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7 *City of Henderson, Nevada*
Henderson Police Department and
8 *Chief Thedrick Andres*

9
10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 ***

13 MICHAEL LEWIS, Individually and as
Administrator of the Estate of KEVIN LEWIS,
14 Deceased; MICHAEL LEWIS as Guardian Ad
Litem of LUKE ARTHUR LEWIS, a minor,
15 and EMBER LYNN LEWIS, a minor, as heirs
of the Estate of KEVIN LEWIS, Deceased,
16
Plaintiff,
17
vs.
18
CITY OF HENDERSON, NEVADA, a
19 political subdivision of the State of Nevada;
HENDERSON POLICE DEPARTMENT, a
20 political subdivision of the State of Nevada;
THEDRICK ANDRES, individually and as
21 policy maker and Chief of CITY OF
HENDERSON POLICE DEPARTMENT;
22 DOE HENDERSON POLICE OFFICERS I
through X; LAS VEGAS METROPOLITAN
23 POLICE DEPARTMENT, a political
subdivision of the State of Nevada; SHERIFF
24 JOE LOMBARDO, individually and as policy
maker of LAS VEGAS METROPOLITAN
25 POLICE DEPARTMENT; DOE LAS VEGAS
METROPOLITAN POLICE DEPARTMENT
26 OFFICERS, I through X; DOES I through X;
and ROE ENTITIES, I through X, inclusive,
27
Defendants.
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CASE NO. 2:21-cv-1128-APG-VCF
**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**
[FIRST REQUEST]

LEWIS
S
BRISBOIS

STIPULATION AND ORDER TO EXTEND

DISCOVERY DEADLINES - [FIRST REQUEST]

Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend discovery in the above-captioned case ninety (90 days, up to and including Tuesday, May 17, 2022. In addition, the parties request that the all other future deadlines contemplated by the Discovery Plan and Scheduling Order be extended pursuant to Local Rule. In support of this Stipulation and Request, the parties state as follows:

1. On June 15, 2021 Plaintiff filed his Complaint in the Eighth Judicial District Court.
2. On July 15, 2021, Defendants LVMPD and Lombardo filed their Answer to Complaint.
3. On August 13, 2021, Defendants City of Henderson, Henderson Police Department and Chief Thedrick Andres filed their Answer to Complaint.
4. On August 16, 2021, the parties conducted an initial FRCP 26(f) conference
5. On August 24, 2021, the Court entered the Stipulated Discovery Order.
6. On August 27, 2021, Defendants LVMPD and Lombardo served their FRCP 26 Initial Disclosures on the parties.
7. On August 30, 2021, Plaintiff served his FRCP 26 Initial Disclosures on the parties.
8. On August 30, 2021, Defendants City of Henderson, Henderson Police Department and Chief Thedrick Andres served their FRCP 26 Initial Disclosures on the parties.
9. On September 15, 2021, Defendants LVMPD and Lombardo served written discovery on Plaintiff.
10. On September 27, 2021, Defendants City of Henderson, Henderson Police Department and Chief Thedrick Andres served written discovery on Plaintiff.
11. On September 29, 2021, Plaintiff served written discovery on Defendants Las Vegas Metropolitan Police Department and Henderson Police Department. The LVMPD defendants responded to Plaintiffs' written discovery request on October 18, 2021.

1 The Henderson Police Department is diligently working on its discovery responses
 2 and are hopeful that they will be served by November 22, 2021, pursuant to which
 3 Plaintiffs have granted an extension to respond. The Plaintiff respectfully submits
 4 this extension of time to respond is evident of a showing of good cause to grant an
 5 extension to amend pleadings or add parties within the 21 day time frame of the
 6 current deadline

7 12. On October 15, 2021, Plaintiff served his responses to Las Vegas Metropolitan
 8 Police Department's written discovery.

9 13. On October 18, 2021 the LVMPD Defendants served its First Supplement to 26.1
 10 Disclosures.

11 14. On October 27, 2021, Plaintiff served his responses to Henderson Police
 12 Department's written discovery.

13 **DISCOVERY REMAINING**

14 1. The parties will continue participating in written discovery.

15 2. The parties will collect the plaintiffs' medical records.

16 3. Defendants will depose Plaintiffs.

17 4. Plaintiffs will depose the Defendants and the Defendants' FRCP 30(b)(6)
 18 witness(es).

19 5. The parties may depose any and all other witnesses identified through discovery,
 20 potentially including treatment providers and personnel whom interacted with Mr.
 21 Lewis while in the custody of various Defendants.

22 6. The parties will designate expert witnesses and may conduct depositions of those
 23 expert witnesses.

24 **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

25 The parties aver, pursuant to LR 26-3, that good cause exists for the following requested
 26 extension. This Request for an extension of time is not sought for any improper purpose or other
 27 purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient
 28 time to conduct discovery to develop their respective cases in chief.

The parties have been diligently moving the case forward. They have been participating in substantive discovery, including exchanging their initial lists of witnesses and documents and supplements thereto, and propounding written discovery. To ensure sufficient time is allotted for party depositions and expert designations, the parties maintain that the current discovery deadlines must be extended.

Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline (unless a showing of good cause is present and must comply fully with LR 26-3.

This is the first request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the short extension. The parties further submit the extension of time to respond to written discovery is a showing of good cause as to why the deadline to amend pleadings or add parties should be extended since the current deadline is November 18, 2021.

The parties further submit the extension of time to respond to written discovery is a showing of good cause as to why the deadline to amend pleadings or add parties should be extended since the current deadline is November 18, 2021.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines. No weekend dates are included:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	<i>Wednesday, February 16, 2022</i>	<i>Tuesday, May 17, 2022</i>
Deadline to Amend Pleadings or Add Parties	<i>Thursday, November 18, 2021</i>	<i>Wednesday, February 16, 2022</i>
Expert Disclosure pursuant to FRCP26 (a)(2)	<i>Monday, December 20, 2021</i>	<i>Friday, March 18, 2022</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>Wednesday, January 19, 2022</i>	<i>Monday, April 18, 2022</i>

Scheduled Event	Current Deadline	Proposed Deadline
Dispositive Motions	<i>Friday, March 18, 2022</i>	<i>Wednesday, June 15, 2022</i>
Joint Pretrial Order	<i>Monday, April 18, 2022</i>	<i>Thursday, July 14, 2022</i>

WHEREFORE, the parties respectfully request that this Court extend the discovery period by ninety (90) days from the current deadline of February 16, 2022 up to and including May 17, 2022, and the other dates as outlined in accordance with the table above.

Dated this 15th day of November, 2021. Dated this 15th day of November, 2021.

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Dated this 15th day of November, 2021.

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LVMPD and Sheriff Joseph Lombardo

IT IS SO ORDERED.



Cam Ferenbach
United States Magistrate Judge

11-16-2021

DATED _____