

1 BRUCE SCOTT DICKINSON, ESQ.
Nevada Bar No. 002297
2 **STEPHENSON & DICKINSON, P.C.**
3 2820 West Charleston Boulevard, Suite B-17
Las Vegas, Nevada 89102
4 Telephone: (702) 474-7229
Facsimile: (702) 474-7237
5 *email: admin@sdlawoffice.net*

6 Attorneys for Defendant

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9
10 DANIEL WALTERS,

11 Plaintiff,

12 vs.

13 DREW ELLIOT MARSHALL, an Individual;
14 DOES I through X; and ROE CORPORATIONS
15 I through X, inclusive,

16 Defendants.

CASE NO. 2:21-cv-02014-JCM-VCF

**Stipulation and ~~Proposed~~ Order to Extend
Discovery**

(Third Request)

17 Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of
18 record, hereby stipulate and request that this Court extend discovery in the above-captioned case
19 ninety (90) days from the current deadline of December 8, 2022, up to and including March 8, 2023.
20 In addition, the parties request that all other future deadlines contemplated by the Discovery Plan and
21 Scheduling Order be extended pursuant to Local Rule. In support of this Stipulation and Request,
22 the parties state as follows:

- 23 1. On August 10, 2021, Plaintiff filed his Complaint in the Eighth Judicial District
24 Court, Clark County, Nevada; Case No. A-21-839217-C. Mr. Marshall was served
25 with the Summons and Complaint on October 14, 2021.
- 26 2. On November 8, 2021, Defendant timely removed this action to the United States
27 District Court, District of Nevada.
- 28 3. On November 8, 2021, Defendant filed his Certificate of Interested Parties.

4. On November 12, 2021, Defendant filed his Answer to Complaint and Jury Demand.
5. On December 2, 2021, Plaintiff filed his Certificate of Interested Parties
6. On December 7, 2021, Defendant filed his Statement Regarding Removal.
7. On December 8, 2021, the parties filed a Joint Status Report Pursuant to the Court's Minute Order Dated November 8, 2021
8. On December 14, 2021, the parties conducted the FRCP 26(f) conference.
9. On December 16, 2021, Plaintiff served his Initial Rule 26(f) Disclosures.
10. On December 30, 2021, Defendant served his Initial Rule 26(f) Disclosures.
11. On November 17, 2021, Defendant served his First Set of Interrogatories and Requests for Production of Documents.
12. On December 20, 2021, Plaintiff answered Defendant's First Set of Interrogatories and Requests for Production of Documents.
13. On January 27, 2022, Defendant served his Second Set of Requests for Production of Documents and Plaintiff's responses are due February 28, 2022.
14. On February 8, 2022, Defendant served his First FRCP 26(f) Supplemental Disclosure.
15. On February 11, 2022, Plaintiff served his First Set of Interrogatories and Requests for Production of Documents, which Defendant is serving his response May 4, 2022.
16. On February 11, 2022, Plaintiff served his First FRCP 26(f) Supplemental Disclosure.
17. On February 14, 2022, Defendant served his Second FRCP 26(f) Supplemental Disclosure.
18. On February 23, 2022, Defendant served his Third FRCP 26(f) Supplemental Disclosure.
19. On April 11, 2022, Defendant's expert inspected Plaintiff's vehicle and the data from that inspection was disclosed on April 18, 2022.
20. On April 18, 2022, Defendant served his Fourth FRCP 26(f) Supplemental Disclosure.
21. On April 28, 2022, Defendant served his Fifth FRCP 26(f) Supplemental Disclosure.

22. On May 4, 2022, Defendant's Responses to Plaintiff's First Set of Requests for Production of Documents and Answers to Interrogatories were served.
23. On August 10, 2022, Plaintiff took the deposition of Defendant Drew Marshall.
24. On August 11, 2022, Defendant served his Sixth FRCP 26(f) Supplemental Disclosure.
25. On August 12, 2022, Defendant took the deposition of Plaintiff Daniel Walters.
26. On August 16, 2022, Defendant served his Seventh FRCP 26(f) Supplemental Disclosure.

Discovery Remaining

1. The parties will continue participating in written discovery.
2. The parties may take the depositions of any and all other witnesses garnered through discovery.
3. Defendant has subpoenaed records, but still have not received medical, billing and/or diagnostic imaging records from Radiology Specialists, DiMuro Pain Management and Valley Anesthesiology. Defendant's medical experts need a complete set of records before final reports are submitted.
4. Defendant's expert, William Redfairn, will conduct a second inspection of Mr. Marshall's vehicle for the purpose of having the bumper removed. This is for the purpose of evaluating if any underlying damage was done to the frame of the vehicle.

Why Remaining Discovery Has Not Been Completed

1. From June 9, 2022 to June 17, 2022, the undersigned counsel for Mr. Marshall was quarantined with COVID. This resulted in delays in taking the depositions of Mr. Walters and Mr. Marshall.
2. Three of the Plaintiff's medical providers have not responded to subpoenas for their respective medical records. These providers are Radiology Specialists, DiMuro Pain Management and Valley Anesthesiology.

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3. Defense counsel is scheduled to begin a 4-week trial on October 10, 2022 in *Martha Lopez v. Swift Transportation, et al.* District Court Case No. A-18-779263-C.

4. The parties have agreed to a private mediation, which is being scheduled. As of the date of the filing of this stipulation, the mediation date has not been finalized. When the date is finalized, the parties will advise the court. Part of the goal of the mediation is to work to resolve the case and avoid unnecessary expenditure of costs for expert reports and related discovery.

The parties have agreed to and suggest the following dates:

Scheduled Event	Current Deadline	Proposed Deadline
Initial Expert Disclosures	October 7, 2022	January 5, 2023
Rebuttal Expert Disclosures	November 7, 2022	February 6, 2023
Discovery Cut-Off	December 8, 2022	March 8, 2023 ³
Final Date for Dispositive Motions	January 6, 2023	April 6, 2023
Joint Proposed Pre-Trial Order	February 6, 2023, or 30 days after resolution of dispositive motions	May 8, 2023, or 30 days after resolution of dispositive motions

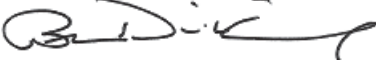
1 The parties respectfully request that this Court extend the discovery period by ninety (90)
2 days from the current deadline of December 8, 2022, up to and including March 8, 2023, and the
3 other dates as outlined in accordance with the table above.

4 DATED this 16th day of September, 2022.

DATED this 16th day of September, 2022.

5 STEPHENSON & DICKINSON, P.C.

MOSS BERG INJURY LAWYERS

6
7 
8 By: _____
9 BRUCE SCOTT DICKINSON, ESQ.
10 Nevada Bar No. 002297
11 2820 West Charleston Boulevard, Suite B-17
12 Las Vegas, Nevada 89102
13 Attorneys for Defendants

By: //Marcus A. Berg, Esq.//
MARCUS A. BERG, ESQ.
Nevada State Bar No. 009760
4101 Meadows Lane, Ste. #110
Las Vegas, Nevada 89107
Attorneys for Plaintiff

12 **Order**

13 **IT IS SO ORDERED.**

14 Dated this 19th day of September, 2022.

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16 
17 _____
18 **United States Magistrate Judge**
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From: [Marcus Berg](#)
To: [Krisanne Steele-Fetcho](#)
Cc: [Tonya Baltazar](#); [Bruce Dickinson](#)
Subject: Re: Walters v. Marshall
Date: Thursday, September 15, 2022 7:14:11 PM
Attachments: [9.15.22 SAO to Ext Discovery \(3rd Req\).doc](#)

You may add my esignature.

Thank you,

Marcus Berg, Esq.

Moss Berg Injury Lawyers

[4101 Meadows Ln, Ste 110](#)

[Las Vegas, NV 89107](#)

P: [\(702\) 222-4555](#)

F: [\(702\) 222-4556](#)

www.mossberginjurylaw.com

marcus@mossberglv.com

On Sep 15, 2022, at 1:20 PM, Krisanne Steele-Fetcho <ksf@sdlawoffice.net> wrote:

Thank you Tonya. Attached is the revised Stip & Order. Please review and advise if we have your permission to affix Mr. Berg's e-signature and submit to the court.

Krisanne Steele-Fetcho

Paralegal

STEPHENSON & DICKINSON, P.C.

2820 West Charleston Boulevard, Suite 17

Las Vegas, Nevada 89102

(702) 474-7229

(702) 474-7237 - facsimile

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