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9 *Attorneys for Plaintiff*

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 KYLE A. ALCARAZ, an individual;

13 Plaintiff,

14 v.

15 CONAGRA BRANDS, INC.; CONAGRA
 FOODS, INC.; SAM'S WEST, INC. dba
 16 SAM'S CLUB; DOES 1 through 10; and
 ROE BUSINESS ENTITIES 1 through 10,
 17 inclusive;

18 Defendants.

CASE NO. 2:20-cv-01414-JCM-EJY

**STIPULATION AND ORDER TO
 EXTEND DISCOVERY AND
 OTHER DEADLINES
 (SECOND REQUEST)**

19 Plaintiff, KYLE A. ALCARAZ, by and through his attorneys of record, PETER S.
 20 CHRISTIANSEN, ESQ., R. TODD TERRY, ESQ., and WHITNEY J. BARRETT, ESQ. of
 21 CHRISTIANSEN TRIAL LAWYERS, and Defendants CONAGRA BRANDS, INC.;
 22 CONAGRA FOODS, INC., and SAM'S WEST, INC., by and through their attorneys, J.
 23 CHRISTOPHER JORGENSEN, ESQ. of LEWIS ROCA ROTHGERBER CHRISTIE LLP,
 24 hereby file their second joint application to extend the discovery cut off period and other deadlines
 25 in this case, pursuant to LR II 26-4. The present discovery cutoff date is August 2, 2021.

26 **I. DISCOVERY COMPLETED**

27 1. Plaintiff produced his initial FRCP 26(a)(1) disclosure and two supplements
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1 thereto;

2 2. Defendants produced their initial FRCP 26(a)(1) disclosure; and

3 3. The parties have propounded and responded to written discovery requests.

4 **II. DISCOVERY TO BE COMPLETED**

5 1. Plaintiff will take the depositions of Defendants' corporate designees and
6 employees;

7 2. Defendants will depose Plaintiff;

8 3. The parties will disclose expert witnesses and depose their respective experts;

9 4. The parties intend to serve, and respond to, additional written discovery; and

10 5. The parties intend to subpoena and conduct the depositions of third parties, fact
11 witnesses, Plaintiff's treating providers, and the parties' experts.

12 **III. GOOD CAUSE WHY THE DISCOVERY REMAINING WAS NOT**
13 **COMPLETED WITHIN THE TIME LIMITS SET BY THE COURT**

14 New counsel for Plaintiff recently substituted into this matter and has been working
15 diligently to adhere to the current discovery deadlines. An amended Complaint providing a basis
16 for punitive damages was filed on May 26, 2021. The parties recently finalized language
17 concerning the protective order, which will facilitate the production of additional information by
18 Defendants. Furthermore, the parties are attempting to determine the seller of the subject Pam
19 cannister involved in the subject of the incident, which is expected to be named as a defendant.

20 Good cause exists to extend all deadlines, including the expert deadline, due to the
21 technical, complex and fact dependent evidence the experts will need in order to author their
22 reports in this products liability matter. The parties intended for the remaining discovery set forth
23 above to be completed within the existing discovery period, however, counsel for all parties agree
24 the current discovery deadline is insufficient in time to complete the remaining discovery.
25 Accordingly, the parties have agreed to continue the discovery deadlines an additional ninety (90)
26 days.

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1 **IV. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY:**

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	<u>EXISTING DEADLINES</u>	<u>PROPOSED DEADLINES</u>
Close of Discovery	August 2, 2021	November 1, 2021
Final Date to Amend Pleadings/Add Parties	May 4, 2021	Closed
Initial Expert Disclosures Deadlines	June 2, 2021	August 31, 2021
Rebuttal Expert Disclosure Deadline	July 2, 2021	September 30, 2021
Final Date for Dispositive Motions	August 31, 2021	November 30, 2021

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13 DATED this 2nd day of June, 2021

DATED this 2nd day of June, 2021

14 CHRISTIANSEN TRIAL LAWYERS

LEWIS ROCA ROTHGERBER CHRISTIE
LLP

15
16 By /s/ R. Todd Terry
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By /s/ J. Christopher Jorgensen
J. CHRISTOPHER JORGENSEN, ESQ.
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3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169
Attorneys for Defendants

ORDER

IT IS HEREBY ORDERED:

26 The discovery cut off is extended from August 2, 2021 to November 1, 2021 in which all
27 discovery in this action shall be completed;





1 **IT IS FURTHER ORDERED:**

2 Plaintiff and Defendant shall disclose their experts to each other at least sixty (60) days
3 before the discovery cutoff date, which is by August 31, 2021, and Plaintiff and Defendant shall
4 disclose rebuttal experts at least thirty (30) days after the initial date for disclosure of experts,
5 which is by September 30, 2021;

6 All pretrial motions, including but not limited to, discovery motions, motions to dismiss
7 and motions for summary judgment shall be filed and served no later than thirty (30) days after
8 the close of discovery, which is November 30, 2021;

9 The Joint Pre-Trial Order in the above-captioned action shall be filed with this Court no
10 later than thirty (30) days after the date set for filing dispositive motions, which shall be
11 December 30, 2021; and

12 The last day for the parties to file their Motion and/or Stipulation to Extend Discovery
13 shall be twenty (20) days prior to the discovery cut off, which is by October 12, 2021.

14 IT IS SO ORDERED this 3rd day of June, 2021.

15 
16 DAYNA J. ZOUCHAR
17 UNITED STATES MAGISTRATE JUDGE

18 Submitted by:

19 **CHRISTIANSEN TRIAL LAWYERS**

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