

1 **TYSON & MENDES LLP**
2 GRIFFITH H. HAYES
3 Nevada Bar No. 7374
4 Email(s): ghayes@tysonmendes.com
5 2835 St. Rose Pkwy., Suite 140
Henderson, NV 89052
6 Telephone: (702) 724-2648
7 Facsimile: (702) 410-7684
8 *Attorneys for Defendant Walmart, Inc.*

9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 KAREN MARIE KOCH,

13 Plaintiff,

14 v.

15 WALMART INC., a Foreign Corporation d/b/a
16 Walmart #2593; DOES I through X; and ROE
17 CORPORATIONS I through X, inclusive,

18 Defendants.

Case No. 2:23-cv-01534-CDS-EJY

19 **STIPULATION AND ORDER TO**
20 **CONTINUE MOTION FOR ADVERSE**
21 **INTERFERENCE, EVIDENTIARY**
22 **SANCTIONS, AND REQUEST TO**
23 **STRIKE ANSWER**

24 Plaintiff, KAREN MARIE KOCH ("Plaintiff"), and Defendant, WALMART, INC.
25 ("Defendant" or "Walmart"), by and through their respective attorneys of record, hereby submit
26 this Stipulation and Order to Continue Plaintiff Motion for Adverse Inference, Evidentiary
27 Sanctions, and Request to Strike Answer.

28 1. On February 27, 2025, Plaintiff filed a Motion for Adverse Inference, Evidentiary
Sanctions, and Request to Strike Answer (the "Motion").

2. Absent approval by the court and Plaintiff's counsel of an extension to respond to
the motion, the response would be due March 13, 2025.

3. Subsequent to the filing of the Motion, counsel conferred and have agreed to
mediate the case before the Honorable Jackie Glass (Ret.) on April 25, 2025.

4. Counsel also have agreed, subject to the approval by this court, to postpone the

1 response date of Walmart to the Motion to May 2, 2025. Plaintiff's reply to the Walmart
2 response would be due May 9, 2025.

3 5. If the case settles on April 25, 2025, counsel will file a Notice of Settlement with
4 the court and simultaneously request the court take the Motion off calendar. If the case does not
5 settle on April 25, 2025, the motion will remain on calendar and the response and reply briefs
6 will be filed, respectively, on or before May 2, 2025 and May 9, 2025.
7

8 It is so stipulated.

9 Dated this 10th day of March 2025.

Dated this ____ day of March 2025.

10 MOSS BERG INJURY LAWYERS

TYSON & MENDES LLP

11 /s/

/s/ Griffith H. Hayes

12 MARCUS A. BERG, ESQ.

Griffith H. Hayes

13 Nevada Bar No. 9760

Nevada Bar No. 7374

14 JOHN C. FUNK, ESQ.

2835 St. Rose Pkwy., Suite 140

15 Nevada Bar No. 9255

Henderson, NV 89052

16 5420 W. Sahara Ave.

Attorneys for Defendant Walmart, Inc.

17 Suite 101

18 Las Vegas, Nevada 891446

19 (702) 222-4555

20 marcus@bossberlv.com

21 john@mossberglv.com

22 *Attorneys for Plaintiff*

23 Based on the parties' stipulation, the response and reply deadlines to
24 plaintiff's motion for an adverse inference, evidentiary sanctions, and request
25 to strike are stayed pending the outcome of the April 25, 2025, mediation;
26 and plaintiff's motion for an adverse inference **[ECF No. 29] is denied as**
27 **moot.**

28 The parties must file a notice of settlement, or a joint status report,
within seven days of the conclusion of mediation. If the parties are unable to
settle their dispute through mediation, the motion will be reopened and the
response and reply briefs must be filed on or before May 2, 2025, and May 9,
2025.

Dated: March 11, 2025

United States District Judge

**STIPULATION AND ORDER TO CONTINUE MOTION FOR ADVERSE
INTERFERENCE, EVIDENTIARY SANCTIONS, AND REQUEST TO STRIKE
ANSWER**