

1 ROBERT W. FREEMAN, ESQ.
 Nevada Bar No. 003062
 2 Email: Robert.Freeman@lewisbrisbois.com
 DANIELLE C. MILLER, ESQ.
 3 Nevada Bar No. 009127
 Email: Danielle.Miller@lewisbrisbois.com
 4 **LEWIS BRISBOIS BISGAARD & SMITH LLP**
 6385 S. Rainbow Boulevard, Suite 600
 5 Las Vegas, Nevada 89118
 702.893.3383
 6 FAX: 702.893.3789
Attorneys for Defendant
 7 *State Farm Mutual Automobile*
Insurance Company
 8

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 KEVIN DERRICK,

12 Plaintiff,

13 vs.

14 STATE FARM MUTUAL AUTOMOBILE
 INSURANCE COMPANY, DOES
 15 INDIVIDUALS I-X; and ROE
 CORPORATIONS I-X, inclusive,

16 Defendants.
 17

CASE NO. 2:18-CV-00512-RFB-CWH

**STIPULATION AND ORDER TO
 EXTEND DISCOVERY DEADLINES
 (FIRST REQUEST)**

**SUBMITTED IN COMPLIANCE WITH LR
 26-1(e)**

18 Defendant, STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY
 19 (“State Farm”), and Plaintiff, KEVIN DERRICK (“Plaintiff”), by and through their respective
 20 counsel, and pursuant to Local Rule 26-4, stipulate to modify their discovery plan as
 21 follows:

22 1. Plaintiff filed his Complaint in the Eighth Judicial District Court for Clark
 23 County, Nevada on February 12, 2018. State Farm removed said case to the U.S.
 24 District Court for the District of Nevada on March 20, 2018 (ECF No. 1).

25 2. The parties held their F.R.C.P. 26 conference on April 18, 2018, and in
 26 compliance with F.R.C.P. 26(f) and LR 26-1(e) filed their initial Stipulated Discovery Plan
 27 and Scheduling Order on April 23, 2018 (ECF No. 12).

28 3. On April 24, 2018, the Magistrate established the following discovery plan

1 (ECF No. 12):

2	Last day to amend/add:	June 19, 2018
3	Initial expert disclosure:	July 19, 2018
4	Rebuttal expert disclosure:	August 17, 2018
5	Last day of discovery:	September 17, 2018
	Dispositive motions filed:	October 17, 2018
	Joint pre-trial order:	November 16, 2018

6 4. In compliance with Local Rule 26-4, the parties provide the following
7 information regarding the discovery status:

8 a. Discovery Completed: The parties have exchanged initial disclosures
9 of witnesses and documents. State Farm has served written discovery and is in the
10 process of scheduling Plaintiff's deposition. State Farm is awaiting receipt of signed
11 medical authorizations to begin the process of independently obtaining Plaintiff's medical
12 records arising out of the subject accident.

13 b. Discovery that remains to be completed: Additional time is needed for State
14 Farm to obtain all of Plaintiff's relevant pre and post accident medical records. Additional
15 time is also needed for State Farm to retain an expert and to coordinate scheduling
16 Plaintiff's Rule 35 Examination. The depositions of the parties' retained experts will also
17 be necessary.

18 c. Reasons why discovery was not completed: The parties' current Discovery
19 Plan and Scheduling Order (ECF No. 12) does not provide sufficient time to allow State
20 Farm to obtain all of Plaintiff's medical records. With the exception of Plaintiff's
21 emergency medical care, the majority of Plaintiff's medical treatment occurred in
22 Wisconsin. Thus, State Farm will need to allow Plaintiff's medical providers sufficient
23 time to comply with State Farm's subpoenas given that they are all located out-of-state.
24 Additional time is also needed to allow State Farm to coordinate scheduling Plaintiff's
25 Rule 35 Examination. Because Plaintiff resides in Wisconsin, State Farm will similarly
26 need to provide Plaintiff with sufficient time to make travel arrangements in order to
27 appear for his Rule 35 Examination. The parties will also need time to complete the
28 depositions of the parties' retained experts. Additional time for discovery is necessary to

1 avoid prejudice and to facilitate a fair and just investigation of Plaintiff's alleged injuries
2 and with respect to Plaintiff's claims against State Farm.

3 d. Proposed schedule for completion of remaining discovery (extension of
4 remaining deadlines by approximately 60 days):

5	Last day to amend/add:	August 17, 2018
6	Initial expert disclosure:	September 17, 2018
7	Rebuttal expert disclosure:	October 16, 2018
8	Last day of discovery:	November 16, 2018
9	Dispositive motions filed:	December 14, 2018
10	Joint pre-trial order:	January 15, 2019

11 SUBMITTED BY THE FOLLOWING COUNSEL OF RECORD:

12 DATED this 20th day of June, 2018.

DATED this 20th day of June, 2018.

13 RICHARD HARRIS LAW FIRM

LEWIS BRISBOIS BISGAARD & SMITH LLP

14 */s/ Johnathan M. Leavitt*

/s/ Danielle C. Miller

15 By _____

By _____

16 RICHARD A. HARRIS, ESQ.
17 Nevada Bar No. 000505
18 JOHNATHAN M LEAVITT, ESQ.
19 Nevada Bar No. 013172
801 S. Fourth Street
Las Vegas, Nevada 89101
Attorneys for Plaintiff

ROBERT W. FREEMAN, ESQ.
Nevada Bar No. 003062
DANIELLE C. MILLER, ESQ.
Nevada Bar No. 009127
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendant
State Farm Mutual Automobile
Insurance Company

21 IT IS SO ORDERED:

22 
23 _____
UNITED STATES MAGISTRATE JUDGE

24 DATED: June 21, 2018