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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MICHELLE ZAPINSKI, an individual;  
  
Plaintiffs,  
  
vs.  
  
WAL-MART STORES, INC., a foreign  
corporation d/b/a WAL-MART  
SUPERCENTER #1584; DOES 1 through  
10, inclusive; ROE CORPORATIONS 11  
through 20, inclusive; and ABC LIMITED  
LIABILITY COMPANIES 21 through 30,  
inclusive,  
  
Defendants.

CASE NO.: 2:17-CV-2176

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

COME NOW, Plaintiff MICHELLE ZAPINSKI, by and through her attorneys BRIAN D. NETTLES, ESQ., and WILLIAM R. KILLIP, JR., ESQ., and JENNIFER A. PETERSON, ESQ., of the NETTLES LAW FIRM; and Defendant WAL-MART STORES, INC. d/b/a WAL-MART SUPERCENTER #1584, by and through their attorneys ROBERT K. PHILLIPS, ESQ., and RYAN KERBOW, ESQ., of PHILLIPS, SPALLAS & ANGSTADT, LLC, and hereby submit the following Stipulation pursuant to Local Rule 26-4. Based upon the following, the Parties

1 request this Court extend all discovery deadlines by forty-five (45) days. This request is made in  
2 good faith and not to unduly delay the proceedings.

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

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

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

7 This is the second request for extension filed by the parties. The first extension was  
8 granted on November 13, 2017. The parties are seeking this extension in order to attend  
9 mediation prior to engaging in additional expert discovery.

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

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

- 12 a. Initial disclosures have been exchanged between all parties.
- 13 b. Written discovery has been expedited.
- 14 c. Plaintiff Michelle Zapinski has had her deposition taken
- 15 d. Plaintiff's Orthopedic Surgeon, Yevgeniy Khavkin, M.D., has been deposed
- 16 e. Defendant's employee Joe Williams has been deposed

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

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

- 19 a. The remaining Discovery to be completed is Plaintiff's deposition, FRCP 30(b)(6)  
20 deposition of Defendant, Deposition of Defendant's employee Jennifer Cortez',  
21 depositions of any other of Plaintiff's treating physicians other than Dr. Khavkin, and  
22 disclosure and depositions of the experts.

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

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

- 26 a. Discovery is on-schedule; however, the parties wish to extend the discovery deadlines  
27 in order to attend and attempt to settle this matter in mediation. This decision was  
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made in an attempt to limit the amount of costs expended if the parties are to get this matter settled.

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

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

a. Discovery cutoff dates:

Current date: April 13, 2018

Proposed date: May 28, 2018

b. Amending the Pleadings and Adding Parties:

Current date: January 12, 2018

Proposed date: This date has already passed

c. Disclosures of Experts:

i. Initial expert disclosures:

Current date: February 12, 2018

Proposed date: March 29, 2018

ii. Rebuttal expert disclosures:

Current date: March 14, 2018

Proposed date: April 30, 2018

d. Interim Status Report:

Current date: February 12, 2018

Proposed date: March 29, 2018

e. Dispositive Motions:

Current date: May 11, 2018

Proposed date: June 25, 2018

f. Joint Pre-Trial Order:

Current date: June 12, 2018

Proposed date: July 27, 2018

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Therefore, good cause existing, counsel jointly request that this Honorable Court allow them the above proposed extended Discovery dates.

DATED this 9<sup>th</sup> day of February, 2018.  
NETTLES LAW FIRM

DATED this 9<sup>th</sup> day of February, 2018.  
PHILLIPS, SPALLAS & ANGSTADT LLC

By: /s/ Jennifer A. Peterson  
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*Attorneys for Plaintiff*

By: /s/ Ryan Kerbow  
RYAN KERBOW, ESQ.  
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*Attorneys for Defendant*

**ORDER**

Upon stipulation of counsel and good cause appearing therefore:

**IT IS HERBY ORDERED** that the *Stipulation and Order to Extend Discovery Deadline Dates (First Request)* is hereby approved.

DATED February 12 \_\_\_\_\_, 2018.

  
UNITED STATES MAGISTRATE JUDGE

Respectfully submitted by:  
NETTLES LAW FIRM

By: /s/ Jennifer A. Peterson  
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