

1 MATTHEW W. HOFFMANN, ESQ.  
 Nevada Bar No. 9061  
 2 TYLER M. CRAWFORD, ESQ.  
 Nevada Bar No. 10559  
 3 ATKINSON WATKINS & HOFFMANN, LLP  
 10789 W. Twain Ave., Suite 100  
 4 Las Vegas, NV 89135  
 Telephone: 702-562-6000  
 5 Facsimile: 702-562-6066  
 Email: [mhoffmann@awhlawyers.com](mailto:mhoffmann@awhlawyers.com)  
 6 Email: [tcrawford@awhlawyers.com](mailto:tcrawford@awhlawyers.com)  
 Attorneys for Plaintiff

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

10 RYAN VINCENT FITZPATRICK,  
 11 individually,

CASE NO.: 2:19-cv-02174-JAD-EJY

12 Plaintiff,

13 v.

**STIPULATION TO EXTEND**  
**DISCOVERY PLAN AND SCHEDULING**  
**ORDER DEADLINES BY 90 DAYS 1ST**  
**REQUEST**

14 KEVIN BERNEZ, individually; and DOES I  
 through X, inclusive; and ROE  
 15 CORPORATIONS I through V, inclusive;

***THIRD REQUEST***

16 Defendants.

17 Pursuant to Local Rule IA 6-1 and II 26-4, Defendant Kevin Bernez and Plaintiff Ryan  
 18 Vincent Fitzpatrick, by and through their respective counsel of record, stipulate to a 90-day  
 19 extension of the following designated deadlines. This is the second request for an extension of  
 20 discovery, and it is entered in good faith without any intent to delay.

21 **I. DISCOVERY CONDUCTED TO DATE**

- 22 1. Plaintiff has served his Initial Disclosure of Witnesses and Documents pursuant to NRCP  
 23 16.1;  
 24 2. Defendants served their Initial Disclosure of Witnesses and Documents pursuant to  
 25 NRCP 16.1;  
 26 3. Defendant propounded interrogatories and requests for production on Plaintiff, who  
 27 responded on March 31, 2020;  
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- 1 4. Plaintiff propounded interrogatories, request for admissions and requests for production
- 2 on Defendant, who responded on July 30, 2020;
- 3 5. Plaintiff's deposition was taken on July 9, 2020.

4 **II. DISCOVERY TO BE CONDUCTED**

- 5 1. Initial expert witness disclosures;
- 6 2. Rebuttal expert witness disclosures;
- 7 3. Deposition of Defendant;
- 8 4. Depositions of each party's respective experts; and
- 9 5. Any other discovery that may become necessary upon completion of the discovery
- 10 above.

11 **III. THE REASONS THE ABOVE DISCOVERY CANNOT BE DONE**  
12 **WITHIN THE EXISTING DISCOVERY TIME LIMITS**

13 This request is made for a good cause exists because both parties are in the process of  
14 conducting discovery, some of which has been delayed by the COVID-19 pandemic and personal  
15 matters for Defendant's counsel. Defendant is still obtaining Plaintiff's medical records from his  
16 treating providers. Plaintiff needs to take Defendant's deposition. In addition, defendant and one  
17 witness reside in Los Angeles County, California. The COVID-19 pandemic with, additional  
18 lockdowns in Los Angeles, has delayed required depositions until such time as they can be taken  
19 without undue risk to the participants, including counsel who must travel from Las Vegas to Los  
20 Angeles.

21 **PROPOSED SCHEDULE**

- 22 1. Close of Discovery: The current deadline of December 15, 2020 shall be extended  
23 to March 15, 2021.
- 24 2. Amending the pleadings and/or adding parties: The current deadline of March 17,  
25 2020, has passed and shall not be continued.
- 26 3. Interim Status Report: The current deadline of October 15, 2020 shall be extended  
27 to January 13, 2021.
- 28 4. Initial Expert Disclosures: The current deadline of October 15, 2020 shall be

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extended to January 13, 2021, which is sixty days before the proposed discovery closure.

5. Rebuttal Expert Disclosures: The current deadline of November 16, 2020, shall be extended to February 15, 2021, which is thirty days before the proposed discovery closure.

6. Dispositive Motions: the current deadline of January 14, 2021 shall be extended to April 14, 2021, which is thirty days after the proposed discovery closure.

7. Pre-Trial Order: the joint pre-trial order is currently set to be filed by January 14, 2021 and shall be extended to ~~April~~ **May** 14, 2021. This date will be continued in the event any dispositive motions are filed and not yet decided by the Court.

All parties agree that the requested 90-day extension of all designated deadlines is necessary to provide all parties times to complete discovery in this matter.

DATED: October 14, 2020

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ATKINSON WATKINS & HOFFMANN,  
LLP

CARMAN COONEY FORBUSH, PLLC

/s/ Tyler M. Crawford  
MATTHEW W. HOFFMANN, ESQ.  
Nevada Bar No. 9061  
TYLER M CRAWFORD, ESQ.  
Nevada Bar No. 10559  
10789 W. Twain Ave., Suite 100  
Las Vegas, NV 89135  
*Attorneys for Plaintiff*

/s/ Sean D. Cooney  
SEAN D. COONEY, ESQ.  
Nevada Bar No. 12945  
BENJAMIN J. CARMAN, ESQ.  
Nevada Bar No. 12565  
4045 Spencer Street, Ste. A47  
Las Vegas, NV 89119  
*Attorneys for Defendant Bernez*

**IT IS SO ORDERED.**

  
**U.S. MAGISTRATE JUDGE**

**Dated: October 14, 2020**