

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Josue Tabares v. Lithia Motors, Inc., a foreign corporation; Las Vegas-J, LLC, a domestic limited liability company; Does I-X; and
Roe Corporations L_X, inclusive, Doe Employees I-X

Tabares · No. 2:25-cv-01266 · Decided December 8, 2025

SUMMARY

This document is a stipulation and proposed order in Josue Tabares v. Lithia Motors, Inc. et al. in the U.S. District Court for the District of Nevada. The parties request a second extension of discovery-related deadlines, primarily because they need additional time to schedule a Rule 35 examination of the plaintiff. The proposed schedule extends expert-disclosure, discovery-cutoff, and pretrial-order deadlines, and the court's order is dated December 8, 2025.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	U.S. District Court for the District of Nevada
DECIDED	December 8, 2025
DOCKET	2:25-cv-01266
DISPOSITION	other
PROCEDURAL POSTURE	The parties jointly stipulated to extend discovery and related scheduling deadlines, and submitted a proposed order for the district court's approval.
STANDARD OF REVIEW	A request to modify an unexpired scheduling-order deadline requires a showing of good cause, meaning the deadline cannot reasonably be met despite the exercise of diligence.
PRECEDENTIAL VALUE	nonprecedential procedural order
PARTIES	Josue Tabares v. Lithia Motors, Inc., Las Vegas-J, LLC, Does I-X, Roe Corporations L_X, inclusive, Doe Employees I-X

TOPICS

- discovery dispute
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the parties demonstrated good cause under Federal Rule of Civil Procedure 16(b)(4) and the District of Nevada's local rules to extend the unexpired discovery and scheduling deadlines.
2. Whether the proposed discovery and pretrial deadlines should be approved.

HOLDINGS

1. The court approved the parties' stipulation and extended the specified discovery, expert-disclosure, discovery-cutoff, and pretrial-order deadlines, generally by 60 days.

FACTUAL BACKGROUND

The parties had completed the Rule 26.1 early case conference and exchanged initial witness and document lists, and the plaintiff had served written discovery. Remaining discovery included a Rule 35 examination, responses to written discovery, depositions, vehicle inspection, and expert disclosures. The parties represented that holiday scheduling difficulties prevented them from securing a convenient date for the Rule 35 examination and sought 60-day extensions.

PROCEDURAL HISTORY

The parties conducted the Rule 26.1 early case conference, exchanged initial witness and document lists, and commenced written discovery. Because they were unable to timely schedule a Rule 35 examination of the plaintiff, they requested a 60-day extension of most remaining discovery and pretrial deadlines. The court ordered the proposed extensions.

DISPOSITION

other

CASES CITED

- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992)

OPINION

1 || TYSON & MENDES LLP GRIFFITH H. HAYES 2 || Nevada Bar No. 7374 Email(s): ghayes@tysonmendes.com 3 || 2835 St. Rose Pkwy., Suite 140 Henderson, NV 89052 4 || Telephone: (702) 724-2648 Facsimile: (702) 410-7684 5 || Attorneys for Defendants Lithia Motors, Inc and Las Vegas-J, LLC UNITED STATES DISTRICT COURT DISTRICT OF NEVADA JOSUE TABARES, individually Case No. 2:25-cv-01266 Plaintiff, 10 v. 11 STIPULATION AND PROPOSED ORDER LITHIA MOTORS, INC., a foreign TO EXTEND DISCOVERY DEADLINES 12 || corporation; LAS VEGAS-J, LLC, a domestic limited liability

company; DOES I-X; and (SECOND REQUEST) 13 || ROE CORPORATIONS L_X, inclusive, DOE EMPLOYEES I-X 14 Defendants.

15 16 IT IS HEREBY STIPULATED AND AGREED, between the parties and their attorneys of 17 || tecord, that the current discovery deadlines to be extended as indicated on page 3, pursuant to 1g || Local Rule 26-1(b) and 26-4. 19 I. DISCOVERY COMPLETED TO DATE 20 1 I. The parties have conducted the FRCP 26.1 Early Case Conference. 2. Plaintiff produced his Lists of Witnesses and Documents on September 29, 2025.

4 3. Defendants produced their list of Witnesses and Documents on October 3, 2025. 4, Plaintiff served his First Set of Interrogatories, Requests for Production of 95 Documents and Request for Admission. IL 26 DISCOVERY THAT REMAINS TO BE COMPLETED 27 1. Rule 35 Examination of Plaintiff. 28 1 2. Responses of Defendant to Plaintiff's First Set of Interrogatories, Requests for 2 Production of Documents and Request for Admission.

3 3. Written Discovery. 4 4. Deposition of Plaintiff. 5 5. Inspection of the vehicle. 6 6. Deposition of Defendants Lithia Motors, Inc. and Las Vegas-J, LLC 30(b)(6) 7 witness(es). 8 7. Designation of Initial Experts. 9 8. Designation of Rebuttal Experts. 10 9. Deposition(s) of Plaintiff's treating physicians. 11 10. Deposition of other percipient witnesses.

12 11. Depositions of experts. 13 12. Additional written discovery (if necessary). 14 13. Any remaining discovery the parties deem relevant and necessary as discovery 15 || continues. 16 Ill. WHY DISCOVERY CANNOT BE COMPLETED WITHIN THE TIME PROVIDED BY 17 THE CURRENT SCHEDULING ORDER 18 A. Good Cause 19 LR 26-4 governs modifications or extension of the Discovery Plan and Scheduling Order.

20 Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be 21 | made no later than twenty-one (21) days before the expiration of the subject deadline and must 22 comply fully with LR 26-4. If the stipulation is made less than twenty-one (21) days before the 23 expiration of a deadline, the parties must show a good cause exist.

A request made after the 24 expiration of the subject deadline will not be granted unless the movant also demonstrates that the 25 failure to act was the result of excusable neglect. 26 A tTequest to extend unexpired deadlines in the scheduling order must be premised on a 27 showing of good cause. Fed. R. Civ. P. 16(b)(4); Local Rule 26-3.

The good cause analysis turns 28 1 || on whether the subject deadlines cannot reasonably be met despite the exercise of diligence. 2 || Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992). 3 Good cause exists for the following reasons: the parties have been working on scheduling 4 || of the Rule 35 Examination of Plaintiff with Dr. Rimoldi.

Due to the holiday schedule, the parties 5 || are still working on securing a convenient date for the Rule 35 Examination. The parties agreed to 6 || extend all the current discovery deadlines by 60 days subject to the approval of this court. 7 IV. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY 9 Discovery Deadline Current Deadline Proposed Deadline Motion to Amend/Add Parties November 18, 2025 November 18, 2025 10 o change Initial Expert Disclosures December 16, 2025 February 13, 2026 11 All Rebuttal Expert Disclosures January 16, 2026 March 16, 2026 D Discovery Cut-Off Date February 15, 2026 April 16, 2026 March 17, 2026 May 15, 2026 13 Pretrial Order April 17, 2026.

June 16, 2026 14 The parties represent this Stipulation is sought in good faith and with excusable neglect 15 || and not interposed for delay or any other improper purpose. 16 Dated this 9_ day of December, 2025. Dated this day of December, 2025. 17 | TYSON & MENDES LLP KRISTOF LAW' GROUP 18 | Griffith Hayes Isf G7 1x 19 | N GRIFFITH H. HAYES MICHAEL A. KRISTO 20 || Nevada Bar No. 7374 © Nevada Bar No. 7780 2835 St. Rose Pkwy., Suite 140 1055 Whitney Ranch Drive, Ste.

220 21 || Henderson, NV 89052 Henderson, NV 89014 Attorneys for Attorneys for Defendants Lithia Attorneys for Plaintiff 22 Motors, Inc. and Las Vegas-J LLC 23 24 IT IS SO ORDERED. 25 26 UNITED STATES SISTRATE JUDGE 27 28 DATED this 12/8/2025