

LAGOMARSINO LAW

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UNITED STATES DISTRICT COURT
CLARK COUNTY, NEVADA

COLLEEN HARRINGTON, an Individual,

Plaintiff,

vs.

THE STATE OF NEVADA, ex rel. NEVADA
SYSTEM OF HIGHER EDUCATION,
COLLEGE OF SOUTHERN NEVADA; and
DOES I-X;

Defendants.

CASE NO.: 2:18-cv-00009-APG-BNW

STIPULATION TO
EXTEND DISCOVERY

(First Request)

IT IS HEREBY STIPULATED AND AGREED between the parties that the discovery cut-off date of August 14, 2020, be continued for a period of sixty (60) days up to and including **October 13, 2020**, for the purpose of allowing the parties to complete written discovery, disclose expert witnesses, and take depositions of the parties.

I. DISCOVERY COMPLETED TO DATE

The Parties have propounded a first set of written discovery, to which both parties have responded. They have also exchanged their initial Rule 26 Disclosures, and Defendant has provided supplements thereto. Defendant has noticed Plaintiff's deposition for August 8, 2020, which is set to be moved due to COVID-19. Lastly, the parties have participated in extensive meet and confers regarding Defendant's discovery responses which will result in additional documentation that will need to be located and potential motions to compel.

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

2 Written discovery responses need to be evaluated for potential issues and/or motion practice.
3 The parties will take the depositions of the Plaintiff and other percipient witnesses. They will also
4 disclose expert reports and any necessary rebuttal expert reports.

5 **III. REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

6 After initial motion practice, the Parties entered into a *Stipulated Discovery Plan and*
7 *Scheduling Order*, which was granted on July 22, 2019. (ECF No. 41). That Order slated discovery
8 to close on December 23, 2019. However, just days before that deadline was set to expire, Plaintiff's
9 attorneys filed their *Motion to Withdraw* (ECF No. 43), which was ultimately granted on December
10 23, 2019 (ECF No. 46). Shortly after, Defendant filed its *Motion for Summary Judgment* (ECF No.
11 49) on January 22, 2020 and then Plaintiff filed her *Request for Continuance* on February 3, 2020
12 (ECF No. 52), in proper person. Plaintiff's Request was granted, in part, on April 17, 2020, setting
13 the current deadlines into effect (ECF No. 63).

14 Defendant retained this firm to represent them on June 9, 2020 (ECF No. 66). As such, and
15 to diligently conduct discovery in this matter, the parties respectfully request the instant extension.
16 There are potential discovery issues that need to be vetted and this extension may allow time for the
17 parties to gather ample information and potentially discuss resolution of this matter.
18

19 **IV. PROPOSED EXTENDED DEADLINES**

20 The parties respectfully request this Court enter an order as follows:

21 **(A) Discovery Deadline.**

22 The current discovery cut-off date of August 14, 2020 should be extended for a period of
23 sixty (60) days up to and including **Tuesday, October 13, 2020.**

24 **(B) Experts and Rebuttal Experts.**

25 This deadline is closed as of June 15, 2020.
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1 **(C) Dispositive Motions.**

2 All pretrial motions, including but not limited to, discovery motions, motions to dismiss,
3 motions for summary judgment, and all other dispositive motions shall be filed and served no later
4 than thirty (30) days after the close of discovery, or by **Thursday, November 12, 2020**.

5 **(D) Motions in Limine/Daubert Motions.**

6 Under LR 16-3(b), any motions in limine, including *Daubert* motions, shall be filed and
7 served 30 days prior to the commencement of Trial. Oppositions shall be filed and served and the
8 motion submitted for decision 14 days thereafter. Reply briefs will be allowed only with leave of
9 the Court.

10 **(E) Pretrial Order.**

11 Pursuant to LR 26(1)(e)(5), the Joint Pretrial Order shall be filed with this Court no later than
12 thirty (30) days after the date set for filing dispositive motions, or by **Monday, December 14, 2020**¹,
13 unless dispositive motions are filed, in which case the date for filing the Joint Pretrial Order shall be
14 suspended until 30 days after the decision on the dispositive motions or further order of this Court.
15 The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections shall be included in the final
16 pretrial order.
17

18 **(F) Interim Status Report.**

19 LR 26-3 removed as of April 17, 2020.

20 **(G) Extensions or Modification of the Discovery Plan and Scheduling Order.**

21 In accordance with LR 26-3, applications to extend any date set by the discovery plan,
22 scheduling order, or other order must, in addition to satisfying the requirements of LR IA 6-1, be
23 supported by a showing of good cause for the extension. All motions or stipulations to extend a
24 deadline set forth in a discovery plan shall be received by the Court not later than 21 days before the
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27 _____
28 ¹ This deadline falls on Saturday, December 12, 2020. As a result, this deadline extends to the next court day of Monday, December 14, 2020, by operation of FRCP 6.

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expiration of the subject deadline. A request made after the expiration of the subject deadline shall not be granted unless the movant demonstrates that the failure to set was the result of excusable neglect. Any motion or stipulation to extend a deadline or to reopen discovery shall include:

- (a) A statement specifying the discovery completed;
- (b) A specific description of the discovery that remains to be completed;
- (c) The reasons why the deadline was not satisfied or the remaining discovery was not completed within the time limits set by the discovery plan; and
- (d) A proposed schedule for completing all discovery.

This request for an extension is made in good faith and joined by all the parties in this case. The Request is timely pursuant to LR 26-3. Trial is not yet set in this matter and dispositive motions have not yet been filed. Accordingly, this extension will not delay this case. Moreover, since this request is a joint request, neither party will be prejudiced. The extension will allow the parties the necessary time to complete discovery.

DATED this 24th day of July, 2020.


DATED this 24th day of July, 2020.

LAGOMARSINO LAW

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IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE
DATED: July 28, 2020