

1 Phillip N. Smith, Esq.
 Nevada Bar No. 10233
 2 psmithjr@wwhgd.com
 Brittany M. Llewellyn Esq.
 Nevada Bar No. 13527
 3 blewellyn@wwhgd.com
 4 WEINBERG, WHEELER, HUDGINS,
 GUNN & DIAL, LLC
 5 6385 S. Rainbow Blvd., Suite 400
 Las Vegas, Nevada 89118
 6 Telephone: (702) 938-3838
 7 Facsimile: (702) 938-3864

8 *Attorneys for Defendants*
 9 *Warm Springs Road CVS, LLC and Travis Bill*

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

12 MIA EMERY, an individual,
 13
 14 Plaintiff,

Case No.: 2:23-cv-00360-JCM-DJA

15 vs.

**JOINT STIPULATION AND ORDER TO
 EXTEND DISCOVERY DEADLINES**

16 WARM SPRINGS ROAD CVS, LLC., a
 17 Domestic Limited-Liability Company; TRAVIS
 BILL, an individual; DOES I through X; and
 18 ROE CORPORATIONS I through X,
 19 Defendants.

20
 21 Defendants Warm Springs Road CVS, LLC (“CVS”) and Travis Bill (“Defendants”), by and
 22 through their attorneys of the law firm of WEINBERG, WHEELER, HUDGINS, GUNN & DIAL, LLC, and
 23 Plaintiff Mia Emery (“Plaintiff”), by and through her counsel of record, the law firm of BURRIS &
 24 THOMAS, LLC, referred to individually as a “Party” or collectively as the “Parties,” hereby stipulate
 25 and agree to extend the discovery deadlines by sixty (60) days. Pursuant to LR 26-3, the Parties state
 26 as follows:
 27
 28



1 1. Statement specifying discovery completed

2 Since approval of the Discovery Plan, the parties have served document disclosures, and have
3 served and responded to written Interrogatories, Requests for Production of Documents, and Request
4 for Admissions. The parties have scheduled and noticed the following depositions:

- 5 • Deposition of Defendant Travis Bill, November 22, 2023
- 6 • Deposition of Jody Lewis, December 8, 2023
- 7 • Deposition of Plaintiff, Mia Emery, December 11, 2023
- 8 • Deposition of Kevine Golonka, December 14, 2023

9 2. Specific discovery that remains to be completed

10 The parties seek to take depositions of additional percipient witnesses, party witnesses, and
11 medical providers. Discovery will be needed on the following subjects: all facts relating to the
12 Plaintiff's allegations set forth in the Amended Complaint, and all defenses set forth in Defendants'
13 Answer. The parties also need to disclose expert witnesses, and thereafter will seek to depose expert
14 witnesses as needed.
15

16 3. The reasons why the deadline was not satisfied or the remaining discovery was not
17 completed within the time limits set by the discovery plan

18 The parties submit that good cause exists to extend discovery deadlines. At the time of the
19 last extension, the parties had expended time to review documents and interview witnesses in order
20 to ascertain the pharmacist and other individuals involved in dispensing Plaintiff's prescription at
21 issue in her Amended Complaint. It was necessary to determine the correct employees as Plaintiff
22 would need to determine whether a different party would be named in place of or in addition to
23 Travis Bill. Thereafter, the parties served and responded to written discovery, which was necessary
24 to complete before party and fact witness depositions could commence. The current extension has
25 been made necessary due to difficulties on Defendants' end with scheduling depositions of current
26 and former employees of CVS. The parties need additional time to complete this necessary fact
27
28



1 discovery before proceeding to expert discovery, and the holidays have added additional restrictions
2 on scheduling. The parties have agreed that this will be the last extension necessary to complete
3 discovery.

4 4. A proposed schedule for completing all remaining discovery

5 **Discovery Cut-Off Date(s).** Discovery will take (an additional) sixty days (60) days,
6 measured from **February 2, 2024**. Therefore, discovery must be completed by **April 5, 2024**.

7 **Disclosure of Experts Fed. R. Civ. P. 26(a)(2).** Disclosure of experts shall proceed
8 according to Fed. R. Civ. P. 26(a)(2) as follows:

9 (a) The disclosure of the parties' experts and expert reports shall occur on or
10 before **February 5, 2024**, which is a date no later than sixty (60) days before the
11 discovery cut-off date; and,

12 (b) The disclosure of the parties' rebuttal experts and their reports shall occur on
13 or before **March 5, 2024**, which is thirty (30) days after the deadline for the initial
14 disclosure of experts;

15 **Time Limitations on Amending the Pleadings and Adding Parties.** Unless otherwise
16 ordered by the Court, the last day in which pleadings were to be amended, pursuant to Federal Rules
17 of Civil Procedure, Rules 13, 14, and 15, was **November 3, 2023**. This is no later than ninety (90)
18 days before the discovery cut-off date and does not exceed the outside limit presumptively set by
19 Local Rule 26-1(b)(2) of ninety (90) days before the discovery cut-off date for filing such motions.
20 As this date has passed, the parties are not seeking to extend this deadline.

21 **Time Limitations on Dispositive Motions.** All dispositive motions, including motions for
22 summary judgment, must be filed by **May 6, 2024**. This date is thirty (30) days after the discovery
23 cut-off date and within the outside limit of thirty (30) days following the discovery cut-off date that
24 Local Rule 26-1(b)(4) presumptively sets for filing dispositive motions.

25 **Pretrial Order.** The pretrial order shall be filed by **July 5, 2024**, which is not more than
26 thirty (30) days after the date set for filing dispositive motions in the case. In the event dispositive
27 motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days
28



1 after decision of the dispositive motions or further order of the Court. The disclosures required by
2 Fed.R.Civ.P. 26(a)(3) shall be made in the joint pretrial order.

3 The parties respectfully submit that good cause exists to extend the discovery deadlines by
4 sixty (60) days as detailed hereinabove.

5
6 DATED this 13th day of November, 2023. DATED this 13th day of November, 2023.

7
8 BURRIS & THOMAS, LLC

WEINBERG, WHEELER, HUDGINS,
GUNN & DIAL, LLC

9
10 By: /s/ Gary L. Myers

By: /s/ Brittany M. Llewellyn

11 Steven M. Burris, Esq.

Phillip N. Smith, Esq.

12 Nevada Bar No. 603

Nevada Bar No. 10233

13 Gary L. Myers, Esq.

Brittany M. Llewellyn, Esq.

14 Nevada Bar No. 3120

Nevada Bar No. 13527

15 2810 W. Charleston Boulevard, Suite F-5

6385 South Rainbow Blvd., Suite 400

16 Las Vegas, NV 89102

Las Vegas, Nevada 89118

17 Telephone: (702) 258-6238

Telephone: (702) 938-3838

18 Facsimile: (702) 258-8280

Facsimile: (702) 938-3864

19 *Attorneys for Plaintiff*

*Attorneys for Defendants Warm Springs
Road CVS, LLC and Travis Bill*

20
21 **ORDER**

22 IT IS SO ORDERED.

23
24
25
26
27
28

DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

DATED: 11/14/2023

