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

9 JAMES CONGER, individually,

10 Plaintiff,

11 v.

12 UNITED STATES OF AMERICA,

13 Defendant.  
14

Case No. 2:24-cv-00293-RFB-MDC

**Stipulation and Order to Extend  
Discovery Deadlines**

**(Third Request)**

15 Pursuant to LR IA 6-1 and LR 26-3, the parties request a thirty (30) day extension of  
16 discovery deadlines, which is supported by grounds and circumstances set forth below. This  
17 stipulation is filed at least 21 days before the earliest deadline to be extended (for discovery  
18 cutoff). This is the third request for an extension of the discovery schedule.

19 **DISCOVERY COMPLETED**

20 The parties have completed the following discovery:

- 21 1. Defendant made its initial disclosures on June 12, 2024.
- 22 2. Plaintiff made his initial disclosures on June 20, 2024.
- 23 3. Defendant served its first set of requests for production and first set of  
24 interrogatories on Plaintiff on July 10, 2024.
- 25 4. Plaintiff served his responses to Defendant's first set of requests for production  
26 and first set of interrogatories on July 19, 2024.
- 27 5. Defendant took the deposition of Plaintiff on July 19, 2024.
- 28 6. Defendant requested HIPAA authorizations from Plaintiff on July 18, 2024

1 and received the signed authorizations on August 14, 2024.

2 7. Plaintiff served his first sets of interrogatories, requests for production and  
3 requests for admission to Defendant on August 26, 2024.

4 8. Defendant took the deposition of Plaintiff's wife on September 25, 2024.

5 9. Defendant served its first supplement to initial disclosures on September 23,  
6 2024.

7 10. Defendant served its responses to Plaintiff's first sets of interrogatories,  
8 requests for production and requests for admission on September 23, 2024.

9 11.

10 12. Defendant took the deposition of Plaintiff's brother on October 15, 2024.

11 13. Plaintiff served his first supplement to initial disclosures on October 15, 2024.

12 14. Defendant served its second supplement to initial disclosures on October 16,  
13 2024.

14 15. Defendant took the deposition of Plaintiff's father-in-law on October 29, 2024.

15 16. Defendant took the deposition of Plaintiff's treating physician, Dr. Gobinder  
16 Chopra, on November 4, 2024.

17 17. Defendant served its third supplement to initial disclosures on November 13,  
18 2024.

19 18. Defendant served its supplemental responses to Plaintiff's first sets of  
20 interrogatories and requests for production on November 13, 2024.

21 19. Defendant took the depositions of Plaintiff's parents on December 5, 2024.

22 20. Defendant took the deposition of Plaintiff's mother-in-law on December 9,  
23 2024.

24 21. Defendant took the depositions of Plaintiff's treating physicians, Dr. Nick Liu  
25 and PA-C Megan Bichsel on December 12, 2024.

26 22. Plaintiff served his initial expert disclosures on December 20, 2024.

27 23. Defendant served its initial expert disclosures on December 20, 2024.

28 24. Defendant served its fourth supplement to initial disclosures on December 30,

1 2024.

2 25. Plaintiff served his first supplement to initial expert disclosures and his rebuttal  
3 expert disclosures on January 21, 2025.

4 26. Defendant served its rebuttal expert disclosures on January 21, 2025.

5 27. Defendant scheduled the deposition of Plaintiff's ER doctor, Dr. Nicolas  
6 Caruso, on January 31, 2025.

7 28. Plaintiff scheduled the deposition of Defendant's expert, Dr. Adam  
8 Lorenzetti, on January 29, 2025.

9 29. Plaintiff scheduled the deposition of Defendant's expert, Dr. Richard  
10 Rubenstein, on January 30, 2025.

11 30. Defendant scheduled the deposition of Plaintiff's expert, Dr. Jeffrey Kutcher,  
12 on February 26, 2025.

### 13 **DISCOVERY REMAINING**

14 Defendant will need to take the deposition of Plaintiff's expert, Dr. Jeffrey Kutcher.  
15 Dr. Kutcher's clinic is in Park City, Utah, however, he will be in Las Vegas on February  
16 26, 2025, which would allow Defendant to take his deposition in person.

17 The parties reserve the right to engage in any other discovery permitted by  
18 applicable rules and within the revised discovery deadlines if the court approves this  
19 stipulation.

### 20 **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

21 Defendant respectfully requests an extension of the remaining discovery deadlines  
22 to be able to take the deposition of Plaintiff's expert, Dr. Jeffrey Kutcher, set on February  
23 26, 2025, in Las Vegas. Plaintiff's counsel does not oppose this request.

24 Additionally, this extension will allow the parties to address discovery issues and  
25 schedule and complete any remaining depositions.

26 The parties' counsel conferred and agreed that a thirty (30) day extension would be  
27 proper. The parties agree that neither party will be prejudiced by the proposed extension,  
28 and that they may be prejudiced should the current schedule remain in place. The parties

1 agree the extension is sought in good faith.

2 **EXTENSION OF THE DISCOVERY PLAN AND SCHEDULING ORDER**

3 The following table sets forth the current deadlines and the proposed thirty (30) day  
4 extension of discovery deadlines that are the subject of this stipulated request:

5

<b>SCHEDULED EVENT</b>	<b>CURRENT DEADLINE</b>	<b>PROPOSED DEADLINE</b>
Discovery Cutoff	February 18, 2025	<b>March 20, 2025</b>
Dispositive Motions	March 24, 2025	<b>April 23, 2025</b>
Proposed Joint Pretrial Order	April 21, 2024	<b>May 21, 2025<sup>1</sup></b>

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8  
9

10 This request for an extension of time is not sought for any improper purpose  
11 including delay. This is the third request for an extension of discovery deadlines in this  
12 matter.

13 Respectfully submitted this 24th day of January 2025.

14 THE702FIRM INJURY ATTORNEYS

SUE FAHAMI

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*Attorneys for Plaintiff*

22 **IT IS SO ORDERED:**

23  
24 **UNITED STATES MAGISTRATE JUDGE**

25 **DATED:** 1-27-25

26  
27  
28 <sup>1</sup> However, if dispositive motions were to be filed, the deadline for the Proposed Joint Pretrial Order would be deferred until 30 days after the Court rules on the dispositive motions.