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8 *Attorney for Plaintiff*
 9 DANIEL ANDREWS

10 **UNITED STATES DISTRICT COURT**
 11 **FOR THE SOUTHERN DISTRICT OF NEVADA (LAS VEGAS)**

12 DANIEL ANDREWS,
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 14 Plaintiff,
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 16 v.
 17 CITY OF HENDERSON, a Nevada
 18 Municipal Corporation; PHILLIP
 19 WATFORD, KARL LIPPISCH,
 20
 21 Defendants.

CASE NO.: 2:18-cv-01625-RFB-BNW

**STIPULATION AND PROPOSED ORDER
 TO EXTEND JOINT PRETRIAL ORDER
 FILING DATE**

(SEVENTH) REQUEST

22 Plaintiff, DANIEL ANDREWS (“Andrews”) and Defendants CITY OF HENDERSON,
 23 KARL LIPPISCH, and PHILLIP WATFORD (“Defendants”), by and through their counsel,
 24 hereby stipulate and agree to extend the remaining Pretrial Conference and Joint Pretrial Order
 25 Filing date as follows:

- 26 1. On January 16, 2019, the United States District Court filed its Scheduling Order
- 27 [#21].
- 28 2. On January 23, 2019, the parties jointly filed their Proposed Discovery Plan and
- Scheduling Order [#24].
3. On February 12, 2019, the parties filed a first request for an extension as it relates
- to expert disclosures, Interim Status Report, and the Discovery Cut-Off dates [#27].

1 4. On February 13, 2019, the United States District Court filed its Order [#28],
2 granting the stipulated extension of the expert disclosure, Interim Status Report, and the Discovery
3 Cut-Off dates.

4 5. On May 13, 2019, the parties filed a second request for an extension of the rebuttal
5 expert disclosure deadline and stipulated to stay discovery [#40], as Plaintiff's counsel was
6 scheduled to have open-heart surgery and needed at least two months to recuperate.

7 6. On May 14, 2019, the United States District Court filed its Order [#41], granting
8 the stipulated extension and the stipulation to stay discovery.

9 7. On August 29, 2019, Plaintiff filed his First Amended Complaint [#49] and added a
10 new defendant, Phillip Watford.

11 8. On September 11, 2019, Defendants City of Henderson and Karl Lippisch filed
12 their answer to the amended complaint [#56].

13 9. On October 21, 2019, Plaintiff served his amended complaint on Phillip Watford.
14 Phillip Watford filed his answer to the amended complaint on November 12, 2019 [#64].

15 10. On November 14, 2019, the parties filed a third request for an extension of time as
16 it related to the Discovery Cut-Off, Dispositive Motion deadline, and the proposed Joint Pretrial
17 Order deadline [#66].

18 11. On November 14, 2019, the United States District Court filed its Order [#67],
19 granting the stipulated extension of the Discovery Cut-Off, Dispositive Motion deadline, and the
20 proposed Joint Pretrial Order dates.

21 12. On January 21, 2020, Defendants filed their Motion for Summary Judgment [#68],
22 which was denied in part by the Court on September 25, 2020 [#80].

23 13. On October 15, 2020, Defendants filed their Notice of Appeal to the U.S. Court of
24 Appeals, Ninth Circuit [#81].

25 14. On June 14, 2022, the U.S. Court of Appeals filed its Mandate [#85], affirming this
26 Court's Order.
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1 15. In early 2022, the Defendants' attorney was unexpectedly out of state for three
2 months due to a family emergency. Additionally, Defendants' attorney was out of the state for
3 one month after the Mandate was filed and has just recently returned to the office.

4 16. On July 22, 2022, a Stipulation and Order extending the Pretrial Order deadlines
5 was granted [#89] to a Pretrial Conference on August 22, 2022 and the filing of the Pretrial Order
6 to August 29, 2022.

7 17. Plaintiff's counsel suffered from an infection that his physician at Horizon View
8 Medical Center performed a Covid test which turned out to be negative. Nevertheless, he is
9 suffering flu like symptoms. Defense counsel was amendable to extending the conference from
10 August 22, 2022 to August 25, 2022. The parties attended a telephonic conference on August 25,
11 2022 at 4:00 p.m. and discussed various aspects of the Pretrial Order, as well as the parties desire
12 to schedule a Settlement Conference with a Magistrate Judge.

13 18. On August 31, 2022, an Order to Extend Joint PreTrial Order Filing Date (Fifth
14 Request) [#93] was granted extending the filing date to September 20, 2022.

15 19. On August 31, 2022, a Stipulation and Order Scheduling Settlement Conference
16 [#94] was served on all counsel. Upon receipt of said Order, counsel for Defendants emailed
17 Plaintiff's counsel and contacted the clerk for Magistrate Judge Brenda Weksler regarding his
18 unavailability of the assigned dates for the Settlement Conference. Counsel were provided
19 alternative dates by Magistrate Judge Brenda Weksler's clerk and counsel exchanged emails
20 selecting new dates for the Pre-Settlement Conference and Settlement Conference (November 8-9,
21 2022). Plaintiff's counsel thought it prudent to further to extend the deadline to file the Joint Pre-
22 Trial Order from September 20, 2022 to November 16, 2022 given the upcoming settlement
23 conference. Defendants' counsel had no objection. See Exhibit 1: Emails confirming dates.

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20. All parties, as indicated by the signature of their counsel below, agree and stipulate as follows:

- a. The parties participated in a settlement conference before Magistrate Judge Brenda Weksler on November 9, 2022 that was concluded on November 15, 2022.
- b. The parties are still in the process of trying to resolve the case. Any potential resolution would need be approved at a public meeting of the Henderson City Council. If a potential resolution is reached, the next meeting of the Henderson City Council is December 13, 2022 and the parties are requesting up until December 15, 2022 to file The Joint Pretrial Order.
- c. To stipulate and seek an Order Extending the deadline to file the Joint Pretrial Order (Seventh Request) from **November 16, 2022 to December 15, 2022.**

ORDER
IT IS SO ORDERED
DATED: 8:53 pm, November 16, 2022

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

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Dated this 15th day of November 2022.

CITY OF HENDERSON

/s/ Michael Oh

MICHAEL J. OH
Senior Assistant City Attorney
Nevada Bar No. 7470
WADE B. GOCHNOUR
Assistant City Attorney
Nevada Bar No. 6314
240 Water Street, MSC 144
Henderson, NV 89015
Attorneys for Defendants
CITY OF HENDERSON, KARL LIPPISCH,
and PHILLIP WATFORD

Dated this 15th day of December 2022.

PETER GOLDSTEIN LAW CORP

/s/ Peter Goldstein

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