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12 **UNITED STATES DISTRICT COURT**
 13 **DISTRICT OF NEVADA**

15	VICTORIA DICILLO, individually,)	CASE NO.: 2:18-cv-00729-JCM-EJY
16)	
17	Plaintiff,)	
18	v.)	
19	GGP MEADOWS MALL L.L.C.; FOREVER)	<u>STIPULATION AND ORDER</u>
20	21 RETAIL, INC.; SCHINDLER)	<u>RESETTING CASE MANAGEMENT</u>
21	ELEVATOR CORPORATION; DOES I)	<u>PLAN AND OTHER RELATED</u>
22	through X, inclusive; ROE)	<u>DEADLINES</u>
23	CORPORATIONS XI through XX, inclusive,)	
	Defendants.)	

24 Pursuant to LR 6-1, LR 26-1, and LR 26-3, the parties, by and through their respective
 25 counsel of record, hereby stipulate and request that the Court reset the following Case Management
 26 Plan and Other Related Deadlines as follows:
 27
 28

1 1. On October 2, 2019, Defendant Forever 21 filed its Notice of Bankruptcy for
2 Forever 21, Inc., et al., and Automatic Stay of Proceedings noting that Forever 21 filed a voluntary
3 petition for relief under chapter 11 of title 11 of the United States Code 11 U.S.C. §§ 101-1532, in
4 the United States Bankruptcy Court for the District of Delaware. (Dkt. 49.) Pursuant to section
5 362(a) of the Bankruptcy Code, Forever 21's filing of its voluntary petition gave rise to an
6 automatic stay on all proceedings.
7

8 2. On October 21, 2019, the Court granted Defendants' Unopposed Motion to Vacate
9 Discovery and Pretrial Deadlines Due to Automatic Bankruptcy Stay. (Dkt. 52.) Then, on October
10 28, 2019, the Court issued its Order denying Defendants' Motion to Strike Plaintiff's Untimely
11 Disclosure of Expert Opinions Related to Future Medical Expenses without prejudice and noted
12 that Defendants could refile said Motion once the bankruptcy stay is lifted. (Dkt. 53.)
13

14 3. On February 9, 2021, Plaintiff filed her Notice of Lifting Bankruptcy Stay notifying
15 the Court that on December 11, 2020, the United States Bankruptcy Court entered an order lifting
16 the automatic stay and allowing Plaintiff to pursue her claims. (Dkt. 60.)
17

18 4. On March 24, 2021, the Court issued an Order lifting the bankruptcy stay. (Dkt.
19 67.)

20 5. On March 26, 2021, the Court held a status conference where it granted the parties'
21 Joint Motion for Status Conference and ordered the parties to file a stipulation regarding discovery
22 plan/scheduling order. (Dkt. 68.)
23

24 6. The parties have agreed to the following deadlines:

25 a. April 15, 2021 – deadline for Defendants to notify the Court and Plaintiff
26 whether they intend to renew their Motion to Strike Plaintiff's Untimely
27
28

1 Disclosure of Expert Opinions Related to Future Medical Expenses. (Dkt.
2 47.)

3 b. April 23, 2021 – deadline for Defendant Schindler to respond to Plaintiff’s
4 Second Set of Requests for Production and Second Set of Requests for
5 Admission and for Defendant Forever 21 to respond to Plaintiff’s Third Set
6 of Requests for Production and Second Set of Requests for Admission.
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8 c. July 30, 2021 – the parties have until July 30, 2021 to complete the
9 following limited discovery that was either scheduled or requested prior to
10 the filing of bankruptcy by Forever 21: (1) Defendant Schindler to respond
11 to Plaintiff’s Second Set of Requests for Production and Second Set of
12 Requests for Admission and for Defendant Forever 21 to respond to
13 Plaintiff’s Third Set of Requests for Production and Second Set of Requests
14 for Admission; (2) the deposition of Schindler’s FRCP 30(b)(6) witness; (3)
15 the deposition of Forever 21’s FRCP 30(b)(6) witness; (4) the deposition of
16 Dr. Germin; (5) the deposition of Dr. Newman; (6) the deposition of Mr.
17 Koshak; and (7) the deposition of Jim Dicillo. The parties expressly reserve
18 their right to depose individuals who may be identified in these depositions
19 and conduct additional written discovery on matters testified to at the
20 aforementioned depositions.
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23

24 d. August 30, 2021 – dispositive motion deadline.

25 e. September 30, 2021 – pre-trial order deadline.
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1 WHEREFORE, Plaintiff and Defendants, by their respective counsel, respectfully request
2 that the Court enter an order regarding the above case management plan and other related
3 deadlines, and all other just and proper relief.

4 DATED this 15th day of April, 2021.

<p>6 <u>/s/ Joshua L. Benson (with permission)</u> 7 Joshua L. Benson, Esq. 8 Nevada Bar No. 10514 9 BENSON ALLRED, PLLC 10 6250 N. Durango Drive 11 Las Vegas, NV 89148 12 josh@bensonallred.com 13 14 <i>Attorneys for Plaintiff</i></p>	<p>6 <u>/s/ Stephanie V. McGowan</u> 7 Alan W. Westbrook, Nevada #6167 8 Nevada State Bar No. 6167 9 PERRY & WESTBROOK, P.C. 10 1701 W Charleston Boulevard, Suite 200 11 Las Vegas, NV 89102 12 awestbrook@perrywestbrook.com 13 14 and 15 Kevin C. Schiferl (pro hac vice) 16 Indiana Bar No. 14138-49 17 Stephanie V. McGowan (pro hac vice) 18 Indiana Bar No. 30759-49 19 FROST BROWN TODD LLC 20 201 N. Illinois Street, Suite 1900 21 P.O. Box 44961 22 kschiferl@fbtlaw.com 23 smcgowan@fbtlaw.com 24 25 <i>Attorneys for Defendants</i></p>
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ORDER

That the Case Management Plan and related deadlines are reset as follows:

Scheduled Event	Reset Deadline Date:
Deadline for Defendants to Notify Court regarding Motion to Strike Plaintiff's Untimely Disclosure of Expert Opinions Related to Future Medical Expenses	April 15, 2021
Deadlines for Defendants Schindler and Forever 21 to respond to Plaintiff's written discovery	April 23, 2021
Close of Discovery	July 30, 2021
Dispositive Motions	August 30, 2021
Pre-Trial Order	September 30, 2021

IT IS SO ORDERED.


 UNITED STATES MAGISTRATE JUDGE

Dated: April 15, 2021

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A Professional Corporation

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