

1 **RAMZY P. LADAH, ESQ.**
Nevada Bar No. 11405
2 **CARL R. HOUSTON, ESQ.**
Nevada Bar No. 11161
3 **LADAH LAW FIRM**
517 S. Third Street
4 Las Vegas, NV 89101
litigation@ladahlaw.com
5 T: 702.252.0055
F: 702.248.0055
6 Attorneys for Plaintiff Sylvia Leys

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 SYLVIA LEYS, an individual,
10 Plaintiff,

Case No.: 2:17-cv-02196-APG-VCF

11 vs.

12 WAL-MART STORES, INC., dba WAL-MART
13 STORE #4356 a foreign corporation; DOES I
through XXX, inclusive and ROE BUSINESS
14 ENTITIES I through XXX, inclusive,
15 Defendants.

**STIPULATION AND ORDER TO
EXTEND PRE-TRIAL ORDER
DEADLINE
(FOURTH REQUEST)**

16 Plaintiff SYLVIA LEYS (“Plaintiff”), and Defendant WAL-MART STORES, INC.
17 (“Defendant”), by and through their undersigned counsel of record, hereby stipulate to an extension of
18 pre-trial order deadline, pursuant to LR 6-1 and LR 26-4. This is the parties’ fourth stipulation to
19 extend time for pre-trial order deadlines. The current deadlines are:

- 20 (1) Initial expert disclosures: CLOSED
21 (2) Amending pleadings or adding parties: CLOSED
22 (3) Rebuttal expert disclosures: CLOSED
23 (4) Interim Status Report: CLOSED
24 (5) Discovery cutoff: CLOSED
25 (6) Dispositive motions: CLOSED
26 (7) Pretrial order: Thursday, January 10, 2019

1 **I. DISCOVERY COMPLETED TO DATE**

- 2 • The parties have conducted an FRCP 26(f) conference;
- 3 • The parties have served and exchanged their respective FRCP 26(a) initial disclosures
- 4 and supplements thereto;
- 5 • Plaintiff has served written discovery requests to Defendant, and Defendant timely
- 6 served its responses and objections to the same;
- 7 • Defendant has served written discovery requests to Plaintiff, and Plaintiff timely served
- 8 her responses and objections to the same;
- 9 • Each party has made their respective expert disclosures;
- 10 • Plaintiff has taken depositions of fact witnesses, including Walmart employees Marlen
- 11 Hughes, Drake Jenkins, and Dennis Dellere;
- 12 • Defendant has taken the deposition of Plaintiff’s expert John Peterson;
- 13 • Defendant has taken the depositions of Plaintiff’s treating providers Dr. Mortillaro and
- 14 Dr. Grover;
- 15 • Plaintiff has taken the deposition of Defendant’s 30(b)(6) designee Jeremiah Wood;
- 16 • Defendant has taken the deposition of Plaintiff;
- 17 • Plaintiff continues to request medical records from Plaintiff’s providers and continues
- 18 to request updated records on an ongoing basis as Plaintiff continues to treat;
- 19 • Defendant has obtained executed authorizations from Plaintiff and has subpoenaed
- 20 records from Plaintiff’s providers and continues to subpoena updated records on an
- 21 ongoing basis as Plaintiff continues to treat;
- 22 • Parties participated in mediation on January 9, 2019.

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1 **II. DISCOVERY YET TO BE COMPLETED**

- 2 • Completion of the deposition of Plaintiff’s treating provider, Dr. Grover, currently
3 scheduled for January 11, 2019;
- 4 • Request Plaintiff’s updated medical records, including records relating to Plaintiff’s
5 shoulder surgery performed January 10, 2019.

6 **III. GOOD CAUSE NECESSITATING EXTENSION**

7 The parties aver that good cause exists for the request pursuant to Local Rule 6-1. Dr. Grover’s
8 continued deposition has not yet been conducted and is scheduled for January 11, 2019. Plaintiff also
9 underwent shoulder surgery on January 10, 2019. Parties participated in mediation on January 9, 2019
10 and were unsuccessful in reaching a resolution. As such, the parties have cordially agreed, pending
11 this Court’s approval, that an extension of the current pretrial order deadline is appropriate. Parties
12 hereby respectfully request that the deadline for filing the Joint Pretrial Order be extended from
13 January 10, 2019 to January 17, 2019. The parties submit that this brief extension of time will have no
14 material impact on this litigation, and is sought by party counsel in good faith and for legitimate
15 purpose.

16 **IV. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY**

17 The parties hereby submit the following proposed schedule for completing all remaining
18 discovery:

- 19 (1) Initial expert disclosures: CLOSED
- 20 (2) Amending pleadings or adding parties: CLOSED
- 21 (3) Rebuttal expert disclosures: CLOSED
- 22 (4) Interim Status Report: CLOSED
- 23 (5) Discovery cutoff: CLOSED
- 24 (6) Dispositive motions: CLOSED

1 (7) Pretrial order: **Thursday, January 17, 2019**

2
3 DATED this 10th day of January, 2019.

DATED this 10th day of January, 2019

4 **LADAH LAW FIRM**

PHILLIPS SPALLAS & ANGSTADT, LLC

5 /s/ Ramzy P. Ladah, Esq.

/s/ Alyce Foshee, Esq.

6 **RAMZY P. LADAH, ESQ.**

ROBERT K. PHILLIPS, ESQ.

Nevada Bar No. 11405

Nevada Bar No. 11441

7 **CARL R. HOUSTON, ESQ.**

ALYCE FOSHEE, ESQ.

Nevada Bar No. 11161

Nevada Bar No. 14519

8 517 S. Third Street

504 S. 9th Street

Las Vegas, NV 89101

Las Vegas, NV 89101

9 Attorneys for Plaintiff Sylvia Leys

Attorneys for Defendant Wal-Mart Stores, Inc.

10
11
12 **ORDER**

13 Based upon the foregoing Stipulation to Extend Pre-Trial Order Deadline:

- 14 1. The deadline for filing the pretrial order shall be extended to **Thursday, January 17, 2019.**
- 15 2. All other discovery and pre-trial deadlines shall remain unchanged.

16
17 IT IS SO ORDERED.

18 

19 UNITED STATES MAGISTRATE JUDGE

20 DATED: 1-11-2019

LADAH LAW
FIRM

