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

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

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

18 v.

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(THIRD REQUEST)**

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

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 thirty (30) days.**

27 Pursuant to Local Rule 6-1(B), the parties hereby aver that this is the third 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 insurance claims expert, Everett Lee Herdon, Jr., had his deposition taken on January
11 16, 2018. Defense expert Dr. Rimodi had his deposition taken on January 24, 2018. Finally,
12 Plaintiff's treating physician, Dr. William Muir, had his deposition taken on February 20, 2018.

DISCOVERY TO BE COMPLETED AND REASON FOR EXTENDING

DISCOVERY

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14
15 Discovery to be completed includes: 30(b)(6) deposition of American Family Insurance.
16 Pursuant to Local Rule 6-1, both parties agree that good cause and excusable neglect exist for
17 this requested extension. Counsel have been in communication about the availability of the
18 person most knowledgeable from Defendant American Family Insurance. Plaintiff's counsel
19 were not informed about the availability of the 30(b)(6) deponent until March 13, 2018 despite
20 having noticed the deposition twice – the first notice was served on January 16, 2018 which set
21 a deposition date of February 1, 2018, and the amended notice was served on February 27th,
22 2018 which set a deposition date of March 22, 2018. The parties agreed to vacate the first
23 deposition date because counsel for Defendant was still having difficulty identifying the person
24 most knowledgeable for American Family Insurance. On March 13, 2018, counsel for
25 Defendant indicated that American Family's person most knowledgeable has now been
26 identified; however, the deposition must take place in Phoenix, Arizona and it cannot take place
27 until April after the current discovery cutoff because counsel for Defendant and the person most
28 knowledgeable cannot attend the current deposition set for March 22, 2018. Therefore, both

1 sides agree that a thirty day (30) extension is warranted in order to complete the 30(b)(6)
2 deposition.

3 Defendant's counsel filed a motion for summary judgment on March 13, 2018. Plaintiff
4 attempted to take the 30(b)(6) deposition well before the current discovery cutoff date and before
5 the motion was filed. Counsel for Defendant has indicated he will vacate and re-file the motion
6 for summary judgment because of our agreement to extend discovery in order to take the
7 30(b)(6) deposition. It would be highly prejudicial to Plaintiff should the 30(b)(6) deposition
8 not take place before Plaintiff's opposition is completed and oral arguments are heard on the
9 motion for summary judgment. As such, Plaintiff's counsel and Defendant's counsel are in
10 agreement that additional time for discovery is necessary due to the unavailability of
11 Defendant's person most knowledgeable.

12 **PROPOSED NEW DISCOVERY DEADLINES**

13 **Rebuttal Expert Disclosures**

14 **Current: CLOSED**

Proposed: CLOSED

15 **Interim Status Report**

16 **Current: CLOSED**

Proposed: CLOSED

17 **Dispositive Motions**

18 **Current: 5/6/18**

Proposed: ~~7/6/18~~ 6/6/18

19 **Pre-Trial Order**

20 **Current: 6/5/18**

Proposed: 7/5/18

21 **Discovery Cut-Off**

22 **Current: 4/2/18**

Proposed: 5/2/18

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

4 DATED this 15th day of March, 2018

DATED this 15th day of March, 2018

5 **BAKER LAW OFFICES**

HUTCHISON & STEFFEN, LLC

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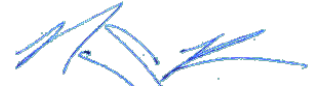
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24 Attorney for Plaintiff

**NO FURTHER EXTENSIONS
WILL BE GRANTED.**

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: March 16, 2018

25 Respectfully Submitted by:

26 /s/ Lloyd Baker
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Attorney for Plaintiff