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18 Attorneys for Plaintiff
19 Mitchell Gonzalez

20 [Additional attorneys listed on following page.]

21 **UNITED STATES DISTRICT COURT**
22 **FOR THE DISTRICT OF NEVADA**

23 MITCHELL GONZALEZ,

24 Plaintiff,

25 v.

26 BIOMET, INC.; BIOMET ORTHOPEDICS,
27 LLC; and BIOMET U.S.
28 RECONSTRUCTION, LLC,

Defendants.

Case No. 2:18-cv-01744-GMN-EJY

Honorable Gloria M. Navarro
Magistrate Judge Elayna J. Youchah.

JOINT STIPULATION AND
~~**PROPOSED**~~ **ORDER TO EXTEND**
DISCOVERY DEADLINES TO
COMPLETE REMAINING
DEPOSITION

Amended Complaint: February 7, 2014
Case Transferred: September 10, 2018

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1 Plaintiff Mitchell Gonzalez (“Plaintiff”), together with Defendants Biomet, Inc.;
2 Biomet Orthopedics, LLC and Biomet U.S. Reconstruction, LLC (collectively, “Biomet,”
3 and together with Plaintiff, the “Parties”), by and through their respective undersigned
4 counsel, respectfully move the Court for a limited extension of the current case-specific fact
5 discovery cutoff deadline of June 7, 2021, by approximately 45 days, due to unforeseen
6 difficulties in scheduling the deposition of Dr. Santo Yu, one of Plaintiff’s treating
7 physicians. The Parties do not intend this to affect any other pretrial deadlines. In support
8 of their stipulation, the Parties state as follows:

9 1. Biomet properly subpoenaed Dr. Yu and noticed his deposition for May 18,
10 2021;

11 2. Biomet paid Dr. Yu’s \$5,000 deposition fee ahead of his May 18th deposition,
12 *see Axelson v. Hartford Ins. Co. of Midwest*, No. 2:11-cv-01827-R CJ-GWF, 2013 WL
13 1261757, at *2 –3 (D. Nev. Mar. 26, 2013) (requiring payment of reasonable expert fees to
14 non-retained treating physicians);

15 3. The evening before the deposition, Plaintiff’s counsel contacted Biomet’s
16 counsel to request rescheduling for Dr. Yu’s deposition due to an unforeseen conflict;

17 4. As a professional courtesy, Biomet agreed to reschedule Dr. Yu’s deposition;

18 5. Biomet informed Dr. Yu’s office of the need to reschedule due to Plaintiff’s
19 unforeseen conflict;

20 6. Biomet, however, has not been able to obtain new available dates for Dr. Yu’s
21 deposition prior to the June 7, 2021 case-specific fact discovery cutoff, seemingly because
22 Dr. Yu’s office is demanding a second, full deposition fee, in addition to the fee Biomet
23 already paid, before providing new dates;

24 7. Accordingly, the Parties agree that a 45-day extension of the case-specific fact
25 discovery cutoff is warranted in order to allow them to complete the deposition of Dr. Yu;

26 8. This is the Parties’ sixth request for an extension of deadlines, although this
27 continuance request affects a single deadline only;

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1 9. This request does not affect any other pretrial dates or a trial date, as one has
2 not yet been set; and

3 10. This request is not made for the purpose of undue delay.

4 **IT IS HEREBY STIPULATED AND REQUESTED**, by and between the Parties
5 and their respective counsel, that the Court should continue the case-specific fact discovery
6 cutoff as follows:

- 7 • Last date to complete case-specific fact discovery shall be continued from June
8 7, 2021 to **July 23, 2021**.

9 All other pretrial deadlines to remain the same.

10 Dated: June 4, 2021

FAEGRE DRINKER BIDDLE & REATH LLP

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By: /s/ Theodore O'Reilly
TARIFA B. LADDON
THEODORE O'REILLY

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Attorneys for Defendants
BIOMET, INC.; BIOMET ORTHOPEDICS,
LLC; AND BIOMET U.S.
RECONSTRUCTION, LLC

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17 Dated: June 4, 2021

MORRIS LAW FIRM

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By: /s/ James A. Morris, Jr.
JAMES A. MORRIS, JR.

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Attorneys for Plaintiff
MITCHELL GONZALEZ

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IT IS SO ORDERED:

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26 DATED: June 4, 2021


Hon. Elayna J. Youchak
United States Magistrate Judge

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