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20 **UNITED STATES DISTRICT COURT**

21 **DISTRICT OF NEVADA**

22
 23 PACIRA PHARMACEUTICALS, INC.,
 Plaintiff,

24 vs.

25
 26 RESEARCH DEVELOPMENT
 27 FOUNDATION,
 Defendant.

Case No. 2:21-cv-02241-CDS-DJA

**STIPULATION AND
 [PROPOSED] ORDER FOR
 EXTENSION OF TIME RE:
 ANTHONY MOLLOY AND DR.
 MICHNIAK-KOHN
 DEPOSITIONS**

(FOURTH REQUEST)

1 Plaintiff Pacira Pharmaceuticals, Inc. (“Pacira”) and Defendant Research Development
 2 Foundation (“RDF”) (collectively, the “Parties”), by and through their respective counsel, and
 3 subject to this Court’s approval, agree to modify the Court’s March 30, 2022 Scheduling Order
 4 (ECF No. 39), September 12, 2022 Order for Extension of Time (ECF No. 75), October 25, 2022
 5 Order for Extension of Time (ECF No. 81), and December 30, 2022 Order for Extension of Time
 6 (ECF No. 86) to extend the discovery deadlines. This is the fourth request to modify the
 7 Scheduling Order.

8 The Parties seek to extend the discovery cutoff by seventeen (17) days for the purpose of
 9 taking the deposition of one of Pacira’s witnesses, Anthony Molloy, and one of RDF’s expert
 10 witnesses, Dr. Bozena Michniak-Kohn, as shown in the table below.

Description	Current Deadline	Proposed Deadline
Discovery cutoff for all discovery <i>except</i> with respect to Deposition of Anthony Molloy; Expert Witness Depositions of Messrs. Edwards and Stevens, and Dr. Michniak-Kohn; and Service of Final Privilege Logs ¹	January 13, 2023	Unchanged
Discovery cutoff with respect to Depositions of Anthony Molloy and Dr. Michniak- Kohn	January 13, 2023	January 30, 2023

25 This Stipulation is submitted within 21 days of the discovery cutoff. In compliance with
 26 LR IA 6-1 and LR 26-3, the Parties submit that good cause exists to extend this deadline. Mr.

27 ¹ The Court has already granted an extension of the discovery cutoff to January 26, 2023 with
 28 respect to expert witness depositions of Messrs. Edwards and Stevens and service of final privilege
 logs. Dkt. 86 at 4.

1 Molloy's deposition was originally scheduled for January 5, 2023. On January 4, 2023, the day
2 before his deposition, Mr. Molloy tested positive for COVID-19. Dr. Michniak-Kohn's deposition
3 was originally scheduled for January 13, 2023, but Dr. Michiniak-Kohn was still recovering from
4 COVID-19 at the time. The Parties have agreed, subject to the Court's approval, to postpone Mr.
5 Molloy's deposition until January 20, 2023 and Dr. Michniak-Kohn's deposition until January 30,
6 2023. The Parties do not at this time propose extending any other deadlines. In view of Mr.
7 Molloy and Dr. Michniak-Kohn's illnesses, good cause exists to extend the discovery cutoff by
8 seventeen days for the purpose of taking their depositions.

9 This Stipulation is made in good faith, with good cause, and not for purposes of unduly
10 delaying discovery or trial.

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12 Respectfully submitted this 12th day of January, 2023.

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ORDER

The foregoing Stipulation is GRANTED. **IT IS HEREBY ORDERED** based on the Parties' foregoing Stipulation, the following modifications to the March 30, 2022 Scheduling Order, September 12, 2022 Order for Extension of Time, October 25, 2022 Order for Extension of Time, and December 30, 2022 Order for Extension of Time (ECF No. 86) are hereby approved and the following discovery and pretrial deadlines extended for good cause shown:

Description	Deadline
Discovery cutoff for all discovery <i>except</i> with respect to Deposition of Anthony Molloy; Expert Witness Depositions of Messrs. Edwards and Stevens, and Dr. Michniak-Kohn; and Service of Final Privilege Logs ²	January 13, 2023
Discovery cutoff with respect to Depositions of Anthony Molloy and Dr. Michniak-Kohn	January 30, 2023

IT IS SO ORDERED.


 UNITED STATES MAGISTRATE JUDGE
DATED: January 17, 2023

CASE NO. 2:21-cv-02241-CDS-DJA

² The Court has already granted an extension of the discovery cutoff to January 26, 2023 with respect to expert witness depositions of Messrs. Edwards and Stevens and service of final privilege logs. Dkt. 86 at 4.

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Pisanelli Bice PLLC, and that on this day, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, and that service will be accomplished on all counsel and persons requesting notice by the Court CM/ECF system, which will send notification of such filing to their email addresses.

DATED this 12th day of January, 2023.

/s/ Cinda Towne
An employee of Pisanelli Bice PLLC