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Edgar Carranza, Esq.
Nevada State Bar No. 5902
Jacquelyn Franco, Esq.
Nevada State No. 13484
BACKUS, CARRANZA & BURDEN
3050 S. Durango Drive
Las Vegas, NV 89117
(702) 872-5555
(702) 872-5545 facsimile
ecarranza@backuslaw.com

Attorneys for Defendant
COSTCO WHOLESALE CORPORATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHELLE CHISM,)
)
Plaintiffs,) Case No. 2:20-CV-967-JAD-BNW
)
vs.)
)
COSTCO WHOLESALE CORPORATION,)
DOES I – V; ROE CORPORATINS I - X;)
)
Defendants.)
)
)

**STIPULATION AND ORDER TO EXTEND DISCOVERY PLAN
AND SCHEDULING ORDER**

(Third Request)

Plaintiff, MICHELLE CHISM, by and through counsel, Peter Angulo, Esq. of the Mountain Vista Law Group, and Defendant, COSTCO WHOLESALE CORPORATION, by and through counsel, Edgar Carranza, Esq. of the law firm BACKUS, CARRANZA & BURDEN, hereby submit the instant stipulation and order to extend the Discovery Plan and Scheduling Order pursuant to Local Rule II 26-4 as follows:

BACKUS, CARRANZA & BURDEN
3050 SOUTH DURANGO
LAS VEGAS, NEVADA 89117
TELE: (702) 872-5555 FAX: (702) 872-5545

1 **I. GOOD CAUSE SUPPORTING THE EXTENSION.**

2 This lawsuit involves allegations that Plaintiff, MICHELLE CHISM fell due to an
3 unspecified condition she encountered while walking down an aisle. On May 28, 2020,
4 Defendant, COSTCO WHOLESALE CORPORATION (hereinafter referred to as “Costco”) filed
5 its Answer denying Plaintiff’s allegations and denying all liability.
6

7 The parties participated in the Fed. R. Civ. P. 26(f) conference on July 2, 2020 and the
8 stipulated Discovery Plan and Scheduling Order was entered by this Court on August 12, 2020.

9 The parties also submitted, and on September 21, 2020 this Court entered, the Stipulated
10 Confidentiality Agreement and Protective Order providing protections for information and
11 material deemed confidential by Costco to help facilitate the exchange of this material during
12 discovery. This agreed upon protective order took several weeks to negotiate and agree to.

13 Since then, the parties have embarked on discovery by exchanging their respective Fed. R.
14 Civ. P. 26 disclosures and serving written discovery requests to each other which have been
15 responded to. However, there are sincere efforts being made between the parties to resolve
16 potential discovery disputes related to the written discovery responses. Currently, supplemental
17 responses from Plaintiff are expected within the next couple of weeks.

18 The parties have diligently been working to schedule some of the party-depositions
19 including Plaintiff’s deposition, Costco Rule 30(b)(6) deposition and several management levels
20 Costco employees. The current atmosphere and limitations brought on by the COVID 19
21 pandemic have led to some delays due to counsel’s and the witnesses’ availability/schedule.
22 Nonetheless, good faith efforts have been made and continue to be made by both parties to
23 diligently move this case forward.

24 Moreover, this is a significant personal injury matter that will require significant effort by
25 both parties. Plaintiff has already identified over \$254,000.00 in past medical expenses, unknown
26 future medical expenses, unknown past wage loss claim and unknown future wage loss claim, to
27 name some of the damage components identified thus far. Significant effort will be required to
28 address each of the damage components, and the liability portion of this case.

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As the parties are only a few months into the discovery process, good cause exists to extend the current Discovery Plan and Scheduling Order to allow the parties to continue to move this case forward.

II. DISCOVERY COMPLETED TO DATE.

In accordance with LR II 26-4(a), the Parties provide the following statement of discovery completed to date:

A. Plaintiff's Discovery.

1. Plaintiff's FRCP 26 initial disclosures served 08-03-20.
2. Plaintiff's First Set of Interrogatories to Costco served 08-12-20.
3. Plaintiff's First Set of Requests for Production to Costco served 08-12-20.
4. Plaintiff's First Set of Requests for Admission to Costco served 08-12-20.
5. Plaintiff's Answers to Costco's Interrogatories served on 12-07-20.
6. Plaintiff's Responses to Request for Production served on 12-07-20.

B. Defendant's Discovery.

1. Costco's FRCP 26 initial disclosures served 10-14-20.
2. Costco's First Set of Interrogatories to Plaintiff served 10-19-20.
3. Costco's First Set of Requests for Production to Plaintiff served 10-19-20.
4. Costco's Answers to Plaintiff's First Set of Interrogatories served 10-19-20.
5. Costco's Responses to Plaintiff's First Set of Requests for Production served 10-19-20.
6. Costco's Responses to Plaintiff's First Set of Requests for Admissions served 10-19-20.
7. Costco's Supplemental Responses to Plaintiff's First Set of Request for Production served on 01-08-21.
8. Costco's Supplemental Answers to Plaintiff's First Set of Interrogatories served on 01-08-21.

III. DISCOVERY REMAINING TO BE COMPLETED.

In accordance with LR II 26-4(b), the Parties provide the following statement of discovery

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remaining to be completed:

- A. Plaintiff's remaining discovery.
 - 1. Depositions of Costco's Rule 30(b)(6) witness(es)- Scheduled for March 25, 2021.
 - 2. Deposition of Costco manager Tyler Price – Scheduled for March 26, 2021.
 - 3. Deposition of Costco manager Mark Mans – Scheduled for March 26, 2021.
 - 4. Deposition of Costco manager Michael Le – Scheduled for March 24, 2021.
 - 5. Plaintiff must designate initial experts and produce the required report and materials.
 - 6. Plaintiff must designate rebuttal experts and produce the required report and materials.
 - 7. Deposition(s) of Costco's expert must be taken.
- B. Defendant's remaining discovery:
 - 1. Independent copies of Plaintiff's medical records must be subpoenaed for her various medical providers.
 - 2. Deposition of Plaintiff – Scheduled for April 21, 2021.
 - 3. Depositions of percipient witnesses must be taken.
 - 4. Depositions of Plaintiff's family members must be taken.
 - 5. Depositions of Plaintiff's treating providers must be taken.
 - 6. Costco must designate initial experts and produce the required report and materials.
 - 7. Costco must designate rebuttal experts and produce the required report and materials.
 - 8. Deposition(s) of Plaintiff's expert must be taken.

IV. WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED.

Initially, the limitations related to the COVID 19 pandemic led to some delays and conflicts with counsel's availability/schedule. Nonetheless, good faith efforts were made by both parties to meet the obligations required of both of them. The parties continue to diligently work

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together to move this case forward.

Plaintiff's office has been involved in creating a new law firm which will go into effect January 1, 2021. Plaintiff's office has been riddled with Covid since right after Thanksgiving and most people have been out. Plaintiff's counsel has also been involved in numerous depositions and arbitrations in the following matters: *Minchey v. Visconti*, Case No. A-20-808022-C; *Day v. Amburgey*, Case No. A-20-811212-C; *Gladney v. Albertsons*, Case No. 2:20-CV-1653; *Sandoval v. Enterprise Rent-A-Car*, Case No. A-20-815323-C; *Tesar v. Serene Limited Liability Company*, Case No. A-20-815614-C; *Gonzalez v. Gutierrez-Perez*, Case No. A-20-811340-C; and *Warren v. Llanos*, Case No. 20C010536. Plaintiff was also involved in a divorce trial in the matter of *Rodriguez v. Rodriguez*, Case No. D-19-601302-D, *Sharpless v. 99 Cents Only Store*, Case No. A-19-806667-C; *Norman v. GEICO*, Case No. 2:20-CV-1214; *Chire v. The Cannery Hotel and Casino*, Case No. A-20-818960-C. Plaintiff was further involved in two Internal Affairs Bureau hearings/trials which required a great deal of his time.

Since the date of the last extension, Defendant's office has been involved in numerous depositions and other obligations including in the following matters: *Crane Co adv. Potter*, Case No. 2:20-CV-00276 (mass tort- asbestos matter); *Dr. Parson adv. Taravella*, Case No. CV-C-18-570 (professional malpractice matter); *Dr. Harmon adv. Schlieve*, Case No. 19-10DC-05661 (professional malpractice matter); *Dr. Dumler adv. Stephenson*, A-19-791000-C (professional malpractice matter); and *Costco adv. Shutt*, Case 2:20-cv-00567-KJD-EJY (personal injury matter).

Further, the parties initially devoted several weeks to negotiating and ultimately agreeing to the Stipulated Confidentiality Agreement and Protective Order, which was entered on September 21, 2020. By agreeing to the same, the parties hope to facilitate the exchange of confidential and/or proprietary material during discovery which could avoid delays as this case moves forward.

V. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY.

This request for an extension of time is not sought for any improper purpose or other purpose of delay. The parties respectfully submit that this constitutes good cause for the

BACKUS, CARRANZA & BURDEN
3050 SOUTH DURANGO
LAS VEGAS, NEVADA 89117
TELE: (702) 872-5555 FAX: (702) 872-5545

1 extension. The following is a list of the current discovery deadlines and the parties' proposed
2 extended deadlines.

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut Off	April 22, 2021	June 21, 2021
Amend Pleadings/Add Parties	Closed	Closed
Initial Expert Disclosures	February 22, 2021	April 23, 2021
Rebuttal Expert Disclosures	March 22, 2021	May 21, 2021
Dispositive Motions	May 24, 2021	July 23, 2021
Joint Pre-Trial Order	June 28, 2021	August 26, 2021

11 This is the third request for extension of time in this matter. The parties submit that the
12 reasons set forth above constitute good cause for the requested extension.

14 DATED this 22nd day of February, 2021.

DATED this 22nd day of February, 2021.

16 **BACKUS, CARRANZA & BURDEN**

Mountain Vista Law Group

18 By: /s/ Edgar Carranza
Edgar Carranza, Esq.
Nevada Bar No. 5902
3050 South Durango Drive
Las Vegas, Nevada 89117
Attorney for Defendants
COSTCO WHOLESALE
CORPORATION

By: /s/ Peter M. Angulo
Peter M. Angulo, Esq.
Nevada Bar No. 3672
5545 S. Mountain Vista Street, Suite F
Las Vegas, Nevada 891206
Attorneys for Plaintiff
MICHELLE CHISM

23 ORDER

24 IT IS ORDERED that the parties' stipulation is GRANTED. However, the Court instructs
25 the parties that it is not inclined to grant any additional discovery extensions absent
26 extraordinary circumstances establishing good cause.

IT IS SO ORDERED

DATED: 6:24 pm, February 25, 2021

6 **BRENDA WEKSLER**
UNITED STATES MAGISTRATE JUDGE

Patti Sherretts

From: manthis@angulolawgroup.com
Sent: Monday, February 22, 2021 4:48 PM
To: Edgar Carranza
Cc: pangulo@angulolawgroup.com; Patti Sherretts
Subject: RE: Costco adv. Chism...

Peter is good with it. Please use his e-signature and file.

Margaret Anthis, Legal Secretary
Angulo Law Group, LLC
5545 S. Mountain Vista Street, Suite F
Las Vegas, Nevada 89120
(702) 384-8000
manthis@angulolawgroup.com

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From: Edgar Carranza <edgarcarranza@backuslaw.com>
Sent: Monday, February 22, 2021 11:54 AM
To: manthis@angulolawgroup.com
Cc: pangulo@angulolawgroup.com; Patti Sherretts <pattisherretts@backuslaw.com>
Subject: Costco adv. Chism...

Margaret:

Attached is the proposed stipulation and order to continue the scheduling order deadlines. If Peter is agreeable, please confirm that we have his authority to include his electronic signature.

Thank you.

Edgar Carranza, Esq.
Backus, Carranza & Burden
3050 South Durango Drive
Las Vegas, Nevada 89117
(702) 872-5555 office
(702) 872-5545 fax