

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**

**FOURTH 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 21 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 fourth 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;
- Plaintiff has conducted a Rule 34 inspection of the premises;
- Plaintiff has deposed former Walmart employee, Rene Clemente.

**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 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, the parties have been unable to conduct a Rule 35 examination of Plaintiff. In particular, Defendant noticed Plaintiff's Rule 35 examination to occur on March 23, 2018. Dr. McIntire flew in that morning from San Francisco, and began a Rule 35 examination in another case (at the same location as Plaintiff's Rule 35 examination) at 8:00 a.m. Upon information and belief, during that earlier Rule 35 examination, disagreement arose between Dr. McIntire and the *pro se* plaintiff and his spouse, which resulted in the prolonging of the examination. Upon information and belief, Plaintiff waited for her examinaion until 9:40 am. (i.e. 40 minutes after the scheduled start time), then left the facility. Plaintiff leaving at that time was consistent with the terms of the stipulation the parties entered for the Rule 35 examination, which required her to wait for 15 mintues past the starting time.

Plaintiff and her counsel are amenable to Plaintiff returning for a Rule 35 examination. Further, Defendant has made diligent efforts to reschedule the Rule 35 examination in time for the expert disclosure deadline of April 12, 2018. However, due to Dr. McIntire's schedule, the parties are in need of

1 a three-week extension to have the Rule 35 examination prior to the expert disclosure deadline.

2 The parties have acted in good faith to request this extension and have no intent, nor reason, to  
3 delay the resolution of this matter.  
4

5  
6 **[PROPOSED] NEW DISCOVERY DEADLINES**

7 Discovery Cut-Off Date

8 Currently: June 11, 2018

9 Proposed: July 2, 2018

10 Expert Disclosure Deadline

11 Currently: April 12, 2018

12 Proposed: May 3, 2018

13 Rebuttal Expert Disclosure Deadline

14 Currently: May 14, 2018

15 Proposed: June 4, 2018

16 Dispositive Motion Deadline

17 Currently: July 11, 2018

18 Proposed: August 8, 2018

19 Joint Proposed Pre-Trial Order

20 Currently: August 10, 2018, or 30 days after resolution of dispositive motions per

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

22 Proposed: September 7, 2018, or 30 days after resolution of dispositive

23 motions per Local Rule 26-1(e)(5)  
24  
25  
26  
27  
28

//

//

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.  
5

6  
7 DATED this 12<sup>th</sup> day of April, 2018

DATED this 12<sup>th</sup> day of April, 2018.

8  
9 /s/ Kimberly Valentin

/s/ Ryan Kerbow

10 KIMBERLY VALENTIN, ESQ.  
11 Nevada Bar No. 12509  
12 DE CASTROVERDE LAW GROUP  
1149 S. Maryland Pkwy  
Las Vegas, NV 89104

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

13 *Attorneys for Plaintiff*  
14 *Ruth Kolas*

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

15  
16 **IT IS SO ORDERED:**

17  
18   
**UNITED STATES MAGISTRATE JUDGE**

19 **DATED:** April 13, 2018  
20  
21  
22  
23  
24  
25  
26  
27  
28