

1 Peter Goldstein [SBN 6992]  
 2 PETER GOLDSTEIN LAW CORP  
 3 peter@petergoldsteinlaw.com  
 4 10161 Park Run Drive, Suite 150  
 5 Las Vegas, Nevada 89145  
 6 Telephone: (702) 474-6400  
 7 Facsimile: (888) 400-8799

8 *Attorney for Plaintiff*  
 9 DANIEL ANDREWS

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

12 DANIEL ANDREWS,  
 13  
 14 Plaintiff,  
 15  
 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**

**(SIXTH 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.  
27  
28

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 amenable 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.

24 ///

25 ///

26 ///

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

3  
4           a. To scheduling a settlement conference before Magistrate Judge Brenda Weksler on  
5           November 9, 2022; and

6           b. To stipulate and seek an Order Extending the deadline to file the Joint Pretrial  
7           Order (Sixth Request) from September 20, 2022 to **November 16, 2022.**  
8

9 Dated this 2nd day of September 2022.

Dated this 2nd day of September 2022.

10 CITY OF HENDERSON

PETER GOLDSTEIN LAW CORP

11 /s/ Michael Oh

/s/ Peter Goldstein

12 \_\_\_\_\_  
13 MICHAEL J. OH  
14 Senior Assistant City Attorney  
15 Nevada Bar No. 7470  
16 WADE B. GOCHNOUR  
17 Assistant City Attorney  
18 Nevada Bar No. 6314  
19 240 Water Street, MSC 144  
20 Henderson, NV 89015  
21 *Attorneys for Defendants*  
22 *CITY OF HENDERSON, KARL LIPPISCH,*  
23 *and PHILLIP WATFORD*

\_\_\_\_\_

PETER GOLDSTEIN, ESQ.  
Nevada Bar No. 6992  
10161 Park Run Drive, Suite 150  
Las Vegas NV 89145  
*Attorney for Plaintiff*  
DANIEL ANDREWS

**ORDER**

**IT IS SO ORDERED**

**DATED:** 1:53 pm, September 06, 2022



**BRENDA WEKSLER**  
**UNITED STATES MAGISTRATE JUDGE**

# EXHIBIT 1



Peter Goldstein <pglawstaff@petergoldsteinlaw.com>

---

## Andrews v. HPD - Other Proposed Dates for Settlement Conference [COHCAO-LEGAL.FID63715]

4 messages

---

**Michelle Harrell** <Michelle.Harrell@cityofhenderson.com>

Wed, Aug 31, 2022 at 3:52 PM

To: Peter Goldstein <peter@petergoldsteinlaw.com>, "pglawstaff@petergoldsteinlaw.com" <pglawstaff@petergoldsteinlaw.com>

Cc: Michael Oh <Michael.Oh@cityofhenderson.com>

Good afternoon,

As you are aware, today the Court filed an Order Scheduling Settlement Conference, with the pre-Settlement Conference being held on 9/21 and the Settlement Conference being held on 9/23. Michael Oh will be traveling during those two days. This was a pre-planned trip, and he has already purchased his airfare. I contacted the court to see if other dates were available. Radia Amari, the law clerk to Judge Weksler, provided the following dates and times:

- Wednesday, Nov. 9 at 10 (pre-SC call on Tuesday, Nov. 8 at 3)
- Tuesday, Oct. 11 at 10 (pre-SC call on Friday, Oct. 7 at 2)
- Thursday, Oct. 6 at 10 (pre-SC call on Wednesday, Oct. 5 at 3)

Mike's preference for his schedule is November 8<sup>th</sup> for pre-SC call and November 9<sup>th</sup> for the conference. The other dates will work as well if the November ones aren't good for you.

After we pick a date, we will draft the stipulation with the new dates and send it to you for review/e-signature authorization.

Thank you!

**Michelle Harrell**

Legal Assistant to Michael J. Oh & Amanda B. Kern

**HENDERSON**

**City of Henderson**

**City Attorney's Office – Civil Division**

240 S. Water St, MSC 144

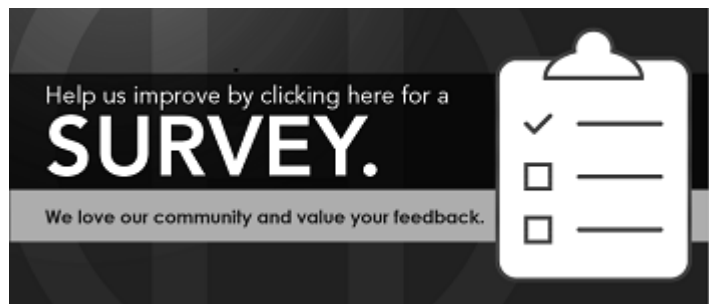
Henderson, NV 89015

Michelle.Harrell@cityofhenderson.com

T 702-267-1216 F 702-267-1201

H Mon-Thu, 7:30am-5:30pm

CONFIDENTIALITY NOTICE: This electronic transmission and any accompanying document contain information belonging to the sender which may be confidential and legally privileged. This information is intended only for the use of the individual or entity to whom this electronic transmission was sent as indicated above. If you are not the intended recipient, any disclosure, copying, distribution or action taken in reliance on the contents of the information contained in this electronic transmission is strictly prohibited. If you have received this transmission in error, please notify us immediately by e-mail and delete the original message. Thank you.



PUBLIC RECORDS NOTICE: In accordance with NRS Chapter 239, this email and responses, unless otherwise made confidential by law, may be subject to the Nevada Public Records laws and may be disclosed to the public upon request.

**Kris Bechtold** <pglawstaff@petergoldsteinlaw.com>

Wed, Aug 31, 2022 at 5:14 PM

To: Michelle Harrell <Michelle.Harrell@cityofhenderson.com>

Cc: Peter Goldstein <peter@petergoldsteinlaw.com>, Michael Oh <Michael.Oh@cityofhenderson.com>

Bcc: Peter Goldstein <pglawstaff@petergoldsteinlaw.com>

Hi Michelle - Peter is agreeable with the November 8<sup>th</sup> for pre-SC call and November 9<sup>th</sup> for the conference. Peter also asked if Mr. Oh would agree to moving the Jt. Pre-Trial Order filing date from September 20 November 16? We will also be contacting our client to make arrangements for his appearance while incarcerated.

Thank you,  
Kris Bechtold  
Legal Assistant



**PETER GOLDSTEIN LAW CORP**

10161 Park Run Drive, Suite 150

Las Vegas, NV 89145

Tel: (702) 474-6400

Fax: (888) 400-8799

www.petergoldsteinlaw.com

400 Corporate Pointe, Ste. 300  
Culver City, CA 90230  
Tel: (310)552-2050  
Fax: (888) 400-8799

www.petergoldsteinlaw.com

[Quoted text hidden]

---

**Michelle Harrell** <Michelle.Harrell@cityofhenderson.com>

Thu, Sep 1, 2022 at 8:58 AM

To: Kris Bechtold <pglawstaff@petergoldsteinlaw.com>

Cc: Peter Goldstein <peter@petergoldsteinlaw.com>, Michael Oh <Michael.Oh@cityofhenderson.com>

Thanks so much, Kris. We will get a stipulation drafted and sent to you today.

I'll ask Michael if we can file the Jt. Pre-Trial Order on November 16, which is after the settlement conference. From our last stip to continue the Jt. Pre-Trial Order, I noticed the court set the settlement conference the day after we were supposed to file the Jt. Pre-Trial Order.

Thanks again.

**Michelle Harrell**

Legal Assistant to Michael J. Oh & Amanda B. Kern

**HENDERSON**

**City of Henderson**

**City Attorney's Office – Civil Division**

240 S. Water St, MSC 144

Henderson, NV 89015

**Michelle.Harrell@cityofhenderson.com**

**T** 702-267-1216 **F** 702-267-1201

**H** Mon-Thu, 7:30am-5:30pm

CONFIDENTIALITY NOTICE: This electronic transmission and any accompanying document contain information belonging to the sender which may be confidential and legally privileged. This information is intended only for the use of the individual or entity to whom this electronic transmission was sent as indicated above. If you are not the intended recipient, any disclosure, copying,



distribution or action taken in reliance on the contents of the information contained in this electronic transmission is strictly prohibited. If you have received this transmission in error, please notify us immediately by e-mail and delete the original message. Thank you.

---

**From:** Kris Bechtold <pglawstaff@petergoldsteinlaw.com>  
**Sent:** Wednesday, August 31, 2022 5:15 PM  
**To:** Michelle Harrell <Michelle.Harrell@cityofhenderson.com>  
**Cc:** Peter Goldstein <peter@petergoldsteinlaw.com>; Michael Oh <Michael.Oh@cityofhenderson.com>  
**Subject:** Re: Andrews v. HPD - Other Proposed Dates for Settlement Conference [COHCAO-LEGAL.FID63715]

EXTERNAL EMAIL – USE CAUTION

---

[Quoted text hidden]

---

**Michelle Harrell** <Michelle.Harrell@cityofhenderson.com> Thu, Sep 1, 2022 at 10:56 AM  
To: Kris Bechtold <pglawstaff@petergoldsteinlaw.com>  
Cc: Peter Goldstein <peter@petergoldsteinlaw.com>, Michael Oh <Michael.Oh@cityofhenderson.com>

Hi Kris,

Michael is fine with moving the Jt. Pre-Trial Order date from September 20 to November 16. Please send us a copy of the stipulation to continue.

Also, for your office's information, I was directed to Radia Amari, Judge Weksler's law clerk, when I called to find out if we could get additional settlement conference dates. Radia said if we have any settlement conference-related questions, we could contact her directly. Here's Radia's contact information.



**Radia Amari**  
*Law Clerk to*  
*Honorable Brenda Weksler*  
*U.S. Magistrate Judge*  
702-464-5570

We'll be sending you a copy of the stipulation for the new settlement conference dates shortly.

Thank you!

**Michelle Harrell**

Legal Assistant to Michael J. Oh & Amanda B. Kern