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9 **UNITED STATES DISTRICT COURT**
 10 **DISTRICT OF NEVADA**

11 MARY BENSON, an individual,
 12 Plaintiff,

Case No.: 2:19-cv-01949-RFB-VCF

13 vs.

14 LAS VEGAS METROPOLITAN POLICE
 15 DEPARTMENT, in its official capacity; and,
 16 BRET EMPEY, in his official capacity as
 17 Sergeant of the Las Vegas Metropolitan
 18 Police Department;
 19 Defendants.

20 **STIPULATION AND ORDER TO**
 21 **EXTEND DISCOVERY**
 22 **DEADLINES**
 23 **(FIFTH REQUEST)**
 24 **[ECF No. 35]**

25 Pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rule 26-4, Plaintiff MARY
 26 BENSON and Defendants LAS VEGAS METROPOLITAN POLICE DEPARTMENT and
 27 BRET EMPEY (“LVMPD Defendants”), by their respective counsel, hereby submit this
 28 *Stipulation and Order to Extend Discovery Deadlines (Fifth Request)* to request the Court to
 continue the pretrial and trial dates by sixty (60) days.

I. DISCOVERY CUT-OFF DEADLINES

A. The discovery cut-off date shall be rescheduled from July 1, 2021 to **August 30, 2021**;

B. The deadline for the initial disclosure of experts and expert reports shall be rescheduled from April 30, 2021 to **June 29, 2021**;

C. The deadline for the disclosure of rebuttal experts and their reports shall be rescheduled from June 1, 2021 to **July 29, 2021**;

D. The deadline to file dispositive motions shall be rescheduled from August 1, 2021 to **September 30, 2021**; and

1 E. The deadline to file the Joint Pretrial Order shall be rescheduled from
 2 August 31, 2021 to **November 1, 2021**. If dispositive motions are filed, the deadline for filing
 3 the joint pretrial order will be suspended until thirty (30) days after decision on the dispositive
 4 motions or further court order.

5 **II. REASON FOR THE REQUESTED EXTENSION**

6 Pursuant to Local Rule 26-4, the Parties submit that good cause exists for the
 7 extension requested.

8 The Parties have been diligently conducting discovery. Since January 2020, the
 9 Parties have propounded and responded to requests for written discovery; have produced
 10 documents relating to liability issues; and have been working to coordinate depositions. The
 11 Parties acknowledge that, pursuant to Local Rule 26-4, a stipulation to extend a deadline set
 12 forth in a discovery plan must be submitted to the Court no later than 21 days before the
 13 expiration of the subject deadline, and that a request made within 21 days must be supported
 14 by a showing of good cause. Here, the deadline for the initial disclosure of initial experts and
 15 initial expert reports is currently April 30, 2021. Thus, the instant stipulation to extend the
 16 deadline for initial expert disclosures is untimely.

17 Good cause exists to excuse this untimely request. Specifically, counsel for Plaintiff
 18 has had several deadlines in competing matters in state and federal court which have
 19 interfered with the completion of discovery in this matter. In the month of March, for
 20 example, counsel for Plaintiff had dispositive motions due in both a state court matter and a
 21 federal civil rights case, both of which required extensive time and resources to prepare.
 22 Counsel for Plaintiff has also been preparing for trial in a state court matter which is set to
 23 begin on May 18, 2021, and a federal civil trial in the Central District of California which is
 24 set to begin on June 8, 2021. In addition, counsel for Plaintiff has several appellate deadlines
 25 in both state and federal court which have interfered with the completion of discovery in this
 26 matter.

27 Additional time is also needed for discovery due to the current State of Emergency
 28 resulting from the COVID-19 virus, including ongoing office closures and limitations on

1 travel and personal contact, the Parties have been limited in their ability to conduct
 2 depositions.

3 **III. STATUS OF DISCOVERY EFFORTS TO DATE**

4 The following discovery has been completed to date:

5 1. LVMPD Defendants provided their Fed. R. Civ. P. 26.1 Production of
 6 Documents and Witness List on January 6, 2020;

7 2. Plaintiff Mary Benson provided her Fed. R. Civ. P. 26.1 Production of
 8 Documents and Witness List on January 7, 2020;

9 3. LVMPD Defendants propounded their First Set of Requests for Production
 10 of Documents to Plaintiff Mary Benson on January 17, 2020;

11 4. Plaintiff Mary Benson responded to LVMPD Defendants' First Set of
 12 Requests for Production of Documents on March 10, 2020;

13 5. Plaintiff provided her First Supplement to her Fed. R. Civ. P. 26.1
 14 Production of Documents and Witness List on March 10, 2020;

15 6. Plaintiff Mary Benson propounded her First Set of Requests for Production
 16 of Documents to Defendant Sgt. Bret Empey on March 13, 2020;

17 7. Plaintiff Mary Benson propounded her First Set of Requests for Production
 18 of Documents to Defendant Las Vegas Metropolitan Police Department on March 13, 2020.

19 8. LVMPD Defendants provided their First Supplement to their Fed. R. Civ.
 20 P. 26.1 Production of Documents and Witness List on May 11, 2020;

21 9. Defendant Sgt. Bret Empey responded to Plaintiff Mary Benson's First Set
 22 of Requests for Production of Documents on May 11, 2020;

23 10. Defendant Las Vegas Metropolitan Police Department responded to
 24 Plaintiff Mary Benson's First Set of Requests for Production of Documents on May 11, 2020;
 25 and

26 11. Plaintiff provided her Second Supplement to her Fed. R. Civ. P. 26.1
 27 Production of Documents and Witness List on February 23, 2021.

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1 **IV. DISCOVERY REMAINING**

2 The Parties agree that the following discovery must be completed:

- 3 1. The deposition of Plaintiff;
- 4 2. The depositions of Defendants;
- 5 3. The depositions of witnesses;
- 6 4. The deposition(s) of the Defendants' Person(s) Most Knowledgeable;
- 7 5. The deposition(s) of expert witness(es) designated by all Parties;
- 8 6. Additional written discovery; and
- 9 7. Additional records collection.

10 **V. CONCLUSION**

11 Based on the above, requisite good cause exists to warrant an extension of the
12 Scheduling Order (ECF No. 35) deadlines. Accordingly, the Parties respectfully request that
13 this Court extend the current deadlines by sixty (60) days in order to allow all Parties to
14 adequately complete discovery and to resolve present scheduling conflicts.

15 IT IS SO STIPULATED.

16 DATED this the 28th day of April, 2021.

17 **MARQUIS AURBACH COFFING**

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DATED this the 28th day of April, 2021.

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ORDER

IT IS SO ORDERED.

DATED this 28th day of April, 2021.



 U.S. MAGISTRATE JUDGE