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20 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

22 SILVIA SANDOVAL,
 23 Plaintiff,

24 v.

25 ALBERTSONS, LLC d/b/a
 26 ALBERTSONS; DOES I – X, and ROE
 CORPORATIONS I - X, inclusive,
 27 Defendants.
 28

CASE NO.: 2:17-cv-00959-APG-PAL

AMENDED STIPULATION AND
ORDER FOR
EXTENSION/MODIFICATION OF
DISCOVERY PLAN AND
SCHEDULING ORDER
(FOURTH REQUEST)



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2 **AMENDED STIPULATION AND ORDER FOR EXTENSION/MODIFICATION OF**
3 **DISCOVERY PLAN AND SCHEDULING ORDER**
4 **(FOURTH REQUEST)**

5 COMES NOW Defendant, ALBERTSONS, LLC., by and through its undersigned
6 attorneys, LEW BRANDON, JR., ESQ. and KRIS D. KLINGENSMITH, ESQ. of MORAN
7 BRANDON BENDAVID MORAN, and Plaintiff, by and through her attorneys, ALEX J. DE
8 CASTROVERDE, ESQ. and ORLANDO DE CASTROVERDE, ESQ., of DE CASTROVERDE
9 LAW GROUP, submit to the Court the following Stipulation and Order for
10 Extension/Modification of the Discovery Plan and Scheduling Order (Fourth Request) pursuant
11 to LR IA 6-1, LR 26-4 (a) and Court Order Document No. 26.

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

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

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

16 This is the fourth request for extension filed by the parties. This extension is requested to
17 allow for the deposition of Plaintiff's experts, Dr. Kaplan and Mr. Jennings, to be conducted.

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

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

20 The parties have nearly completed the discovery phase in this matter. Both sides have
21 sent and received written discovery in the form of Requests for Production, Requests for
22 Admissions and Interrogatories. The Plaintiff and the percipient witnesses identified in her
23 disclosures have been deposed by Defendant. The Plaintiff has deposed Defendant's FRCP
24 30(b)(6) witness and three of its employees/former employees. Experts have been disclosed by
25 both parties.
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1 **III. Local Rule 26-4(b)**

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

3 The remaining Discovery to be completed includes the depositions of Plaintiff's experts.

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

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

7
8 The parties have been working diligently to adhere to the Discovery Plan and Scheduling
9 Order and the subsequent extensions/modifications thereto. On April 6, 2018, the parties attended
10 a private mediation before The Honorable Judge Gene T. Porter, which was unsuccessful in
11 resolving this matter. On March 26, 2018, Defendant noticed the deposition of Plaintiff's experts,
12 Dr. Stuart Kaplan and Mr. Thomas Jennings, which were to be conducted on April 9, 2016.
13 Plaintiff's counsel indicated shortly thereafter that the experts were unavailable at the noticed date
14 and time. The date and time provided for Mr. Jennings' deposition is May 1, 2018 and Plaintiff
15 is currently obtaining availability for Dr. Kaplan. Dr. Jennings' availability falls beyond the
16 current discovery cut-off and it is anticipated that Dr. Kaplan's will as well as the discovery cut-
17 off date is April 16, 2018.
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19

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

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

22 The parties are proposing to extending only the discovery cutoff deadline and date for the
23 proposed joint pre-trial order for the sole purpose of conducting the depositions of the Plaintiff's
24 experts, Mr. Jennings and Dr. Kaplan. However, as Plaintiff has yet to provide the availability of
25 Dr. Kaplan for his deposition, Defendant may yet request additional time, as necessary, to conduct
26 his deposition prior to Trial. Further, the parties agree that supplemental disclosures shall
27 continue to be made, pursuant to FRCP 26, up and through thirty (30) days before Trial.
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