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 10 *Gerald Razo, Jesse Reynolds,*
Bryce Walford, Tanya Vai, Kyle Banagan,
 11 *Ty-Yiviri Glover, Stephen White, Christopher Hunter,*
Douglas Taylor, Michael Chambers, and Mitchell Green

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

14 RAMON MURIC-DORADO,
 15
 Plaintiff,
 16 vs.
 17 LAS VEGAS METROPOLITAN POLICE
 DEPARTMENT, et al.
 18
 Defendants.

CASE NO.: 2:18-cv-01184-JCM-EJY

**STIPULATION TO EXTEND
 DISCOVERY DEADLINES
 (7th Request)
 (ECF No. 207)**

19
 20 IT IS HEREBY STIPULATED AND AGREED between the parties that the discovery
 21 cut-off date of August 7, 2023, and related deadlines, be continued for a period of ninety (90)
 22 days¹ up to and including **November 6, 2023**, for the purpose of allowing the parties to complete
 23 written discovery, disclose expert witnesses, and take depositions of the parties.

24 _____
¹ Ninety-one days is requested as the 90th day falls on a Sunday.

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1 **I. DISCOVERY COMPLETED TO DATE**

2 Plaintiff, Defendants Richard Newman, Angela Patton, James Portello, Cesar Esparza,
3 Kenneth Kelsey, Rogelio Mariscal, Tutulupeatau Mataele, Raymond Bunch, Kimberly
4 Shrewsberry, Cheryl Whetsel, Gerald Razo, Jesse Reynolds, Bryce Walford, Tanya Vai, Kyle
5 Banagan, Ty-Yiviri Glover, Stephen White, Christopher Hunter, Douglas Taylor, Michael
6 Chambers, and Mitchell Green (collectively, “LVMPD Defendants”), and exchanged their initial
7 Rule 26 Disclosures while Plaintiff was representing him self pro se. LVMPD Defendants
8 provided five supplements to their Rule 26 Disclosures during that time. Plaintiff provided
9 another initial Rule 26 Disclosure after his counsel appeared and the LVMPD Defendants
10 provided a sixth supplemental Rule 26 Disclosure. Defendant NaphCare provided their initial
11 Rule 26 Disclosure subsequent to plaintiff’s counsel’s appearance. Pro se Plaintiff served
12 Interrogatories on LVMPD Defendants Richard Newman, Angela Patton, James Portello, Cesar
13 Esparza, Kenneth Kelsey, Rogelio Mariscal, Tutulupeatau Mataele, and Raymond Bunch,-who
14 have served their responses and two Requests for Production of Documents collectively on the
15 LVMPD Defendants and responses were made. Pro se Plaintiff attempted to serve
16 Interrogatories on a “Person Most Knowledgeable” for non-party LVMPD, and was advised that
17 this discovery is improper. Counsel for LVMPD has provided copies of all the above discovery
18 to Plaintiff’s new counsel and counsel for NaphCare. Defendant NaphCare served
19 Interrogatories and Requests for Production on Plaintiff on February 3, 2022 and Plaintiff served
20 responses to NaphCare’s written discovery on December 8, 2021 [sic]. The LVMPD Defendants
21 served Requests for Admissions on Plaintiff on September 15, 2022, and Plaintiff provided
22 responses on October 21, 2022 to the first forty Requests for Admissions and objected to all
23 subsequent Requests for Admissions. The LVMPD Defendants served Requests for Production
24 of Documents on Plaintiff on September 15, 2022, but Plaintiff has not provided responses to

1 these Requests. A meet and confer conference was conducted on March 1, 2023 to discuss
2 several discovery matters in this case. At that time, Plaintiff's counsel indicated that he intended
3 to withdraw from representation and would be filing a motion to that effect. As a matter of
4 professional courtesy, the parties have not scheduled depositions and have not pursued motions
5 to compel or propounded further discovery to allow counsel to withdraw. Plaintiff's counsel has
6 indicated that the motion is prepared and he is solely awaiting an affidavit from Plaintiff before
7 filing.

8 **II. DISCOVERY YET TO BE COMPLETED**

9 The Parties have been attempting to schedule Plaintiff's deposition, which has had to be
10 rescheduled or postponed four times, and needs to be rescheduled again. Plaintiff needs to
11 supplement his Responses to the LVMPD Defendants' Requests for Admissions and serve his
12 Responses to the LVMPD Defendants' Requests for Production of Documents. The Parties plan
13 to serve additional written discovery requests (Interrogatories, Requests for Admissions and
14 Requests for Production of Documents). The Parties will serve various third-party subpoenas
15 and take the deposition of Plaintiff, LVMPD Defendants, and the person most knowledgeable for
16 Naphcare. The Parties are retaining experts and will provide timely expert reports.

17 **III. REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

18 Local Rule 26-3 states in relevant part:

19 A motion or stipulation to extend a deadline set forth in a discovery plan
20 must be received by the court no later than 21 days before the expiration
21 of the subject deadline. A request made within 21 days of the subject
22 deadline must be supported by a showing of good cause. A request made
after the expiration of the subject deadline will not be granted unless the
movant also demonstrates that the failure to act was the result of excusable
neglect.

23 Here, good cause and excusable neglect support the requested extension of discovery deadlines.

24 Good cause and excusable neglect exist. For a large portion of this lawsuit plaintiff was

1 pro se and was an inmate at High Desert State Prison. Plaintiff now has pro bono counsel and
 2 has been released from prison, however it has been challenging to coordinate the deposition of
 3 plaintiff, who works, and the calendars for three attorneys' offices, who have experienced
 4 unexpected family emergencies. Plaintiff's deposition is needed to clarify the allegations in the
 5 eleven (11) remaining claims set out in Plaintiff's voluminous second amended complaint (ECF
 6 No. 15 and 31). The deposition is currently being noticed to occur in late June or early July.
 7 Further, additional medical providers have been discovered and Plaintiff's records from those
 8 providers have been requested, but not yet received. The parties' experts will need time to
 9 review the voluminous materials related to this case, including the plaintiff's deposition
 10 transcript, medical records, and prepare expert reports.

11 Despite diligent efforts, and given the number of defendants in this matter and the
 12 unexpected personal matters that counsel has had to attend to, completion of discovery by the
 13 current deadlines is not possible.

14 **IV. ~~PROPOSED~~ EXTENDED DEADLINES**

15 The Parties respectfully request this Court enter an order as follows:

16 Deadline	Current Date	Proposed New Date
17 Initial Expert Disclosure Deadline	Thurs., June 8, 2023	Thurs., Sept. 7, 2023
18 Rebuttal Expert Disclosure 19 Deadline	Mon., July 10, 2023	Tues., Oct. 10, 2023
20 Discovery Cutoff Deadline	Mon., August 7, 2023	Mon., Nov. 6, 2023
21 Dispositive Motion Deadline	Weds., Sept. 6, 2023	Weds., Dec. 6, 2023
22 Pre-Trial Order Deadline	Fri., Oct. 6, 2023	Fri., Jan. 5, 2024

23 **A. Motions in Limine/*Daubert* Motions.**

24 Under LR 16-3(b), any motions in limine, including *Daubert* motions, shall be filed and

1 served 30 days prior to the commencement of Trial. Oppositions shall be filed and served and
2 the motion submitted for decision 14 days thereafter. Reply briefs will be allowed only with
3 leave of the Court.

4 **B. Extensions or Modification of the Discovery Plan and Scheduling Order.**

5 In accordance with LR 26-3, applications to extend any date set by the discovery plan,
6 scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be
7 supported by a showing of good cause for the extension. All motions or stipulations to extend a
8 deadline set forth in a discovery plan shall be received by the Court not later than 21 days before
9 the expiration of the subject deadline. A request made after the expiration of the subject deadline
10 shall not be granted unless the movant demonstrates that the failure to set was the result of
11 excusable neglect. Any motion or stipulation to extend a deadline or to reopen discovery shall
12 include:

- 13 (a) A statement specifying the discovery completed;
- 14 (b) A specific description of the discovery that remains to be completed;
- 15 (c) The reasons why the deadline was not satisfied or the remaining discovery was
16 not completed within the time limits set by the discovery plan; and
- 17 (d) A proposed schedule for completing all discovery.

18 This request for an extension is made in good faith and joined by all the parties in this
19 case. The Request is timely pursuant to LR 26-3. Trial is not yet set in this matter and
20 dispositive motions have not yet been filed. Accordingly, this extension will not delay this case.
21 Moreover, since this request is a joint request, neither party will be prejudiced. The extension
22 will allow the parties the necessary time to complete discovery.

23 ///

24 ///

1 DATED this 23rd day of May, 2023.

DATED this 23rd day of May, 2023.

2 GOODWIN LAW GROUP

MEDICAL DEFENSE LAW GROUP

3 /s/ Charles Goodwin

/s/ Melanie B. Chapman

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7 *Attorneys for Plaintiff*
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Attorneys for Defendant
NaphCare, Inc.

8 DATED this 23rd day of May, 2023.

9 KAEMPFER CROWELL

10 /s/ Lyssa S. Anderson

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Ty-Yiviri Glover, Stephen White, Christopher
Hunter, Douglas Taylor, Michael Chambers,
and Mitchell Green

21 **IT IS SO ORDERED.**

22 Dated this 23rd day of May 2023.

23 
24 **UNITED STATES MAGISTRATE JUDGE**