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11 **UNITED STATES DISTRICT COURT**
 12 **DISTRICT OF NEVADA**

13 ANDREA HOLLINGSWORTH, an
 14 individual; A.R.H., a minor by and through
 15 her legal guardian and/or parent, Andrea
 16 Hollingsworth; and A.D.H., a minor by and
 through her legal guardian and/or parent,
 Andrea Hollingsworth,

17 Plaintiffs,

18 vs.

20 CITY OF NORTH LAS VEGAS, Nevada, a
 21 Municipal Corporation; JACQUELINE
 22 GRAVATT, in her official capacity as Chief
 of the North Las Vegas Police Department;
 23 MICHAEL L. ROSE, an individual; ERIC
 SPANNBAUER, an individual; DOES I – X,

24 Defendants.

Case No.: 2:21-cv-02230-CDS-NJK

ORDER TO
EXTEND DISCOVERY PLAN AND
SCHEDULING ORDER DEADLINES
(FOURTH REQUEST)

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 26 ///
 27 ///

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1 Plaintiffs Andrea Hollingsworth, A.R.H., and A.D.H. (“Plaintiffs”), by and through
2 their attorneys of record, Margaret A. McLetchie, Pieter M. O’Leary, and Leo S. Wolpert,
3 with the law firm of McLetchie Law, Leah Wiederhorn, and Brittany Shrader of the National
4 Association of the Deaf, and Defendants, the City of North Las Vegas, Jacqueline Gravatt,
5 Michael L. Rose, and Eric Spannbauer (collectively “Defendants”), by and through their
6 attorneys of record, Robert W. Freeman , Frank A. Toddre, Matthew E. Freeman, with the
7 law firm of Lewis Brisbois Bisgaard & Smith, LLP (collectively “the Parties”), hereby
8 stipulate and agree to extend the Discovery Plan and Scheduling Order deadlines an
9 additional sixty (60) days. This Stipulation is being entered in good faith and not for purposes
10 of delay. This is the fourth request for an extension in this matter.

11 **I. STATUS OF DISCOVERY.**

12 **A. PLAINTIFFS’ DISCOVERY**

- 13 1. Plaintiffs’ Initial Disclosures and Production of Documents Pursuant to Fed.
14 R. Civ. P. 26.1, dated December 2, 2022;
- 15 2. Plaintiffs’ Interrogatories to Defendant City of North Las Vegas – Set One,
16 dated March 2, 2023;
- 17 3. Plaintiffs’ Requests for Admission to Defendant City of North Las Vegas –
18 Set One, dated March 2, 2023;
- 19 4. Plaintiffs’ Requests for Production of Documents to Defendant City of
20 North Las Vegas - Set One, dated March 2, 2023;
- 21 5. Plaintiffs’ First Supplement to Disclosures and Production of Documents
22 Pursuant to Fed. R. Civ. P. 26.1, dated March 2, 2023;
- 23 6. Plaintiff Andrea Hollingsworth’s Responses to Defendants’ Requests for
24 Admission - Set One, dated March 22, 2023.
- 25 7. Plaintiff Andrea Hollingsworth’s Responses to Defendants’ Interrogatories
26 - Set One, dated March 22, 2023.
- 27 8. Plaintiff Andrea Hollingsworth’s Responses to Defendants’ Request for
28 Production of Documents - Set One, dated March 22, 2023;

1 9. Plaintiffs’ Second Supplement to Disclosures and Production of Documents
2 Pursuant to Fed. R. Civ. P. 26.1, dated April 24, 2023;

3 10. Plaintiff Andrea Hollingsworth’s Requests for Production to Defendant
4 City of North Las Vegas - Set Two, dated April 24, 2023;

5 11. Plaintiff Andrea Hollingsworth’s Requests for Admission to Defendant
6 Michael L. Rose - Set One, dated April 24, 2023;

7 12. Plaintiff Andrea Hollingsworth’s Requests for Production to Defendant
8 Michael L. Rose - Set One, dated April 24, 2023;

9 13. Plaintiff Andrea Hollingsworth’s Interrogatories to Defendant Michael L.
10 Rose - Set One, dated April 24, 2023;

11 14. Plaintiff Andrea Hollingsworth’s First Supplemental Responses to
12 Defendants’ Request for Production of Documents - Set One, dated April 24, 2023;

13 15. Plaintiff Andrea Hollingsworth’s Request for Admission to Defendant Eric
14 Spannbauer - Set One, dated April 27, 2023;

15 16. Plaintiff Andrea Hollingsworth’s Request for Production to Defendant Eric
16 Spannbauer - Set One, dated April 27, 2023;

17 17. Plaintiff Andrea Hollingsworth’s Interrogatories to Defendant Eric
18 Spannbauer - Set One, dated April 27, 2023;

19 18. Plaintiffs’ Third Supplement to Disclosures and Production of Documents
20 Pursuant to Fed. R. Civ. P. 26.1, dated May 10, 2023;

21 19. Plaintiff A.D.H.’s Interrogatories to Defendant City of North Las Vegas –
22 Set One, dated May 18, 2023;

23 20. Plaintiff A.D.H.’s Requests for Admission to Defendant City of North Las
24 Vegas – Set One, dated June 27, 2023;

25 21. Plaintiffs’ Fourth Supplement to Disclosures and Production of Documents
26 Pursuant to Fed. R. Civ. P. 26.1, dated June 27, 2023.

27 **B. DEFENDANTS’ DISCOVERY**

28 1. Defendants’ Initial List of Witnesses and Documents Pursuant to Fed. R.

1 Civ. P. 26.1 dated December 2, 2022;

2 2. Defendants' First Supplement to List of Witnesses and Documents Pursuant
3 to Fed. R. Civ. P. 26.1, dated February 3, 2023;

4 3. Defendants' Interrogatories to Plaintiff Andrea Hollingsworth (Set One),
5 dated February 3, 2023;

6 4. Defendants' Requests for Production of Documents to Plaintiffs (Set One),
7 dated February 3, 2023;

8 5. Defendants' Requests for Admission to Plaintiffs (Set One), dated February
9 3, 2023;

10 6. Defendants' Second Supplement to List of Witnesses and Documents
11 Pursuant to Fed. R. Civ. P. 26.1, dated March 20, 2023;

12 7. Defendants' Third Supplement to List of Witnesses and Documents
13 Pursuant to Fed. R. Civ. P. 26.1, dated April 20, 2023;

14 8. Defendant City of North Las Vegas' Responses to Plaintiff Andrea
15 Hollingsworth Request for Admission (Set One), dated April 20, 2023;

16 9. Defendant City of North Las Vegas' Response to Plaintiff Andrea
17 Hollingsworth Request for Production of Documents (Set One), dated April 20, 2023;

18 10. Defendant City of North Las Vegas's Answers to Plaintiff Andrea
19 Hollingsworth's Interrogatories (Set One), dated April 20, 2023;

20 11. Defendant Officer Michael L. Rose's Responses to Plaintiff Andrea
21 Hollingsworth's Requests for Admission – Set One, dated May 24, 2023;

22 12. Defendant Officer Michael L. Rose's Responses to Plaintiff Andrea
23 Hollingsworth's Requests for Production – Set One, dated May 24, 2023;

24 13. Defendant Officer Michael L. Rose's Responses to Plaintiff Andrea
25 Hollingsworth's Interrogatories – Set One, dated May 24, 2023;

26 14. Defendant Officer Eric Spannbauer's Responses to Plaintiff Andrea
27 Hollingsworth's Requests for Admission – Set One, dated May 25, 2023;

28 15. Defendant Officer Eric Spannbauer's Responses to Plaintiff Andrea

1 Hollingsworth’s Requests for Production – Set One, dated May 25, 2023;

2 16. Defendant Officer Eric Spannbaauer’s Answers to Plaintiff Andrea
3 Hollingsworth’s Interrogatories – Set One, dated May 25, 2023;

4 17. Defendant City of North Las Vegas’s Responses to Plaintiff Andrea
5 Hollingsworth’s Requests for Production – Set Two, dated June 7, 2023;

6 18. 17. Defendant City of North Las Vegas’s Supplemental Responses to
7 Plaintiff Andrea Hollingsworth’s Requests for Production – Set One, dated August 1, 2023

8 19. Defendants’ Fourth Supplement to List of Witnesses and Documents
9 Pursuant to Fed. R. Civ. P. 26.1, dated June 7, 2023;

10 20. Defendant’s Fifth Supplement to list of Witnesses and Documents Pursuant
11 to Fed. R. Civ. P. 26.1, dated July 19, 2023;

12 21. Defendant’s Sixth Supplement to list of Witnesses and Documents Pursuant
13 to Fed. R. Civ. P. 26.1, dated July 27, 2023;

14 22. Defendant’s Seventh Supplement to list of Witnesses and Documents
15 Pursuant to Fed. R. Civ. P. 26.1, dated August 8, 2023;

16 23. Defendant’s Eighth Supplement to list of Witnesses and Documents
17 Pursuant to Fed. R. Civ. P. 26.1, dated August 11, 2023;

18 24. Defendant’s Ninth Supplement to list of Witnesses and Documents
19 Pursuant to Fed. R. Civ. P. 26.1, dated August 24, 2023.

20 **II. DISCOVERY THAT REMAINS TO BE COMPLETED.**

21 The Parties are actively conducting discovery. The Parties are meeting and
22 conferring regarding discovery responses and also are supplementing discovery responses.

23 Plaintiffs need additional time to review the documents produced by Defendants,
24 including in the multiple additional supplements to initial disclosures by Defendants. These
25 supplements include further body worn camera (BWC) footage and copies of prior BWC
26 footage that require careful review and/or transcription, and review by experts.

27 Plaintiffs have also reached out to Defendants regarding possible dates for
28 depositions, which they intend to schedule for late October and early November.

1 The Parties' primary remaining discovery tasks include: (1) addressing any
2 remaining meet and confer issues and finishing written discovery; ((2) scheduling of
3 depositions; and (3) expert discovery. Further, the Parties intend to save resources by having
4 any expert disclosures follow the completion of fact discovery, to avoid the time and expense
5 related to supplementing reports.

6 **III. SPECIFIC DESCRIPTION OF WHY EXTENSION IS NECESSARY.**

7 This is the fourth request for an extension of discovery deadlines in this matter. The
8 Parties request that the Discovery Plan and Scheduling Order deadlines be extended an
9 additional sixty (60) days so that the Parties may complete the tasks above.

10 The Parties acknowledge that, pursuant to Local Rule 26-3, a stipulation to extend
11 a deadline set forth in a discovery plan must be submitted to the Court no later than twenty-
12 one (21) days before the expiration of the subject deadline, and that a request made within
13 twenty-one (21) days must be supported by a showing of good cause. Here, almost all of the
14 deadlines the Parties seek to extend are outside of the twenty-one (21) day window, the
15 deadline for initial exert disclosures, however, is within the twenty-one (21) day window.
16 Thus, the Parties must establish that good cause exists to extend these deadlines. Pursuant to
17 Local Rule 26-3, the Parties submit that good cause exists for the extension requested.

18 The Parties have been diligently conducting discovery and engaged in extensive
19 meet and confer efforts (reflected in the multiple updates to written discovery) that they hope
20 will avoid the need for motion practice, but an extension is needed to efficiently continue to
21 conduct discovery, analyze the information provided, and manage the case. The Parties are
22 resolving issues and meeting and conferring regarding related issues.

23 Additionally, Plaintiffs are working to schedule depositions. However, they wish
24 to ensure that they obtain all needed written discovery from Defendants before doing so,

25 Plaintiffs need additional time to address these outstanding issues, propound any
26 additional discovery, and take depositions. Further, as noted above, an extension would
27 provide ample time for their expert to review the produced documents and prepare expert
28

1 disclosures. The Parties contend that it is more efficient to allow further discovery to be
2 completed before initial expert disclosures to minimize the need for supplementation.

3 Finally, the Parties together request this in good faith and to further the resolution
4 of this complicated case on the merits, and not for any purpose of delay.

5 There is thus good cause for the extension. “Good cause to extend a discovery
6 deadline exists ‘if it cannot reasonably be met despite the diligence of the party seeking the
7 extension.’” *Derosa v. Blood Sys., Inc.*, No. 2:13-cv-0137-JCM-NJK, 2013 U.S. Dist. LEXIS
8 108235, 2013 WL 3975764, at 1 (D. Nev. Aug. 1, 2013) (quoting *Johnson v. Mammoth*
9 *Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)); *see also* Fed. R. Civ. P. 1 (providing
10 that the Rules of Civil Procedure “should be construed, administered, and employed by the
11 court and the Parties to secure the just, speedy, and inexpensive determination of every action
12 and proceeding”). The Parties have been diligent in litigating this matter. Thus, the standard
13 to extend all deadlines is satisfied here.

14 Based on the foregoing stipulation and proposed deadlines plan, the Parties thus
15 respectfully request an extension of time to extend the discovery in this matter to enable to
16 them to conduct necessary discovery in this matter and so that this matter is fairly resolved
17 on the merits.

18 **IV. SCHEDULE FOR COMPLETING ALL REMAINING**
19 **DEADLINES**

Deadline	Current Deadline	Proposed New Deadline
Amend Pleadings and Add Parties	February 7, 2022	unchanged
Initial Expert Disclosures	October 5, 2023	December 4, 2023
Rebuttal Expert Disclosures	November 7, 2023	January 6, 2024¹
Discovery Cut-Off	December 5, 2023	February 3, 2024²

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28 ¹ Sixty (60) days from November 7, 2023, is Saturday, January 6, 2024.

² Sixty (60) days from December 5, 2023, is Saturday, February 3, 2024

Dispositive Motions	January 3, 2024	March 3, 2024³
Joint Pretrial Order	February 5, 2024	April 5, 2024 (If dispositive motions are filed, the deadline for shall be suspended until thirty (30) days after the decision of the dispositive motions or further order of the Court.)

Based on the foregoing stipulation and proposed deadlines plan, the Parties request that the Discovery Plan and Scheduling Order deadlines be extended an additional sixty (60) days so that the parties may conduct necessary discovery.

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ORDER

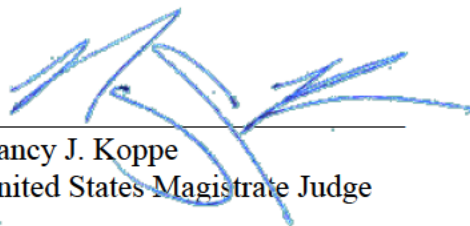
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The Court reminds the parties that they must conduct discovery diligently. Given the lengthy discovery period, the Court is not inclined to grant further extensions.

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IT IS SO ORDERED.
Dated: September 26, 2023

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Nancy J. Koppe
United States Magistrate Judge

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³ Sixty (60) days from January 3, 2024, is Sunday, March 3, 2024

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1
2 DATED this 25th day of September, 2023.

DATED this 25th day of September,
2023.

3 **MCLETCHE LAW**

**LEWIS BRISBOIS BISGAARD &
SMITH LLP**

4
5 By: /s/ Margaret A. McLetchie

By: /s/ Frank A. Toddre, II

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