

BENJAMIN C. DURHAM, ESQ.  
Nevada Bar No. 7684  
BENJAMIN DURHAM LAW FIRM  
601 South Tenth Street  
Las Vegas, Nevada 89101  
(702) 631-6111  
(702) 946-1396 (fax)  
bdurham@vegasdefense.com

FRANK H. COFER, ESQ.  
Nevada Bar No. 11362  
COFER & GELLER, LLC  
601 South Tenth Street  
Las Vegas, Nevada 89101  
(702) 518-1558  
(702) 946-0826 fax  
fcofer@defense.vegas  
*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ANTHONY MITCHELL, LINDA MITCHELL,  
and MICHAEL MITCHELL,

*Plaintiffs,*

*vs.*

CITY OF HENDERSON, NEVADA, et al.,

*Defendants.*

Case No.: 2:13-cv-01154-APG-CWH

**STIPULATION AND [PROPOSED] ORDER  
TO EXTEND DISCOVERY DEADLINES  
(THIRD REQUEST)**

COME NOW, the parties, by and through their undersigned counsel of record, and hereby stipulate and agree that all discovery deadlines in this case be extended ninety (90) days. This is the third request for a discovery extension in this case.

Pursuant to LR 26-4 and the Scheduling Order (#60) entered in this case on April 24, 2015, a party must show good cause for an extension within 21 days prior to the expiration of a discovery deadline. Scheduling Order at 2. This request for an extension is therefore timely with respect to all discovery deadlines.

**Discovery already completed**

1  
2 1. Counsel for all parties attended the FRCP 26(f) conference and subsequently  
3 made their initial disclosures.

4 2. In order to minimize any intervention required by the court to resolve  
5 discovery disputes, the parties collaborated and agreed on a stipulated protective order  
6 (#61) to govern protection of certain confidential material identified in the initial  
7 disclosures.

8 3. Since the previous order granting an extension of the discovery deadlines, the  
9 parties have exchanged written discovery demands and have produced written discovery  
10 responses, documents, photographs, video, and physical evidence. The parties have  
11 continued to collaborate between themselves to resolve discovery issues without requiring  
12 the intervention of the Court.

**Discovery remaining to be completed**

13 4. The parties have not completed depositions of witnesses, production of  
14 documents, interrogatories or admissions, or disclosure of expert witnesses.

15 5. Due to the large number of witnesses identified in the initial disclosures and  
16 the complexity of this case, the parties agree that further discovery will be required before  
17 Plaintiffs can properly, if at all, identify all of the Doe defendants named in the Complaint  
18 so that the Complaint may be properly amended.

19 6. Currently, there are outstanding discovery requests for which responses are  
20 due during the holiday season. Throughout this time, many records custodians, witnesses  
21 and parties are anticipated to be unavailable. All parties recognize that this situation will  
22 impede or prevent counsel's ability to produce timely and thorough responses to  
23 outstanding discovery requests and that an extension of time to respond to those requests is  
24 reasonable.

25 7. The parties stipulate and agree that due to the complexity of this case and the  
26 large number of witnesses involved, good cause exists to extend all discovery deadlines by  
27 90 additional days. This extension will afford the parties additional time to resolve  
28 discovery issues among themselves while minimizing intervention from the Court, and will  
promote the efficient administration of the case.

**Proposed schedule for the completion of remaining discovery**

8. The new discovery deadlines proposed by the parties are as follows:

	<u>Original deadline</u>	<u>New deadline</u>
Discovery cutoff	March 14, 2016	June 13, 2016
Motions to amend pleadings or add parties	December 14, 2016	March 14, 2016
Expert designations	January 12, 2016	April 11, 2016
Rebuttal expert designations	February 14, 2016	May 16, 2016
Interim status report	January 12, 2016	April 11, 2016
Dispositive motions	April 11, 2016	July 12, 2016

9. This stipulation for an extension of the discovery deadlines is made in good faith and not for the purpose of delay or for any other improper purpose.

\\

\\

\\

\\

\\

\\

\\

\\

\\

\\

\\

\\

\\

\\

\\

\\



**ORDER**

IT IS SO ORDERED.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
U.S. DISTRICT COURT JUDGE

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 24th day of November, 2015, a true and correct copy of the foregoing document:

**STIPULATION AND [PROPOSED] ORDER TO EXTEND DISCOVERY DEADLINES (THIRD REQUEST)**

was served via the Court's CM/ECF system upon the following persons:

**TAMARA BEATTY PETERSON**  
Brownstein Hyatt Farber Schreck, LLP  
100 North City Parkway, Ste. 1600  
Las Vegas, Nevada 89106  
*Attorneys for Henderson Defendants*

**ROBERT W. FREEMAN, JR.**  
Lewis Brisbois Bisgaard & Smith  
6385 South Rainbow, Suite 600  
Las Vegas, NV 89118  
*Attorneys for North Las Vegas Defendants*

*/s/ April Burt*

---

APRIL B. BURT  
An employee of COFER & GELLER, LLC