

WOOD, SMITH, HENNING & BERMAN LLP
Attorneys at Law
7674 WEST LAKE MEAD BOULEVARD, SUITE 150
LAS VEGAS, NEVADA 89128-6644
TELEPHONE 702 251 4100 ♦ FAX 702 251 5405

1 Janice M. Michaels
Nevada Bar No. 6062
2 jmichaels@wshblaw.com
Brooke A. Bohlke
3 Nevada Bar No. 9374
bbohlke@wshblaw.com
4 Analise N. Martinez
Nevada Bar No. 13185
5 amartinez@wshblaw.com
Nevada Bar No. 13185
6 Marian L Massey
Nevada Bar No. 14579
7 mmassey@wshblaw.com
Wood, Smith, Henning & Berman LLP
8 7674 West Lake Mead Boulevard, Suite 150
Las Vegas, Nevada 89128-6644
9 Telephone: 702 251 4100
Facsimile: 702 251 5405

10
11 Attorneys for Defendant
MV TRANSPORTATION, INC.

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**
14

15 TONIE ROBINSON, individually,
16 Plaintiff,
17 v.
18 MV TRANSPORTATION, INC.; DOE BUS
OPERATOR; DOE BUS DRIVER; DOES I-
19 X, and ROE CORPORATIONS I-X, inclusive,
20 Defendants.
21

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

**STIPULATION AND REQUEST TO
EXTEND DISCOVERY DEADLINE
(THIRD REQUEST)**

Trial Date: None Set

22 In accordance with the Federal Rules of Civil Procedure and Local Rule 26-4, Plaintiff Tonie
23 Robinson ("Plaintiff") and Defendant MV Transportation, Inc. ("MV") hereby stipulate and agree to
24 and jointly move this Honorable Court for an Order extending the discovery cut-off by forty-five (45)
25 days until May 11, 2018 for the sole purpose of taking the depositions of Plaintiff's Expert, Dr. Jason
26 Garber, and the dispositive motion deadline as follows:

27 ///
28 ///

WOOD, SMITH, HENNING & BERMAN LLP
 Attorneys at Law
 7674 WEST LAKE MEAD BOULEVARD, SUITE 150
 LAS VEGAS, NEVADA 89128-6644
 TELEPHONE 702.251.4100 • FAX 702.251.5405

I. STATEMENT OF FACTS

This case arises out of an alleged incident that occurred on November 2, 2015, while Plaintiff was a passenger of a bus operated by MV. According to the Complaint, Plaintiff Tonie Robinson, was a passenger on a bus and sustained injuries as a result of the bus driver failing to properly secure her three-wheel motorized scooter prior to driving and making an erratic turn at an unsafe speed, causing Plaintiff to fall out of her chair onto the floor.

After the matter was removed to federal court, the parties engaged in an FRCP 26 conference with timely submission of a joint proposed scheduling order that complied with the rules. Due to the extensive medical treatment and disclosure of significant pre-existing conditions by Plaintiff, the parties stipulated to extend discovery on September 21, 2017. As a result of this initial stipulation, significant progress towards completing discovery in this matter has occurred. The parties again stipulated to extend discovery on February 2, 2018 in light of expert unavailability, newly disclosed witness depositions, and the necessity of obtaining records for newly disclosed medical providers.

The parties have been working together and coordinating discovery requests to ensure all discovery is timely completed. However, Plaintiff recently communicated that her expert, Dr. Garber had a family emergency and would not be able to attend his currently noticed March 8, 2018 deposition. Dr. Garber also indicated that he did not have availability until May 2018 for his deposition. As a result, the parties request an extension of the current deadline by forty-five (45) days until May 11, 2018 for the limited purpose of taking Dr. Garber's deposition.

II. DISCOVERY COMPLETED:

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

PARTY	DISCLOSURE	DATE SERVED
Plaintiff	Initial	August 21, 2017
	1 st Supplement	September 13, 2017
	2 nd Supplement	December 15, 2017

WOOD, SMITH, HENNING & BERMAN LLP
 Attorneys at Law
 7674 WEST LAKE MEAD BOULEVARD, SUITE 150
 LAS VEGAS, NEVADA 89128-6644
 TELEPHONE 702.251.4100 • FAX 702.251.5405

1	Defendant	Initial	August 11, 2017
2		1 st Supplement	October 6, 2017
3		2 nd Supplement	October 13, 2017
4		3 rd Supplement	October 17, 2017
5		4 th Supplement	December 1, 2017
6		5 th Supplement	December 21, 2017
7		6 th Supplement	January 12, 2018
8		7 th Supplement	January 18, 2018
9		8 th Supplement	January 18, 2018
10		9 th Supplement	January 25, 2018
11		10 th Supplement	February 21, 2018
12		11 th Supplement	February 27, 2018

14 The parties have also been able to make considerable progress with respect to written
 15 discovery:

16	PROPOUNDED BY	DATE SERVED	DOCUMENT	PROPOUNDED UPON	DATE RESPONDED
17	Plaintiff	August 8, 2017	First Set of Interrogatories	Defendant	September 14, 2017
18		August 8, 2017	First Set of Request for Production of Documents	Defendant	September 14, 2017
19	Defendant	August 11, 2017	First Set of Interrogatories	Plaintiff	September 14, 2017
20		August 11, 2017	First Set of Request for Production of Documents	Plaintiff	September 14, 2017
21		August 11, 2017	First Set of Request for Admissions	Plaintiff	September 13, 2017

28

	September 28, 2017	Second Set of Request for Production of Documents	Plaintiff	November 6, 2017
	November 9, 2017	Third Set of Request for Production of Documents	Plaintiff	December 12, 2017
	January 18, 2018	Fourth Set of Request for Production for Documents	Plaintiff	February 12, 2018

The parties have also complied with expert disclosure deadlines:

PARTY	DISCLOSURE	DATE SERVED
Plaintiff	Initial	August 29, 2017
Defendant	Initial	September 28, 2017
	1 st Supplement	November 27, 2017
	2 nd Supplement	December 4, 2017

The parties have also completed and/or scheduled numerous depositions:

DEPONENT	DATE OF DEPOSITION
Tonie Robinson (Plaintiff)	January 11, 2018
Kirby Ossowski (witness)	January 26, 2017
MV Transportation, Inc.'s FRCP 30(b)(6) (Defendant)	February 13, 2018
Dr. Lanzkowsky (Plaintiff's expert)	March 14, 2018
George Spears (witness)	March 19, 2018
Dr. Garber (Plaintiff's expert)	May 10, 2018

III. DISCOVERY THAT REMAINS TO BE COMPLETED:

The parties request the discovery cut-off be extended by forty-five (45) days until May 11, 2018 for the limited purpose of completing the deposition Plaintiff's expert Dr. Garber.

WOOD, SMITH, HENNING & BERMAN LLP
 Attorneys at Law
 7674 WEST LAKE MEAD BOULEVARD, SUITE 150
 LAS VEGAS, NEVADA 89128-6644
 TELEPHONE 702 251 4100 ♦ FAX 702 251 5405

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

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

5 The parties are actively working together to complete discovery in this case in accordance with
 6 the current discovery schedule. As referenced above, substantial discovery has been completed to
 7 date. However, it has come to the parties attention that Plaintiff's expert Dr. Garber, due to limited
 8 availability, will not be available until after the current deadline for discovery. The parties ask the
 9 discovery cut-off deadline be extended by forty-five (45) days until May 11, 2018 for the sole purpose
 10 of completing Dr. Garber's deposition.

11 **V. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING**
 12 **DISCOVERY:**

<i>Event</i>	<i>Current Schedule</i>	<i>Proposed Schedule</i>
Discovery Cut-off	March 27, 2018	May 11, 2018 (for the sole purpose of taking Dr. Garber's deposition)
Dispositive Motions	April 27, 2018	June 11, 2018
Trial Order	May 29, 2018	July 13, 2018

17 **IT IS SO STIPULATED.**

18 Dated: March 6, 2018

Dated: March 6, 2018

19 **WOOD, SMITH, HENNING**
 20 **& BERMAN, LLP**

RICHARD HARRIS LAW FIRM

22 By: /s/ Analise N. Martinez
 23 BROOKE A. BOHLKE, ESQ.
 Nevada Bar No. 9374
 24 ANALISE N. MARTINEZ, ESQ.
 Nevada Bar No. 13185
 25 7674 West Lake Mead Blvd.
 Suite 150
 Las Vegas, NV 89128-6652

By: /s/ Johnathan Leavitt
 JOHNATHAN LEAVITT, ESQ.
 Nevada Bar No. 13172
 801 South Fourth Street
 Las Vegas, NV 89101

***Attorney for Plaintiff,
 Tonie Robinson***

26 ***Attorneys for Defendant,
 27 MV Transportation, Inc.***

28 ///

WOOD, SMITH, HENNING & BERMAN LLP
 Attorneys at Law
 7674 WEST LAKE MEAD BOULEVARD, SUITE 150
 LAS VEGAS, NEVADA 89128-6644
 TELEPHONE 702.251.4100 ♦ FAX 702.251.5405

1 Upon Stipulation of counsel and good cause appearing, the extension of the discovery cut-
2 off by forty-five (45) days until May 11, 2018 for the sole purpose of taking the deposition of
3 Plaintiff's expert, Dr. Garber and the dispositive motion deadline as follows is granted.

<i>Event</i>	<i>Current Schedule</i>	<i>Proposed Schedule</i>
Discovery Cut-off	January 26, 2018	May 11, 2018
Dispositive Motions	April 27, 2018	June 11, 2018
Trial Order	May 29, 2018	July 13, 2018

7 **IT IS SO ORDERED**


8
9 DATED: this 8th day of March, 2018.

10 
11 **UNITED STATES MAGISTRATE JUDGE**

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
WOOD, SMITH, HENNING & BERMAN LLP
Attorneys at Law
7674 WEST LAKE MEAD BOULEVARD, SUITE 150
LAS VEGAS, NEVADA 89128-6644
TELEPHONE 702.251.4100 ♦ FAX 702.251.5405

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of March 2018, a true and correct copy of **STIPULATION AND REQUEST TO EXTEND DISCOVERY DEADLINES (THIRD REQUEST)** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By 
Cindy A. Mulder, An Employee of
WOOD, SMITH, HENNING & BERMAN LLP

WOOD, SMITH, HENNING & BERMAN LLP
Attorneys at Law
7674 WEST LAKE MEAD BOULEVARD, SUITE 150
LAS VEGAS, NEVADA 89128-6644
TELEPHONE 702.251.4100 ♦ FAX 702.251.5405

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28