

1 **SAO**
 2 **KIMBALL JONES, ESQ.**
 Nevada Bar No.: 12982
 3 **SIRIA L. GUTIERREZ, ESQ.**
 Nevada Bar No.: 11981
 4 **BIGHORN LAW**
 2225 E. Flamingo Road
 5 Building 2, Suite 300
 Las Vegas, NV 89119
 6 Phone: (702) 333-1111
 7 Email: Kimball@BighornLaw.com
Siria@BighornLaw.com
 8 *Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

11 EDNA SANDRA BOCK-KASMINOFF, an
 individual,
 12
 13 **Plaintiff,**
 v.
 14 WALMART, INC., a Foreign Corporation DBA
 15 WALMART SUPERCENTER #5259; DOE
 16 STORE MANAGERS I through X; DOE
 17 STORE ASSOCIATES I through X; DOE
 18 MAINTENANCE ASSOCIATES I through X;
 19 DOE JANITORIAL ASSOCIATES I through
 X; DOES I - X; ROE MAINTENANCE
 COMPANIES XI through XX; inclusive, jointly
 and severally,
 20 **Defendants.**

Case No.: 2:20-cv-00949-JAD-EJY

STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES (First Request)

21 Pursuant to LR 26-3, IT IS HEREBY STIPULATED AND AGREED, by and between
 22 Plaintiff, EDNA SANDRA BOCK-KASMINOFF, by and through her attorneys, KIMBALL JONES,
 23 ESQ. and SIRIA L. GUTIERREZ, ESQ., of BIGHORN LAW, and Defendant, WALMART, INC., by
 24 and through their attorneys, ROBERT K. PHILLIPS ESQ. and TIMOTHY D. KUHL, ESQ., that the
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1 discovery deadlines and continuance of trial is sought by all parties to this litigation be extended as
2 follows:

3 **A. STATEMENT SPECIFYING THE DISCOVERY COMPLETED:**

4 The following discovery has been completed by the parties:

- 5 1. The parties have produced initial disclosures pursuant to FRCP Rule 26(a)(1)(A);
- 6 2. The parties have provided supplemental disclosures pursuant to FRCP Rule
7 26(a)(1)(A);
- 8 3. Defendants have propounded written discovery on Plaintiffs;
- 9 4. Plaintiffs have responded to Defendants' written discovery;
- 10 5. Plaintiffs have propounded written discovery on Defendants;
- 11 6. Defendants have responded to Plaintiffs' written discovery; and
- 12 7. Independent Medical Examination of Plaintiff.

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14 **B. A SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE**
15 **COMPLETED:**

- 16 1. Designation of experts by both parties;
- 17 2. Depositions of experts;
- 18 3. Deposition of Plaintiff;
- 19 4. Depositions of Defendant's N.R.C.P. 30(b)(6) Witness(es);
- 20 5. Site inspection of Defendants' premises [TBD – January 2021];
- 21 6. Potential written discovery may be propounded as follow-up to the depositions yet to
22 be completed.
- 23 7. Any other discovery which may be determined as relevant and necessary by the parties;
24 and
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**C. THE REASONS WHY THE DISCOVERY REMAINING WAS NOT COMPLETED
WITHIN THE TIME LIMITS SET BY THE DISCOVERY ORDER:**

The parties request a 90-day extension of all deadlines for the following reasons:

First, Plaintiff’s counsel tested positive for COVID-19 on November 9, 2020. As such, she remains unavailable to prepare expert disclosures pleadings and disclose expert opinions. Accordingly, Plaintiff’s counsel’s recent diagnosis is also why the parties could not file this request before 21-days before the deadline expired. Defendant’s counsel was put on notice of the diagnosis on November 13, 2020 and understands with the current uptick in reported cases, that the health and safety of Plaintiff’s counsel comes first.

This recent diagnosis was the most recent for Plaintiff’s trial team although it should be noted the team has been struggling with COVID-19 diagnosis, treatment, isolation, and recovery since mid-October 2020, but did not anticipate it overtaking the entire trial team for this matter.

Additionally, Defendant Walmart is entering a black-out period from now until the end of the holiday season. As a result, Plaintiff anticipates not being able to conduct a site inspection due to both the black-out period and additional safety precautions with COVID-19 regarding the amount of people from the public that will be allowed on location until January 2021 at the earliest.

**D. A PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING
DISCOVERY:**

	Old Deadline	New Deadline
Close of Discovery:	01/15/2021	04/15/2021
Disclosure of Experts:	11/16/2020	02/15/2021
Rebuttal of Experts:	12/18/2020	03/18/2021
Dispositive Motions:	02/12/2021	05/13/2021
Pretrial Order and FRCP 26(a)(3) Disclosures:	03/16/2021	06/14/2021

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2 Per the foregoing, the Parties and each’s respective counsel agree that a site inspection will occur
3 pursuant to FRCP 34 pending changes to COVID-19 restrictions by January 31, 2021 and so long as duly
4 noticed by counsel. The parties agree not to hire or retain any affirmative experts in this matter from
5 November 17, 2020 to February 15, 2021 aside from Plaintiff’s liability expert who resides in California
6 and has been unable to perform a site inspection due to COVID concerns. This request is not being made
7 for purposes of unduly delaying discovery or the trial of this matter. This request is made in good faith
8 and with excusable neglect as to the unanticipated events that have transpired at Plaintiff’s counsel’s firm.
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10 Dated: 11/16/2020

Dated: 11/16/2020

11 **BIGHORN LAW**

PHILLIPS SPALLAS & ANGSTADT LLC

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13 /s/ Siria L. Gutiérrez
14 **KIMBALL JONES, ESQ.**
Nevada Bar No.: 12982
15 **SIRIA L. GUTIERREZ, ESQ.**
Nevada Bar No.: 11981
16 2225 E. Flamingo Road
17 Building 2, Suite 300
Las Vegas, Nevada 89119
18 *Attorneys for Plaintiff*

/s/ Timothy D. Kuhls
ROBERT K. PHILLIPS, ESQ.
Nevada Bar No. 11441
TIMOTHY D. KUHLs, ESQ.
Nevada Bar No. 13362
504 South Ninth Street
Las Vegas, NV 89101
Attorneys for Defendants

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21 **ORDER**

22 IT IS SO ORDERED:

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24 DAYNA L. ZOUCHAK
UNITED STATES MAGISTRATE JUDGE

25 Dated: November 17, 2020
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