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7 *Attorneys for Defendant*  
 8 *Sam's West, Inc.*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

11 DONNA M. SMITH, an individual,  
 12 Plaintiff,

13 v.

14 SAM'S WEST, INC. a foreign corporation;  
 DOES I through X; and ROE  
 CORPORATIONS I through X inclusive,  
 15 Defendants.

Case No.: 2:18-cv-00957-JCM-PAL

**STIPULATION AND [PROPOSED]  
 ORDER FOR LEAVE TO CONDUCT  
 CERTAIN DISCOVERY OUTSIDE THE  
 DISCOVERY PERIOD**

17 Plaintiff DONNA M. SMITH (hereinafter "Plaintiff") and Defendant SAM'S WEST, INC.  
 18 (hereinafter "Defendant" or "Sam's West"), by and through their respective counsel of record, do  
 19 hereby stipulate to conduct certain discovery outside the discovery period. Specifically, the parties  
 20 stipulate that **Plaintiff shall take the depositions of Defendant's employees, SHIRLEY COX,  
 21 MARGARET MURPHY & GREG HAWLEY by December 15, 2018.**

**DISCOVERY COMPLETED TO DATE**

- 23 • The parties conducted an FRCP 26(f) conference on August 8, 2018.
- 24 • The parties have served and exchanged their respective FRCP 26(a) disclosures. Plaintiff made  
 25 her initial disclosures on August 24, 2018, and has since served five supplements. Defendant  
 26 made its initial disclosures on October 24, 2018, and has since served two supplements.
- 27 • On August 24, 2018, Plaintiff served upon Defendant one set of Requests for Admissions, one  
 28 set of Interrogatories and one set of Requests for Production of Documents. Defendant's

1 position is that it has served responses. Plaintiff's does not agree with Defendant's position  
2 that timely or proper responses were served, and defers to the motions pending before the  
3 Court on these issues.

- 4 • On October 23, 2018, Defendant served upon Plaintiff one set of Requests for Admissions, one  
5 set of Interrogatories and one set of Requests for Production of Documents. Plaintiff has  
6 objected to the timeliness of these requests.
- 7 • Plaintiff made her expert disclosures on September 24, 2018.
- 8 • Defendant has obtained executed authorizations from Plaintiff and has commenced and  
9 completed the process of subpoenaing and receiving records from Plaintiff's providers.
- 10 • Plaintiff timely noticed the depositions of several of Defendant's employees and Defendant's  
11 30(b)(6) witness. Plaintiff noticed the first of these depositions for November 1, 2018, but  
12 those two depositions were vacated and rescheduled at the request of Defendant. Currently, the  
13 depositions of Defendant's employees and 30(b)(6) witness is scheduled for November 16-20,  
14 2018.
- 15 • Plaintiff has also noticed a fact witness deposition, currently scheduled for November 19,  
16 2018.
- 17 • Defendant has noticed Plaintiff's deposition, which will go forward on November 21, 2018.

18 **DISCOVERY TO BE COMPLETED OUTSIDE THE DISCOVERY PERIOD**

19 Discovery to be completed includes:

- 20 • Plaintiff's deposition of Defendant's employees SHIRLEY COX, MARGARET MURPHY &  
21 GREG HAWLEY, that are currently scheduled for November 16, 2018;

22 The parties aver that good cause exists for the request pursuant to Local Rule 2.25. Plaintiff  
23 timely noticed each respective Defendant employee for deposition prior the discovery period. However,  
24 with Thanksgiving and Black Friday approaching, said depositions are unable to go forward due to each  
25 Defendant employee's work schedule. Understanding that Plaintiff wishes to take and has reserved the  
26 right to depose each named Defendant employee, Defendant agrees that the depositions of SHIRLEY  
27 COX, MARGARET MURPHY & GREG HAWLEY will be vacated and re-noticed and occur before  
28 December 15, 2018.

1 The parties aver that this request is made by the parties in good faith and not for the purpose of  
2 delay.

3 Continued from last page.

4  
5 DATED this 15th day of November, 2018.

DATED this 15th day of November, 2018.

6 **MAIER GUTIERREZ & ASSOCIATES**

**PHILLIPS, SPALLAS & ANGSTADT, LLC**

7 */s/ Jason R. Maier*

*/s/ Timothy D. Kuhls*

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11 *Attorneys for Plaintiff*

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Sam's West, Inc.*

13 **IT IS SO ORDERED.**

15  
16   
17 **UNITED STATES MAGISTRATE JUDGE**

18 **DATED:** November 20, 2018

19  
20 Respectfully submitted:  
21 **PHILLIPS, SPALLAS & ANGSTADT LLC**

21 */s/ Timothy D. Kuhls*

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