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

15 DANIEL T. ROBERTS, an individual,
16
17 Plaintiff,

18 v.

19 AMERICAN FAMILY MUTUAL
INSURANCE COMPANY, a Wisconsin
20 corporation; and DOES I through X, and
ROE CORPORATIONS I through X,
21 inclusive,
22 Defendants
23

Case No.: 2:17-CV-01836-JAD-NJK

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DISCOVERY
DEADLINES**
(SECOND REQUEST)

24 Plaintiff, DANIEL T. ROBERTS (“Plaintiff”) and Defendant AMERICAN FAMILY
25 MUTUAL INSURANCE COMPANY (“Defendant”), by and through their counsel of record,
26 hereby **stipulate to the extension of all discovery deadlines by sixty (60) days.**

27 Pursuant to Local Rule 6-1(B), the parties hereby aver that this is the second discovery
28 extension requested in this matter and is not sought for the purposes of delay.

DISCOVERY COMPLETED TO DATE

1
2 The parties have conducted an FRCP 26(f) conference and have served their respective
3 26(a) disclosures as well as their initial expert disclosures pursuant to F.R.C.P. 26(a)(2)(B) and
4 26(a)(2)(C). Plaintiff served his initial 26(a) disclosures on or around August 23, 2017.
5 Defendant served its initial 26(a) disclosures on or around September 13, 2017. Both parties
6 served their respective initial expert disclosures on November 10, 2017 pursuant to a written
7 agreement to extend the deadline by one week. Written discovery has been propounded by both
8 sides and all written discovery has been answered. The deposition of the Plaintiff was taken on
9 January 3, 2017. The deposition of Defense expert Brian Jones was taken on January 5, 2018.
10 Plaintiff's expert Everett Lee Herdon, Jr.'s deposition will have his deposition taken on January,
11 16, 2018, and Defense expert Dr. Rimodi will have his deposition taken on January 24, 2018.

**DISCOVERY TO BE COMPLETED AND REASON FOR EXTENDING
DISCOVERY**

13
14 Discovery to be completed includes: depositions of fact witnesses; depositions of
15 Plaintiff's treating physicians, which includes up to six (6) individual providers ; depositions of
16 liability witnesses; 30(b)(6) deposition of American Family Insurance; remaining depositions
17 of expert witnesses and depositions of rebuttal expert witnesses.

18 Pursuant to Local Rule 6-1, both parties agree that good cause and excusable neglect
19 exist for this second requested extension. Both parties needed an extension for expert
20 disclosures. Defendant disclosed three (3) experts and Plaintiff disclosed two (2) experts.
21 Plaintiff's expert, Dr. William Muir, had his deposition scheduled for December 28, 2017 but
22 had to cancel the deposition due to an illness. Dr. Muir's only availability now is after the
23 current discovery cutoff date. Defense counsel wishes to depose all of Plaintiff's treating
24 providers, which includes six (6) individual providers. These depositions cannot be completed
25 before the current cutoff date. Finally, Christian Morris, lead counsel for Plaintiff, recently gave
26 birth to her first child. Her son currently remains at Sunrise Hospital's prenatal care unit nearly
27 two months after his birth. It has been difficult for the attorneys on this case to coordinate
28 discovery dates that work for one another and it has been very difficult coordinating depositions

1 of all the treating providers and retained experts on this case. As such, Plaintiff's counsel and
2 Defendant's counsel are in agreement that additional time for discovery is necessary due to the
3 numerous factors discussed.

4 **PROPOSED NEW DISCOVERY DEADLINES**

5 **Rebuttal Expert Disclosures**

6 **Current: CLOSED**
7 **Proposed: CLOSED**

8 **Interim Status Report**

9 **Current: CLOSED**
10 **Proposed: CLOSED**

11 **Dispositive Motions**

12 **Current: 3/5/18**
13 **Proposed: 5/6/18**

14 **Pre-Trial Order**

15 **Current: 4/4/18**
16 **Proposed: 6/5/18**

17 **Discovery Cut-Off**

18 **Current: 2/1/18**
19 **Proposed: 4/2/18**

20 If this extension is granted, all anticipated additional discovery should be completed
21 within its stipulated extended deadlines. The parties agree that this request for extension of
22 discovery deadlines is made by the parties in good faith and not for purposes of delay.

23 DATED this 10th Day of January, 2018

24 DATED this 10th Day of January, 2018

25 **BAKER LAW OFFICES**

26 **HUTCHISON & STEFFEN, LLC**

27 /s/Lloyd Baker

28 /s/Scott A. Flinders

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12 **IT IS SO ORDERED.**

13 
14 **UNITED STATES MAGISTRATE JUDGE**

15 **DATED:** January 10, 2018

16 Respectfully Submitted by:

17 /s/ Lloyd Baker
18 Lloyd Baker, Esq. (#6893)
19 500 S. 8th St.
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21 Attorney for Plaintiff