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12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,)
15)
Plaintiff,)
16)
WALKER RIVER PAIUTE TRIBE,)
17)
Plaintiff-Intervenor,)
18 vs.)
19)
WALKER RIVER IRRIGATION DISTRICT,)
20 a corporation, et al.,)
21)
Defendants.)

IN EQUITY NO. C-125
CASE NO. 3:73-CV-00128-MMD-
CSD

**STIPULATION AND ORDER FOR
ADJUSTMENT OF DISCOVERY
SCHEDULE**

(Second Request)

22 MINERAL COUNTY,)
23)
Plaintiff-Intervenor,)
24 vs.)
25)
WALKER RIVER IRRIGATION DISTRICT,)
26 a corporation, et al.,)
27)
Defendants.)

1 1. On December 20, 2022, the Court entered a *Discovery Plan and Scheduling Order* in this
2 subproceeding, setting forth a discovery plan and deadlines, including deadlines for the exchange of
3 expert reports. *See* ECF 1086.

4 2. In the fall of 2023, the Court granted a thirty-day stipulated extension of the deadlines for
5 the exchange of expert reports, which was agreed to by Defendants at the request of lead counsel
6 for Plaintiffs, Simeon Herskovits. *See* ECF1094.

7 3. That extension was necessary to accommodate complications associated with both long-
8 COVID symptoms suffered by Mr. Herskovits and cancer treatment he was undergoing.

9 4. Pursuant to the October 2, 2023, *Stipulation and Order for the Adjustment of the Discovery*
10 *Schedule*, Plaintiffs exchanged opening expert reports with Principal Defendants on November 6,
11 2024. ECF 1095.

12 5. On April 8, 2024, Principal Defendants exchanged expert reports with Plaintiffs. ECF 1100.

13 6. Over the course of the last eight months since the *Stipulation and Order for the Adjustment*
14 *of the Discovery Schedule* was filed, Mr. Herskovits has continued to endure severe complications
15 associated with lymphoma which have largely prevented him from working.

16 7. As was explained in the 2023 *Stipulation and Order for the Adjustment of the Discovery*
17 *Schedule*, Mr. Herskovits has been in Boston, MA, for specialized treatment of lymphoma and
18 aftereffects of Covid-19 since January 3, 2023, much longer than was anticipated at the end of 2022
19 when the discovery schedule was set. Because of complications from the lymphoma, he was
20 hospitalized under acute circumstances repeatedly during the winter and early spring months of
21 2023, and again in June, September, October, and December of 2023, the last hospitalization ending
22 in January of 2024.

23 8. After trying a number of alternative therapies, Mr. Herskovits' medical team was able to
24 resolve these complications in January 2024, but by February his lymphoma had returned in an
25
26
27
28

1 aggressive form.

2 9. Since March 2024, Ms. Herskovits has been receiving combined chemotherapy and
3 immunotherapy infusions in preparation for an autologous stem cell transplant, and after a series of
4 scans, biopsies and tests over the coming weeks he is scheduled to undergo that transplant process
5 in late July 2024.

6
7 10. As a result of these complications and the return of his lymphoma and related treatments, for
8 the vast majority of the time since the *2023 Stipulation and Order for the Adjustment of the*
9 *Discovery Schedule*, Mr. Herskovits has been debilitated and unable to work.

10 11. Mr. Herskovits has been advised by his medical team at Dana Farber Cancer Institute in
11 Boston that he must be prepared to be severely debilitated and potentially unable to work for a
12 further four to six months, but that the stem cell transplant stands a fair chance of providing a cure
13 for his cancer.

14
15 12. As a result of both the complications he has endured and his medical team's treatment plan
16 and advice, on June 11, 2024, Mr. Herskovits contacted coordinating counsel for Principal
17 Defendants, Gordon DePaoli, to request a further six-month extension of discovery deadlines.

18 13. After conferring, the Principal Defendants agreed to the six-month extension, while
19 reserving their right to object to further extensions.

20 NOW THEREFORE, the Parties hereby stipulate and agree to an adjustment of the deadlines
21 contained in the Court's December 20, 2022, *Discovery Plan and Scheduling Order* as modified by
22 the October 2, 2023, *Stipulation and Order for Adjustment of Discovery Schedule* as follows:

23
24 1. Paragraph 3b: Date for close of discovery will be November 5, 2025.

25 2. Paragraph 9: Expert Report Schedule.

26 a. Plaintiffs' responsive expert reports to Defendants' opening expert reports will
27 be due December 10, 2024;

1 b. Plaintiffs' rebuttal expert reports to Defendants' responsive expert reports will be
2 due January 8, 2025;

3 c. Defendants' rebuttal expert reports to Plaintiffs' responsive expert reports will be
4 due on January 8, 2025; and

5 d. Expert depositions will be taken between February 10, 2025, and the close of
6 discovery.

7
8 3. Paragraph 12: The deadline for identification of lay witnesses will be December 6, 2024.

9 4. The remainder of the schedule set forth in the Court's December 20, 2022, *Discovery Plan*
10 *and Scheduling Order* will remain in place.

11 5. Principal Defendants do not waive the right to oppose requests for future extensions.

12
13 Date: June 26, 2024

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14
15 By: /s/ Iris Thornton
16 Iris Thornton, *pro hac vice*
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18 Date: June 26, 2024

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23 Date: June 26, 2024

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Lacey Livestock

1 Date: June 26, 2024

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6 Date: June 26, 2024

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11 Date: June 26, 2024

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17 Date: June 26, 2024

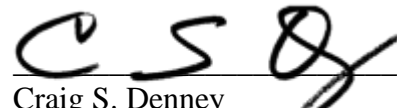
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ORDER

26 Dated: June 26, 2024.

IT IS SO ORDERED.



Craig S. Denney
United States Magistrate Judge