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 8

9 **UNITED STATES DISTRICT COURT**
 10 **DISTRICT OF NEVADA**

| | | | |
|----|---|---|---------------------------------|
| 11 | BRETT PRIMACK, individually, |) | CASE NO.: 2:18-cv-00561-APG-NJK |
| | |) | |
| 12 | Plaintiff, |) | STIPULATION AND ORDER FOR |
| | |) | SIXTY (60) DAY EXTENSION OF |
| 13 | vs. |) | DATES WITHIN SCHEDULING |
| | |) | ORDER |
| 14 | OHIO SECURITY INSURANCE COMPANY, |) | [FIRST REQUEST] |
| | a foreign corporation; LIBERTY MUTUAL |) | |
| 15 | INSURANCE COMPANY, a foreign |) | |
| | corporation; and DOES I-X, inclusive, and |) | |
| 16 | ROE CORPORATIONS I-X, inclusive, |) | |
| | |) | |
| 17 | Defendants. |) | |

18 **COMES NOW**, Defendants, OHIO SECURITY INSURANCE COMPANY
 19 (hereinafter "OHIO SECURITY") and LIBERTY MUTUAL INSURANCE COMPANY
 20 (hereinafter "LIBERTY MUTUAL"), by and through their counsel of record, Andrew C.
 21 Green, Esq., of the law firm of KOELLER, NEBEKER, CARLSON & HALUCK, LLP, and
 22 Plaintiff, BRETT PRIMACK, by through his counsel of record, Eric Blank, Esq., of LAW
 23 OFFICES OF ERIC R. BLANK, P.C., and hereby stipulate to extend the time for discovery by
 24 sixty (60) days.

25 **A. Statement of Completed Discovery.**

26 The parties have served their disclosures pursuant to Fed.R.Civ.Proc. 26 and LR 26-1.
 27 Plaintiff's deposition is scheduled on September 7, 2018. Defendants served their written
 28 discovery upon Plaintiff on May 29, 2018. Plaintiff served his responses to Defendants'

1 written discovery on June 27, 2018. On June 1, 2018, Plaintiff served his First Set of
2 Interrogatories and First Requests for Production to LIBERTY MUTUAL. LIBERTY
3 MUTUAL served its responses on July 2, 2018. Plaintiff served his Second Set of
4 Interrogatories and Second Requests for Production on LIBERTY MUTUAL and his First Set
5 of Interrogatories and Requests for Production on Defendant, OHIO SECURITY on July 19,
6 2018. By agreement, responses are due on August 31, 2018 for Plaintiff's Second Set of
7 Interrogatories and Second Requests for Production to LIBERTY MUTUAL and First Set of
8 Interrogatories and Requests for Production to OHIO SECURITY.

9 **B. Statement of Discovery that Remains to be Completed.**

10 The depositions of Plaintiff's care providers are presently scheduled pursuant to
11 coordinated subpoenas as follows:

12 Michael Prater, M.D.: August 22, 2018

13 Andrew Cash, M.D.: August 23, 2018

14 Ravi Ramanathan, M.D.: August 24, 2018

15 Derek T. Day, D.C.: September 14, 2018

16 Deposition of Plaintiff's designated expert witness, Jeffrey Gross, M.D., was
17 previously scheduled for September 25, 2018, but Dr. Gross is unable to appear on that date,
18 and will not be available again until no earlier than October 10, 2018. The parties are also
19 planning dates of availability for depositions of Defendant representatives Kortney Peschl and
20 James Carraway, as well as entity representative witnesses regarding claims handling, claims
21 practices, and training. A deposition of Plaintiff's other designated expert, Scott A. Glogovac
22 is also anticipated.

23 **C. Statement Supporting the Necessity of an Extension of all Dates within the**
24 **Scheduling Order.**

25 Extension of the discovery period is appropriate and needed to reasonably
26 accommodate the scheduled deposition of Plaintiff's medical expert witness, Dr. Gross. The
27 opinions by Dr. Gross pertain to causation of injuries and recommendations for past and future
28 care and associated expenses. Testimony by Dr. Gross is anticipated to be potentially

1 impactful, and additional time is necessary to permit both his deposition and an opportunity
2 for analysis and consideration of his testimony.

3 Additional time will also permit the parties to evaluate and respond to testimony by
4 other witnesses, and consideration of same will also assist to potentially further narrow the
5 matters at issue for this litigation.

6 Also, the availability of Kortney Peschl, James Carraway, and the entity representative
7 witnesses is currently beyond the current October 1, 2018, discovery cut-off. Plaintiff
8 anticipates these witnesses are crucial to discuss the actions of Defendants related to the claim
9 and for Defendants' handling of underinsured motorists claims in general.

10 **D. Proposed Schedule.**

11 With a sixty (60) day discovery extension of the total time for discovery, the new
12 discovery cut-off date will be **November 30, 2018**. All parties anticipate timely completion of
13 discovery at that time. The rest of the original schedule for discovery will remain the same as
14 set forth in LR 26-1, and resulting changes to the remaining scheduling order will result in the
15 following:

- 16 ▪ Amending the Pleadings and Adding Parties: Expired on **July 3, 2018**.
- 17 ▪ Fed. R. Civ. Proc. 26(a)(2) Disclosures (Experts): The disclosure of experts and expert
18 reports expired on **August 2, 2018**. The disclosure of rebuttal experts and their reports
19 shall occur on **September 4, 2018**, which is thirty (30) days before the proposed
20 discovery cut-off date.
- 21 ▪ Dispositive Motions: Dispositive motions will be made no later than **December 31,**
22 **2018**, which does not exceed the outside limit of thirty (30) days following the
23 discovery cut-off date that LR26-1(e)(4) presumptively sets for filing dispositive
24 motions.
- 25 ▪ Pretrial Order: The Joint Pretrial Order shall be filed by **January 30, 2019**, which is no
26 later than thirty (30) days after the date set for the filing of dispositive motions.

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1 ▪ Interim Status Report: The parties filed the interim status report required by LR 26-3
2 on **August 2, 2018**.

3 DATED this 22nd day of August, 2018.
4 KOELLER, NEBEKER, CARLSON
5 & HALUCK, LLP

DATED this 22nd day of August, 2018.
LAW OFFICES OF ERIC R. BLANK, P.C.

6 By: /s/Andrew C. Green
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BRETT PRIMACK

ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: August 23, 2018

17 Respectfully submitted by,
18 KOELLER, NEBEKER, CARLSON
19 & HALUCK, LLP
20 By /s/Andrew C. Green
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