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13 UNITED STATES DISTRICT COURT  
14 DISTRICT OF NEVADA

17 MELVIN SHIPMAN, )  
18 ) CASE NO. 2:16-cv-02722-JCM-CWH  
19 Plaintiff, )  
20 vs. ) STIPULATION AND REQUEST TO  
21 ) EXTEND DISCOVERY AND OTHER  
22 ) DEADLINES  
23 ) (Fourth Request)  
24 )  
25 )  
26 )  
27 )  
28 )

26 COME NOW, Plaintiff, named above, by and through his counsel of record, MICHAEL P.  
27 BALABAN, ESQ., and Defendant, named above, by and through its attorneys of record, MYRNA  
28 L. MAYSONET, ESQ., CHERISH A BENEDICT, ESQ., and PHILLIP A. SILVESTRI, ESQ.,

1 pursuant to Local Rule 26-4, and herein stipulate, agree and make joint application to extend the  
2 discovery cut-off and related dates for a period of sixty three (63) days up to and including  
3 Monday, July 1, 2018. The present discovery cut-off date is April 30, 2018, and no calendar call  
4 date or trial date has been set.

5 This request is being made timely in accordance with LR 26-4 and the prior scheduling  
6 Order, which provides that requests for further discovery extensions must be made no later than  
7 twenty-one (21) days before the existing discovery cut-off date, or, here, by April 9, 2018. This is  
8 the fourth request for an extension.

9 To date both sides have completed written discovery. The parties are in the process of  
10 coordinating depositions however approximately three to four key witnesses (ie. managers making  
11 the key decisions challenged here) are no longer employed by Defendant and some have moved.  
12 Other witnesses sought by Plaintiff including co-workers have also left employment. While the  
13 parties have been diligently looking for them, it has been a difficult process as it requires the  
14 service of subpoenas once they are located. Unfortunately, these types of hospitality workers tend  
15 to move a lot making the effort to locate them even more cumbersome. Additionally, counsel for  
16 the parties are seeking to conserve judicial resources as they have other cases before this Court  
17 involving overlapping witnesses and thus the attorneys for both parties are coordinating the  
18 scheduling of the depositions in such cases to minimize the burden on the witnesses and travel for  
19 out-of-state counsel.  
20

21 The parties and their attorneys have diligently worked to complete discovery as  
22 expediently as possible and will continue to try to complete the remaining discovery in as  
23 expedient a manner as possible.

24 Given the above, the parties request that the discovery period be extended as follows:

<u>Activity</u>	<u>Former Date</u>	<u>Requested Date</u>
Discovery Cut-Off Date	4/30/18	07/02/18
Dispositive Motions	05/29/18	07/31/18

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Pretrial Order

06/26/18

08/28/18<sup>1</sup>

In accordance with LR 26-4 the parties understand that any further requests for discovery extensions must be made no later than twenty-one (21) days before the new proposed discovery cut-off date of July 2, 2018 or no later than twenty-one (21) days before any other deadline sought to be extended.

DATED this 5th day of April, 2018.

Law Offices of Michael P. Balaban

Greenspoon Marder

/s/ Michael P. Balaban

/s/ Myrna L. Maysonet

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Attorneys for Plaintiffs

Attorneys for Defendant

IT IS SO ORDERED

  
UNITED STATES MAGISTRATE JUDGE

DATED: April 9, 2018

<sup>1</sup> Or 30 days after the decision on the last dispositive motion.