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7 UNITED STATES DISTRICT COURT  
 8 DISTRICT OF NEVADA

10 KEN KACHUR,

11 Plaintiff,

12 vs.

13 NAV-LVH, LLC dba WESTGATE LAS  
 14 VEGAS RESORT & CASINO, a Nevada,  
 15 Limited Liability Company,

16 Defendant.

**Case No.: 2:16-cv-02899**

**STIPULATION TO REOPEN  
 DISCOVERY AND RESET PERTINENT  
 DEADLINES**

**(FIFTH REQUEST)**

17 Pursuant to Local Civil Rule 6-1(a), Defendant NAV-LVH LLC dba Westgate  
 18 Las Vegas Resort & Casino (“Defendant”) and Plaintiff Ken Kachur (“Plaintiff”), by and  
 19 through their respective counsel of record, hereby request that this Court to reopen discovery,  
 20 and reset pertinent deadlines, and stipulate as follows:

21 This request is made after the discovery period has closed, but is based on good cause.  
 22 Further, neglect is not present, as this stipulated request is based on newly-discovered  
 23 information, and therefore satisfies the burden of LR 26-4. This is the fifth request for an  
 24 extension.

25 This stipulation is made and based upon the following factors:

26 To date, the parties have both made their initial disclosures to the other side. Defendant  
 27 has propounded written discovery to Plaintiff, to which Plaintiff has responded. Plaintiff has  
 28 also propounded written discovery to Defendant, which has been responded to. All depositions

1 mentioned in previous requests have been completed (with the limited exception of concluding  
2 the deposition of Westgate’s security director, which has begun, but the parties have been unable  
3 to finalize due to conflicting schedules).

4 This request is based on newly-discovered information regarding Plaintiff’s treating  
5 physicians. Defendants, and Plaintiffs’ counsel, have just been informed that Plaintiff has been  
6 seeking ongoing treatment from a pain specialist, and this physician was not previously  
7 disclosed. Plaintiff’s failure to disclose appears to be entirely inadvertent, however the parties  
8 agree that Westgate should be permitted to examine the records of this physician, and conduct  
9 any relevant discovery related thereto. The parties also have had difficulty retrieving records  
10 from Plaintiff’s short-term disability provider, but as of 8/2/18, the provider has agreed to  
11 produce relevant records.

12 The parties and their attorneys have diligently worked to complete discovery as  
13 expediently as possible and will continue to try to complete the newly-discovered necessary  
14 discovery in as expedient a manner as possible.

15 Given the above circumstances, the parties request that the discovery period be extended  
16 as follows:

17	<b>ACTIVITY</b>	<b>FORMER DATE</b>	<b>REQUESTED DATE</b>
18	Discovery Cut-Off Date	07/19/18	10/19/18
19	Dispositive Motions	08/16/18	11/16/18
20	Pretrial Order	09/20/18	12/21/18 <sup>1</sup>

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

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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 newly-proposed discovery cut-off date of October 19, 2018 or no later than twenty-one (21) days before any other deadline sought to be extended.

DATED this 7<sup>th</sup> day of August, 2018.

Law Offices of Michael P. Balaban

Greenspoon Marder LLP

/s/ Michael P. Balaban

/s/ Phillip A. Silvestri

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Attorneys for Plaintiffs

Attorneys for Defendant

IT IS SO ORDERED

  
UNITED STATES MAGISTRATE JUDGE

DATED: August 8, 2018