

1 BRENDA H. ENTZMINGER  
 Nevada Bar No. 9800  
 2 [bentzminger@psalaw.net](mailto:bentzminger@psalaw.net)  
 SUNEEL J. NELSON  
 Nevada Bar No. 12052  
 4 [snelson@psalaw.net](mailto:snelson@psalaw.net)  
**PHILLIPS, SPALLAS & ANGSTADT LLC**  
 5 504 South Ninth Street  
 Las Vegas, Nevada 89101  
 6 (702) 938-1510  
 7 *Attorneys for Defendant*  
 8 *Wal-Mart Stores, Inc.*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 TIMOTHY BOYTOR, an individual,  
 12 Plaintiff,

13 v.

14 WAL-MART STORES, INC., and DOES 1  
 through 100; and ROE CORPORATIONS 101  
 15 through 200,

16 Defendants.

Case: 2:16-cv-02023-JAD-GWF

~~PROPOSED~~ **STIPULATION AND  
 ORDER TO EXTEND DISCOVERY  
 DEADLINES**

**(FIFTH REQUEST)**

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 18 This stipulation to modify the current scheduling order is hereby entered into by and between  
 19 Plaintiff TIMOTHY BOYTOR (“Boytor”) and Defendant WAL-MART STORES, INC. (“Wal-  
 20 Mart”), through their attorneys of record, pursuant to LR 6-1(b) and LR 26(4) and is based upon the  
 21 following:

22 **a. Discovery Completed to Date:**

23 The parties have exchanged initial disclosures of documents and the names of individuals with  
 24 knowledge of the facts pertaining to Boytor’s claims against Wal-Mart. Both parties have served  
 25 several supplements to their initial disclosures. Wal-Mart has propounded written discovery to Boytor,  
 26 including interrogatories, requests for production and requests for admission. Boytor has served his  
 27 responses. Boytor has propounded written discovery to Wal-Mart, including interrogatories, a second  
 28 set of interrogatories, requests for production, and a second set of requests for production. Wal-Mart

1 has served its responses. Wal-Mart has taken the depositions of Boytor, Dr. Marjorie Belsky, and Dr.  
2 Stuart Kaplan. Plaintiff has taken the deposition of Michael Beauregard.

3 **(b) Discovery that remains to be completed:**

4 Wal-Mart intends to depose one remaining witness: Plaintiff's expert, John Peterson, who—  
5 according to Boytor's expert disclosures—is an expert regarding “store safety and security and risk  
6 management safety...[and]...will opine as to the industry standards re: standard of care, keeping areas  
7 safe, sweeps, following safety protocol and industry standards.”

8 **(c) The reason why discovery remaining was not completed within the time limits set by**  
9 **the discovery plan.**

10 Wal-Mart has prior notices of taking Mr. Peterson's deposition: Wal-Mart served notice of  
11 taking Peterson's deposition on April 6, 2017. Peterson, however, was not available on that date.  
12 Then, Wal-Mart served a second notice of taking Peteron's deposition, setting a date of June 5, 2017.  
13 Mr. Peterson was again unavailable to appear on that date. Wal-Mart has agreed to vacate the second  
14 deposition date in reliance on Plaintiff's counsel, who states that Mr. Peterson *will* be available on  
15 June 26, 2017, and Wal-Mart is concurrently serving its third amended notice of taking Mr. Peterson's  
16 deposition, setting a date of June 26, 2017. The parties aver, pursuant to Local Rule 6-1, that good  
17 cause exists for extension of the discovery period solely for Wal-Mart's taking of the deposition of  
18 John Peterson. The parties agree, pending this Court's approval, to extension of the discovery  
19 deadline for that limited purpose.

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