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Attorney for Defendant
HENDERSON FIRE DEPARTMENT

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CHRISTOPHER STEWART, deceased;
MELINDA VEREEN-MCDUFFIE, Appointed
Special Administrator of the Estate of
Christopher Stewart; MARIA STEWART;
ALEXANDER VIRAY; PAUL VIRAY;
CHRISTINA MARIE SMITH;
CHRISTOPHER JAMES STEWART,

Plaintiffs,

v.

HENDERSON FIRE DEPARTMENT;
GREGORY TRUAX, D.O.; and DJORDJE
V. HRISTIC, MD.,

Defendants.

UNITED STATES DISTRICT COURT
CASE NO.: 2:17-cv-02876

**STIPULATION AND ORDER TO
AMEND COMPLAINT TO CORRECT
NAMES OF PARTIES**

COME NOW, Plaintiffs Christopher Stewart; Melinda Vereen-McDuffie; Maria Stewart; Alexander Viray; Paul Viray; Christina Maria Smith and Christopher James Stewart, by and through their attorneys Leslie M. Stovall, Esq. and Ross H. Moynihan, Esq. of STOVALL & ASSOCIATES; Defendant Gregory Truax, D.O., by and through his attorneys Robert C. McBride, Esq. and Gerald L. Tan, Esq. of CARROLL, KELLY, TROTTER, FRANZEN, MCKENNA & PEABODY; Defendant Djordje V. Hristic, MD, by



1 and through his attorneys Kim I. Mandelbaum, Esq. and Marie Ellerton, Esq. of
2 MANDELBAUM, ELLERTON & ASSOCIATES; and Defendant Henderson Fire
3 Department, by and through its attorneys Nancy D. Savage, Assistant City Attorney and
4 Josh M. Reid, City Attorney for the CITY OF HENDERSON, and hereby stipulate and
5 agree to the following:
6

7 1. The Henderson Fire Department is not a legal entity and was incorrectly named
8 as a Defendant in the Plaintiffs' Complaint in the above-entitled action instead of the City
9 of Henderson which is the correct name of the party.

10 2. Plaintiffs will file an Amended Complaint for the sole purpose of making the
11 following changes and corrections: substituting "City of Henderson" as the correct name of
12 the Defendant in the place and stead of the Henderson Fire Department and to correctly
13 spell Defendant Gregory Truax D.O.'s name in the Complaint's caption, instead of "Traux";
14 No other amendments to Plaintiffs' Complaint will be made. This stipulation is entered for
15 the sole purpose of making such corrections and is not a waiver of any rights that
16 defendants may have to seek remand in the future.
17

18 3. Plaintiffs' Amended Complaint will be filed within seven (7) days of entry of the
19 court's order upon this stipulation.

20 4. The caption and the court's docket shall be amended to reflect the "City of
21 Henderson" as the named defendant and to remove "Henderson Fire Department" as a
22 party and to reflect the correct spelling of defendant's name as Gregory Truax D.O.
23

24 5. The Defendant City of Henderson's response to the Plaintiffs' Amended
25 Complaint will be due within seven (7) days after it is filed, with any holidays not to be
26 included in the calculation of "days."
27


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1 6. Defendants Gregory Truax, D.O. and Djordje V. Hristic, M.D. previously filed
2 Answers to Plaintiffs' Complaint and such Answers will be deemed to be responsive to
3 Plaintiff's Amended Complaint.

4 Dated this 30th day of November, 2017.

5 STOVALL & ASSOCIATES

6 MANDELBAUM, ELLERTON &
7 ASSOCIATES

8 By:  11/28/17
9 Leslie Mark Stovall, Esq.
10 Nevada Bar No. 2566
11 Ross H. Moynihan, Esq.
12 Nevada Bar No. 11848
13 2301 Palomino Lane
14 Las Vegas, Nevada 89107
15 Attorneys for Plaintiffs

8 By: /s/ Kim Irene Mandelbaum
9 Kim Irene Mandelbaum, Esq.
10 Nevada Bar No. 318
11 Marie Ellerton, Esq.
12 Nevada Bar No. 4581
13 2012 Hamilton Lane
14 Las Vegas, Nevada 89106
15 Attorneys for Defendant
16 Djordje V. Hristic, M.D.

17 CITY OF HENDERSON

17 CARROLL, KELLY, TROTTER,
18 FRANZEN, McKENNA & PEABODY

17 By: /s/ Nancy D. Savage
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24 Attorneys for Defendant
25 Henderson Fire Department

17 By: /s/ Robert C. McBride
18 Robert C. McBride, Esq.
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20 Gerald L. Tan, Esq.
21 Nevada Bar No. 13596
22 8329 W. Sunset Road, Suite 260
23 Las Vegas, Nevada 89113
24 Attorneys for Defendant
25 Gregory Truax, D.O.

26 IT IS SO ORDERED.

27 DATED December 1, 2017.

28 
United States Magistrate Judge

CITY ATTORNEY'S OFFICE
CITY OF HENDERSON
240 S. WATER STREET MSC 144
HENDERSON, NV 89015

