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

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14 TONIE ROBINSON, individually,  
 15 Plaintiff,  
 16 v.  
 17 MV TRANSPORTATION, INC.; DOE BUS  
 OPERATOR; DOE BUS DRIVER; DOES I-  
 18 X, and ROE CORPORATIONS I-X, inclusive,  
 19 Defendants.

Case No. 2:17-cv-01491-RFB-PAL

**STIPULATION AND REQUEST TO  
 EXTEND DISCOVERY DEADLINES  
 (SECOND REQUEST)**

Trial Date: None Set

21 In accordance with the Federal Rules of Civil Procedure and Local Rule 26-4, Plaintiff Tonie  
 22 Robinson ("Plaintiff") and Defendant MV Transportation, Inc. ("MV") hereby stipulate and agree to  
 23 and jointly move this Honorable Court for an Order extending the discovery cut-off by sixty (60) days  
 24 for the sole purpose of taking depositions and obtaining medical records and the dispositive motion  
 25 deadline as follows:

26 **I. STATEMENT OF FACTS**

27 This case arises out of an alleged incident that occurred on November 2, 2015, while Plaintiff  
 28 was a passenger of a bus operated by MV. According to the Complaint, Plaintiff, Tonie Robinson, was

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1 a passenger on a bus and sustained injuries as a result of the bus driver failing to properly secure her  
 2 three-wheel motorized scooter prior to driving and making an erratic turn at an unsafe speed, causing  
 3 Plaintiff to fall out of her chair onto the floor.

4 After the matter was removed to federal court, the parties engaged in an FRCP 26 conference  
 5 with timely submission of a joint proposed scheduling order that complied with the rules. Due to the  
 6 extensive medical treatment and disclosure of significant pre-existing conditions by Plaintiff, the  
 7 parties stipulated to extend discovery on September 21, 2017. As a result of this initial stipulation,  
 8 significant progress towards completing discovery in this matter has occurred.

9 The parties have been working together and coordinating discovery requests to ensure all  
 10 discovery is timely completed. However, Plaintiff was recently deposed and provided numerous  
 11 additional doctors from whom she received treatment and provided address for several witnesses  
 12 whose depositions were previously noticed. MV also timely noticed the depositions of Plaintiff's  
 13 experts, Dr. Jason Garber and Dr. Lanzkowsky, however, both doctors are not available to be deposed  
 14 until March, 2018. Plaintiff also recently provided topics for an FRCP 30(b)(6) deposition, which the  
 15 parties have agreed will occur on February 13, 2018. As a result, the parties request an extension of  
 16 the deadline by sixty (60) days to March 27, 2018 for completing discovery for the limited purpose of  
 17 obtaining medical records from newly disclosed providers and taking the depositions of Mr. Arthur  
 18 Adams, Mr. George Spears, Dr. Garber, Dr. Lanzkowsky, and Defendant's FRCP 30(b)(6) deponent.

19 **II. DISCOVERY COMPLETED:**

20 The parties have been able to complete a significant amount of discovery to date. In this  
 21 time period, the parties have participated in the Early Case Conference pursuant to FRCP 26. After  
 22 discovery opened, each side began to deposit their disclosures. As to Rule 26 disclosures:

| PARTY     | DISCLOSURE                 | DATE SERVED        |
|-----------|----------------------------|--------------------|
| Plaintiff | Initial                    | August 21, 2017    |
|           | 1 <sup>st</sup> Supplement | September 13, 2017 |
|           | 2 <sup>nd</sup> Supplement | December 15, 2017  |
| Defendant | Initial                    | August 11, 2017    |

|   |  |                            |                   |
|---|--|----------------------------|-------------------|
| 1 |  | 1 <sup>st</sup> Supplement | October 6, 2017   |
| 2 |  | 2 <sup>nd</sup> Supplement | October 13, 2017  |
| 3 |  | 3 <sup>rd</sup> Supplement | October 17, 2017  |
| 4 |  | 4 <sup>th</sup> Supplement | December 1, 2017  |
| 5 |  | 5 <sup>th</sup> Supplement | December 21, 2017 |
| 6 |  | 6 <sup>th</sup> Supplement | January 12, 2018  |

7  
8 The parties have also been able to make considerable progress with respect to written  
9 discovery:

| 10 | <b>PROPOUNDED BY</b> | <b>DATE SERVED</b> | <b>DOCUMENT</b>                                   | <b>PROPOUNDED UPON</b> | <b>DATE RESPONDED</b> |
|----|----------------------|--------------------|---|------------------------|-----------------------|
| 11 | Plaintiff            | August 8, 2017     | First Set of Interrogatories                      | Defendant              | September 14, 2017    |
| 12 |                      | August 8, 2017     | First Set of Request for Production of Documents  | Defendant              | September 14, 2017    |
| 13 | Defendant            | August 11, 2017    | First Set of Interrogatories                      | Plaintiff              | September 14, 2017    |
| 14 |                      | August 11, 2017    | First Set of Request for Production of Documents  | Plaintiff              | September 14, 2017    |
| 15 |                      | August 11, 2017    | First Set of Request for Admissions               | Plaintiff              | September 13, 2017    |
| 16 |                      | September 28, 2017 | Second Set of Request for Production of Documents | Plaintiff              | November 6, 2017      |
| 17 |                      | November 9, 2017   | Third Set of Request for Production of Documents  | Plaintiff              | December 12, 2017     |
| 18 |                      |                    |   |                        |                       |
| 19 |                      |                    |   |                        |                       |
| 20 |                      |                    |   |                        |                       |
| 21 |                      |                    |   |                        |                       |
| 22 |                      |                    |   |                        |                       |
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| 26 |                      |                    |   |                        |                       |

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|  |                  |  |           |
|--|------------------|--|-----------|
|  | January 18, 2018 | Fourth Set of Request for Production for Documents | Plaintiff |
|--|------------------|--|-----------|

The parties have also complied with expert disclosure deadlines:

| PARTY     | DISCLOSURE                 | DATE SERVED        |
|-----------|----------------------------|--------------------|
| Plaintiff | Initial                    | August 29, 2017    |
| Defendant | Initial                    | September 28, 2017 |
|           | 1 <sup>st</sup> Supplement | November 27, 2017  |
|           | 2 <sup>nd</sup> Supplement | December 4, 2017   |

**III. DISCOVERY THAT REMAINS TO BE COMPLETED:**

The parties request the discovery cut-off be extended by sixty (60) days until March 30, 2018 for the limited purpose of obtaining medical records from newly disclosed providers and taking the depositions of witnesses Mr. Kirby Ossowski, Mr. Arthur Adams, Mr. George Spears, Plaintiff's experts Dr. Garber, Dr. Lanzkowsky, Defendant's experts Dr. Seiff, Dr. McKenna, and the FRCP 30(b)(6) deponent.

This recitation of discovery to be completed is not intended to be limiting, but it is set forth to advise the Court of remaining discovery.

**IV. THE REASONS WHY DISCOVERY WAS NOT COMPLETED WITHIN THE TIME LIMITS SET BY THE DISCOVERY PLAN:**

The parties are actively working together to complete discovery in this case in accordance with the current discovery schedule. As referenced above, substantial discovery has been completed to date. However, it has come to the parties attention that Plaintiff's experts, due to limited availability, will not be available until after the current deadline for discovery. Plaintiff also recently disclosed numerous additional medical treaters that MV must obtain authorizations and subpoena medical records for relevant and important treatment for pre-existing injuries and injuries alleged in this matter. Finally, Plaintiff also recently provided topics for the FRCP 30(b)(6) deponent, who is available to be deposed on February 13, 2018. The parties ask the discovery cut-off deadline be

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1 extended by sixty (60) days until March 27, 2018 for the sole purpose of completing the above listed  
 2 discovery.

3 **V. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING**  
 4 **DISCOVERY:**

| <i>Event</i>        | <i>Current Schedule</i> | <i>Proposed Schedule</i> |
|---------------------|-------------------------|--------------------------|
| Discovery Cut-off   | January 26, 2018        | March 27, 2018           |
| Dispositive Motions | February 26, 2018       | April 27, 2018           |
| Trial Order         | March 27, 2018          | May 29, 2018             |

7 **IT IS SO STIPULATED.**

9 Dated: January 18, 2018

Dated: January 18, 2018

10 **WOOD, SMITH, HENNING**  
 11 **& BERMAN, LLP**

**RICHARD HARRIS LAW FIRM**

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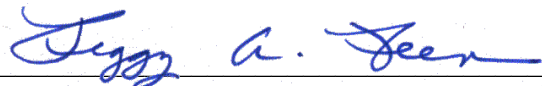
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1 Upon Stipulation of counsel and good cause appearing, the extension of the discovery cut-  
2 off by sixty (60) days) for the sole purpose of obtaining medical records from newly disclosed  
3 providers and taking the depositions of witnesses including Mr. Kirby Ossowski, Mr. Arthur  
4 Adams, Mr. George Spears, experts Dr. Garber, Dr. Lanzkowsky, and Defendant's experts Dr.  
5 Seiff, Dr. McKenna, and the FRCP 30(b)(6) deponent and the dispositive motion deadline as  
6 follows is granted.

| <i><b>Event</b></i> | <i><b>Current Schedule</b></i> | <i><b>Proposed Schedule</b></i> |
|---------------------|--------------------------------|---------------------------------|
| Discovery Cut-off   | January 26, 2018               | March 27, 2018                  |
| Dispositive Motions | February 26, 2018              | April 27, 2018                  |
| Trial Order         | March 27, 2018                 | May 29, 2018                    |

10 **IT IS SO ORDERED**

12 Dated this 2nd day of February, 2018.

14 

15 PEGGY A. LEEN  
16 UNITED STATES MAGISTRATE JUDGE

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