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 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

[THIRD REQUEST]

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 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 third such discovery
 23 extension requested in this matter.

24 **DISCOVERY COMPLETED TO DATE**

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

- 1 • Walmart has deposed Plaintiff;
- 2 • Walmart has deposed Plaintiff's fact witness, Samantha Kirk;
- 3 • Plaintiff has deposed Walmart employee, Paulina Villa;
- 4 • Plaintiff has deposed Walmart employee, Luis Eduardo Perez;
- 5 • Plaintiff has deposed Walmart's Rule 30(b)(6) witnesses;
- 6 • Plaintiff has conducted a Rule 34 inspection of the premises;
- 7 • Plaintiff has deposed former Walmart employee, Rene Clemente.

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

12 Discovery to be completed includes:

- 13 • Disclosure of expert witnesses;
- 14 • Depositions of expert witnesses and treating medical providers;
- 15 • Rule 35 examination of Plaintiff.

16 The parties aver, pursuant to Local Rule 26-4, that good cause exists for the requested extension.
17 Despite good faith efforts by counsel, the parties have been unable to conduct a Rule 35 examination of
18 Plaintiff between the date the Court granted Defendant's Motion for Rule 35 Examination (ECF No. 35)
19 and the expert disclosure deadline of February 13, 2018, as a result of both Plaintiff's and Dr. McIntire's
20 limited availability. Moreover, after discussion, the parties agree that it is in their mutual benefit to
21 conduct a mediation prior to Defendant bearing the substantial cost of a Rule 35 examination by Dr.
22 McIntire, as Defendant's saving this expense will help facilitate settlement. The parties agree that an
23 extension of sixty (60) days will be sufficient to conduct a mediation and, if the case does not resolve,
24 hold a Rule 35 examination of Plaintiff prior to the expert disclosure deadline.

25 The parties have acted in good faith to request this extension and have no intent, nor reason, to
26 delay the resolution of this matter.
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1 Discovery Cut-Off Date

2 Currently: April 10, 2018

3 Proposed: June 11, 2018

4 Expert Disclosure Deadline

5 Currently: February 13, 2018

6 Proposed: April 12, 2018

7 Rebuttal Expert Disclosure Deadline

8 Currently: March 13, 2018

9 Proposed: May 14, 2018

10 Dispositive Motion Deadline

11 Currently: May 11, 2018

12 Proposed: July 11, 2018

13 Joint Proposed Pre-Trial Order

14 Currently: June 12, 2018, or 30 days after resolution of dispositive motions per

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

16 Proposed: August 10, 2018, or 30 days after resolution of dispositive

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

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1 If this extension is granted, all depositions mentioned above, a Rule 35 examination of Plaintiff,
2 and expert disclosures should be concluded within the stipulated extended deadline. The parties aver that
3 this request for extension of discovery deadlines is made by the parties in good faith and not for the
4 purpose of delay.
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7 DATED this 7th day of February, 2018

DATED this 7th day of February, 2018.

8 /s/ David Menocal

/s/ Ryan Kerbow

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Ruth Kolas*

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

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16 **IT IS SO ORDERED:**

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UNITED STATES MAGISTRATE JUDGE

19 **DATED:** February 8, 2018
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