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7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 JANET LYNN FOSTER, an individual,

Case No.: 2:17-cv-02294-RFB-GWF

10 Plaintiff,

11 vs.

12 GNLV, CORPORATION dba GOLDEN
 NUGGET LAS VEGAS HOTEL AND CASINO,
 13 a domestic corporation; DOE EMPLOYEE;
 DOES I through XXX, inclusive and ROE
 14 BUSINESS ENTITIES I through XXX,
 inclusive,

**Stipulation and Order to Re-Open Discovery
 and Extend Pre-Trial Deadlines
 (First Request)**

15 Defendants.
16

17 Plaintiff, JANET LYNN FOSTER (“Plaintiff”) and Defendant GNLV, CORPORATION dba
 18 GOLDEN NUGGET LAS VEGAS HOTEL AND CASINO (“Defendant”), by and through their
 19 undersigned counsel of record, hereby stipulate to reopen discovery for a period of 90 days and extend
 20 pre-trial deadlines, pursuant to LR 6-1 and LR 26-4. This is the parties’ first stipulation to reopen
 21 discovery and extend pre-trial deadlines. The parties have not previously requested an extension of
 22 discovery.

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1 **I. DISCOVERY COMPLETED TO DATE**

- 2 • Plaintiff served her Fed. R. Civ. P. 26 initial disclosure of witnesses and documents,
3 and served two supplements thereto.
- 4 • Defendant served their Fed. R. Civ. P. 26 initial disclosure of witnesses and documents,
5 and served three supplements thereto.
- 6 • Defendant served Plaintiff with written discovery requests, and Plaintiff has served
7 responses thereto.
- 8 • Plaintiff served Defendant with written discovery requests, and Defendant has served
9 responses thereto.
- 10 • Defendant has taken the deposition of Plaintiff.
- 11 • Plaintiff has taken the deposition of Defendant's employee and security officer Noel
12 Vega.

13 **II. DISCOVERY SCHEDULED, BUT NOT YET COMPLETED**

14 Prior to the close of discovery, Plaintiff served timely notices of deposition of the following
15 witnesses:

- 16 • Defendant's Corporate Representative/30(b)(6) Designee as to eight (8) specified
17 topics;
- 18 • Security officer, Joel Marrufo;
- 19 • Security officer, Brian Hickok;
- 20 • Eyewitness, Colleen Ferguson; and
- 21 • Plaintiff's orthopedic surgeon, Dr. Kevin Vanden Berge.

22 However, the parties experienced difficulty securing dates for several witnesses. This was not
23 due to a lack of diligence on the part of counsel, but rather due to the limited availability of the
24 witnesses and other logistical issues surrounding their depositions. The parties have long agreed that,
25 in light of these issues, those depositions timely noticed would be completed even if beyond the
26 original discovery cutoff date.

1 **III. GOOD CAUSE AND EXCUSABLE NEGLIGENCE NECESSITATING RELIEF**

2 The parties have been working together since January to coordinate the depositions of the
3 various remaining parties, but have experienced difficulty throughout the process. For instance, prior
4 to noticing the deposition of Plaintiff’s surgeon, Dr. Vanden Berge, the parties sought to obtain
5 complete and updated copies of the corresponding treatment and billing records. However, Dr.
6 Vanden Berge practices out of a small hospital in a small town in central Texas (Stephenville), thus
7 obtaining all such records required several requests and follow-ups. Thereafter, noticing Dr. Vanden
8 Berge’s appearance for deposition took several additional weeks. (This deposition has since been set
9 and confirmed.)

10 Similar difficulties were encountered in coordinating the deposition of nonparty witness
11 Colleen Ferguson, who also resides in Texas. Compounding matters, two of the three Golden Nugget
12 employees identified in the incident report no longer work for Golden Nugget and thus could not be
13 immediately located and produced for deposition. However, counsel has continued to work together
14 to resolve each of these issues, and the parties are positioned to complete all necessary discovery
15 within additional time period requested.

16 The parties are very cognizant of the Court’s rules regarding extensions of discovery and the
17 deadlines imposed for seeking the same. Admittedly, an extension of discovery would have been
18 preferable to the instant stipulation to reopen. Nevertheless, the parties emphasize that they did not
19 previously request any extensions of the discovery period or of the pretrial deadlines. The parties
20 further emphasize that they have worked together at all phases to conduct discovery in an efficient and
21 accommodating manner, and will continue to do so to ensure that all such tasks are completed within
22 the additional discovery period requested. The parties respectfully submit that this stipulation is being
23 submitted in good faith and not for improper or dilatory purposes. This stipulation does not seek to
24 reopen expert deadlines.

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26 . . .



1 **VI. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY**

2 The parties hereby submit the following proposed schedule for completing all remaining
3 discovery:

- 4 (1) Initial expert disclosures: CLOSED
- 5 (2) Amending pleadings or adding parties: CLOSED
- 6 (3) Rebuttal expert disclosures: CLOSED
- 7 (4) Interim Status Report: CLOSED
- 8 (5) Discovery cutoff: **Friday, May 18, 2018**
- 9 (6) Dispositive motions: **Monday, June 18, 2018**
- 10 (7) Pretrial order: **Wednesday, July 18, 2018**

11 DATED this 2nd day of April, 2018.

DATED this 2nd day of April, 2018

12 **LADAH LAW FIRM**

PYATT SILVESTRI

13 /s/ Joseph C. Chu, Esq.

/s/ Richard J. Pyatt, Esq.

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16 Attorneys for Plaintiff Janet Lynn Foster

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dba Golden Nugget Las Vegas Hotel & Casino

17
18 **ORDER**

19 Based upon the foregoing Stipulation to Re-Open Discovery and Extend Pre-Trial Deadlines
20 (First Request):

- 21 1. The close of discovery shall be extended to **Friday, May 18, 2018**.
- 22 2. The deadline for filing dispositive motions shall be extended to **Monday, June 18, 2018**.
- 23 3. The deadline for filing the pretrial order shall be extended to **Wednesday, July 18, 2018**.
- 24 4. All other discovery and pre-trial deadlines shall remain unchanged.

25 DATED: _ 4-3-2018 _____

IT IS SO ORDERED.

George Foley Jr.

UNITED STATES MAGISTRATE JUDGE