

1 ROBERT PHILLIPS  
 Nevada Bar No. 11441  
 2 RYAN KERBOW  
 Nevada Bar No. 11403  
 3 **PHILLIPS, SPALLAS & ANGSTADT LLC**  
 4 504 South Ninth Street  
 Las Vegas, Nevada 89101  
 5 (702) 938-1510  
 6 [rphillips@psalaw.net](mailto:rphillips@psalaw.net)  
[rkerbow@psalaw.net](mailto:rkerbow@psalaw.net)

7 *Attorneys for Defendant*  
 8 *Wal-Mart Stores, Inc.*

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 MICHELLE ZAPINSKI, an individual;

12 Plaintiff,

13 v.

14 WAL-MART STORES INC., a foreign  
 corporation d/b/a WAL-MART  
 15 SUPERCENTER #1584; DOES 1 through 10,  
 inclusive; ROE CORPORATIONS 11 through  
 20, inclusive; and ABC LIMITED LIABILITY  
 16 COMPANIES 21 through 30, inclusive,

17 Defendants.

Case No.: 2:17-cv-02176-APG-NJK

**STIPULATION AND ~~PROPOSED~~**  
**ORDER TO EXTEND DISCOVERY**  
**DEADLINES**

**[THIRD REQUEST]**

18  
 19  
 20 Plaintiff MICHELLE ZAPINSKI (“Plaintiff”) and Defendant WAL-MART STORES, INC.  
 21 (“Walmart”), by and through their respective counsel of record, do hereby stipulate to extend the  
 22 discovery deadlines in the present case for a period of 30 days Pursuant to Local Rule IA 6-1 and Local  
 23 Rule 26-4.

24 Pursuant to Local Rule IA 6-1(a), the parties hereby aver that this is the third such discovery  
 25 extension requested in this matter.

26 **DISCOVERY COMPLETED TO DATE**

- 27  
 28
- The parties have conducted an FRCP 26(f) conference and have served their respective FRCP 26(a) disclosures;

- Walmart has served written discovery to Plaintiff, and Plaintiff has served responses;
- Plaintiff has served written discovery to Walmart, and Walmart has served responses;
- Walmart has deposed Plaintiff;
- Walmart has deposed Plaintiff's orthopedic surgeon, Yevginiy Khavkin, M.D.;
- Plaintiff has deposed Walmart's employee and fact witness, Joe Williams;
- The parties have served expert disclosures;

**DISCOVERY TO BE COMPLETED AND  
REASONS FOR EXTENSION OF DISCOVERY**

Discovery to be completed includes:

- Deposition of Plaintiff's retained expert, Alex J. Balian;
- Deposition of Walmart's FRCP 30(b)(6) witness;
- Deposition of Walmart's retained medical expert, Dr. Steven McIntire;

The parties aver, pursuant to Local Rule 26-4, that good cause exists for the requested extension. Despite good faith efforts by counsel, Walmart has been unable to schedule the deposition of Plaintiff's retained liability expert witness, Alex J. Balian, within the discovery period, as Mr. Balian has informed Walmart's counsel that he is unavailable until the month of June 2018. An extension of 30 days is therefore required. All remaining discovery should be completed prior to the new close of discovery.

The parties have acted in good faith to request this extension and have no intent, nor reason, to delay the resolution of this matter.

**~~PROPOSED~~ NEW DISCOVERY DEADLINES**

Discovery Cut-Off Date

Currently: May 28, 2018

Proposed: June 27, 2018

Dispositive Motion Deadline

Currently: June 25, 2018

1 Proposed: July 27, 2018

2 Joint Proposed Pre-Trial Order

3 Currently: July 27, 2018, or 30 days after resolution of dispositive motions per

4 Local Rule 26-1(e)(5).

5 Proposed: August 27, 2018, or 30 days after resolution of dispositive

6 motions per Local Rule 26-1(e)(5)

7  
8  
9 If this extension is granted, all remaining discovery mentioned above should be concluded within  
10 the stipulated extended deadline. The parties aver that this request for extension of discovery deadlines is  
11 made by the parties in good faith and not for the purpose of delay.  
12

13  
14 DATED this 30<sup>th</sup> day of April, 2018

DATED this 30<sup>th</sup> day of April, 2018.

15 /s/ Jennifer A. Peterson

/s/ Ryan Kerbow

16 Jennifer A. Peterson, Esq.  
17 NETTLES LAW FIRM  
18 1389 Galleria Drive, Suite 200  
Henderson, NV 89014

Ryan Kerbow, Esq.  
PHILLIPS, SPALLAS & ANGSTADT, LLC  
504 South Ninth Street  
Las Vegas, Nevada 89101

19 *Attorneys for Plaintiff*  
20 *Michelle Zapinski*

*Attorneys for Defendant*  
*Wal-Mart Stores, Inc.*

21 **NO FURTHER EXTENSIONS**  
22 **WILL BE GRANTED.**

23 **IT IS SO ORDERED:**

24   
**UNITED STATES MAGISTRATE JUDGE**

25 **DATED:** April 30, 2018  
26  
27  
28