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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JULIUS CZUDAR,

Plaintiff,

vs.

PRO-VIGIL, INC., a foreign Corporation  
headquartered in Texas,

Defendant.

Case No.: 2:19-cv-01784-GMN-NJK

**AMENDED STIPULATION AND ORDER  
TO EXTEND DISCOVERY AND  
DISPOSITIVE MOTION FOR  
DEADLINES**

**(Fifth Request)**

IT IS HEREBY STIPULATED by and between Plaintiff Julius Czudar (“Plaintiff”), through his counsel Mullins & Trenchak, Attorneys at Law, and Defendant Pro-Vigil, Inc., (“Defendant”) and (collectively referred to as the “Parties”), by and through their respective counsel of record, hereby stipulate to extend the deadline to complete discovery and file dispositive motions in this case, and agree as follows:

1. On February 28, 2020, this Court entered an Order granting the parties first request to extend the Discovery Plan and Scheduling Order. [ECF #20]
2. On July 23, 2020, this Court entered an Order granting the parties second request for extension and extended all Discovery Deadlines by 120 days. [ECF #34]
3. On November 23, 2021, this Court entered an Order granting the parties third request to extend the Discovery Plan and Scheduling Order [ECF No. 38]

1           4.       On February 18, 2021, this Court entered an Order granting the parties fourth request  
2 to extend the Discovery Plan and Scheduling Order [ECF No. 43]

3           5.       This is the fifth request by the parties to amend the Court's February 28, 2020  
4 Scheduling Order.

5           6.       The parties stipulated and agreed to extend the discovery and dispositive motion  
6 deadlines for thirty (30) days as necessary to allow for completion of witness depositions.

7           7.       The parties have been diligent but given the pandemic there have been mandated  
8 closures, witnesses are unavailable and/or have limited availability, there has been remote and/or  
9 limited access to information, and counsel for the parties have both had medical issues.

10          8.       Plaintiff's Counsel's office had a case of Covid-19 on his staff which necessitated a  
11 second shutdown of his business operations which followed the initial shutdown.

12          9.       The parties were forced to continue the initial ENE session because Plaintiff's  
13 Counsel was hospitalized for four (4) days with shortness of breath.

14          10.      The ENE session was extended until May 20, 2020, in an attempt to resolve the  
15 underlying lawsuit without necessitating the need for further litigation.

16          11.      Plaintiff's Counsel had surgery on September 3, 2020.

17          12.      The surgery left Counsel in a cast for nine (9) weeks.

18          13.      Plaintiff's Counsel was unable to walk without the assistance of crutches through  
19 the month of December, 2020.

20          14.      This unforeseen medical emergency created additional delays in answering written  
21 discovery and working with Plaintiff.

22          15.      Plaintiff's Counsel was forced to close his office in December once again because  
23 of a positive Covid-19 test by someone that lives in his home.

24          16.      Plaintiff's Counsel suffered delays in his other litigation and the immediate case at  
25 hand. He recently submitted supplemental discovery requests and the parties are currently in the  
26 process of scheduling depositions for witnesses located out of state.

27          17.      Defendant's counsel also has an immediate family member who was in the Intensive  
28 Care Unit the first week of April 2021 and remains hospitalized.

1           18.     This Request is not for the purpose of delay and is made in good faith.

2                     **STATEMENT OF DISCOVERY THAT HAS BEEN COMPLETED**

3     Plaintiff served the following disclosures:

- 4           a.     Initial Disclosures on March 7, 2020;
- 5           b.     First Supplemental Disclosures on March 17, 2020.
- 6           c.     Second Supplemental Disclosures on October 9, 2020.

7     Plaintiff served the following discovery requests:

- 8           a.     First Set of Interrogatories on April 16, 2020.
- 9           b.     First Set of Request for Production of Documents on April 16, 2020.
- 10          c.     Supplemental Request for Production on March 29, 2021.
- 11          d.     Supplemental Set of Plaintiff's Supplemental Interrogatories on March 29, 2021.
- 12          e.     Requests for Admission on April 2, 2021.

13     Defendant served the following disclosures:

- 14          a.     Initial Disclosures on March 5, 2020;
- 15          b.     First Supplemental Disclosures on April 28, 2020.
- 16          c.     Second Supplemental Disclosures on October 30, 2020.

17     Plaintiff answered the Discovery Requests:

- 18          a.     First Set of Interrogatories on October 9, 2020.
- 19          b.     First Request for Production of Documents on October 9, 2020.

20     Defendant served the following discovery requests:

- 21          a.     First Set of Interrogatories on June 10, 2020.
- 22          b.     First Set of Request for Production of Documents on June 10, 2020.

23     Defendant served the following Responses to Discovery:

- 24          a.     Responses to Interrogatories on October 30, 2020.
- 25          b.     Responses to Requests for Production of Documents October 30, 2020.

26     The parties jointly:

- 27          a.     Had a "meet and confer" regarding Discovery responses on December 4, 2020.
- 28          b.     Discusses the Protective Order on December 4, 2020.

1 c. Submitted the Protective Order on January 4, 2021.

2 d. The Court signed the Protective Order on January 4, 2021.

3 **STATEMENT OF DISCOVERY THAT REMAINS TO BE COMPLETED**

4 Defendant is providing responses to Plaintiff's Supplemental Request for Production of  
5 Documents, Supplemental Interrogatories and Request for Admissions. In addition, Defendant  
6 plans to conduct Plaintiff's deposition on April 30, 2021 and Plaintiff plans to depose out of state  
7 witnesses, Jeremy White and Megan Berg the second week of May 2021. The parties anticipate  
8 that thirty (30) days should be sufficient to complete Discovery and to avoid further requests for  
9 extensions. For the above stated reasons, the parties request that the discovery deadline be extended  
10 thirty (30) days from **May 10, 2021** to **June 9, 2021**.

11 **PROPOSED SCHEDULE**

12 The parties stipulate and agree that:

13 1. **Discovery**: The discovery period shall be extended thirty (30) days from **May 10,**  
14 **2021 to June 09, 2021** for the sole purpose of completing the discovery outlined above.

15 2. **Dispositive Motions**: The parties shall have through and including **July 09, 2021,**  
16 to file dispositive motions.

17 3. **Pre-Trial Order**: If no dispositive motions are filed, the Joint Pretrial Order shall  
18 be filed thirty (30) days after the date set for the filing of dispositive motions. Therefore, the Joint  
19 Pretrial order shall be filed no later than ~~July 09, 2021~~ **August 8, 2021**. In the event dispositive motions are filed,  
20 the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after decision on  
21 the dispositive motions or by further order of the Court.

22 4. A trial date has not yet been set in this matter, and no other deadlines are affected  
23 by this stipulation.

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5. This stipulation and order is sought in good faith and not for the purpose of delay.  
Dated this 23<sup>rd</sup> day of April, 2021.

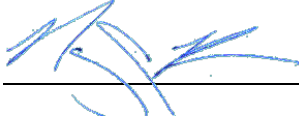
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**ORDER**

IT IS SO ORDERED:



United States Magistrate Judge

Dated: April 26, 2021