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 Las Vegas, LLC

**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

Homero Reyes,  
  
 Plaintiff,  
  
 vs.  
  
 Doe Employee, individually; Cardenas Markets,  
 LLC, a Foreign Limited-Liability Company; Elias  
 Properties of Las Vegas, LLC, a Foreign Limited-  
 Liability Company; Doe Individuals I-X and Roe  
 Legal Entities I-X, inclusive,  
  
 Defendants.

Case No.: 2:23-cv-1346

**Stipulation and Order To Continue  
 Close of Discovery Deadline  
 (2<sup>nd</sup> Request)**

Pursuant to Federal Rule of Civil Procedure 29(b) and Local Rules IA 6-1, 7-1 and 26-3, the parties hereby submit the following Stipulation and Order to Continue Discovery Deadlines (Third Request) to extend close of discovery, as set forth the order granting the parties' discovery plan (ECF No. 33) for 30 days.

**I. Discovery Completed To Date**

- a. Plaintiff's Written Disclosures of Witnesses and Documents;
- b. Defendant's Written Disclosures of Witnesses and Documents;
- c. Written Discovery (Request for Production of Documents and Written Interrogatories) to Plaintiff;

1 d. Written Discovery (Request for Production of Documents and Written  
2 Interrogatories) to Defendants.

3 e. Rule 35 Examination on January 12, 2024.

4 f. Site Inspection of Defendants' Premises on February 14, 2024.

5 g. Deposition of Claudia Leiva on April 12, 2024.

6 h. Deposition of Sonia Ortiz on May 8, 2024.

7 **II. Discovery Remaining**

8 a. Deposition of Plaintiff.

9 b. Deposition of 30(b)(6) Witness.

10 c. Deposition of witness Pedro Caballero.

11 d. Deposition of Dr. Dan Lee.

12 e. Deposition of Dr. Saman Hazany.

13 f. Deposition of Dr. David Fish.

14 g. Deposition of John Peterson

15 h. Deposition of Gretchen Bakkenson

16 **III. Reasons for Requested Extension**

17 The parties would like an additional 30 days in order to finish the listed depositions in this  
18 case. This case involves a slip and fall in the dining area of a Cardenas Market. In his interrogatory  
19 responses, Plaintiff stated that he was experiencing daily lower back pain. On February 8, 2023,  
20 Plaintiff's counsel provided Cardenas' insurer with medical records in a demand letter. Those  
21 records revealed a November 3, 2022 appointment with Nevada Orthopedic and Spine Center  
22 stating that Plaintiff was "miserable," that conservative care did not help much and that he was a  
23 candidate for an anterior fusion at L5-S1.

24 The Court entered a discovery order on September 21, 2023<sup>1</sup> (originally, on September 8,  
25 2023, the parties requested a special scheduling order because they wanted more time to see if  
26 Plaintiff gets his recommended surgery.)<sup>2</sup> The parties have been conducting discovery in earnest,  
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28 <sup>1</sup> ECF No. 12

<sup>2</sup> ECF No. 8.

1 first exchanging written discovery, conducting a Rule 35 examination of Plaintiff, conducting a site  
2 inspection of the Cardenas store and taking fact witness depositions. Plaintiff has still considering  
3 getting the fusion surgery though. This has led to a delay in taking expert depositions, because the  
4 parties wanted to see if there would be finality on this issue before the experts were asked to testify  
5 on the record about their opinions.

6 Cardenas will be taking Plaintiff's deposition on June 6, 2024 regarding these issues. There  
7 is still one fact witness deposition remaining, as well as expert depositions. The parties have  
8 attempted to schedule all of these depositions prior to the close of discovery. Plaintiff has set the  
9 deposition of Dr. David Lee for June 10, 2024 and Dr. Saman Hazany for June 20, 2024. However,  
10 Cardenas' pain management expert could not be available on a date that coincides with counsel's  
11 availability until July 16, 2024. The parties are also still working on finding dates for Plaintiff's  
12 safety expert John Peterson, Cardenas' 30(b)(6) witness, percipient witness Pedro Caballero and  
13 Cardenas' life care plan rebuttal expert. Defense counsel has limited availability in June due to  
14 depositions that cannot be moved because the case is culminating in a private mediation occurring  
15 July 8 (JAMS No. 5260000226). The parties have made shown a good faith effort to finish these  
16 depositions before the June 21 deadline, but availability of witnesses and counsel does not make  
17 finishing all of them before the deadline feasible. Thus the parties are requesting a reasonable 30-  
18 day extension to finish the depositions in this case.

#### 19 **IV. Current Dates and Requested Extensions**

20 <b>Event</b>	<b>Current Date</b>	<b>Proposed Date</b>
21 Last Date to Add Parties or Amend Complaint	March 27, 2024	CLOSED
22 Last Date to Disclose Initial Expert Witnesses	April 26, 204	CLOSED
23 Last Date to Disclose Rebuttal Expert Witnesses	May 24, 2024	CLOSED
24 Close of Discovery	June 21, 2024	July 19, 2024
25 Dipositive Motions	July 19, 2024	August 16, 2024
26 Pre-Trial Order	August 19, 2024	September 13, 2024

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**DATED June 3, 2024**

**IT IS SO ORDERED**

**NO FURTHER EXTENSIONS  
WILL BE GRANTED.**

  
UNITED STATES MAGISTRATE JUDGE  
NANCY J. KOPPE