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13 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

14 JAMES CONGER, individually,

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

16 Plaintiff,

17 **Stipulation and Order to Extend**
Discovery Deadlines

18 v.

19 **(Fourth Request)**

20 UNITED STATES OF AMERICA,

21 Defendant.

22 Pursuant to LR IA 6-1 and LR 26-3, the parties request a sixty (60) day extension of
23 discovery deadlines, which is supported by grounds and circumstances set forth below. The
24 deadline to file this stipulation was February 27, 2025, 21 days before the earliest deadline
25 to be extended (for discovery cutoff), and the parties apologize to the Court for missing the
deadline. This is the fourth request for an extension of the discovery schedule.

26 **DISCOVERY COMPLETED**

27 The parties have completed the following discovery:

28 1. Defendant made its initial disclosures on June 12, 2024.
2. Plaintiff made his initial disclosures on June 20, 2024.
3. Defendant served its first set of requests for production and first set of
interrogatories on Plaintiff on July 10, 2024.
4. Plaintiff served his responses to Defendant's first set of requests for production
and first set of interrogatories on July 19, 2024.
5. Defendant took the deposition of Plaintiff on July 19, 2024.

1 6. Defendant requested HIPAA authorizations from Plaintiff on July 18, 2024
2 and received the signed authorizations on August 14, 2024.

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

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

6 9. Defendant served its first supplement to initial disclosures on September 23,
7 2024.

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

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

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

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

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

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

18 17. Defendant served its third supplement to initial disclosures on November 13,
19 2024.

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

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

23 20. Defendant took the deposition of Plaintiff's mother-in-law on December 9,
24 2024.

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

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

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

24. Defendant served its fourth supplement to initial disclosures on December 30, 2024.

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

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

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

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

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

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

31. Defendant served a Subpoena to Progressive insurance on February 20, 2025.

32. Defendant served its second sets of Interrogatories and Requests for Production to Plaintiff on February 20, 2025.

DISCOVERY REMAINING

On January 30, 2025, Defendant's counsel sent a follow up email regarding post-discovery demands sent in a letter in 2024, some of which were asking for the Progressive Insurance policy numbers of Plaintiff regarding prior two car accidents and the names of Plaintiff's prior health care providers. On February 11, 2025, Plaintiff's counsel sent a letter response providing the Progressive Insurance policy numbers and objecting to the request for the names of Mr. Conger's health care providers from 2002 onwards and inviting Defendant's counsel to submit a formal discovery request. On February 20, 2025, Defendant's counsel served second sets of Interrogatories and Requests for Production to Plaintiff. Plaintiff's responses to the second set of discovery requests are due after the discovery cutoff deadline.

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

4 **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

5 Defendant respectfully requests an extension of the remaining discovery deadlines
6 to be able to evaluate Plaintiff's responses to the second sets of discovery requests, which
7 are currently due after discovery closes, and to send any subpoenas for records, if needed.
8 Plaintiff's counsel does not oppose this request.

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

11 The parties' counsel conferred and agreed that a sixty (60) day extension would be
12 proper. The parties agree that neither party will be prejudiced by the proposed extension,
13 and that they may be prejudiced should the current schedule remain in place. The parties
14 agree the extension is sought in good faith.

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

16 The following table sets forth the current deadlines and the proposed sixty (60) day
17 extension of discovery deadlines that are the subject of this stipulated request:

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SCHEDULED EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Discovery Cutoff	March 20, 2025	May 19, 2025
Dispositive Motions	April 23, 2025	June 23, 2025
Proposed Joint Pretrial Order	May 21, 2025	July 21, 2025 ¹

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

Respectfully submitted this 3rd day of March 2025.

THE702FIRM INJURY ATTORNEYS

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IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE
DATED: 3-5-25

¹ 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.