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18 **UNITED STATES DISTRICT COURT**

19 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

20 LYNN ELYSE TRELL, an individual,

21 Plaintiff,

22 v.

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

26 Defendants.  
 27

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

**STIPULATION AND ORDER TO  
 EXTEND DISCOVERY DEADLINES  
 (Proposed)**

**(Second Request)**

28 Pursuant to LR 6-1, 6-2 and LR 26-4, the parties by and through their respective counsel of

1 record, hereby stipulate and request that the Court extend discovery in the above-captioned case as  
2 discussed herein. In support of this Stipulation and Request the parties state as follows:

3 **A. DISCOVERY CONDUCTED**

- 4 1. On May 17, 2017, Defendants filed a Petition for Removal.
- 5 2. On May 30, 2017, the parties participated in a Federal Rule 26(f) conference.
- 6 3. Plaintiff served her initial disclosure on June 15, 2017, and has since served five supplements.
- 7 4. Defendants served their initial disclosures on July 19, 2017, and has since served seven  
8 supplements.
- 9 5. Plaintiff propounded her first set of interrogatories, request for production of documents, and  
10 requests for admissions to Defendants on June 23, 2017.
  - 11 a. Defendants served their responses to Plaintiff's first set of request for admissions on  
12 August 9, 2017,
  - 13 b. Defendants served their responses to Plaintiff's first set of request for production of  
14 documents on August 23, 2017.
  - 15 c. Defendant Swift Transportation Co., LLC served its responses to Plaintiff's first set of  
16 interrogatories on August 25, 2017, and Mr. McCune served his responses to Plaintiff's  
17 first set of interrogatories on September 18, 2017.
- 18 6. Defendant Stephen F. McCune propounded his first set of request for production of documents  
19 to Plaintiff on June 17, 2017.
  - 20 a. Plaintiff served her responses to Defendant Stephen F. McCune's First set of request for  
21 production of documents on July 20, 2017.
  - 22 b. Plaintiff served supplemental responses to Defendant's request for production of  
23 documents on August 29, 2017.
- 24 7. Defendant Swift Transportation Co, LLC propounded its first set of interrogatories and request  
25 for production of documents to Plaintiff on July 21, 2017.
  - 26 a. Plaintiff served here responses to Defendant Swift Transportation Co., LLC's first set of  
27 interrogatories and request for production of documents on August 23, 2017.
- 28 8. The parties entered into a stipulated protective order on September 1, 2017, in order for

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- 1 Defendants to complete their document production response to the discovery requests. The  
2 Court granted the stipulated protective order on September 5, 2017, and Defendants then made  
3 supplemental disclosures of responsive documents on September 22, 2017, September 27,  
4 2017, and December 20, 2017.
- 5 9. The deposition of Trooper Dunbar took place on November 1, 2017.
- 6 10. The deposition of Trooper Lareux took place on November 7, 2017.
- 7 11. Plaintiff filed a Motion to Compel production of surveillance footage that was heard and  
8 granted on December 1, 2017.
- 9 a. Defendant Swift Transportation Co, LLC made a supplemental disclosure of responsive  
10 documents on December 19, 2017.

11 **B. DISCOVERY REMAINING**

- 12 1. Deposition of Plaintiff Lynn Trell was scheduled for November 20, 2017, but was vacated  
13 when the Motion to Compel was filed. Plaintiff's deposition will be rescheduled to a mutually  
14 agreeable date.
- 15 2. Deposition of Defendant Stephen F. McCune was scheduled for September 21, 2017, but was  
16 vacated upon Plaintiff's request. Mr. McCune's deposition will be rescheduled to a mutually  
17 agreeable date.
- 18 3. Deposition of the FRCP 30(b)(6) representative(s) of Swift Transportation Co., LLC (correctly  
19 identified as Swift Transportation Co. of Arizona, LLC), was originally noticed for January  
20 18, 2018, but Defendants objected to same because it was unilaterally set, the timing, the  
21 location, and appropriateness of some topics therein. In effort to avoid further Court  
22 intervention, the parties are currently working together, pursuant to LR 26-7, regarding same.
- 23 4. Plaintiff's inspection of Defendants' tractor, to be scheduled.
- 24 5. Depositions of Plaintiff's treating medical providers, to be scheduled.
- 25 6. Disclosure and depositions of experts, to be scheduled.
- 26 7. Additional written discovery and depositions by both parties following the discovery listed  
27 herein.

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1 **C. REASONS WHY DEADLINE WAS NOT SATISFIED OR THE REMAINING**  
 2 **DISCOVERY WAS NOT COMPLETED WITHIN THE LIMITS SET BY THE**  
 3 **DISCOVERY PLAN**

4 This is the second stipulated request for extension of discovery deadlines in this matter. There  
 5 are three primary reasons discovery needs to be extended.

- 6 1. The law firms Maier Gutierrez & Associates and Stephenson & Dickinson were involved in a  
 7 jury trial before Magistrate Foley that went from January 22 to January 29, 2018.
- 8 2. The parties sought to participate in an additional mediation before conducting the remaining  
 9 discovery and depositions in an attempt to avoid unnecessary litigation costs. The mediation  
 10 has been confirmed and scheduled with Judge Glass on February 20, 2018.
- 11 3. The amended pleadings deadline is currently set for February 16, 2018. Plaintiff believes  
 12 information relevant to filing amended pleadings may be disclosed during the depositions of  
 13 Stephen F. McCune and the FRCP 30(b)(6) representative(s) of Swift Transportation Co, LLC  
 14 (correctly identified as Swift Transportation Co. of Arizona, LLC) and wishes to fully evaluate  
 15 all possible relevant information in making the determination to amend her Complaint.

16 Accordingly, the parties agree to extend the deadlines as outlined below, so the parties have  
 17 sufficient time to complete the required depositions and discovery as discussed above in the event that  
 18 this case does not resolve at mediation on February 20, 2018.

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

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

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	May 16, 2018	July 27, 2018
Amend Pleadings and Add Parties	February 16, 2018	April 27, 2018
Expert Disclosure pursuant to Fed. R. Civ. P. 26(a)(2)	March 16, 2018	May 25, 2018
Joint Interim Status Report	March 16, 2018	May 25, 2018
Rebuttal Expert Disclosure pursuant to Fed. R. Civ. P. 26(a)(2)	April 16, 2018	June 11, 2018

1 2 3	Joint Pretrial Order	July 18, 2018	September 28, 2018, or at least thirty (30) days after the decision of last Dispositive Motions
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4 WHEREFORE, the parties respectfully request that the Court extend the discovery deadlines  
5 in accordance with this stipulation.

6 DATED: February 14, 2018.

DATED: February 14, 2018.

7 **PANISH SHEA & BOYLE LLP**

**STEPHENSON & DICKINSON, P.C.**

8 /s/ Gregorio V. Silva  
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14 DATED: February 14, 2018.

17 **MAIER GUTIERREZ & ASSOCIATES**

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25 *Lynn Elyse Trell*

**ORDER**

IT IS SO ORDERED.

24 DATED: this 15 day of February, 2018

  
UNITED STATES MAGISTRATE JUDGE