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10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

13 ESTATE OF TASHI S. FARMER a/k/a
 14 TASHII FARMER a/k/a TASHII BROWN, by
 and through its Special Administrator, Lorin
 15 Michelle Taylor; TAMARA BAYLEE
 KUUMEALI'MAKAMAE FARMER
 16 DUARTE, a minor, individually and as
 Successor-in-Interest, by and through her legal
 17 guardian, Stevandra Lk Kuanoni; ELIAS BAY
 KAIMIPONO DUARTE, a minor, individually
 18 and as Successor-in-Interest, by and through his
 legal guardian, Stevandra Lk Kuanoni,

19 Plaintiffs,

20 vs.

21 LAS VEGAS METROPOLITAN POLICE
 22 DEPARTMENT, a political subdivision of the
 State of Nevada; OFFICER KENNETH
 23 LOPERA, individually and in his Official
 Capacity; SERGEANT TRAVIS CRUMRINE,
 24 individually and in his Official Capacity;
 OFFICER MICHAEL TRAN, individually and
 25 in his Official Capacity; OFFICER MICHAEL
 FLORES, individually and in his Official
 26 Capacity; and Does 1 through 50, inclusive,

27 Defendants.

Case No.: 2:17-cv-01946-JCM-PAL

**STIPULATION AND ORDER TO EXTEND
 DISCOVERY (SECOND REQUEST)**

1 Pursuant to LR 6-1 and LR 26-4, the parties by and through their respective counsel of
2 record, hereby stipulate and request that this court extend discovery in the above-captioned case
3 ninety (90) days, up to and including September 12, 2018. In addition, the parties request that the
4 expert deadline, dispositive motion and pre-trial order deadlines be extended for an additional
5 ninety (90) days as outlined herein. In support of this stipulation and request, the parties state as
6 follows:

7 **I. DISCOVERY COMPLETED TO DATE**

8 1. On July 18, 2017, Plaintiffs filed their Complaint. ECF No. 1.

9 2. On August 4, 2017, Defendant LVMPD filed their Answer to Plaintiffs'
10 Complaint. ECF No. 7.

11 3. On August 25, 2017, the parties entered into a stipulation (and the court ordered)
12 that the discovery regarding Defendant Lopera be limited due to his pending criminal charges.
13 ECF No. 27.

14 4. On August 28, 2017, Defendant Lopera filed his Answer to Plaintiffs' Complaint.
15 ECF No. 28.

16 5. On September 15, 2017, the parties participated in a FRCP 26(f) meeting.

17 6. On September 27, 2017, Defendant LVMPD provided their initial disclosures
18 pursuant to Rule 26.

19 7. On September 29, 2017, Plaintiffs provided their initial disclosure statement
20 pursuant to Rule 26.

21 8. On September 18, 2017, the Court entered the initial discovery order. ECF No.
22 30.

23 9. On October 10, 2017, Defendant LVMPD served each Plaintiff with written
24 discovery.

25 10. On November 7, 2017, Plaintiffs served requests for production of documents on
26 Defendant LVMPD.

27 11. On December 7, 2017, Plaintiffs provided their responses to Defendant LVMPD's
28 written discovery.

1 12. On December 8, 2017, Defendant LVMPD provided their responses to Plaintiffs’
2 Requests for Production of Documents.

3 13. On December 20, 2017, Plaintiffs took the depositions of LVMPD Officers Mike
4 Tran and Ashley Lif. (Officer Tran has been since added as a Defendant).

5 14. On December 21, 2017, Plaintiffs took the depositions of percipient witnesses
6 Marcelino Vibas and Peter Infantino.

7 15. On December 21, 2017, Plaintiffs took the deposition of Sergeant Michael Bland
8 – LVMPD’s Rule 30(b)(6) witness with respect to use of force training and policies.

9 16. On December 21, 2017, Plaintiffs took the deposition of LVMPD Deputy Chief
10 John McGrath – LVMPD’s Rule 30(b)(6) witness regarding policy changes.

11 17. On December 27, 2017, Plaintiffs took the deposition of LVMPD Officer Travis
12 Crumrine. (Officer Crumrine has been since added as a Defendant).

13 18. On January 10, 2018, this Court granted the parties stipulation to extend discovery.
14 ECF No. 38.

15 19. On January 12, 2018, Defendant Lopera served Plaintiffs with written discovery.

16 20. On January 18, 2018, Defendant LVMPD provided its First Supplemental
17 Disclosure of Witnesses and Exhibits.

18 21. On February 8, 2018, Plaintiffs took the deposition of LVMPD Officer Michael
19 Flores (Officer Flores has been since added as a Defendant).

20 22. On March 1, 2018, Defendant LVMPD provided its Second Supplemental
21 Disclosure of Witnesses and Exhibits.

22 23. On March 5, 2018, Defendant Lopera served Plaintiffs with written discovery.

23 24. On March 14, 2018, Defendant Lopera provided his initial disclosure statement
24 pursuant to Rule 26.

25 25. On March 14, 2018, Plaintiffs provided their responses to Defendant Lopera’s
26 written discovery.

27 26. On March 23, 2018, Defendant LVMPD provided its Third Supplemental
28 Disclosure of Witnesses and Exhibits.

1 27. On April 3, 2018, this Court granted Plaintiffs leave to amend to file their First
2 Amended Complaint. ECF No. 44.

3 28. On April 3, 2018, Plaintiffs filed their First Amended Complaint. ECF No. 45.

4 29. On April 4, 2018, Defendant LVMPD provided its Fourth Supplemental
5 Disclosure of Witnesses and Exhibits.

6 30. On April 10, 2018, Defendant LVMPD took the deposition of Stevandra Kuanoni.

7 31. On April 11, 2018, Plaintiffs provided their First Supplemental Disclosure of
8 Witnesses and Exhibits.

9 32. On April 16, 2018, Defendant LVMPD provided its Fifth Supplemental Disclosure
10 of Witnesses and Exhibits.

11 33. On April 17, 2018, Plaintiffs provided their Initial Disclosure of Expert Witness
12 Information pursuant to Rule 26.

13 34. On April 17, 2018, Defendant LVMPD provided its Initial Disclosure of Expert
14 Witnesses pursuant to Rule 26.

15 35. On April 20, 2018, Plaintiffs provided their responses to Defendant Lopera's
16 written discovery.

17 36. On April 24, 2018, Defendant Lopera filed his Answer to Plaintiffs' First Amended
18 Complaint. ECF No. 48.

19 37. On April 24, 2018, Defendants LVMPD, Crumrine, Tran, and Flores filed their
20 Answer to Plaintiffs' First Amended Complaint. ECF No. 49.

21 38. On April 25, 2018, Plaintiffs served Defendant LVMPD with written discovery.

22 39. On April 26, 2018, Plaintiffs took the deposition of percipient witness, Jonathan
23 Pierce.

24 40. On May 2, 2018, Defendant Lopera provided his First Supplemental Disclosures.

25 41. On May 4, 2018, Plaintiffs provided their Second Supplemental Disclosure of
26 Witnesses and Exhibits.

27 All parties have retained and are consulting with expert witnesses. Expert discovery is
28 ongoing. The parties are activity working on scheduling further depositions.

1 **II. WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

2 Plaintiffs and Defendant LVMPD have actively participated in discovery, including, but
3 not limited to, taking depositions, propounding and responding to written discovery, disclosing
4 initial expert witness information, and providing initial and supplemental disclosures of witnesses
5 and exhibits. In accordance with the stay regarding discovery against Defendant Lopera, his
6 counsel has participated in all conferences, depositions, propounded discovery, and provided
7 initial and supplemental disclosures.

8 After being granted leave to amend their Complaint, Plaintiffs filed their First Amended
9 Complaint, which included new claims and new parties. All Defendants answered the First
10 Amended Complaint on April 24, 2018. The parties agree that the scope of discovery will need
11 to cover the new parties and claims and that additional time will be necessary in order to complete
12 discovery. The parties anticipate that the scope of their expert reports will need to cover the new
13 parties and claims, and it is expected that the parties will provide supplemental and rebuttal expert
14 reports. Therefore, moving the expert deadlines is necessary to allow sufficient time for expert
15 discovery.

16 **III. DISCOVERY REMAINING**

17 1. Plaintiffs intend to take the deposition of Trinita Farmer on May 8, 2018 in Las
18 Vegas, Nevada.

19 2. Plaintiffs intend to take the depositions of T.B., E.B., and Sandy Morton on May
20 31, 2018 in Hawaii.

21 3. Defendants intend to take the deposition of Jason Kuanoni on June 1, 2018 in
22 Hawaii.

23 4. Plaintiffs intend to take the further depositions of employees of Defendant
24 LVMPD as well as percipient witnesses.

25 The parties intend to disclose further expert witnesses and rebuttal experts. The parties
26 need to take the depositions of each parties' experts. The Plaintiffs intend to take the deposition
27 of Defendant Lopera if the criminal case gets resolved. Plaintiffs intend to request a trial date
28 against all Defendants in this matter at the scheduled status conference on May 8, 2018.

1 **IV. EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND**
 2 **SCHEDULING ORDER**

3 LR 26-4 governs modifications of extensions of the Discovery Plan and Scheduling Order.
 4 Any stipulation or motion must be made no later than twenty-one (21) days before the expiration
 5 of the subject deadline and comply fully with LR 26-4. The parties acknowledge that the rebuttal
 6 expert deadline is less than twenty-one (21) days away. However, based upon the fact that
 7 Plaintiffs First Amended Complaint includes new parties and claims, and further discovery must
 8 be completed, the parties believe it is in the best interest of the management of the case to extend
 9 the expert deadlines.

10 The following is a list of the current discovery deadlines and the parties' proposed
 11 extended deadlines.

ACTIVITY	DATE	PROPOSED DEADLINE
Expert Disclosures Pursuant to Fed.R.Civ.P. 26(a)(2)	Monday, April 16, 2018 (completed)	Friday, July 13, 2018
Rebuttal Expert Disclosure Pursuant to Fed.R.Civ.P. 26(a)(2)	Monday, May 14, 2018	Monday, August 13, 2018
Discovery Cut-Off Date	Thursday, June 14, 2018	Wednesday, September 12, 2018
Dispositive Motions	Friday, July 13, 2018	Thursday, October 11, 2018
Joint Pretrial Order	Tuesday, August 14, 2018	Monday, November 12, 2018

21
 22 This request for an extension of time is not sought for any improper purpose or other
 23 purpose of delay. The parties have worked together at moving discovery forward and have
 24 conducted significant discovery up to this point. The parties have worked diligently at complying
 25 with the case's original deadlines, but recent depositions and the filing of the First Amended
 26 Complaint have led the parties to agree that additional discovery must be completed.

27 This is the second request for extension of time in this matter. The parties respectfully
 28 submit that the reasons set forth above constitute compelling reasons for the discovery extension.

