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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

18 NAJIA PICKER, individually,
19 Plaintiff,
20
21 v.
22 ALBERTSON'S LLC; and DOES 1
23 through 100; and ROE CORPORATIONS
101 through 200,
24 Defendants.

CASE NO.: 2:17-cv-01702-JCM-GWF

**STIPULATION AND ORDER FOR
EXTENSION/MODIFICATION OF
DISCOVERY PLAN AND
SCHEDULING ORDER
(SECOND REQUEST)**



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1 **STIPULATION AND ORDER FOR EXTENSION/MODIFICATION OF DISCOVERY**
2 **PLAN AND SCHEDULING ORDER**
3 **(SECOND REQUEST)**

4 Plaintiff, NAJIA PICKER, and Defendant, ALBERTSONS, LLC, by and through their
5 undersigned attorneys, submit to the Court the following Stipulation and Order for
6 Extension/Modification of the Discovery Plan and Scheduling Order pursuant to LR IA 6-1, LR
7 26-4 (a) and Court Order Document No. 13.

8 **I. Local Rule 6-1**

9 Under LR IA 6-1(a) every stipulation to extend time must inform the court of any
10 previous extensions granted and state the reason for the extension requested.

11 **A. The Requirement of Local Rule 6-1 Are Satisfied**

12 This is the second request for extension filed by the parties. This extension is requested
13 to allow Defendant to continue to compile Plaintiff's medical records both allegedly related to
14 this matter's subject incident and her known pre-incident injuries and treatment. Additional
15 time is needed to allow the parties to complete expert reports and for Defendant to potentially
16 conduct FRCP 35 examinations. The Plaintiff has indicated that she will be conducting the
17 FRCP 30(b)(6) deposition of Defendant's representative(s). Lastly, there remain at least one
18 witness and employees that have yet to be deposed.

19 **II. Local Rule 26-4(a)**

20 Under LR 26-4 (a) a statement specifying the Discovery completed:

21 Both Plaintiff and Defendant have exchanged their initial document and witness
22 disclosures, with supplements thereto. Plaintiff has provided responses to Defendant's written
23 discovery requests. Defendant has responded to Plaintiff's discovery requests. Defendant
24 conducted the deposition of Plaintiff on September 22, 2017. Lastly, Defendant has begun to
25



1 subpoena Plaintiff's various disclosed medical providers and is still awaiting responses from at
2 least ten (10) of the Plaintiff's known treating providers. These providers include American
3 Medical Response, Centennial Hills Hospital Medical Center, Advanced Orthopedics & Spine,
4 Desert Radiologists, and several other providers. Defendant has received invoices from several
5 of these providers and, despite providing payment and following up, has yet to receive a
6 response.

7

8 **III. Local Rule 26-4(b)**

9 Under LR 26-4(b) a specific description of the Discovery that remains to be completed:

10 The remaining Discovery to be completed includes initial and rebuttal expert
11 disclosures, experts' depositions, depositions of Plaintiff's treating providers, and the
12 depositions of Defendant's FRCP 30(b)(6) witness(es) and designated fact witnesses also
13 remain to be completed. Lastly, Defendant is currently awaiting responses to subpoenas from
14 at least ten (10) the Plaintiff's known treating providers. As noted above, Defendant received
15 invoices and provided payment; however, Defendant has yet to receive records despite payment
16 and following up with the providers. Lastly, Defendant may potentially request an FRCP Rule
17 35 exam upon receipt and confirmation of Plaintiff's relevant pre- and post-incident treatment
18 history.

19

20 **IV. Local Rule 26-4(c)**

21 Under LR 26-4(c) the reasons why Discovery remaining was not completed within the
22 time limits set by the Discovery Plan:

23 The Discovery Plan and Scheduling Order was filed in this matter on June 23, 2017,
24 after which Defendant served discovery upon Plaintiff. Plaintiff's responses and an executed
25 medical authorization were received on or about July 17, 2017. Defendant began subpoenaing
26



1 Plaintiff's medical records shortly after that date. Despite providing payment for records and
 2 following up with the providers, Defendant has yet to receive a response from ten (10)
 3 providers. As such, Defendant has been diligent in attempting to secure responses to these
 4 subpoenas since receipt of the medical authorization; however, responses to the subpoenas
 5 remain outstanding. Defendant responded to Plaintiff's discovery requests on or about August
 6 23, 2017. Plaintiff has since indicated that she would like to conduct the FRCP 30(b)(6)
 7 deposition of Defendant and has provided designations for same. Defense counsel is currently
 8 working with Defendant to determine the appropriate individual(s) to testify regarding the
 9 Plaintiff's designations. Lastly, due to the difficulty in obtaining records, Defendant has been
 10 delayed in its retention of experts and, as such, has yet to determine whether an FRCP 35
 11 examination is necessary.
 12

14 **V. Local Rule 26-4(d)**

15 Under LR 26-4(d) a proposed schedule for completing all remaining Discovery:

16 (i) Discovery cutoff dates: Extend the current Discovery cutoff date from February 16,
 17 2018 to a Discovery cutoff date of April 16, 2018;

18 (ii) Expert witness disclosures from December 17, 2017, to a new date of February 17,
 19 2018;

20 (iii) Rebuttal expert witness disclosures from January 16, 2018 to March 16, 2018;

21 (iv) Final date to Amend Pleadings and Add Parties: September 17, 2017;

22 (v) Submittal of the Joint Pre-Trial Order (if no Dispositive Motions are filed) to be
 23 extended to June 16, 2018;

24 (vi) Interim Status Report from December 17, 2017 to a new date of February 16, 2018;
 25
 26 and
 27
 28

1 (vii) Final date to file Dispositive Motions extended from March 15, 2018 to May 16,
2 2018.

3 Therefore, good cause existing, counsel jointly request that this Honorable Court approve
4 the above proposed extended Discovery dates.
5

6 Dated this 21st day of November, 2017.

7 DATED this 21st day of November, 2017.

8 **BERNSTEIN & POISSON, LLC**

9 **MORAN BRANDON BENDAVID MORAN**

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18 **IT IS SO ORDERED.**

19 
20 U.S. Magistrate Judge

21 Dated: November 27, 2017



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