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7
 8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

BERTOLDO BAKER CARTER & SMITH
 7408 West Sahara Avenue
 Las Vegas, Nevada 89117
 702-228-2600 • Fax 702-228-2333

10 HOWARD RONALD TUBIN, individually,
 11 Plaintiff,

CASE NO.: 2:20-cv-02347-APG-DJA

12 v.

STIPULATED MOTION TO EXTEND
TIME TO RESPOND TO COMPLAINT
(Sixth Request)

13 DEPUY SYNTHES SALES, INC., d/b/a
 14 DEPUY SYNTHES JOINT
 RECONSTRUCTION; DEPUY SYNTHES
 15 INC.; JOHNSON & JOHNSON; DEPUY
 ORTHOPAEDICS, INC.; STRYKER
 16 CORPORATION; HOWMEDICA
 OSTEONICS CORPORATION d/b/a
 17 STRYKER ORTHOPAEDICS; AAP
 IMPLANTS, INC.; DOES 1 through 15,
 18 inclusive; and ROE BUSINESS ENTITIES 1
 through 15, inclusive,

19 Defendants.
 20

21 Plaintiff HOWARD TUBIN, by and through his attorneys of record, Lindsay K. Cullen, Esq.,
 22 and Brett A. Carter, Esq., of BERTOLDO, BAKER, CARTER AND SMITH, and Defendants,
 23 DEPUY SYNTHES SALES, INC. d/b/a DEPUY SYNTHES JOINT RECONSTRUCTION;
 24 DEPUY SYNTHES INC.; JOHNSON & JOHNSON; and DEPUY ORTHOPAEDICS, INC.
 25 (collectively, “DePuy Defendants”), through their counsel, BARNES & THORNBURG LLP and
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1 KAEMPFER CROWELL, and states that they met and conferred to discuss the pending dispute and
2 hereby stipulates as follows:

3 **WHEREAS**, on or around December 31, 2020, Plaintiff commenced this action by filing a
4 First Amended Complaint as ECF 4 in the United States District Court for the District of Nevada,
5 *Howard Ronald Tubin v. DePuy Synthes Sales, Inc., et al.*, 2:20-cv-02347-APG-DJA;

6 **WHEREAS**, DePuy Defendants responsive pleadings was due to Plaintiff's Complaint on
7 or before January 25, 2021;

8 **WHEREAS**, on January 22, 2021, the parties filed their Stipulated Motion to Extend Time
9 to Respond to Complaint as ECF 14 extending the answer/responsive pleading deadline to February
10 24, 2021 (*First Request*).

11 **WHEREAS**, on February 22, 2021, the parties filed their Stipulated Motion to Extend Time
12 to Respond to Complaint as ECF 33 extending the answer/responsive pleading deadline to March
13 26, 2021 (*Second Request*).

14 **WHEREAS**, on March 26, 2021, the parties filed their Stipulated Motion to Extend Time to
15 Respond to Complaint as ECF 48 extending the answer/responsive pleading deadline to May 25,
16 2021 (*Third Request*).

17 **WHEREAS**, on May 25, 2021, the parties filed their Stipulated Motion to Extend Time to
18 Respond to Complaint as ECF 52 extending the answer/responsive pleading deadline to July 25,
19 2021 (*Fourth Request*).

20 **WHEREAS**, on July 26, 2021, the parties filed their Stipulated Motion to Extend Time to
21 Respond to Complaint as ECF 54 extending the answer/responsive pleading deadline to September
22 7, 2021 (*Fifth Request*).

23 **WHEREAS**, the Parties, by counsel, have engaged in good faith efforts to resolve this matter
24 without the need for further litigation, and are in the process of finalizing settlement documents and
25 filings, and for good cause hereby appearing, the Parties agree and stipulate to extend the time for
26 the Parties to finalize such settlement resolution documents for sixty (60) days.

1 **IT IS THEREFORE STIPULATED AND AGREED** by Plaintiff and DePuy Defendants,
2 by and through their respective counsel, and the Court is respectfully requested to order that:

3 The Parties may have an extension of sixty (60) days from September 8, 2021 to finalize all
4 settlement documents. Plaintiff and DePuy Defendants must complete and finalize such documents
5 by **November 8, 2021**.

6 Dated this 8th day of September 2021.

7 **BERTOLDO BAKER CARTER & SMITH**

KAEMPFER CROWELL

8 /s/ Lindsay K. Cullen

/s/ Robert McCoy

9 LINDSAY K. CULLEN, ESQ.

ROBERT MCCOY, ESQ.

Nevada Bar No. 12364

Nevada Bar No. 009121

10 BRETT A. CARTER, ESQ.

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11 PAUL R.M. CULLEN, ESQ.

*Attorneys for Defendants, Depuy Synthes
Sales, Inc. dba, Depuy Synthes Joint
Reconstruction; Depuy Synthes Inc.; Johnson
& Johnson, and DePuy Orthopaedics, Inc.*

Nevada Bar No. 12355

7408 W. Sahara Avenue

Las Vegas, NV 89117

12 *Attorneys for Plaintiff*

13 *Howard Tubin*

14 **ORDER**

15 **IT IS SO ORDERED.**

16 DATED this 9th day of September 2021.

17 

18 Daniel J. Albregts
19 United States Magistrate Judge

20 Prepared and Submitted by:

21 **BERTOLDO BAKER CARTER & SMITH**

22 /s/ Lindsay K. Cullen

23 LINDSAY K. CULLEN, ESQ.

Nevada Bar No. 12364

24 BRETT A. CARTER, ESQ.

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25 7408 W. Sahara Avenue

26 Las Vegas, NV 89117

27 Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of September 2021, I electronically filed the **STIPULATED MOTION TO EXTEND TIME TO RESPOND TO COMPLAINT (SIXTH REQUEST)** the Clerk of Court using the CM/ECF system for filing and transmittal of Notice of Electronic Filing to all parties and counsel identified on the Court generated Electronic Filing System and via electronic mail to the following:

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<p>James F. Murdica Erin M. Pauley BARNES & THORNBURG LLP One North Wacker Drive, Ste. 4400 Chicago, IL 60606 (312) 214-4598 jmurdica@btlaw.com epauley@btlaw.com</p> <p>Robert McCoy Sihomara L. Graves KAEMPFER CROWELL 1980 Festival Plaza Drive, Suite 650 Las Vegas, NV 89135-2958 (702) 792-7000 rmccoy@kcnvlaw.com sgraves@kcnvlaw.com Attorneys for Defendants, Depuy Synthes Sales, Inc. dba, Depuy Synthes Joint Reconstruction; Depuy Synthes Inc.; Johnson & Johnson; DePuy Orthopaedics, Inc.</p>	<p>Jay J. Schuttert Justin S. Hepworth EVANS FEARS & SCHUTTERT, LLP 6720 Via Austi Parkway, Ste. 300 Las Vegas, Nevada 89119 jschuttert@efstriallaw.com jhepworth@efstriallaw.com</p> <p>Matthew Bernstein Ryan Killian Benjamin Walther SHOOK, HARDY & BACON, L.L.P. 600 Travis, Suite 3400 Houston, Texas 77002</p> <p>Citigroup Center 201 South Biscayne Blvd., Ste. 3200 Miami, Florida 33131 mbernstein@shb.com rkillian@shb.com bwalther@shb.com</p> <p>Nicholas Deutsch CRUMP & DEUTSCH, PLLC 2825 Wilcrest Drive, Ste. 216 Houston, Texas 77042 ndeutsch@cdlawtx.com Attorneys for Defendant Howmedica Osteonics Corp</p>
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/s/ Rachel Douglas
An Employee of Bertoldo Baker Carter & Smith