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 6 Lowe's Home Centers, LLC
 and Lowe's HIW, Inc.

7 **UNITED STATES DISTRICT COURT**
 8 **FOR THE DISTRICT OF NEVADA**

10 AILI KAUPS,)
)
 11 Plaintiff,)
)
 12 v.)
)
 13 LOWE'S HOME CENTERS, LLC,)
 LOWE'S HIW, INC.,)
 14 DOE MAINTENANCE EMPLOYEE,)
 DOE EMPLOYEE, DOE JANITORIAL)
 15 EMPLOYEE, DOE OWNER, I-V,)
 ROE OWNERS, ROE EMPLOYER,)
 16 ROE COMPANY)
 and ROE COMPANIES, I-V,)
)
 17 Defendants.)
 18

Case No. 2:17-cv-02059-JCM-CWH

19 **STIPULATION AND ORDER TO EXTEND DISCOVERY CUTOFF**
 20 **(Second Request)**

21 COMES NOW, Plaintiff, AILI KAUPS, by and through her attorney, JACQUELINE R.
 22 BRETTELL, ESQ., of BIGHORN LAW, and Defendant, LOWE'S HOME CENTERS, LLC and
 23 LOWE'S HIW, INC., by and through its attorney, WALTER R. CANNON, ESQ., of OLSON,
 24 CANNON, GORMLEY, ANGULO & STOBERSKI, and hereby stipulate, agree and make this
 25 joint application to extend the discovery cutoff date, for a period of 90 days, from April 24,
 26 2018, to and including July 23, 2018. This Stipulation is made and based upon the following
 27 facts and for the following reasons:

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1 **I. INTRODUCTION**

2 This action arises out of an alleged incident that occurred on April 10, 2015 in the
3 parking lot area of the Lowe's store located at 9955 South Eastern Avenue, Las Vegas, Nevada,
4 89183. In her Complaint, Plaintiff alleges that she slipped and fell over a rock, pine cone, or a
5 crack in the parking lot as she was walking to her vehicle, causing her to fall to the ground and
6 injure herself. Further, Plaintiff alleges general complaints of pain in her cervical and lumbar
7 areas, a non-displaced fracture in her right knee and left ankle, and a partially torn rotator cuff
8 which required orthoscopic surgery to repair. Defendant's Answer denies fault for the accident
9 and affirmatively alleges that Plaintiff's claimed injuries were not all related to the fall that she
10 has alleged to have experienced.

11 **II. DISCOVERY COMPLETED TO DATE**

- 12 1. On July 28, 2017, Defendants filed a Petition for Removal of Civil Action.
- 13 2. On August 11, 2017, Defendant filed a Compliance with Court Order Concerning
14 Removal.
- 15 3. On August 28, 2017, the parties filed a Joint Status Report Concerning Removal.
- 16 4. On October 10, 2017, the parties submitted a proposed Discovery Plan and Scheduling
17 Order to the Court.
- 18 5. On October 12, 2017, this Honorable Court granted the Discovery Plan and
19 Scheduling Order.
- 20 6. On October 16, 2017, Defendants served Interrogatories and Request for Production
21 upon the Plaintiff.
- 22 7. On October 26, 2017, Plaintiff served Interrogatories, Request for Production of
23 Documents, and Requests for Admissions upon Defendants.
- 24 8. On December 8, 2017, Plaintiff served Responses to Defendant's First Set of
25 Requests for Production of Documents upon Defendants.
- 26 9. On December 8, 2017, Plaintiff served Responses to Defendant's Interrogatories upon
27 Defendants.

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1 10. On January 3, 2018, Defendant served Responses to Requests for Admissions upon
2 Plaintiff.

3 11. On January 30, 2018, Defendant served Answers to Interrogatories and Response to
4 Request for Production upon Plaintiff.

5 **III. DISCOVERY REMAINING**

6 The parties still need to take at least eight to nine depositions, including a PMK
7 Deposition of Defendant's representative, Plaintiff, two to three of Defendant's former
8 employees, and at least three of Plaintiff's treating doctors. The deposition of the PMK and the
9 Plaintiff are presently in the process of being scheduled. Defendant is also attempting to locate
10 two of its ex-employees so their depositions can be scheduled.

11 Given the number of depositions still to be taken, the parties do not believe that they can
12 complete their discovery by the current April 24, 2018 discovery cutoff date.

13 **IV. REASON DISCOVERY REMAINING WAS NOT CONDUCTED DURING THE**
14 **SCHEDULED DISCOVERY PERIOD**

15 This is a rather complex medical case where Plaintiff has treated with a large number of
16 physicians. The parties are still in the process of attempting to collect a complete set of medical
17 and billing records on the Plaintiff. They need these records before they can proceed with the
18 depositions of Plaintiff and her treating physicians. As noted by the parties in their last request
19 for an extension, lately it has become increasingly more difficult and time consuming to collect
20 medical records as most doctors and hospitals today utilize outside service companies to respond
21 to requests for medical and billing records. As a result, medical records that used to be provided
22 in 30 to 45 days are now taking as long as 90 to 120 days to be provided. Once Plaintiff's
23 medical and billing records have been completed, the parties estimate it will take approximately
24 90 days in order for them to take the depositions they will require in order to properly prepare
25 this case for mediation and/or trial.

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1 **V. PRIOR REQUEST TO EXTEND THE DISCOVERY CUTOFF DATE**

2 This is the parties second request to extend the discovery cutoff date and it is made in
3 good faith and not merely for the purposes of delay. The parties believe that, if the Court were to
4 grant the extension they are seeking, they should be able to gather the requisite medical records
5 and take all of the depositions necessary in order to prepare this case for trial.

6 Based upon this Stipulation and for the reasons set forth herein, the parties would
7 respectfully request that the Court extend the present discovery cutoff date for a period of ninety
8 (90) days, from April 24, 2018 through July 23, 2018.

9 DATED this 2nd day of February, 2018.

10 BIGHORN LAW

OLSON, CANNON, GORMLEY
ANGULO & STOBERSKI

11
12 BY: /s/ Jacqueline R. Bretell
13 JACQUELINE R. BRETELL, ESQ.
14 Nevada Bar No. 12335
15 716 S. Jones Blvd.
16 Las Vegas, Nevada 89107
17 Attorney for Plaintiff

BY: /s/ Walter R. Cannon
WALTER R. CANNON, ESQ.
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9950 W. Cheyenne Avenue
Las Vegas, Nevada 89129
Attorney for Defendants

18 **ORDER**

19 Based upon the Joint Stipulation of the parties and good cause appearing therefrom, it is
20 hereby ORDERED:

- 21 1. That the current discovery cutoff date be extended for a period of ninety (90) days,
22 through and including July 23, 2018.
- 23 2. That the disclosure of experts shall occur on May 24, 2018.
- 24 3. The Interim Status Report shall be filed by May 24, 2018.
- 25 4. That the disclosure of rebuttal experts shall occur on June 25, 2018.
- 26 5. That all dispositive motions shall be served and filed not later than August 22,
27 2018.

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6. That the parties Joint Pretrial Order shall be filed with the Court no later than September 21, 2018, unless dispositive motions are filed, in which case the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after the decision of the dispositive motions or further Order of the Court.
7. No trial date has of yet been set.

DATED: February 7, 2018



UNITED STATES MAGISTRATE JUDGE

Respectfully submitted,

BIGHORN LAW

OLSON, CANNON, GORMLEY
ANGULO & STOBERSKI

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Date: February 2, 2018

Date: February 2, 2018