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

9 BONNIE LARKIN, an Individual,
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 Plaintiff,
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12 vs.

13 UNIVERSITY MEDICAL CENTER OF
 SOUTHERN NEVADA, a political
 14 subdivision of Clark County, State of
 Nevada; DOES I - X; ROE
 15 CORPORATIONS I - X.
 16

17 Defendants.

CASE NO.: 2:22-cv-02146-JCM-VCF

~~(PROPOSED)~~ STIPULATION AND
 ORDER TO EXTEND DISCOVERY
 FOLLOWING RESCHEDULED EARLY
 NEUTRAL EVALUATION

(FIRST REQUEST)

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 19 The parties, Plaintiff BONNIE LARKIN (“Plaintiff”), and Defendant UNIVERSITY
 20 MEDICAL CENTER OF SOUTHERN NEVADA’s (“UMC” or “Defendant”), by and through
 21 their respective attorneys of record, hereby submit this request to continue discovery given the
 Early Neutral Evaluation (“ENE”) has been reset to July 20, 2023:

22 **I. THE ENE WAS RESCHEDULED DUE TO PARTIES’ SCHEDULE**
 23 **CONFLICTS**

24 1. The Early Neutral Evaluation (“ENE”) in this matter was originally set for April
 25 27, 2023. [ECF No. 7].

26 2. On April 20, 2023, this Court approved the parties’ stipulated request to conduct
 27 the ENE via Zoom. [ECF 19].

28 **(PROPOSED) STIPULATION AND ORDER TO EXTEND DISCOVERY FOLLOWING RESCHEDULED
 EARLY NEUTRAL EVALUATION (FIRST REQUEST)**

1 3. On April 25, 2023, the Court vacated the April 27, 2023 ENE date due to a
2 conflict in the Court’s schedule, and reset the ENE for June 1, 2023, at 9:00 am to be conducted
3 via Zoom. [ECF 22].

4 4. On May 15, 2023, the Court approved the parties’ stipulated request to
5 reschedule the ENE due to Defense counsel’s schedule conflict. [ECF 26].

6 5. The ENE in this matter is currently scheduled for July 20, 2023.

7 **II. ~~PROPOSED~~ DISCOVERY SCHEDULE**

8 1. Discovery Cut-Off: The parties seek to extend the close of discovery currently
9 set for July 31, 2023, to **November 17, 2023**;

10 2. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts): The parties seek to extend the
11 due date for initial expert disclosures currently set for June 1, 2023, by approximately sixty (60)
12 days from the rescheduled July 20, 2023 ENE to **September 18, 2023**, and the due date for
13 rebuttal expert disclosures be extended accordingly to **October 18, 2023**.

14 3. Dispositive Motions: The parties seek to extend the due date for dispositive
15 motions currently set for August 30, 2023, to **December 18, 2023**;¹ and

16 4. Pre-Trial Order: The parties agree that if no dispositive motions are filed, and
17 unless otherwise ordered by this Court, the Joint Pretrial Order shall be filed not more than
18 thirty (30) days after the date set for filing dispositive motions and, therefore, not later than
19 **January 17, 2024**. If dispositive motions are filed, the deadline for filing the Joint Pretrial Order
20 will be suspended until thirty (30) days after decision on the dispositive motions or further court
21 order.

22 **III. REASONS FOR REQUESTED EXTENSION**

23 1. Good cause exists to extend the remaining discovery deadlines to reflect that the
24 ENE will now be conducted on July 20, 2023.

25 2. *First*, as discussed above, the parties’ recent request to reschedule the June 1,
26 2023 ENE due to scheduling conflicts was approved and the ENE is now set for July 20, 2023.

27 ¹ 30 days from the proposed discovery cutoff of November 17, 2023, is Sunday, December 17,
28 2023, and as such, the due date was continued to the following business day.

1 While the parties have conducted limited settlement discussions to date, they believe that the
2 neutral evaluator's assistance at the ENE will greatly increase the likelihood of settlement. As
3 such, the parties want to preserve judicial and attorney resources (and the time and cost) of this
4 matter to see whether they can resolve this dispute with Judge Youchah's assistance at the ENE.

5 3. **Second**, Plaintiff's attorney on this matter, Jenny Foley, left HKM and no longer
6 represents Plaintiffs. Michael Arata from HKM recently appeared on behalf of Plaintiffs [ECF
7 14] and lead counsel Dan Kalish was admitted *pro hac vice*. [ECF 24]. Since Plaintiffs have
8 new counsel, they seek additional time to allow their attorneys to get up to speed with the case.

9 4. **Third**, although discovery has started, the parties will need additional time to
10 finish discovery in event that the matter does not resolve at the ENE. Each of the parties have
11 exchanged initial disclosures and propounded written discovery requests. In order to help
12 preserve resources ahead of the ENE, the parties have agreed to continue the due date for their
13 respective responses to the discovery requests to thirty (30) days after the ENE. Should the
14 matter not resolve at the ENE, and once the parties' written discovery requests have been
15 adequately responded to, the parties will also need to conduct depositions, including
16 Defendant's FRCP 30(b)(6) deposition(s), the Plaintiffs' deposition, as well as other percipient
17 witness depositions. As the ENE is not set for July 20, 2023, the current July 31, 2023, discovery
18 cut-off is not feasible.

19 5. For these three reasons, the parties respectfully submit that good cause exists to
20 extend discovery in this matter to complete the necessary remaining discovery in the event the
21 case does not resolve at the ENE.

22 **IV. DISCOVERY COMPLETED**

23 1. The parties exchanged their FRCP 26.1 Initial Disclosure of Documents and
24 Witness Lists;

25 2. Plaintiff served written discovery on Defendant, which included:

- 26 a. First Set of Interrogatories; and
- 27 b. First Set of Requests for Production of Documents.

28 3. Defendant served written discovery on Plaintiff, which included:

(PROPOSED) STIPULATION AND ORDER TO EXTEND DISCOVERY FOLLOWING RESCHEDULED
EARLY NEUTRAL EVALUATION (FIRST REQUEST)

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- a. First Set of Interrogatories;
- b. First Set of Requests for Admissions; and
- c. First Set of Requests for Production of Documents.

V. DISCOVERY TO BE COMPLETED

1. The parties agree that they will both have 30 days following the ENE to respond to the other's written discovery requests in the event the parties do not reach a settlement at the ENE;

- 2. The parties anticipate setting depositions of the following individuals:
 - a. Plaintiff Bonnie Larkin;
 - b. Defendant's Designated FRCP 30(b)(6) Representative(s);
 - c. Plaintiff's treating physicians; and
 - d. Other percipient witnesses as needed;
- 3. Additional written discovery as needed;

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