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

13 LYNN ELYSE TRELL, an individual,
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15 Plaintiff,

16 vs.

17 STEPHEN F. MCCUNE, an individual; SWIFT
TRANSPORTATION CO., LLC, a foreign
18 limited-liability company; DOES I through X;
and ROE CORPORATIONS I through X,
19 inclusive,

20 Defendants.

Case No.: 2:17-cv-01401-RFB-GWF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

(FIRST STIPULATED REQUEST)

21 Pursuant to LR 6-1, 6-2, and LR 26-4, the parties, by and through their respective counsel of
22 record, hereby stipulate and request that the Court extend discovery in the above-captioned case as
23 discussed herein. In support of this Stipulation and Request, the parties state as follows:

24 **A. DISCOVERY CONDUCTED**

- 25 1. On May 17, 2017, defendants filed a Petition for Removal.
26 2. On May 30, 2017, the parties participated in a Federal Rule 26(f) conference.
27 3. Plaintiff served her initial disclosure on June 15, 2017, and has since served four
28 supplements.

- 1 4. Defendants served their initial disclosures on July 19, 2017, and has since served five
2 supplements.
- 3 5. Plaintiff propounded her first set of interrogatories, request for production of
4 documents, and request for admissions to Defendants on June 23, 2017.
 - 5 a. Defendants served their responses to Plaintiff's first set of request for admissions
6 on August 9, 2017, and served their responses to Plaintiff's first set of request for
7 production of documents on August 23, 2017.
 - 8 b. Defendant Swift Transportation Co., LLC served its responses to Plaintiff's first
9 set of interrogatories on August 25, 2017, and Mr. McCune served his responses
10 to Plaintiff's first set of interrogatories on September 18, 2017.
- 11 6. Defendant Stephen F. McCune propounded his first set of request for production of
12 documents to Plaintiff on June 17, 2017.
 - 13 a. Plaintiff served her responses to Defendant Stephen F. McCune's first set of
14 request for production of documents on July 20, 2017. Plaintiff served
15 supplemental responses to Defendant Swift Transportation Co., LLC's request
16 for production of documents on August 29, 2017.
- 17 7. Defendant Swift Transportation Co., LLC propounded its first set of interrogatories
18 and request for production of documents to Plaintiff on July 21, 2017.
 - 19 a. Plaintiff served her responses Defendant Swift Transportation Co., LLC's first set
20 of interrogatories and request for production of documents on August 23, 2017.
- 21 8. The parties entered into a stipulated protective order on September 1, 2017, in order
22 for Defendants to complete their document production in response to the discovery
23 requests. The Court granted the stipulated protective order on September 5, 2017,
24 and Defendants then made supplemental disclosures of responsive documents on
25 September 22, 2017, and September 27, 2017.
- 26 9. The deposition of Trooper Dunbar took place on November 1, 2017.
- 27 10. The deposition of Trooper Lareux took place on November 7, 2017.

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1 **B. DISCOVERY REMAINING**

- 2 1. Plaintiff currently has a motion to compel production set for hearing on December 1,
3 2017.
- 4 2. Deposition of Plaintiff Lynn Trell, was scheduled for November 20, 2017, has been
5 vacated and will be rescheduled to a mutually agreeable date following the Court
6 hearing on Plaintiff's motion to compel.
- 7 3. Deposition of Defendant Stephen F. McCune, to be scheduled in January 2018.
- 8 4. Deposition of the FRCP 30(b)(6) representative of Swift Transportation Co., LLC, to
9 be scheduled in January 2018.
- 10 5. Depositions of Plaintiff's treating medical providers, to be scheduled.
- 11 6. Disclosure and depositions of experts, to be scheduled.
- 12 7. Additional written discovery and depositions by both parties following the discovery
13 listed herein.

14 **C. REASONS WHY DEADLINE WAS NOT SATISFIED OR THE REMAINING**
15 **DISCOVERY WAS NOT COMPLETED WITHIN THE LIMITS SET BY THE**
16 **DISCOVERY PLAN**

17 This is the first stipulated request for extension of discovery deadlines in this matter. There
18 are four primary reasons discovery needs to be extended:

- 19 1. The amended pleadings deadline was originally set for August 16, 2017. As a result
20 of the discovery completed after this deadline passed, the parties have agreed that the
21 deadline can be reopened in order to give Plaintiff an opportunity to amend her
22 Complaint if she wishes.
- 23 2. Given that Mr. McCune is a truck driver for Swift Transportation Co., LLC, and
24 November/December are the busiest time of the year for them due to the holiday
25 season, counsel for the parties have conferred and it appears these depositions will
26 need to take place in January 2018 at the earliest.
- 27 3. Ms. Trell's deposition was originally scheduled for November 20, 2017, but has
28 since been vacated following the filing of Plaintiff's motion to compel on November

1 8, 2017, which the Court scheduled for hearing on December 1, 2017. The parties
 2 agree that the Court will need to rule on Plaintiff's motion to compel before Ms.
 3 Trell's deposition can be taken, which means Ms. Trell's deposition will be
 4 rescheduled for a mutually convenient date in January 2018.

5 4. The same law firms involved in this case will be starting a federal court trial in
 6 another case on December 4, 2017. Between that trial and the upcoming holidays,
 7 there are no mutually convenient dates in December for depositions in this case.

8 Accordingly, the parties agree to extend the deadlines as outlined below, so the parties have
 9 sufficient time to complete the required depositions and discovery as discussed above.

10 **D. A PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY**

11 The following is a list of the current discovery deadlines and the parties' proposed extended
 12 deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	February 12, 2018	May 16, 2018
Amend Pleadings and Add Parties	CLOSED	February 16, 2018
Expert Disclosure pursuant to Fed R. Civ. P. 26 (a)(2)	December 14, 2017	March 16, 2018
Joint Interim Status Report	December 14, 2017	March 16, 2018
Rebuttal Expert Disclosure pursuant to Fed. R. Civ. P. 26(a)(2)	January 15, 2018	April 16, 2018
Dispositive Motions	March 14, 2018	June 18, 2018
Joint Pretrial Order	April 13, 2018	July 18, 2018, or at least thirty (30) days after the decision of last Dispositive Motions

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1 WHEREFORE, the parties respectfully request that the Court extend the discovery deadlines
2 in accordance with this stipulation.

3 DATED this 14th day of November, 2017.

DATED this 14th day of November, 2017.

4 **MAIER GUTIERREZ & ASSOCIATES**

STEPHENSON & DICKINSON, P.C.

5
6 /s/ Jason R. Maier

/s/ Michael Hottman

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12 **ORDER**

13 IT IS SO ORDERED.

14 DATED this 15th day of November, 2017.

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18 **UNITED STATES MAGISTRATE JUDGE**