

1 MICHAEL M. EDWARDS, ESQ.
 Nevada Bar No. 6281
 2 STEPHANIE BEDKER, ESQ.
 Nevada Bar No. 14169
 3 **FREEMAN MATHIS & GARY, LLP**
 770 E. Warm Springs Rd., Suite 360
 4 Las Vegas, NV 89119
 Telephone: (725) 258-7360
 5 Facsimile: (833) 336-2131
 Michael.Edwards@fmglaw.com
 6 Stephanie.Bedker@fmglaw.com
 Attorneys for Defendant Nye County

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 8 **UNITED STATES DISTRICT COURT**
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 10 **DISTRICT OF NEVADA**

11 CHELSEA ROBERTS, individually, and as heir of
 deceased G.E.D.; CHELSEA ROBERTS as the
 parent and legal guardian on behalf of G.E.D.,
 12 deceased minor child; CHELSEA ROBERTS, as
 the parent and legal guardian of J.E.D., a minor,
 13 individually and as heir of MICHAEL
 DURMEIER,
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 Plaintiff,
 15 vs.
 16 NYE COUNTY SHERIFF'S OFFICE, a
 subdivision of the STATE OF NEVADA, *et al.*
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 Defendants.

Case No.: 2:22-cv-00398-RFB-EJY
 CONSOLIDATED WITH
 Case No. 2:23-cv-0478-CDS-EJY

**STIPULATION AND [PROPOSED]
 ORDER TO EXTEND DISCOVERY**
(Third Request)

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 19 AND ALL RELATED MATTERS.

20 Pursuant to Local Rules IA 6-1 and 26-3, IT IS HEREBY STIPULATED AND AGREED
 21 by and among: (1) Chelsea Roberts, individually, and as heir of deceased GED, as the parent and
 22 legal guardian on behalf of GED, and as the parent and legal guardian of JED, individually and as
 23 heir of Michael Durmeier (hereinafter collectively "Roberts Plaintiffs"); (2) Josh Myers, as parent
 24 and legal guardian on behalf of EKS ("Myers Plaintiff"; collectively with Roberts Plaintiffs,
 25 "Plaintiffs"); (3) Deputy Breanna Nelson, Lieutenant Alan W. Schrimpf, and Detectives Brooke
 26 Gentry and Daniel Fischer (collectively, the "Individual Defendants"); and (4) Nye County
 27 (collectively, the "Parties") that the current discovery deadlines be extended by sixty (60) days in
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1 the above referenced matter. This is the third stipulation to extend discovery deadlines.

2 **I. BACKGROUND**

3 This case is complex and involves extensive causes of action asserted in two controlling
4 pleadings, which arise under 42 U.S.C. § 1983 and state tort law claims, and names four plaintiffs
5 and five defendants. In this combined action, the Roberts and Myers Plaintiffs bring numerous
6 federal and state claims against Nye County and the Individual Defendants pertaining to a vehicular
7 accident that occurred on March 27, 2021. Plaintiffs assert that, prior to the subject accident, various
8 law enforcement personnel responded to a public disturbance call involving Tyler Kennedy. The
9 responding officers investigated the call and subsequently released Kennedy. Approximately 90
10 minutes after his release, Kennedy – purportedly being under the influence of illegal substances –
11 recklessly attempted to pass another vehicle, crossed the center line, and collided with the subject
12 vehicle, causing the subject incident and resulting in the death of three passengers.

13 **II. DISCOVERY COMPLETED TO DATE**

14 **A. The Parties have served the following disclosures:**

15 **1. Plaintiffs Roberts’ Disclosures:**

- 16 a. Initial Disclosure of Documents and Witnesses, dated December 14,
17 2022
- 18 b. First Supplemental Disclosure, dated March 27, 2023
- 19 c. Second Supplemental Disclosure, dated September 17, 2024
- 20 d. Third Supplemental Disclosure, dated October 11, 2024
- 21 e. Fourth Supplemental Disclosure, dated October 17, 2024
- 22 f. Fifth Supplemental Disclosure, dated January 29, 2025

23 **2. Plaintiff Myers’ Disclosures:**

- 24 a. Initial Disclosure of Witnesses and Documents, dated June 14, 2024
- 25 b. First Supplemental Disclosure, dated October 24, 2024

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3. Defendant Nye County’s Disclosures:

- a. Initial Disclosure of Witnesses and Documents, dated February 7, 2023
- b. First Supplemental Disclosure, dated February 10, 2023
- c. Second Supplemental Disclosure, dated March 3, 2023
- d. Third Supplemental Disclosure, dated March 15, 2023
- e. Fourth Supplemental Disclosure, dated March 20, 2023
- f. Fifth Supplemental Disclosure, dated October 11, 2024
- g. Sixth Supplemental Disclosure, dated October 28, 2024
- h. Seventh Supplemental Disclosure, dated October 31, 2024
- i. Eighth Supplemental Disclosure, dated November 14, 2024
- j. Ninth Supplemental Disclosure, dated December 10, 2024
- k. Tenth Supplemental Disclosure, dated December 12, 2024
- l. Eleventh Supplemental Disclosure, dated January 27, 2025
- m. Twelfth Supplemental Disclosure, dated January 31, 2025

4. Individual Defendants’ Disclosures:

- a. Initial Disclosure of Witnesses and Documents, dated March 7, 2023
- b. First Supplemental Disclosure, dated October 16, 2024

B. The Parties have served and/or responded to the following written discovery:

1. Roberts Plaintiffs’ Discovery Requests and Responses:

- a. First Set of Requests for Production and Inspection of Documents to Nye County and Nye County Sheriff’s Office, dated November 18, 2022
- b. First set of Requests for Production of Documents to [former defendant] Nevada Highway Patrol, dated February 16, 2023
- c. First Set of Interrogatories and Requests for Production to Daniel Fischer, dated September 11, 2024

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- d. First Set of Interrogatories and Requests for Production to Brooke Gentry, dated September 11, 2024
- e. First Set of Interrogatories and Requests for Production to Breanna Nelson, dated September 11, 2024
- f. First Set of Interrogatories and Requests for Production to Alan W. Schrimpf, dated September 11, 2024
- g. Second Set of Requests for Production of Documents to Nye County, dated September 11, 2024
- h. Third Set of Requests for Production of Documents to Nye County, dated September 26, 2024
- i. Fourth Set of Requests for Production of Documents to Nye County, dated October 1, 2024
- j. First Set of Interrogatories to Nye County, dated October 1, 2024
- k. Fifth Set of Requests for Production of Documents to Nye County, dated November 7, 2024
- l. Sixth Set of Requests for Production of Documents to Nye County, dated December 13, 2024
- m. Second Set of Interrogatories to Breanna Nelson, dated January 30, 2025
- n. First Set of Requests for Admissions to Authenticate Documents to Breanna Nelson, Alan Schrimpf, Brooke Gentry, Michael Mokeski, and Daniel Fischer, dated February 5, 2025
- o. First Set of Requests for Admissions to Authenticate Documents to Nye County, dated February 5, 2025
- p. First Set of Requests for Admissions to Daniel Fischer and Alan Schrimpf, dated February 20, 2025
- q. Second Set of Interrogatories to Defendant Nye County, dated

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February 20, 2025

2. Myers Plaintiff’s Discovery Requests and Responses:

- a. First Set of Requests for Production of Documents to Nye County, dated October 22, 2024
- b. First Sets of Requests for Production of Documents to Daniel Fischer, Brooke Gentry, Breanna Nelson, Alan Schrimpf, and Michael Mokeski, dated October 22, 2024

3. Nye County’s Discovery Requests and Responses:

- a. Nye County’s Responses to Plaintiff Roberts’ First Set of Requests for Production of Documents, dated March 3, 2023
- b. Nye County’s Amended Responses to Plaintiff Roberts’ First Set of Requests for Production of Documents, dated March 20, 2023
- c. Nye County’s Responses to Plaintiff Roberts’ Second Set of Requests for Production of Documents, dated October 14, 2024
- d. Nye County’s Responses to Plaintiff Roberts’ Third Set of Requests for Production of Documents, dated October 28, 2024
- e. Nye County’s Responses to Plaintiff Roberts’ Fourth Set of Requests for Production of Documents, dated October 31, 2024
- f. Nye County’s Responses to Plaintiff Roberts’ First Set of Interrogatories, dated October 31, 2024
- g. Nye County’s Responses to Plaintiff Roberts’ Fifth Set of Requests for Production of Documents, dated December 9, 2024
- h. Nye County’s Responses to Plaintiff Myers’ First Set of Requests for Production of Documents, dated December 12, 2024
- i. Nye County’s Responses to Plaintiff Roberts’ Sixth Set of Requests for Production of Documents, dated January 13, 2025

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4. Individual Defendants' Discovery Requests and Responses:

- a. Daniel Fisher's Responses to Plaintiff Roberts' First Set of Requests for Production of Documents and First Set of Interrogatories, dated October 16, 2024
- b. Brooke Gentry's Responses to Plaintiff Roberts' First Set of Requests for Production of Documents and First Set of Interrogatories, dated October 16, 2024
- c. Breanna Nelson's Responses to Plaintiff Roberts' First Set of Requests for Production of Documents and First Set of Interrogatories, dated October 16, 2024
- d. Alan W. Schrimpf's Responses to Plaintiff Roberts' First Set of Requests for Production of Documents and First Set of Interrogatories, dated October 16, 2024
- e. Daniel Fischer's Responses to Plaintiff Myers' Requests for Production of Documents, dated November 25, 2024
- f. Brooke Gentry's Responses to Plaintiff Myers' Requests for Production of Documents, dated November 25, 2024
- g. Breanna Nelson's Responses to Plaintiff Myers' Requests for Production of Documents, dated November 25, 2024
- h. Alan Schrimpf's Responses to Plaintiff Myers' Requests for Production of Documents, dated November 25, 2024
- i. Michael Moleski's Responses to Plaintiff Myers' Requests for Production of Documents, dated November 25, 2024

C. The following depositions have been taken:

- 1. Deposition of Nye County Deputy Michael Moleski taken on October 14, 2024
- 2. Deposition of Nye County Deputy Breanna Nelson taken on October 15, 2024
- 3. Deposition of Nye County Deputy Isaac Champlin taken on October 18, 2024

- 1 4. Deposition of Nye County Detective Daniel Fischer taken on October 18, 2024
- 2 5. Deposition of Nye County Detective Brooke Gentry taken on October 28, 2024
- 3 6. Deposition of Nye County Lieutenant Alan Schrimpf taken on November 20,
- 4 2024
- 5 7. Deposition of Tyler Charles Kennedy taken on January 10, 2025
- 6 8. Deposition of Nevada Highway Patrol Trooper Luke Stang taken on February
- 7 11, 2025

8 **III. DISCOVERY THAT REMAINS TO BE COMPLETED**

- 9 A. Depositions of Plaintiffs
- 10 B. Deposition of Lieutenant Michael Eisenloffel
- 11 C. Deposition of Captain Harry Means
- 12 D. Deposition of David Boruchowitz
- 13 E. Deposition of Adam Levine, Esq.
- 14 F. Deposition(s) of Nye County Rule (30)(b)(6) representative(s)
- 15 G. Depositions of additional fact witnesses, as necessary
- 16 H. Depositions of liability and medical experts
- 17 I. Disclosure of initial and rebuttal experts
- 18 J. Additional written discovery, as necessary

19 **IV. REASONS FOR NOT COMPLETING DISCOVERY**

20 Pursuant to LR IA 6-1 and LR 26-3, the parties represent that good cause exists for the
21 extension of the deadline for discovery, deadlines for expert disclosures, and deadlines for
22 dispositive motions and the joint pre-trial order. As shown above by the extensive amount of
23 discovery completed to date, the parties have been working and continue to work diligently to
24 complete all necessary discovery. However, this case is extraordinarily complex and involves
25 multiple parties and extensive claims. To date, the depositions of the Individual Defendants have
26 been completed, as well as several additional depositions, and the Parties have been working to
27 schedule all remaining depositions with everyone's schedules. Extensive written discovery requests
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1 have been propounded, and Nye County has produced over 20,000 pages of documents, in addition
2 to extensive videos. Further, the factual and legal issues in this case span different areas requiring
3 the retention of a multitude of experts. The Parties have agreed to this extension to allow additional
4 depositions and written discovery to take place prior to the initial expert disclosure deadline and to
5 avoid potential necessity for supplemental expert disclosures.

6 The parties have acted in good faith in discovery to date and have no intent nor reason to
7 delay the resolution of this matter. A 60-day extension of the applicable deadlines should allow the
8 parties to finish all discovery.

9 **V. PROPOSED MODIFICATION**

Discovery Deadline	Current Deadline	NEW Deadline
Initial Expert Disclosure	March 19, 2025	May 19, 2025
Rebuttal Expert Disclosure	April 21, 2025	June 20, 2025
Discovery Cutoff Date	May 19, 2025	July 18, 2025
Dispositive Motions	June 18, 2025	August 18, 2025
Joint Pre-Trial Order	July 17, 2025	September 15, 2025

15 **IT IS SO STIPULATED.**

16 DATED on this 4th day of March 2025.

THE702FIRM <i>/s/ Michael C. Kane</i> MICHAEL C. KANE, ESQ. (10096) BRADLEY J. MYERS, ESQ. (8857) 8335 West Flamingo Road Las Vegas, Nevada 89147 <i>Attorneys for Roberts Plaintiffs</i> GREYSON M. GOODY, ESQ. California Bar No. 292527 THE GOODY LAW GROUP 58 Malaga Cove Plaza Palos Verdes Estates, CA 90274 <i>Pro Hac Vice Counsel for Roberts Plaintiffs</i>	FREEMAN MATHIS & GARY, LLP <i>/s/ Michael M. Edwards</i> MICHAEL M. EDWARDS, ESQ. (6281) STEPHANIE BEDKER, ESQ. (14169) 700 E Warm Springs Road, Suite 360 Las Vegas, Nevada 89119 <i>Attorneys for Defendant Nye County</i>
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MARQUIS AURBACH <i>/s/ W. Reese Levins</i> <hr/> BRIAN R. HARDY, ESQ. (10068) W. REESE LEVINS, ESQ. (15951) SARAH C. ETHINGTON, ESQ. (16530) 10001 Park Run Drive Las Vegas, Nevada 89145 <i>Attorneys for Defendants Breanna Nelson, Alan W. Schimpf, Brooke Gentry, and Daniel Fischer</i>	MOSS BERG INJURY LAWYERS <i>/s/ Boyd B. Moss III</i> <hr/> BOYD B. MOSS III, ESQ. (8856) JOHN C. FUNK, ESQ. (9255) 4101 Meadows Lane, Suite 110 Las Vegas, NV 89107 <i>Attorneys for Plaintiffs Josh Myers, as parent and legal guardian of EKS</i>
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ORDER

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: March 4, 2025