

1 ROBERT PHILLIPS
 Nevada Bar No. 11441
 2 RYAN KERBOW
 Nevada Bar No. 11403
 3 **PHILLIPS, SPALLAS & ANGSTADT LLC**
 4 504 South Ninth Street
 Las Vegas, Nevada 89101
 5 (702) 938-1510
 6 rphillips@psalaw.net
rkerbow@psalaw.net

7 *Attorneys for Defendant*
 8 *Wal-Mart Stores, Inc.*

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 RUTH KOLAS,
 12 Plaintiff,
 13 v.
 14 WAL-MART STORES INC.; DOES I-X,
 inclusive, and ROE CORPORATIONS I-X,
 15 inclusive,
 16 Defendants.

Case No.: 2:17-cv-01597-APG-NJK

STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DISCOVERY
DEADLINES

SECOND REQUEST

17
 18
 19 Plaintiff RUTH KOLAS (“Plaintiff”) and Defendant WAL-MART STORES, INC. (“Walmart”),
 20 by and through their respective counsel of record, do hereby stipulate to extend the discovery deadlines in
 21 the present case for a period of 60 days Pursuant to Local Rule IA 6-1 and Local Rule 26-4.

22 Pursuant to Local Rule IA 6-1(a), the parties hereby aver that this is the second such discovery
 23 extension requested in this matter.

24 **DISCOVERY COMPLETED TO DATE**

- 25
- 26 • The parties have conducted an FRCP 26(f) conference and have served their respective
FRCP 26(a) disclosures;
- 27 • Walmart has served written discovery to Plaintiff, and Plaintiff has served responses;
- 28 • Plaintiff has served written discovery to Walmart, and Walmart has served responses;

- Walmart has deposed Plaintiff;
- Walmart has deposed Plaintiff's fact witness, Samantha Kirk;
- Plaintiff has deposed Walmart employee, Paulina Villa;
- Plaintiff has deposed Walmart employee, Luis Eduardo Perez;
- Plaintiff has deposed Walmart's Rule 30(b)(6) witnesses.

**DISCOVERY TO BE COMPLETED AND
REASONS FOR EXTENSION OF DISCOVERY**

Discovery to be completed includes:

- Disclosure of expert witnesses;
- Depositions of expert witnesses and treating medical providers;
- Rule 34 inspection of the premises;
- Rule 35 examination of Plaintiff.

The parties aver, pursuant to Local Rule 26-4, that good cause exists for the requested extension. Despite good faith efforts by counsel to meet and confer, the parties have been unable to agree on the conditions regarding a Rule 35 examination of Plaintiff. The expert disclosure deadline is currently set for December 15, 2017. The requested extension of 60 days will enable the parties to have an answer from the Court on Defendant's requested Rule 35 examination (Defendant is filing a motion for a Rule 35 examination contemporaneously with the instant stipulation and proposed order) and Defendant to conduct the Rule 35 examination by the proposed expert deadline of February 13, 2018. Furthermore, the requested extension will enable Plaintiff to conduct a Rule 34 inspection prior to the expert disclosure deadline.

No party will be prejudiced by an extension of the discovery deadline. Notably, both Parties agree that an extension would be beneficial. An extension will allow each party to further prepare its respective case for trial. The parties have acted in good faith to request this extension and have no intent, nor reason, to delay the resolution of this matter.

[PROPOSED] NEW DISCOVERY DEADLINES

Discovery Cut-Off Date

Currently: February 9, 2018

Proposed: April 10, 2018

Expert Disclosure Deadline

Currently: December 15, 2017

Proposed: February 13, 2018

Rebuttal Expert Disclosure Deadline

Currently: January 12, 2018

Proposed: March 13, 2018

Dispositive Motion Deadline

Currently: March 13, 2018

Proposed: May 11, 2018

Joint Proposed Pre-Trial Order

Currently: April 13, 2018, or 30 days after resolution of dispositive motions per

Local Rule 26-1(e)(5).

Proposed: June 12, 2018, or 30 days after resolution of dispositive

motions per Local Rule 26-1(e)(5)

//

//

//

//

//

//

//

1 If this extension is granted, all depositions mentioned above should be concluded within the
2 stipulated extended deadline, as well as a Rule 34 inspection of Walmart's premises, and a Rule 35
3 examination of Plaintiff. The parties aver that this request for extension of discovery deadlines is made by
4 the parties in good faith and not for the purpose of delay.
5

6
7 DATED this 11th day of December, 2017

DATED this 11th day of December, 2017.

8 /s/ David Menocal

/s/ Ryan Kerbow

9
10 DAVID MENOCA, ESQ.
11 Nevada Bar No. 13191
12 DE CASTROVERDE LAW GROUP
13 1149 S. Maryland Pkwy
14 Las Vegas, NV 89104

RYAN KERBOW
Nevada Bar. No. 11403
PHILLIPS, SPALLAS & ANGSTADT, LLC
504 South Ninth Street
Las Vegas, Nevada 89101

15
16 *Attorneys for Plaintiff*
17 *Ruth Kolas*

Attorneys for Defendant
Wal-Mart Stores, Inc.

18
19 **IT IS SO ORDERED:**

20
21
22
23
24
25
26
27
28

UNITED STATES MAGISTRATE JUDGE

DATED: December 12, 2017