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7  
8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 ISABEL TORRES, individually

Case No.: 2:18-cv-00010-JCM-VCF

11 Plaintiff,

12 vs.

13 BODEGA LATINA CORPORATION, d/b/a  
EL SUPER, a Foreign Corporation, DOES  
14 1-20 and ROE BUSINESS ENTITIES 1-  
20, inclusive,

15 Defendants.  
16

17 **STIPULATION AND ORDER TO MODIFY THE DISCOVERY PLAN AND**  
18 **SCHEDULING ORDER TO EXTEND THE REMAINING**  
19 **DISCOVERY PLAN DEADLINES**  
**(SIXTH REQUEST)**

20 Plaintiff Isabel Torres and Defendant Bodega Latina Corporation, by and through  
21 their respective counsel, and pursuant to Local Rule 26-4, stipulate to modify their  
22 discovery plan as follows:

23 1. Plaintiff filed her Complaint on October 18, 2017 in the Eighth Judicial  
24 District Court, Case No. A-17-763267-C. Defendant filed their Answer and Jury  
25 Demand on November 9, 2017. This case was removed to the United States District  
26 Court on January 3, 2018.

27 2. The parties held their F.R.C.P. 26 conference on January 10, 2018 and  
28 filed their Stipulated Discovery Plan and Scheduling Order on January 16, 2018. In this

STIPULATION AND ORDER

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1 original plan, the parties agreed to the following dates:

2	Last Day to Amend Pleadings:	04/18/2018
3	Expert Disclosure Deadline:	05/18/2018
4	Interim Status Report Deadline:	05/18/2018
5	Rebuttal Expert Disclosure:	06/18/2018
6	Discovery Cut-Off:	07/17/2018
7	Dispositive Motions Deadline:	08/17/2018
8	Pre-Trial Order:	09/17/2018

9 The initial discovery plan was signed by United States Magistrate Cam  
10 Ferenbach, January 17, 2018.

11 3. The Parties filed a Stipulation and Order to Extend Discovery Deadlines  
12 [First Request] on April 19, 2018. In this plan, the parties agreed to the following dates:

13	Last Day to Amend Pleadings:	07/17/2018
14	Expert Disclosure Deadline:	08/16/2018
15	Interim Status Report Deadline:	08/18/2018
16	Rebuttal Expert Disclosure:	09/17/2018
17	Last Day to Amend DPSO:	09/28/2018
18	Discovery Cut-Off:	10/16/2018
19	Dispositive Motions Deadline:	11/15/2018
20	Pre-Trial Order:	10/15/2018

21 The Stipulation and Order to Extend Discovery and Deadlines [First Request]  
22 was signed by United States Magistrate Judge Cam Ferenbach, April 20, 2018.

23 4. The Parties filed a Stipulation and Order to Extend Discovery Deadlines  
24 [Second] on July 26, 2018. In this plan, the parties agreed to the following dates:

25	Last Day to Amend Pleadings:	<del>07/17/2018</del> expired
26	Expert Disclosure Deadline:	11/14/2018
27	Interim Status Report Deadline:	11/14/2018
28	Rebuttal Expert Disclosure:	12/17/2018

1 Last Day to Amend DPSO: 12/27/2018  
2 Discovery Cut-Off: 01/14/2019  
3 Dispositive Motions Deadline: 02/13/2019  
4 Pre-Trial Order: 03/18/2019

5 The Stipulation and Order to Extend Discovery and Deadlines [Second Request]  
6 was signed by United States Magistrate Judge Cam Ferenbach, July 26, 2018.

7 5. The Parties filed a Stipulation and Order to Extend Discovery Deadlines  
8 [Third] on November 7, 2018. In this plan, the parties agreed to the following dates:

9 Last Day to Amend Pleadings: 11/14/2018 (reopened)  
10 Expert Disclosure Deadline: 12/14/2018  
11 Interim Status Report Deadline: 12/14/2018  
12 Rebuttal Expert Disclosure: 01/16/2019  
13 Last Day to Amend DPSO: 01/28/2019  
14 Discovery Cut-Off: 02/13/2019  
15 Dispositive Motions Deadline: 03/15/2019  
16 Pre-Trial Order: 04/17/2019

17 The Stipulation and Order to Extend Discovery and Deadlines [Third Request]  
18 was signed by United States Magistrate Judge Cam Ferenbach, November 8, 2018.

19 6. The Parties filed a Stipulation and Order to Extend Discovery Deadlines  
20 [Fourth] on January 7, 2019. In this plan, the parties agreed to the following dates:

21 Last Day to Amend Pleadings: 11/14/~~2018~~ (closed)  
22 Expert Disclosure Deadline: 12/14/~~2018~~ (closed)  
23 Interim Status Report Deadline: 12/14/2018 (submitted 12/12/18)  
24 Rebuttal Expert Disclosure: 02/15/2019  
25 Last Day to Amend DPSO: 02/27/2019  
26 Discovery Cut-Off: 03/15/2019  
27 Dispositive Motions Deadline: 04/15/2019  
28 Pre-Trial Order: 05/17/2019

1 The Stipulation and Order to Extend Discovery and Deadlines [Fourth Request]  
2 was signed by United States Magistrate Judge Cam Ferenbach, January 7, 2019.

3 7. The Parties filed a Stipulation and Order to Extend Discovery Deadlines  
4 [Fifth] on February 22, 2019. In this plan, the parties agreed to the following dates:

- 5 Last Day to Amend Pleadings: 11/14//2018 (closed)
- 6 Expert Disclosure Deadline: 12/14//2018 (closed)
- 7 Interim Status Report Deadline: 12/14/2018 (submitted 12/12/18)
- 8 Rebuttal Expert Disclosure: 02/15/2019
- 9 Last Day to Amend DPSO: 03/29/2019
- 10 Discovery Cut-Off: 04/15/2019
- 11 Dispositive Motions Deadline: 05/15/2019
- 12 Pre-Trial Order: 06/17/2019

13 The Stipulation and Order to Extend Discovery and Deadlines [Fifth Request]  
14 was signed by United States Magistrate Judge Cam Ferenbach, February 22, 2019.

15 8. In compliance with Local Rule 26-4, the parties provide the following  
16 information regarding the discovery status:

17 (a) **Discovery Completed pursuant to Fed. R. Civ. P. 26(a):**

18 **Defendants:**

- 19 Initial Disclosure 01/10/2018
- 20 Interrogatories to Plaintiff 01/15/2018
- 21 Request for Production to Plaintiff 01/15/2018
- 22 First Supplemental Disclosure 02/28/2018
- 23 Second Supplemental Disclosure 04/05/2018
- 24 Third Supplemental Disclosure 04/17/2018
- 25 Fourth Supplemental Disclosure 05/14/2018
- 26 Fifth Supplemental Disclosure 06/25/2018
- 27 Sixth Supplemental Disclosure 06/25/2018
- 28 Plaintiff Isabel Torres' Deposition taken 07/24/2018

1	Independent Medical Examination	09/13/2018
2	Seventh Supplemental Disclosure	10/18/2018
3	Eighth Supplemental Disclosure	10/29/2018
4	Joint Interim Status Report	12/12/2018
5	Ninth Supplemental Disclosure	12/14/2018
6	Initial Designation of Expert Witnesses	12/14/2018
7	Second Request to Produce Documents	12/21/2019
8	Tenth Supplemental Disclosure	02/15/2019
9	Eleventh Supplemental Disclosure	02/22/2019
10	Twelfth Supplemental Disclosure	04/15/2019
11	Thirteenth Supplemental Disclosure	04/24/2019
12	<b><u>Plaintiffs:</u></b>	
13	Initial Disclosure	01/17/2018
14	First Supplemental Disclosure	01/26/2018
15	Second Supplemental Disclosure	01/29/2018
16	Plaintiff's Answers to Interrogatories	02/20/2018
17	Plaintiff's Responses to Request to Produce	02/20/2018
18	Third Supplemental Disclosure	02/07/2018
19	Request for Admissions to Defendant	04/02/2018
20	Interrogatories to Defendant	04/02/2018
21	Request for Production to Defendant	04/02/2018
22	Fourth Supplemental Disclosure	04/16/2018
23	Fifth Supplemental Disclosure	04/19/2018
24	Sixth Supplemental Disclosure	05/24/2018
25	Seventh Supplemental Disclosure	05/29/2018
26	Eighth Supplemental Disclosure	06/07/2018
27	Ninth Supplemental Disclosure	06/12/2018
28	Tenth Supplemental Disclosure	08/16/2018

1	Eleventh Supplemental Disclosure	08/27/2018
2	Twelfth Supplemental Disclosure	08/27/2018
3	Thirteenth Supplemental Disclosure	10/08/2018
4	Joint Interim Status Report	12/12/2018
5	Fourteenth Supplemental Disclosure	12/14/2018
6	Initial Designation of Expert Witnesses	12/14/2018
7	Responses to Second Request to Produce	01/23/2019

8                   **(b) Discovery that remains to be completed:**

9                   There is no discovery left to be completed. The court decided Defendant's  
10 Dispositive Motion on March 16, 2020. The operative Discovery Plan and  
11 Scheduling Order required that the Joint Pre-Trial Memorandum be completed 30  
12 days from that date, namely April 15, 2020.

13                   **(c) Reasons why discovery was not completed:**

14                   The parties believe that they will be able to better narrow the issues for  
15 trial if they are able to meet and review each other's submissions and evidence  
16 and make decisions. However, the parties have been unable to meet due to the  
17 COVID-19 restrictions imposed by the Governor. The extension will allow the  
18 parties to meet, discuss and provide more preparation as they submit their Joint  
19 Pre-Trial Report.

20                   **(d) Proposed Schedule:**

21                   The parties propose a 30-day extension to file their Pre-Trial Report.

22                   Those dates will be:

23	Last Day to Amend Pleadings:	<del>11/14/2018</del> (closed)
24	Expert Disclosure Deadline:	<del>12/14/2018</del> (closed)
25	Interim Status Report Deadline:	<del>12/14/2018</del> (submitted 12/12/18)
26	Rebuttal Expert Disclosure:	<del>02/15/2019</del> (closed)
27	Last Day to Amend DPSO:	<del>03/29/2019</del> (closed)
28	Discovery Cut-Off:	<del>04/15/2019</del> (closed)

1 Dispositive Motions Deadline: 05/15/2019 (closed)  
 2 Pre-Trial Order: 05/15/2020  
 3 (If dispositive motions are filed, the deadline for the filing of the joint pre-trial order will be  
 4 suspended until 30 days after decision on the dispositive motions or further court order.)

5 **CONCLUSION**

6 For the foregoing reasons, the parties herein respectfully request this Honorable  
 7 Court to Modify the Discovery Plan and Scheduling Order to allow the parties to submit  
 8 their Joint Pre-Trial Report up to and including May 15, 2020.

9 Approved as to form and content:

10 Dated this 15<sup>th</sup> day of April 2020. Dated this 15<sup>th</sup> day of April 2020.  
 11 RICHARD HARRIS LAW FIRM BAUMAN LOEWE WITT & MAXWELL

12 /s/ Christian Z. Smith /s/ Michael C. Mills  
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 Attorneys for Plaintiff, Counsel for Defendant,  
 Isabel Torres Bodega Latina Corporation

19 IT IS HEREBY ORDERED that the Joint Pretrial Order is due May 15, 2020.

20 **ORDER**

If dispositive motions are filed, the deadline  
 for filing the joint pretrial order will be suspended until 30  
 days after decision on the dispositive motions or further  
 court order.

21 IT IS SO ORDERED.

22 

23 UNITED STATES DISTRICT COURT JUDGE,  
 24 UNITED STATES MAGISTRATE JUDGE

25 DATED: April 15, 2020  
 26 \_\_\_\_\_  
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