

MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1 **Marquis Aurbach Coffing**
Craig R. Anderson, Esq.
2 Nevada Bar No. 6882
10001 Park Run Drive
3 Las Vegas, Nevada 89145
Telephone: (702) 382-0711
4 Facsimile: (702) 382-5816
canderson@maclaw.com
5 Attorneys for Defendants LVMPD, Sgt. Kenton and Ofc. Gunn

6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 GERALD ELMER NAPOUK, individually
and as Co-Special Administrator of the Estate
9 of LLOYD GERALD NAPOUK; MARY
NAPOUK, individually and as Co-Special
10 Administrator of the Estate of LLOYD
GERALD NAPOUK and FREDERICK
11 WAID, as Co-Special Administrator of the
Estate of LLOYD GERALD NAPOUK,

Case Number:
2:20-cv-01859-JCM-BNW

12 Plaintiffs,

13 vs.

14 LAS VEGAS METROPOLITAN POLICE
15 DEPARTMENT; BUFORD KENTON;
CAMERAN GUNN and DOES 1-10,
16 inclusive,

17 Defendants.

18 **STIPULATION AND ORDER TO EXTEND DISCOVERY (SECOND REQUEST)**

19 Pursuant to LR 6-1 and LR 26-4, Plaintiffs, by and through their counsel of record,
20 Peter Goldstein, Esq. of Peter Goldstein Law Corp. and Defendants, by and through their
21 counsel of record, Craig R. Anderson, Esq. of Marquis Aurbach Coffing, hereby stipulate
22 and request that this Court extend discovery deadlines in the above-captioned matter sixty-
23 one (61) days, up to and including November 8, 2021. In support of this stipulation and
24 request, the parties state as follows:

25 **I. PROCEDURAL HISTORY**

26 1. On October 5, 2020, the Plaintiffs filed their Complaint. ECF No. 1.
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1 2. On December 10, 2020, the LVMPD Defendants filed their Answer to
2 Plaintiffs' Complaint. ECF No. 7.

3 3. On January 6, 2021, this Court entered the Discovery Plan and Scheduling
4 Order. ECF No. 10.

5 4. On March 16, 2021, Plaintiffs filed their First Amended Complaint. ECF No.
6 16.

7 **II. DISCOVERY COMPLETED TO DATE**

8 1. The parties participated in the FRCP 26 conference on December 18, 2020.

9 2. On January 6, 2021, the Court entered the Discovery Plan and Scheduling
10 Order. ECF No. 10.

11 3. On December 18, 2020, the Plaintiffs served their Initial Disclosures of
12 Witnesses and Documents pursuant to FRCP 26.

13 4. On January 6, 2021, the LVMPD Defendants served their Initial Disclosures
14 of Witnesses and Documents pursuant to FRCP 26.

15 5. On February 24, 2021, the LVMPD Defendants served written discovery on
16 all named Plaintiffs.

17 6. On March 3, 2021, the Plaintiffs served written discovery on all named
18 Defendants.

19 7. On March 8, 2021, the LVMPD Defendants served their First Supplemental
20 Disclosure of Witnesses and Documents on Plaintiffs.

21 8. On March 16, 2021, Plaintiffs filed their First Amended Complaint. ECF No.
22 16.

23 9. On March 29, 2021, the Plaintiffs served their First Supplemental Disclosure
24 Statement.

25 10. On April 2 and 6, 2021, the LVMPD Defendants responded to Plaintiffs'
26 discovery requests.

27 11. On April 8, 2021, the LVMPD Defendants served their Second Supplemental
28 Disclosure Statement.

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- 1 12. On April 6, 2021, the Plaintiffs served additional written discovery on the
2 LVMPD Defendants.
- 3 13. On April 14, 2021, the Plaintiffs responded to written discovery.
- 4 14. On April 15, 2021, the Plaintiffs served their Second Supplemental
5 Disclosure Statement.
- 6 15. On April 21, 2021, the LVMPD Defendants served their Third Supplemental
7 Disclosure Statement.
- 8 16. On May 24, 2021, the Plaintiffs served additional written discovery on the
9 LVMPD Defendants.
- 10 17. On May 27, 2021, the LVMPD Defendants responded to Plaintiffs' discovery
11 requests.
- 12 18. On May 27, 2021, the LVMPD Defendants served their Fourth Supplemental
13 Disclosure Statement.
- 14 19. On June 3, 2021, the LVMPD Defendants served Plaintiffs with additional
15 discovery requests.
- 16 20. On June 18 and 28, 2021, the LVMPD Defendants responded to Plaintiffs'
17 discovery requests.
- 18 21. On June 23, 2021, the Plaintiffs took the deposition of Defendant Ofc. Gunn.
- 19 22. On June 30, 2021, the Plaintiffs took the deposition of Defendant Ofc.
20 Kenton.
- 21 23. On July 14, 2021, the Plaintiffs served their Third Supplemental Disclosure
22 Statement.
- 23 24. On July 29, 2021, the Plaintiffs served their Expert Disclosure.
- 24 25. On July 30, 2021, the LVMPD Defendants served their Expert Disclosure.
- 25 26. On August 11, 2021, the LVMPD Defendants took the depositions of
26 Plaintiffs Mary Napouk and Gerald Napouk.
- 27 27. On August 19, 2021, the LVMPD Defendants served their Fifth
28 Supplemental Disclosure Statement.

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1 **III. WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

2 Discovery in this case is essentially complete. The only discovery that remains is:
3 (1) both parties need to take expert depositions and (2) plaintiff has noticed Rule 30(b)(6)
4 depositions.

5 The parties attempted to complete the above-discovery prior to the current discovery
6 cut-off. However, because both experts are out-of-state, scheduling has been difficult.
7 Also, a dispute arose regarding payment of one of the experts that took several days to
8 resolve (which the parties were able to do without court intervention). In addition,
9 plaintiffs' Rule 30(b)(6) notice listed numerous topics that will require a minimum of three
10 witnesses and three separate depositions. The parties have held meet-and-confers on the
11 scope and nature of the Rule 30(b)(6) depositions and have reached resolution.

12 Finally, plaintiffs' counsel and defense counsel have an unrelated case against one
13 another that is set for trial September 5, 2021 in the Eighth Judicial District Court.
14 Preparation and actual trial of that case makes the scheduling of the remaining depositions
15 difficult before the September 8, 2021 cut-off.

16 **IV. REMAINING DISCOVERY**

17 1. The Plaintiffs intend to take the depositions of defendants' Rule 30(b)(6)
18 witnesses (minimum of three deponents).

19 2. Both parties need to take expert depositions.

20 **V. EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND**
21 **SCHEDULING ORDER**

22 LR 26-4 governs modifications of extensions of the Discovery Plan and Scheduling
23 Order. Any stipulation or motion must be made no later than twenty-one (21) days before
24 the expiration of the subject deadline, and comply fully with LR 26-4. The parties
25 acknowledge that they are submitting this request less than twenty-one (21) days before the
26 expert deadline disclosure. The parties attempted to schedule and complete the remaining
27 discovery but just recently realized that completion would be difficult due to the experts'
28 limited availability counsels' September 5, 2021 trial date in an unrelated matter.

1 Good faith exists for this delay because discovery is necessary for the parties to
 2 properly prepare for dispositive motions and trial. Therefore, the parties respectfully request
 3 that the modification of a scheduling order be granted. The following is a list of the current
 4 discovery deadlines and the parties' proposed extended deadlines.

Scheduled Event	Current Deadline	Proposed Deadline
Expert Disclosures Pursuant to FRCP 26(a)(2)	Passed	
Rebuttal Expert Disclosures Pursuant to FRCP 26(a)(2)	Passed	
Discovery Cut-Off	September 8, 2021	November 8, 2021
Dispositive motion deadline	October 8, 2021	December 8, 2021
Joint Pre-Trial Order	November 5, 2021	January 5, 2022 (if dispositive motions are filed the deadline for filing the joint pre-trial order will be suspended until 30 days after a decision on the dispositive motions or further court order)

15 This request for extension of time is not sought for any improper purpose or for
 16 purposes of delay. The parties are in constant communication with one another and are
 17 actively attempting to coordinate schedules to complete discovery. All known documents
 18 have been disclosed or are being disclosed in this case. Therefore, the parties respectfully
 19 submit that the reasons set forth above constitute compelling reasons for the discovery
 20 extension.

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1 WHEREFORE, the parties respectfully request that this court extend the discovery
2 dates as outlined in accordance with the table above.

3 IT IS SO STIPULATED this 20th day of August, 2021.

4 MARQUIS AURBACH COFFING PETER GOLDSTEIN LAW CORP.

5
6 By: s/Craig R. Anderson By: s/Peter Goldstein
7 Craig R. Anderson, Esq. Peter Goldstein, Esq.
8 Nevada Bar No. 6882 Nevada Bar No. 6992
9 10001 Park Run Drive 10161 Park Run Drive, Ste. 150
10 Las Vegas, Nevada 89145 Las Vegas, Nevada 89145
11 Attorney for Defendants LVMPD, Sgt. Attorney for Plaintiffs
12 Kenton and Ofc. Gunn
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Order

IT IS SO ORDERED

DATED: 3:18 pm, August 23, 2021

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE