

LEWIS BRISBOIS BISGAARD & SMITH LLP

JOSH COLE AICKLEN

Nevada Bar No. 07254

Josh.Aicklen@lewisbrisbois.com

CRAIG S. NEWMAN

Nevada Bar No. 03780

Craig.Newman@lewisbrisbois.com

STEVEN L. FOREMASTER

Nevada Bar No. 10350

Steven.Foremaster@lewisbrisbois.com

6385 S. Rainbow Boulevard, Suite 600

Las Vegas, Nevada 89118

Telephone: 702.893.3383

Facsimile: 702.893.3789

Attorneys for Attorneys for DEFENDANTS

ROSS STORES, INC. and ROSS DRESS

FOR LESS, INC.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LILLIAN KELLY, an Individual,

Plaintiff,

vs.

ROSS STORES, INC., a foreign
corporation; ROSS DRESS FOR LESS,
INC., a foreign corporation; DOE
INDIVIDUALS I-X, and ROE BUSINESS
ENTITIES I-X,

Defendants.

Case No. 2:24-cv-01258-GMN-DJA

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES****(FIRST REQUEST)****STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES**

Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend discovery in the above-captioned case by Ninety (90) days. In addition, the parties request that all other future deadlines contemplated by the Discovery Plan and Scheduling Order be extended pursuant to Local Rule. In support of this Stipulation and Order, the parties state as follows:

1. On June 10, 2023, Plaintiff filed her Complaint in the Eight Judicial District Court in Clark County, Nevada.
2. On July 12, 2024, Defendants removed this matter to the United States District Court, District of Nevada.
3. July 12, 2024, Defendants filed their answer to Plaintiff's Complaint.

DISCOVERY REMAINING

1. Defendant ROSS STORES, INC. has served written discovery on Plaintiff.
2. Plaintiff has responded to written discovery.
3. Defendants will have a Rule 35 Medical Examination performed on Plaintiff.
4. Defendants will take the deposition of Plaintiff.
5. Plaintiff will depose Defendants' Rule 30(b)(6) designee(s).
6. Defendants may depose Plaintiff's medical providers once able to collect any and all relevant medical treatment records and billing.
7. The parties may depose any expert witnesses that are identified and disclosed
8. The parties may depose any and all other witnesses identified through discovery.

WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

The parties claim, pursuant to Local Rule 26-3, that good cause exists for the requested extension. This Request for an extension of time is not sought for to delay the proceedings or for any improper purpose.

The parties have been diligently working to complete discovery. However, during the month of December 2024, Plaintiff's counsel was on paternity leave with a newborn son. Then, for the bulk of January 2025, Plaintiff's counsel was preparing for and participating in trial. These activities substantially reduced the available time for counsel to conduct discovery, including numerous necessary depositions. Additionally, before expert disclosures, the parties are inquiring about the potential need of a medical exam and any stipulations and conditions concerning the same. Lastly, the parties plan to attempt to resolve this matter using means of alternate dispute resolution.

For those reasons, the parties respectfully request an extension of the discovery deadlines in this matter.

Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3.

This is the first request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons and good cause for the extension.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	<i>May 27, 2025</i>	<i>Tuesday August 5, 2025</i>
Expert Disclosure pursuant to FRCP26 (a)(2)	<i>March 28, 2025</i>	<i>Thursday June 26, 2025</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>April 28, 2025</i>	<i>Monday July 28, 2025</i>
Dispositive Motions	<i>June 26, 2025</i>	<i>Wednesday September 24, 2025</i>
Joint Pretrial Order	<i>July 26, 2025</i>	<i>Wednesday October 24, 2025</i> <i>If dispositive motions are pending, the parties will submit their Joint Pretrial Order within thirty (30) days of the Court's order as to any dispositive motions.</i>

///

///

///

///

1 WHEREFORE, the parties respectfully request this Court extend the discovery
2 period by ninety (90) days from the current deadline of May 27, 2025 up to and including
3 August 5, 2025, and extend the other dates as outlined in accordance with the table above.

4 IT IS SO STIPULATED.

5 DATED the 7th day of March, 2025.	DATED the 7th day of March, 2025.
6 MCMENEMY HOLMES PLLC	LEWIS BRISBOIS BISGAARD & SMITH,
7	LLP
8 <u>/s/ Ian M. McMenemy</u>	<u>/s/ Steven L. Foremaster</u>
9 Ian M. McMenemy, Esq.	JOSH COLE AICKLEN
10 Nevada Bar No. 13190	Nevada Bar No. 07254
11 Dustun H. Holmes, Esq.	CRAIG S. NEWMAN
12 Nevada Bar No. 12776	Nevada Bar No. 03780
13 1645 Village Center Cir., Suite 291	STEVEN L. FOREMASTER
14 Las Vegas, Nevada 89134	Nevada Bar No. 10350
15 Attorneys for Plaintiff	6385 S. Rainbow Blvd., Ste. 600
16 LILLIAN KELLY	Las Vegas, Nevada 89118
	Attorneys for Defendants
	ROSS STORES, INC. and
	ROSS DRESS FOR LESS, INC.

17 **ORDER**

18 IT IS SO ORDERED.

19 Dated this 10th day of March, 2025.

20 
21 DANIEL J. ALBREGTS
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28