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5 *Attorneys for Canonical Group Limited*

6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 RONALD CARPENTER, JR., an individual;

9 Plaintiff,

10 vs.

11 GORDON DENNY, an individual; PV
 HOLDING CORP. dba AVIS CAR
 12 RENTAL, a foreign corporation;
 CANONICAL GROUP LIMITED, a foreign
 13 corporation; DOES I through V, inclusive and
 ROE CORPORATIONS II through V,
 14 inclusive;

15 Defendants.

16 ALLSTATE INSURANCE COMPANY;

17
 18 Intervenor.
 19

CASE NO.: 2:23-CV-00208-RFB-NJK

**STIPULATION AND ORDER TO
 EXTEND DISCOVERY DEADLINES**

(FIRST REQUEST AFTER REMOVAL)

20 It is hereby stipulated and agreed, by and between Plaintiff RONALD CARPENTER, JR.
 21 (“Plaintiff”), Defendant Gordon Denny (“Denny”), Defendant PV Holding Corp., dba Avis Car
 22 Rental (“Avis”), Defendant Canonical Group Limited (“CGL”) and Intervenor Allstate Insurance
 23 Company (“Allstate,” and together with Plaintiff, Denny, Avis, and CGL, the “Parties”), that
 24 discovery deadlines in this matter should be extended by sixty (60) days beyond the dates set
 25 forth in the Court’s March 8, 2023 Scheduling Order (ECF No. 12).

26 This is the first request following removal, and the fourth request overall, for an
 27 extension of the discovery deadlines in this case. A description of the procedural history of the
 28 discovery schedule is set forth herein.

1 Good cause exists to extend these deadlines on grounds that the parties require additional
2 time to schedule and complete depositions of the seventeen (17) retained expert witnesses that
3 have been disclosed in this case, as well as additional time to notice and complete CGL's
4 deposition of defendant Gordon Denny. Since removal the Parties have diligently proceeded
5 with completing written discovery and have timely made expert disclosures in an effort to ensure
6 all counsel is able to effectively prepare and conduct the necessary depositions. However, given
7 the difficulty in scheduling deposition dates and times that fit within the retained expert
8 witnesses' schedules, and which work for counsel for all four parties in this case, it is proving
9 impractical to complete scheduling and completion of depositions by the existing July 7, 2023
10 discovery deadline.

11 This request is sought by all Parties in good faith and not for purposes of delay. Pursuant
12 to Fed. R. Civ. P. 16(b) and LR 26-3, the Parties state the following:

13 **I. NATURE OF CASE AND SCHEDULING HISTORY**

14 This case was commenced by Plaintiff against Defendants Denny and Avis in Clark
15 County state court on August 31, 2020. Plaintiff alleges that he was involved in a motor vehicle
16 accident in November of 2019 that caused him various injuries. He is presently seeking damages
17 for alleged past and future medical expenses, as well as for alleged loss of household services
18 and earning capacity.

19 On February 16, 2021, Allstate filed a motion to intervene, which was granted on March
20 25, 2021. On November 2, 2021, Plaintiff filed his first amended complaint adding as a
21 defendant Canonical USA, Inc. Following the addition of Canonical USA, Inc. to the case, the
22 existing parties stipulated to an extension of the original discovery deadlines on January 26,
23 2022. The same parties stipulated to a second extension of the discovery deadlines on August
24 16, 2022.

25 Thereafter, Plaintiff filed a motion to substitute CGL in place of Canonical USA, Inc. as a
26 defendant to the suit, and Denny and Avis filed a motion to extend discovery deadlines. In an
27 order dated January 9, 2023, the state district court entered its order granting Plaintiff leave to
28 amend his complaint to substitute CGL as a party, and also granted Denny and Avis' motion to

1 extend discovery deadlines. Plaintiff filed his second amended complaint adding CGL as a party
2 on January 12, 2023, and CGL removed this case to federal court on February 9, 2023.

3 On March 8, 2023, this Court entered its Scheduling Order establishing the existing
4 discovery schedule for this matter.

5 **II. DISCOVERY COMPLETED**

6 State Court (Pre-Removal)

7 1. Denny and Avis served Plaintiff with interrogatories, requests for production, and
8 requests for admission on March 4, 2021;

9 2. Plaintiff served Denny with interrogatories, requests for production, and requests
10 for admission on April 7, 2021;

11 3. The expert of Denny and Avis conducted a Rule 35 examination of Plaintiff on
12 April 23, 2021;

13 4. The report regarding the Rule 35 examination of Plaintiff by the expert of Denny
14 and Avis was produced on May 7, 2021;

15 5. Denny was deposed by Plaintiff on October 15, 2021;

16 6. Nevada Highway Patrol Trooper Chris Black was deposed on October 25, 2021;

17 7. Plaintiff served Denny with an additional set of interrogatories and requests for
18 production on November 10, 2021;

19 8. Plaintiff served former defendant Canonical USA, Inc. with interrogatories and
20 requests for production on March 31, 2022;

21 9. Plaintiff's passengers at the time of the alleged accident, Cynthia Hartley and
22 Jesse Hartley, were deposed on January 18, 2023;

23 10. The Parties conducted various written discovery to third party witnesses,
24 including that Plaintiff issued third party subpoenas to the Nevada Highway Patrol, Uber, and
25 Lyft; and

26 11. The Parties made numerous requests for records from Plaintiff's healthcare
27 providers.

28 Federal Court (Post-Removal)

1 12. Denny and Avis' deposition of Plaintiff was commenced on February 21, 2023,
2 but was not completed due to the parties not having a complete set of Plaintiff's healthcare
3 records;

4 13. Plaintiff made his initial disclosure of expert witnesses on February 21, 2023,
5 identifying nine (9) retained expert witnesses;

6 14. On March 23, 2023, Plaintiff served additional requests for admission to Denny;

7 15. On March 23, 2023, Plaintiff served interrogatories and requests for production of
8 documents on CGL;

9 16. On April 21, 2023, Denny served his objections to Plaintiff's requests for
10 admission;

11 17. On April 21, 2023, CGL served its objections to Plaintiff's requests for admission
12 to Denny;

13 18. On April 26, 2023, Defendants' expert Dr. Etkoff conducted an independent
14 psychological testing and exam of the Plaintiff;

15 19. On May 8, 2021, CGL served its objections and responses to Plaintiff's
16 interrogatories and requests for production;

17 20. On May 8, 2023, Denny, Avis, CGL, and Allstate made their respective initial
18 disclosures of expert witnesses, collectively identifying seven (7) total retained expert witnesses;

19 21. On June 8, 2023, the Parties made their respective rebuttal expert witness
20 disclosures; and

21 22. The Parties made numerous requests for records from Plaintiff's healthcare
22 providers.

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

24 1. Defendants need to complete Plaintiff's deposition after they are able to obtain a
25 complete set of Plaintiff's healthcare records;

26 2. The Parties are in the process of scheduling CGL's deposition of Gordon Denny,
27 who resides outside of the country;

28 3. Defendants intend to take the deposition of Plaintiff's live-in girlfriend Tracey

1 Hilario;

2 4. The deposition of Defendants' expert Dr. Etkoff has been noticed for July 20,
3 2023;

4 5. The deposition of Defendants' expert Mr. Mecham has been noticed for August 1,
5 2023;

6 6. The deposition of Defendants' expert Dr. Wang has been noticed for August 8,
7 2023;

8 7. The deposition of Defendants' expert Dr. Oliveri has been noticed for August 9,
9 2023;

10 8. Plaintiff's expert Dr. Fish has provided his availability for deposition on July 28;

11 9. Plaintiff's expert Dr. Dunn has provided his availability for deposition in the
12 middle of July;

13 10. Plaintiff's expert Mr. Reyes has provided his availability for deposition in the
14 latter half of July;

15 11. Plaintiff's expert Dr. Larmore has provided her availability for deposition in the
16 latter half of July;

17 12. Plaintiff's expert Dr. Freeman has provided his availability for deposition in
18 August;

19 13. Plaintiff's expert Mr. Croft has provided his availability for deposition in the
20 latter half of July;

21 14. Plaintiff's expert Mr. Terry has provided his availability for deposition in August;

22 15. Plaintiff's expert Mr. Lamoreaux has provided his availability for deposition in
23 the latter half of July;

24 16. The Parties are in the process of obtaining dates of availability for Plaintiff's
25 expert Dr. Loong and Defendants' experts Mr. Droge, Mr. Erwin, and Dr. Agrawal;

26 17. Defendants intend to depose Plaintiff's pertinent healthcare providers, including,
27 but not limited to, radiologist Keith Lewis, M.D., pain specialist Luis Velazquez, M.D., Hasim
28 Quereshi, D.O., orthopedic surgeon Andrew Cash, M.D., neurologist Enrico Fazzini, D.O.,

1 radiologist Travis Snyder, D.O., neuropsychologist Michael Elliott, Ph.D., and psychiatrist,
2 Mihir Patel, D.O.;

3 18. Defendants intend to depose additional witnesses regarding the accident;

4 19. Plaintiff may depose the pertinent employees of the Defendants or the
5 Defendants' Rule 30(b)(6) representatives; and

6 20. Any additional depositions or written discovery that may be warranted by the
7 results of the contemplated depositions.

8 **IV. REASONS WHY THE REMAINING DISCOVERY WAS NOT**
9 **COMPLETED**

10 Since the Court's issuance of the scheduling order in this case following removal, the
11 Parties have spent time completing party written discovery and finalizing and analyzing
12 disclosures of numerous expert witnesses, including medical experts, experts on accident
13 reconstruction and biomechanics, and economics experts addressing Plaintiff's claimed special
14 and general damages. Following testimony from Plaintiff at his deposition in February 2023,
15 Defendants were also required to notice and schedule an independent psychological exam of
16 Plaintiff, which did not occur until April 26, 2023. Rebuttal expert designations were timely
17 completed by the Court's June 8, 2023 deadline.

18 The Parties have needed time to analyze the various expert reports and have made
19 diligent efforts to notice the depositions of all of the disclosed experts. However, due to the busy
20 schedules of the witnesses, many of whom run medical practices, it has proven impractical to
21 identify dates of availability that work for each of the witnesses as well as for counsel for the
22 separate parties. Additionally, efforts to reschedule CGL's deposition of Gordon Denny have
23 been hampered by Mr. Denny's schedule and residence outside the U.S.

24 The Parties are mindful of the Court's admonition in its Scheduling Order that "this is an
25 old case with numerous extensions in state court and that further delay should be avoided." ECF
26 No. 12 at 3. However, the Parties submit that they have made efforts to complete discovery by
27 the existing deadlines, including that they have complied with the Court's original deadlines for
28 expert disclosures, and that they have mostly completed written party discovery. The Parties

1 respectfully submit this request for a limited sixty (60) day extension for the purpose of
 2 accommodating the scheduling of depositions for witnesses whose availability is largely outside
 3 of the Parties' control.

4 **V. PROPOSED SCHEDULE FOR COMPLETING THE REMAINING**
 5 **DISCOVERY**

6 The Parties propose the following discovery deadlines:

	Current Deadline	Proposed Deadline
Amend Pleadings/Add Parties:	Closed	Closed
Initial Experts:	Closed	Closed
Rebuttal Experts:	Closed	Closed
Last Day to Complete Discovery:	July 7, 2023	September 5, 2023
Deadline to File Dispositive Motions:	August 8, 2023	October 6, 2023
Joint Pretrial Order	September 8, 2023	November 7, 2023

14 If dispositive motions are filed, the deadline for filing the joint pretrial order will be
 15 suspended until 30 days after the decision on the dispositive motions or further court order.

16 Trial has not yet been scheduled in this matter.

17 **IT IS SO STIPULATED.**

19 Dated this 26th day of June, 2023.

Dated this 26th day of June, 2023.

21 **FENNEMORE CRAIG, P.C.**

PYATT SILVESTRI

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 23 Shannon S. Pierce (Bar No. 12471)
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26 *Attorneys for Canonical Group Limited*

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27 **NO FURTHER EXTENSIONS**
 28 **WILL BE GRANTED.**

IT IS SO ORDERED.
 Dated: June 28, 2023

7

 United States Magistrate Judge

1 Dated this 26th day of June, 2023.

Dated this 26th day of June, 2023.

2 **RESNICK & LOUIS, P.C.**

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