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 9

10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

12 TAMECIA BROWN,

13 Plaintiff,

14 v.

15 ALBERTSON’S LLC, a foreign limited
 16 liability company; DOES I through X; and
 ROE ENTITIES I through X,
 17

18 Defendants.

CASE NO.: 2:16-cv-01991-JAD-PAL

19 **STIPULATION AND ORDER FOR EXTENSION/MODIFICATION OF DISCOVERY**
 20 **PLAN AND SCHEDULING ORDER**
 21 **(FIFTH REQUEST)**

22 Plaintiff, TAMECIA BROWN, and Defendant, ALBERTSON’S, LLC, by and through
 23 its undersigned attorneys, submit to the Court the following Stipulation and Order for
 24 Extension/Modification of the Discovery Plan and Scheduling Order pursuant to LR IA 6-1, LR
 25 26-4 (a) and Court Order Document No. 13.

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1 **I. Local Rule 6-1**

2 Under LR IA 6-1(a) every stipulation to extend time must inform the court of any
3 previous extensions granted and state the reason for the extension requested.

4 **A. The Requirement of Local Rule 6-1 Are Satisfied**

5 This is the fifth request for extension filed by the parties. This fifth extension comes at
6 the direction of the Court following the hearing on Albertsons, LLC's Motion to Strike
7 Plaintiff's Future Damages. In ruling upon said motion, the Court directed the parties to enter a
8 stipulation to extend the discovery deadlines by 60 days from the date of the November 7, 2017
9 hearing so as to allow Albertsons, LLC to designate a spine expert for its case-in-chief, as well
10 as to provide rebuttal opinions to Plaintiff's Expert's opinions regarding the need for future
11 spine care. Accordingly, the parties are submitting this stipulation to continue the discovery
12 deadlines.
13
14

15 **II. Local Rule 26-4(a)**

16 Under LR 26-4 (a) a statement specifying the Discovery completed:

17 Both Plaintiff and Defendant have exchanged their initial documents and witness
18 disclosures, with supplements thereto. Plaintiff has provided responses to Defendant's written
19 discovery requests on the following dates: Plaintiff's Responses to Defendant's First Set of
20 Requests for Admissions, Plaintiff's Responses to Defendant's First Set of Requests for
21 Production of Documents, and Plaintiff's Responses to Defendant's First Set of Request of
22 Interrogatories all dated November 8, 2016. Subpoenas for Plaintiff's medical records were
23 sent out November 17, 2016. Defendant has also responded to Plaintiff's discovery requests:
24 Defendant's Responses to Plaintiff's First Set of Requests for Admissions dated November 1,
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1 2016 and Defendant's Responses to Plaintiff's First Set of Requests for Production of
2 Documents and Answers to Plaintiff's First Set of Interrogatories both dated November 8, 2016.

3 Moreover, Plaintiff completed the deposition of Defendant employee, John Ryan
4 Ramirez on November 8, 2016. Plaintiff also completed the deposition of Defendant's Person
5 Most Knowledgeable on November 10, 2016. Further, Plaintiff's deposition was conducted on
6 December 21, 2016. Plaintiff's medical records have been subpoenaed and continue to be
7 subpoenaed as her care continues.
8

9 The deposition of Plaintiff's Medical Expert, Dr. Nik Liu was completed on October 26,
10 2017. The deposition of Plaintiff's Medical Expert, Dr. Andrew Cash was partially completed
11 on October 12, 2017 and is scheduled to be completed on November 30, 2017. The parties are
12 continuing to complete expert depositions.
13

14 **III. Local Rule 26-4(b)**

15 Under LR 26-4(b) a specific description of the Discovery that remains to be completed:

- 16 1. Designation of a Spine Expert by the Defense for case-in-chief;
- 17 2. Rule 35 Examination of Plaintiff;
- 18 3. Designation of Rebuttal Spine Expert by the Defense;
- 19 4. Continued deposition of Dr. Andrew Cash – set for November 30, 2017;
- 20 5. Deposition of Defense Expert, Dr. Kirk Mendez – set for November 15, 2017;
- 21 6. Deposition of Plaintiff's Expert, Nurse Dawn Cook – set for November 15, 2017; and
- 22 7. Depositions of Defendant's Spine Expert(s) – TBD upon request of Plaintiff.

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1 **IV. Local Rule 26-4(c)**

2 Under LR 26-4(c) the reasons why Discovery remaining was not completed within the
3 time limits set by the Discovery Plan:

4 The aforementioned discovery, with the exception of the expert depositions, was not
5 previously completed because Albertsons, LLC needed leave of the Court to perform these
6 tasks. It was only upon the Court's Order that Albertsons, LLC was permitted to disclose a
7 Spine Expert in its case-in-chief, to perform a Rule 35 Exam and to disclose a rebuttal spine
8 expert relative to Plaintiff's future spine care opinions. The Expert Depositions were all
9 scheduled to be completed within the Court's previously issued scheduling order, which had a
10 close of discovery of November 30, 2017.
11

12 **V. Local Rule 26-4(d)**

13 Under LR 26-4(d) a proposed schedule for completing all remains Discovery:
14

- 15 (i) Discovery cutoff dates: Extend the current Discovery cutoff date from
16 November 30, 2017 to a Discovery cutoff date of March 8, 2018;
17
18 (ii) Expert witness disclosures, for the purpose of Defendant to disclose a Spine
19 Expert for its case-in-chief, January 8, 2018.
20
21 (iii) Rebuttal expert witness disclosures, for the purpose of Defendant to disclose a
22 rebuttal expert regarding Plaintiff's future spine care, February 7, 2018;
23
24 (iv) Submittal of the Joint Pre-Trial Order (if no Dispositive Motions are filed) to be
25 extended from November 3, 2017 to May 7, 2018; and
26
27 (v) Final date to file Dispositive Motions extended from September 5, 2017 to April
28 6, 2018.



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