17 **II. DISCOVERY REMAINING TO BE COMPLETED**

- 18 1. Depositions of fact witnesses;
- 19 2. Depositions of treating doctors;
- 20 3. Additional written discovery;
- 21 4. Additional expert depositions.

22 **III. REASONS DISCOVERY HAS NOT BEEN COMPLETED**

23 UniFirst recently filed their answer on September 12, 2017. UniFirst encountered  
24 difficulties with obtaining certain documents pertinent to their defense in this case. As a result,  
25 this delayed UniFirst’s experts in reviewing the documents necessary to drafting their reports. An  
26 additional one week is needed for UniFirst’s experts to adequately prepare their reports.  
27 Accordingly, the parties are requesting a one week extension to the current initial expert disclosure  
28 deadline only.

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1 **IV. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY**

|                                | <u>Current Date</u> | <u>Proposed Date</u> |
|--------------------------------|---------------------|----------------------|
| 3 ■ Initial Expert Disclosures | 12/8/2017           | 12/15/2017           |

4 **V. CONCLUSION**

5 Based on the foregoing, the Parties respectfully request that this Court extend the initial  
6 expert disclosure deadline as described.

7 DATED this 4<sup>th</sup> day of December, 2017.

8 **BERNSTEIN & POISSON LLP**

9 */s/ Jennifer Gastelum*

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8 **LEWIS BRISBOIS BISGAARD & SMITH,  
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17 */s/ Jeremy R. Alberts*

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26 *Attorneys for Third-Party Defendant  
27 Unifirst Corporation*

24 **ORDER**

25 IT IS SO ORDERED

27 DATE: 12/05/2017

28   
UNITED STATES MAGISTRATE JUDGE