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8 *Attorney for Defendant*
Lowe's Home Centers, LLC

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11 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

12
13 MAURICE MOREHEAD, AND SHERYL
MOREHEAD,

14 Plaintiffs,

15 vs.

16 LOWE'S HOME CENTERS, LLC, DOES I
17 THROUGH 20; AND ROE BUSINESS
18 ENTITIES 1-20, INCLUSIVE,

19 Defendants.

Case No.: 2:18-cv-01074-RFB-EJY

**STIPULATION AND ORDER TO
EXTEND DEADLINE TO FILE JOINT
PRETRIAL MEMORANDUM**

20 Pursuant to Fed R. Civ. P. 6, Fed. R. Civ. P. 26, LR IA 6-1, LR IA 6-2, LR 7-1, and
21 LR 26-4, the parties stipulate and agree that there is good cause to extend the deadline to file a
22 proposed joint pretrial memorandum as set forth below.

23 **1. Pursuant to LR 26-4(a), the parties stipulate that the following discovery was**
24 **completed:**

- 25
- 26 • The parties served initial and supplemental disclosures pursuant to Rule 26(a)(1).
 - 27 • Lowe's Home Centers, LLC ("Lowe's") responded to written discovery served by
28 Plaintiffs.
 - Plaintiff Maurice Morehead responded to written discovery served by Lowe's.

- 1 • Lowes served about 66 subpoenas to obtain records from Mr. Morehead's prior and
- 2 current medical providers and his prior employers.
- 3 • Maurice Morehead underwent a Rule 35 examination with a neuropsychologist and a
- 4 neurosurgeon.
- 5 • The parties designated initial and rebuttal experts.
- 6 • Plaintiffs completed the depositions of Charlotte Leslie, Stacie Ford, Michael White,
- 7 Alnisha Grimes/Bloyer
- 8 • Lowes completed the depositions of Maurice Morehead, Sheryl Morehead, Dr. Gregory
- 9 Douds, Dr. Craig T. Tingey, Dr. Daniel Kokmeyer, Dr. Stuart Kaplan, Dr. Eric
- 10 Biesbroeck, M.D., Dr. Jeffrey Gross

11 **2. Pursuant to LR 26-4(b), the parties stipulate that they need to complete the following**

12 **discovery:**

13 None

14 **3. Pursuant to LR 26-4(c), the parties stipulate an extension is needed for the following**

15 **reasons:**

16 This is a personal injury action in which Plaintiff Maurice Morehead is claiming over

17 \$400,000 in past medical specials and over \$1.1 million in future medical expenses (present

18 value). Mr. Morehead claims injuries to his hand, knee, cervical spine, lumbar spine, head,

19 and brain. He has undergone surgeries on the hand, knee, and lumbar spine and claims

20 permanent cognitive deficits. Discovery is closed in the present matter.

21 The parties submitted their proposed Joint Pretrial Memorandum to this court on May

22 14, 2021.

23 On December 21, 2021, the parties agreed to attend mediation in a good-faith attempt to

24 resolve the present matter before trial. The parties scheduled the mediation to take place

25 March 28, 2022, which will be presided over by Hon. Trevor Aitken (Ret.).

26 On January 19, 2022, the parties' proposed Joint Pretrial Memorandum was denied

27 without the prejudice, and the parties were instructed to file a new proposed Joint Pretrial

28 Memorandum by February 21, 2022, with suggested trial dates starting from ~~June~~ ^{November, 2022} 2022.

1 This constitutes good cause to extend the deadline to complete the joint pre-trial order.
2 The parties hope to achieve resolution at the scheduled mediation, which would preclude the
3 need to submit the Joint Pretrial Memorandum and the Court to subsequently issue a trial
4 scheduling order. Similarly, should the parties be successful at mediation, this would also
5 preclude the need for either party preclude to prepare motions in limine. In the event that the
6 parties are unsuccessful at mediation on March 28, 2022, the additional time would allow the
7 parties to reconfirm their respective trial availability for the remainder of the year, and then
8 resubmit the proposed Joint Pretrial Memorandum.

9 The parties can also demonstrate excusable neglect for the timing of this submission.
10 While aware of the need to extend discovery to complete the joint pre-trial order, the parties
11 delayed submitting this stipulation until counsel was available to confirm with one another
12 that their respective schedules would likely only allow for mutually available dates to begin
13 trial during the fourth quarter of 2022.

14 This extension is made in good faith and will not unreasonably delay the resolution of
15 this action. The extension is also necessary to allow the parties to complete the requisite joint
16 pre-trial order that precedes the start of trial.

17 When proposing these new deadlines, the parties have taken into consideration their
18 availability, and the time necessary to produce a joint pre-trial order. This is also a civil action
19 with a jury demand and the parties presently expect a trial will last three weeks due to the
20 number of witnesses and the current triable issues. The parties do not believe that the
21 requested extension will impact bringing this matter to trial in a timely manner.

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4. Pursuant to LR 26-4(d), the parties stipulate to the following proposed schedule for completing all remaining discovery: May 23, 2022.

1. Extend the date to file the Joint Pre-Trial Order from 2/21/2022 to ~~4/11/2022~~.

2. Fed. R. Civ. P. 26(a)(3) Disclosures and objections must be included in the Joint Pre-Trial Order.

Dated: March 8, 2022.

Dated: March 8, 2022.

HALL JAFFE & CLAYTON, LLP

STUCKI INJURY LAW

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Attorneys for Maurice Morehead & Sheryl Morehead

ORDER

IT IS SO ORDERED.


RICHARD E. BOULWARE, II
United States District Court

DATED this 9th day of May, 2022.

Claudia Morrill

From: Kyle Stucki, Esq., MBA <kyle@stuckiinjurylaw.com>
Sent: Tuesday, March 8, 2022 3:56 PM
To: Jonathan A. Rich
Cc: Justin Teal; Steve Jaffe; Kevin Smith; Erika Parker; Claudia Morrill
Subject: Re: Activity in Case 2:18-cv-01074-RFB-EJY Morehead et al v. Lowes Home Centers, LLC Order on Joint Pretrial Order
Attachments: SAO to Extend Deadline for Joint Pretrial Memorandum.pdf

I'm sorry Jonathan. This looks good on my end.



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On Feb 25, 2022, at 4:49 PM, Jonathan A. Rich <JRich@lawhjc.com> wrote:

Kyle,

I hope your week is going well. I just wanted to quickly follow up with you again and see if you may have had a chance to look at the proposed SAO to Extend Deadline for Joint Pretrial Memorandum.

Please advise when you have a chance.

Respectfully,

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