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

24 REECE FREEMAN; BRITTANY FREEMAN,

25 CASE NO. 2:19-cv-01572-RFB-BNW

26 v.
27 Plaintiff,

28
**STIPULATION AND [PROPOSED]
ORDER EXTENDING DISCOVERY
DEADLINES FOR LIMITED PURPOSES**

29 C. R. BARD, INC.; BARD PERIPHERAL
30 VASCULAR, INCORPORATED,

31
(FIRST REQUEST)

32 Defendants.

1 COME NOW Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (“Bard” or
 2 “Defendants”) and Plaintiffs REECE FREEMAN and BRITTANY FREEMAN (“Plaintiffs”), by
 3 and through their undersigned counsel of record, pursuant to LR IA 6-1, and hereby stipulate that
 4 the discovery deadlines be extended for the limited purpose of allowing the depositions of Plaintiffs’
 5 disclosed family and friend witnesses as well as Defendants’ applicable territory and/or district
 6 managers as outlined below. This is the first request for extension of discovery deadlines for this
 7 limited purpose.

8 The parties have engaged in settlement discussions, have conducted written discovery, and
 9 are now in the process of deposing fact witnesses. Plaintiffs have been deposed. Mr. Freeman’s
 10 treating physicians have also been deposed or will be deposed within the deadline set by the
 11 Stipulated Discovery Plan and Scheduling Order, Dkt. 41. However, in an effort to conserve the
 12 resources of the Parties and to facilitate settlement discussions, the Parties have agreed to reserve
 13 the right to take the depositions of Plaintiffs’ disclosed family and friend witnesses, as well as
 14 Defendants’ applicable territory and district managers, until no later than thirty (30) days before trial
 15 is scheduled to begin.

16 Pursuant to Federal Rules of Civil Procedure 6(b) and 26, and the Court’s inherent authority
 17 and discretion to manage its own docket, this Court has the authority to grant the requested extension.
 18 Fed. R. Civ. P. 6(b) (“When an act may or must be done within a specified time the court may, for
 19 good cause, extend the time....”); Fed. R. Civ. P. 26(a) (“A party or any person from whom discovery
 20 is sought may move for a protective order in the court where the action is pending . . . The court
 21 may, for good cause, issue an order to protect a party or person from annoyance, embarrassment,
 22 oppression, or undue burden or expense.”). Furthermore, Federal Rules of Civil Procedure 26(c)
 23 and 26(d) vest the Court with authority to limit the scope of discovery or control its sequence.
 24 *Crawford-El v. Britton*, 523 U.S. 574, 598 (1998) (“Rule 26 vests the trial judge with broad
 25 discretion to tailor discovery narrowly and to dictate the sequence of discovery.”).

26 This Court therefore has broad discretion to extend deadlines or stay proceedings as incidental
 27 to its power to control its own docket – particularly where, as here, such action would promote
 28 judicial economy and efficiency. *Bacon v. Reyes*, 2013 U.S. Dist. LEXIS 143300, at *4 (D. Nev.

1 Oct. 3, 2013) (*citing, Munoz-Santana v. U.S. I.N.S.*, 742 F.2d 561, 562 (9th Cir. 1984)) (“Whether
 2 to grant a stay is within the discretion of the court”); *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109
 3 (9th Cir. 2005) (“A district court has discretionary power to stay proceedings in its own court.”);
 4 *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (“[T]he power to stay proceedings is incidental to
 5 the power inherent in every court to control the disposition of the causes on its docket with economy
 6 of time and effort for itself, for counsel, and for litigants.”).

7 For the foregoing reasons, the parties stipulate and respectfully request that this Court modify
 8 the Stipulated Discovery Plan and Scheduling Order, Dkt. 41, as follows (requested modifications
 9 are **bolded**):

PROPOSED DATE	DEADLINE
March 8, 2021	Case-specific fact discovery closes with the exception of depositions of Plaintiffs' disclosed family and friend witnesses and Defendants' applicable territory and district managers (which shall be taken no later than 30 days before trial is scheduled to begin).
April 5, 2021	The Plaintiffs shall produce case-specific expert reports.
May 3, 2021	The Defendants shall produce case-specific expert reports.
May 31, 2021	The Plaintiffs shall produce any case-specific rebuttal expert reports.
June 28, 2021	The Defendants shall produce any case-specific rebuttal expert reports.
July 26, 2021	Deadline to depose the Plaintiffs' case-specific experts.
August 23, 2021	Deadline to depose the Defendants' case-specific experts.
September 20, 2021	Deadline to file Daubert motions and other dispositive motions.

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1 **IT IS SO STIPULATED.**

2 Dated this 12th day of February 2021.

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36 *Counsel for Defendants*

37 ORDER

38 IT IS ORDERED that the parties' stipulation is GRANTED. To the extent the excepted
39 depositions are necessary for either party's summary judgment briefing, the excepted
40 depositions must be taken prior to the deadline for dispositive motions.

41 **IT IS SO ORDERED**

42 **DATED:** 5:35 pm, February 16, 2021

43 

44 **BRENDA WEKSLER**
45 **UNITED STATES MAGISTRATE JUDGE**