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 8 **UNITED STATES DISTRICT COURT**  
 9  
 10 **DISTRICT OF NEVADA**

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 12 PAMELA DITTMAR,  
 13 Plaintiff,  
 14 v.  
 15 CITY OF NORTH LAS VEGAS, a municipal  
 16 corporation,  
 17 Defendant.

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Case No. 2:17-cv-02916-JAD-BNW

**ORDER GRANTING NUNC PRO  
 TUNC STIPULATION TO EXTEND  
 PLAINTIFF’S DISPOSITIVE MOTION  
 RESPONSE AND THE PARTIES’  
 REPLY DEADLINES FOR ONE DAY**

**(Seventh Request)**

[ECF No. 103]

18  
 19 NOW COMES the Plaintiff, Pamela Dittmar, by and through her attorneys, Melanie A.  
 20 Hill and Melanie Hill Law PLLC, and Defendant, City of North Las Vegas, by and through its  
 21 attorneys, R. Todd Creer, Kaitlin H. Paxton, and Kamer Zucker Abbott, who hereby stipulate that  
 22 the deadline for Plaintiff to file her response to the currently pending dispositive motion be extended  
 23 one (1) judicial day from the current deadline of June 28, 2021 up to an including June 29, 2021.

24 This is the seventh request for an extension of the dispositive motion deadline. The first  
 25 request was by stipulation to extend the dispositive motion deadline thirty (30) days from the  
 26 extended discovery cutoff deadline to complete the remaining two depositions. The second request  
 27 was by motion due to Plaintiff’s counsel’s ongoing illness with Covid-19 symptoms. The third  
 28 request was by stipulation due to Plaintiff’s counsel’s immediate family member’s emergency

1 hospitalization for nearly one week. The fourth request was by stipulation due to Plaintiff's  
2 counsel's significant injuries from two separate accidents. The fifth request was by stipulation due  
3 to Plaintiff's counsel's significant injuries from two separate accidents to allow her to have  
4 additional diagnostic tests, pain management, and give her additional time from her original estimate  
5 on a requested extension to treat and heal. The sixth request was made by stipulation to allow  
6 Plaintiff's counsel additional time to obtain assistance with the formatting and preparation of the  
7 response exhibits and citations to the same in the response because her paralegal had a medical  
8 procedure last Friday and could not assist counsel due to a medical procedure. This seventh request  
9 is made by Stipulation and the parties have agreed to extend Plaintiff's counsel deadline to file her  
10 response, declarations, and exhibits (including audio clips counsel needs to imbed into the brief) in  
11 support of her response to motion for summary judgment an additional one (1) day due to an acute  
12 gastro illness that Plaintiff's counsel is suffering from that she informed counsel for Defendant came  
13 on suddenly in the early morning around 5:00am and gave her severe nausea and diarrhea.  
14 Plaintiff's counsel further informed counsel for Defendant that after counsel woke up and started  
15 working it appeared to have resolved, however it just came back with a vengeance around 4:30pm  
16 and Plaintiff's counsel has severe nausea, dry heaving, and diarrhea. Plaintiff's counsel further  
17 informed counsel for Defendant that the acute illness is slowing counsel down from final completion  
18 of the response and counsel needed to lie down and rest for a few hours further delaying her filing  
19 before the midnight deadline on June 28, 2021. Plaintiff's counsel further informed counsel for  
20 Defendant that even through her illness counsel is finalizing the response, declarations, exhibits, and  
21 audio clips and will file the response as soon as she is able within the next day to avoid any prejudice  
22 to Defendant CNLV who filed its response today because the parties had agreed in past extensions to  
23 move both parties' deadlines each time to avoid any prejudice to the Defendant. Given the  
24 dispositive nature of this motion, counsel requested, and the parties stipulated, to this additional one-  
25 day extension due to Plaintiff's counsel's acute illness so Ms. Dittmar is not prejudiced in her case  
26 due to counsel's acute gastro illness.

27 As soon as it became apparent to counsel for Plaintiff that additional time was necessary to  
28 finalize the response, declarations, and citations to the exhibits due to her acute illness, counsel sent

1 an email to counsel for Defendant at approximately 7:00pm requesting a one (1) day extension to file  
2 after midnight. Counsel for Defendant graciously responded at approximately 10:00pm agreeing to  
3 stipulate to the requested one day extension.

4 In support of this Stipulation and Order, the parties state as follows:

5 1. The current deadline to file responses to the currently pending dispositive motions is  
6 June 28, 2021. When the parties first entered into a stipulation to extend the dispositive motion  
7 deadline, it was to extend the dispositive motion deadline to thirty (30) days from the extended  
8 discovery cutoff deadline to complete the remaining two depositions. When the parties next  
9 entered into a stipulation to extend the dispositive motion deadline, it was to extend the dispositive  
10 motion deadline thirty (30) days due to Plaintiff's counsel's ongoing illness with Covid-19  
11 symptoms. The parties then entered into a stipulation for an additional seven (7) days due to  
12 Plaintiff's counsel's family member's health emergency. The parties then stipulated to extend the  
13 dispositive motion deadline due to Plaintiff's counsel's significant injuries from two separate  
14 accidents to allow Plaintiff's counsel to have additional diagnostic tests, pain management, and  
15 additional time from her original estimate on a requested extension to treat and heal. Last Friday,  
16 the parties again stipulated to an extension to allow Plaintiff's counsel addition time to prepare seek  
17 assistance in preparing her exhibits that she needs to cite to in the response and declarations. Due to  
18 Plaintiff's counsel's continued pain from two separate accidents, she is also not able to sit and work  
19 for long periods of time and the exhibit formatting and preparation, in addition to the response  
20 preparation is very time consuming and her pain has increased due to time spent sitting and working  
21 and standing and working at her standing desk for lengthy periods of time. As a result of needing to  
22 take lengthy breaks to reduce the pain, counsel for Plaintiff sought additional time and assistance to  
23 complete the response and exhibits necessitating the prior stipulation to extend the response and  
24 reply deadlines one (1) judicial day.

25 2. Counsel for Plaintiff reached out to counsel for Defendant this evening to inform  
26 counsel that she needs one additional day to file her response, declarations, and exhibits (including  
27 audio clips counsel needs to imbed into the brief) in support of her response to motion for summary  
28 judgment due after the midnight deadline due to an acute gastro illness that Plaintiff's counsel

1 informed counsel for Defendant came on suddenly in the early morning around 5:00am and gave her  
2 severe nausea and diarrhea. Plaintiff's counsel further informed counsel for Defendant that after  
3 counsel woke up and started working it appeared to have resolved, however it just came back with a  
4 vengeance around 4:30pm and Plaintiff's counsel has severe nausea, dry heaving, and diarrhea.  
5 Plaintiff's counsel further informed counsel for Defendant that the acute illness is slowing counsel  
6 down from final completion of the response and counsel needed to lie down and rest for a few hours  
7 further delaying her filing before the midnight deadline on June 28, 2021. Plaintiff's counsel further  
8 informed counsel for Defendant that even through her illness counsel is finalizing the response,  
9 declarations, exhibits, and audio clips and will file the response as soon as she is able within the next  
10 day to avoid any prejudice to Defendant CNLV who filed their response today because the parties  
11 had agreed in past extensions to move both parties' deadlines each time to avoid any prejudice to the  
12 Defendant. Given the dispositive nature of this motion, counsel requested, and the parties stipulated,  
13 to this additional one-day extension due to Plaintiff's counsel's acute illness so Ms. Dittmar is not  
14 prejudiced in her case due to counsel's acute gastro illness. Additionally, due to Plaintiff's  
15 continued pain from two separate accidents, she is also not able to sit and work for long periods of  
16 time and the exhibit formatting and preparation, in addition to the response preparation is very time  
17 consuming and her pain has increased due to time spent sitting and working and standing and  
18 working at her standing desk for lengthy periods of time. As a result of needing to take lengthy  
19 breaks to reduce the pain and due to her acute gastro illness, counsel for Plaintiff needs additional  
20 time and assistance to complete the response and embed the audio exhibits necessitating this  
21 stipulation to extend the response one additional day.

22 3. Through this Stipulation, and to avoid prejudice to Defendant in preparing and filing  
23 its briefs on the same day, this stipulation extends the deadline for both parties to file their replies  
24 one additional day which is consistent with the parties' prior agreement and stipulations. The new  
25 reply deadline the parties have stipulated to is July 20, 2021.

26 4. Through this Stipulation, the parties request that the Court extend the deadline to file  
27 Plaintiff's response to Defendant CNLV's dispositive motion until June 29, 2021. Plaintiff further  
28 requests that the Court extend the deadline for both parties to file replies until July 20, 2021. No

1 other deadlines are being extended by this motion, such as the deadline for discovery and to file a  
2 motion to compel written discovery.

3 5. Courts in the District of Nevada have routinely held extensions of deadlines for  
4 illness and the “practicalities of life” establish good cause for the requested extension. In *Morales v.*  
5 *McDaniel*, District of Nevada Magistrate Judge Baldwin found good cause to grant an extension and  
6 held as follows:

7 “The proper procedure, when additional time for any purpose is needed, is to present to  
8 the Court a timely request for an extension before the time fixed has expired (*i.e.*, a  
9 request presented before the time then fixed for the purpose in question has expired).”  
10 *Canup v. Miss. Valley Barge Line Co.*, 31 F.R.D. 282, 283 (D. Pa. 1962). The *Canup*  
11 Court explained that “the practicalities of life” (such as an attorney’s “conflicting  
12 professional engagements” or personal commitments such as vacations, family  
13 activities, illnesses, or death) often necessitate an enlargement of time to comply with a  
14 court deadline. *Id.* Extensions of time “usually are granted upon a showing of good  
15 cause, if timely made.” *Creedon v. Taubman*, 8 F.R.D. 268, 269 (D. Ohio 1947). The  
16 good cause standard considers a party’s diligence in seeking the continuance or  
17 extension. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

18 2019 U.S. Dist. LEXIS 173103 (D. Nev. Oct. 3, 2019).

19 6. This Stipulation to extend Plaintiff’s dispositive motion response deadline is  
20 brought in good faith, with a showing of good cause, and is not sought for any improper  
21 purpose or other purpose of delay, but to allow counsel for the Plaintiff additional time to finalize  
22 and file her response, declarations, and exhibits (including audio clips counsel needs to embed into  
23 the brief) in support of her response to motion for summary judgment until after the midnight  
24 deadline due to an acute gastro illness that came on suddenly in the early morning around 5:00am  
25 and gave her severe nausea and diarrhea and is continuing. This extension will allow counsel for  
26 Plaintiff the additional time necessary to do so in light of her medical issues and acute illness.

27 7. In accordance with LR 26-3, a stipulation to extend any date set by the discovery  
28 plan, scheduling order, or other order must, in addition to satisfying the requirements of LR IA 6-1,  
be supported by a showing of good cause for the extension. Local R. 26-3. Plaintiff submits that  
good cause exists under the totality of the circumstances provided herein due to her medical issues,  
ongoing pain, and acute illness that came on early this morning necessitating this last extension until  
Tuesday, June 29, 2021. Additionally, the requested extension is only for one (1) additional day.

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