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 10 *Fred Merrick; and Lora Cody*

11 **UNITED STATES DISTRICT COURT**
 12 **DISTRICT OF NEVADA**

13 KEYHERRA GREEN ,
 Plaintiff,
 14 vs.
 15 LAS VEGAS METROPOLITAN POLICE
 DEPARTMENT; FRED MERRICK; LORA
 16 CODY; and DOES 1-10, inclusive,
 17 Defendants.

Case No. 2:20-cv-00769-KJD-DJA

**STIPULATION TO EXTEND
 DISCOVERY
 (First Request)**

18 IT IS HEREBY STIPULATED AND AGREED between the parties that the discovery
 19 cut-off date of February 8, 2021, be continued for a period of sixty (60) days up to and including
 20 **April 9, 2021**, for the purpose of allowing the parties to complete written discovery, disclose
 21 expert witnesses, and take depositions of the parties.

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1 **I. DISCOVERY COMPLETED TO DATE**

2 The parties have exchanged their initial Rule 26 Disclosures: by LVMPD Defendants on
3 August 10, 2020; by Defendant NaphCare on August 24, 2020; and by Plaintiff on August 26,
4 2020. LVMPD Defendants have also provided their first supplemental Rule 26 Disclosures to
5 Plaintiff; disclosing nearly 1000 pages of documents, photographs and videos relating to a
6 homicide investigation. LVMPD Defendants and Defendant NaphCare have responded to
7 Plaintiff's First Interrogatories, Requests for Admissions and Requests for Production of
8 Documents.

9 **II. DISCOVERY YET TO BE COMPLETED**

10 The LVMPD Defendants and Defendant NaphCare are currently preparing their initial
11 written discovery requests to Plaintiff. The LVMPD Defendants may serve third-party
12 subpoenas. The parties will retain and disclose expert reports and any necessary rebuttal expert
13 disclosures. The depositions of the parties and experts will be taken.

14 **III. REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

15 The parties have been diligent in conducting discovery in this matter. However, the
16 allegations in this case concern a matter in which Plaintiff alleges she was wrongfully arrested
17 for homicide in 2018. As such, there are complex issues about a nearly three year old homicide
18 investigation, the arrest of Plaintiff and the later arrest of another suspect. It has taken
19 considerable time to gather the materials related to the case and then determine which materials
20 could be disclosed pertaining to third-parties¹. Because of the complexity of this case additional
21 time is needed to complete discovery. Additionally, Plaintiff filed a Motion for leave to file
22 Second Amended Complaint on 11/9/2020 which will be refiled pursuant to a stipulation adding
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24 ¹ It the position of the LVMPD Defendants that certain documents related to the investigation and later arrest of a
third-party suspect cannot be disseminated pursuant to NRS 179A.

1 three individual NaphCare affiliated Defendants.

2 **PROPOSED EXTENDED DEADLINES**

3 The parties respectfully request this Court enter an order as follows:

4 **(A) Discovery Deadline.**

5 The current discovery cut-off date of February 8, 2021, should be extended for a period
6 of sixty (60) days, up to and including **April 9, 2021**.

7 **(B) Experts and Rebuttal Experts.**

8 The parties shall disclosed expert reports sixty (60) days before the close of discovery on
9 or before **February 8, 2021**. The parties will disclose rebuttal experts thirty (30) days prior to the
10 close of discovery, or by **March 10, 2021**.

11 **(C) Dispositive Motions.**

12 All pretrial motions, including but not limited to, discovery motions, motions to dismiss,
13 motions for summary judgment, and all other dispositive motions shall be filed and served no
14 later than thirty (30) days after the close of discovery, or by **May 10, 2021**.

15 **(D) Motions in Limine/Daubert Motions.**

16 Under LR 16-3(b), any motions in limine, including *Daubert* motions, shall be filed and
17 served 30 days prior to the commencement of Trial. Oppositions shall be filed and served and
18 the motion submitted for decision 14 days thereafter. Reply briefs will be allowed only with
19 leave of the Court.

20 **(E) Pretrial Order.**

21 Pursuant to LR 26(1)(e)(5), the Joint Pretrial Order shall be filed with this Court no later
22 than thirty (30) days after the date set for filing dispositive motions, or by **June 9, 2021**, unless
23 dispositive motions are filed, in which case the date for filing the Joint Pretrial Order shall be
24 suspended until 30 days after the decision on the dispositive motions or further order of this

1 Court. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections shall be included
2 in the final pretrial order.

3 **(F) Extensions or Modification of the Discovery Plan and Scheduling Order.**
26-3

4 In accordance with LR ~~26-4~~, applications to extend any date set by the discovery plan,
5 scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be
6 supported by a showing of good cause for the extension. All motions or stipulations to extend a
7 deadline set forth in a discovery plan shall be received by the Court not later than 21 days before
8 the expiration of the subject deadline. A request made after the expiration of the subject deadline
9 shall not be granted unless the movant demonstrates that the failure to set was the result of
10 excusable neglect. Any motion or stipulation to extend a deadline or to reopen discovery shall
11 include:

- 12 (a) A statement specifying the discovery completed;
- 13 (b) A specific description of the discovery that remains to be completed;
- 14 (c) The reasons why the deadline was not satisfied or the remaining discovery was
15 not completed within the time limits set by the discovery plan; and
- 16 (d) A proposed schedule for completing all discovery.

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1 This request for an extension is made in good faith and joined by all the parties in this
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2 case. The Request is timely pursuant to LR ~~26-4~~. Trial is not yet set in this matter and
3 dispositive motions have not yet been filed. Accordingly, this extension will not delay this case.
4 Moreover, since this request is a joint request, neither party will be prejudiced. The extension
5 will allow the parties the necessary time to complete discovery.

6 DATED this 19th day of November, 2020.

7 KAEMPFER CROWELL

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23 ***NaphCare, Inc.***

21 **IT IS SO ORDERED.**

22 DATED this 20th day of November, 2020.

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UNITED STATES MAGISTRATE JUDGE