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7 *Attorneys for Defendants*  
8 *Renee Baker, Dwayne Baze, David Carpenter,*  
*Ian Carr, Stephen Clark, Daniel Collier, Ray East*  
9 *Pamela Feil, Joseph Ferro, Tim Garrett, Valaree Olivas,*  
*William Sandie, Nathan Wake, and Harold Wickham*

11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13 BRIAN KAMEDULA,  
14 Plaintiff,

15 vs.

16 IAN CARR, et al.,  
17 Defendants.

Case No. 3:18-cv-00544-MMD-CLB

**DEFENDANTS' MOTION FOR  
EXTENSION OF TIME TO RESPOND  
TO MOTIONS TO COMPEL (ECF Nos.  
57, 58)  
(First Request)**

18 Defendants, Renee Baker, Dwayne Baze, David Carpenter, Ian Carr, Stephen Clark,  
19 Daniel Collier, Ray East, Pamela Feil, Joseph Ferro, Tim Garrett, Valaree Olivas, William  
20 Sandie, Nathan Wake, and Harold Wickham, by and through counsel, Aaron D. Ford,  
21 Attorney General of the State of Nevada, and Peter E. Dunkley, Deputy Attorney General,  
22 hereby request a 16-and 14-day extensions, respectively, until August 28, 2020, to respond  
23 to Plaintiff's Motions to Compel (ECF Nos. 57, 58).

24 **MEMORANDUM OF POINTS AND AUTHORITIES**

25 **I. BACKGROUND AND FACTS**

26 Defendants respectfully request 16- and 14-day extensions of time from the current  
27 deadlines of August 12 and 14, 2020, to respond to Plaintiff's Motions to Compel. As noted  
28 previously, Plaintiff has propounded multiple sets of discovery to the fourteen Defendants

1 totaling no less than 96 interrogatories, 972 requests for admission, and 103 requests for  
2 production of documents. On July 7, 2020, Plaintiff and the undersigned had a conference  
3 call regarding the requests for production of documents at issue in Plaintiff's Motions to  
4 Compel. During the call, the undersigned told Plaintiff he believed he would be able to  
5 provide a status and/or supplement by July 24, 2020. However, on Sunday, July 19, 2020,  
6 the undersigned received notice from the Office of Attorney General regarding a possible  
7 exposure to COVID-19, and was notified not to return to the Office until after receiving a  
8 negative test result. On July 28, 2020, the undersigned received a (negative) test result, and  
9 was cleared to return to the office. On July 28, 2020, the undersigned sent a letter to Plaintiff  
10 indicating that he was unable to update Plaintiff by July 24<sup>th</sup> but that he would do so when  
11 he could. (Exhibit A.) Apparently, the letter to Plaintiff crossed in the ethers with Plaintiff's  
12 Motions to Compel, which were filed on July 29 and 31, 2020.

13 In light of the COVID-19 related administrative procedural complications within the  
14 State of Nevada, and at the Office of the Attorney General (OAG), good cause exists for  
15 Defendants' request for an extension.<sup>1</sup>

## 16 II. DISCUSSION

17 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as  
18 follows:

19 When an act may or must be done within a specified time, the court  
20 may, for good cause, extend the time: (A) with or without motion or  
21 notice if the court acts, or if a request is made, before the original  
time or its extension expires; or (B) on motion made after the time  
has expired if the party failed to act because of excusable neglect.

22 Fed. R. Civ. P. 6(b)(1). Additionally, "The district court is given broad discretion in  
23 supervising the pretrial phase of litigation...." *Zivkovic v. S. California Edison Co.*, 302 F.3d  
24 1080, 1087 (9th Cir. 2002) (citation omitted). *See also, Laub v. U.S. Dep't of Interior*, 342 F.3d  
25 1080, 1093 (9th Cir.2003) (noting the district court's broad discretion in discovery matters).

26 In this case, Defendants asserts that the requisite good cause is present to warrant the  
27 requested extension of time. In addition to the Motions to Compel, Plaintiff has propounded

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28 <sup>1</sup> Defendants are not waiving the right to seek a protective order if necessary.

1 1,171 discrete discovery requests to multiple defendants responding in various capacities. In  
2 addition to the sheer number of discrete requests to the Defendants, Defendants make the  
3 instant request in light of the ongoing productivity obstacles related to COVID-19, including  
4 Nevada Governor Sisolak's many emergency declarations, beginning on March 15, 2020, and  
5 then the March 31, 2020 Declaration of Emergency (Directive 010) – 'Stay at Home Order' --  
6 and the Governor's subsequent extensions and additional directives and clarifications. In  
7 response to COVID-19 and the Governor's Directives, the OAG has directed all OAG  
8 employees to comply with the Governor's orders, limit in-office work and stay at home while  
9 and until the OAG implements and transitions to alternate, home-based working  
10 arrangements or the COVID-19 restrictions are lifted. Currently, the OAG is restricting the  
11 in-office attendance of employees to 25% of capacity for all staff. In addition to the OAG office  
12 restrictions, the undersigned was unable to be in-office, where physical document access and  
13 review is possible, at any time from July 20 through July 28.

14 In light of the administrative directives, and due to the difficulties the instant  
15 circumstances place on obtaining and reviewing the necessary supporting documents, and  
16 difficulty corresponding between the OAG and Defendants, Defendants respectfully request  
17 that the Court extend the deadlines to respond to the Motions to Compel until August 28,  
18 2020. Defendants' request will not hinder or prejudice Plaintiff's case. Close of discovery is  
19 currently set for October 5, 2020 (ECF No 53). The requested extension of time will not  
20 change the scheduling order and should permit sufficient time to overcome the administrative  
21 and procedural obstacles created by the response to COVID-19, and to evaluate responses to  
22 the substance of Plaintiff's requests, possibly eliminating or at least reducing the need for the  
23 Motions to Compel.

24 Finally, the OAG and Plaintiff have productively conferred in prior discovery issues,  
25 *see, e.g.*, ECF No. 53. While the OAG has not conferred with Plaintiff regarding his Motions  
26 to Compel, the OAG remains hopeful that future conferences will nevertheless be productive,  
27 and minimize the need for Court intervention.

28 ///

1 **III. CONCLUSION**

2 For the above reasons, Defendants respectfully requests extensions until August 28,  
3 2020, to permit sufficient time for Defendants to respond to Plaintiff's Motions to Compel, as  
4 set forth below:

5 Proposed Schedule for Responding to Plaintiff's Motions To Compel

6 Proposed Deadline for the currently outstanding Motions to Compel: August 28, 2020.

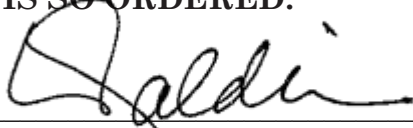
7 DATED this 12th day of August 2020.

8 AARON D. FORD  
9 Attorney General

10 By: /s/ Peter E. Dunkley  
11 PETER E. DUNKLEY, Bar No. 11110  
12 Deputy Attorney General

13 *Attorneys for Defendants*

14 **IT IS SO ORDERED:**

15   
16 \_\_\_\_\_  
17 U.S. MAGISTRATE JUDGE

18 DATED: August 13, 2020

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 12th day of August, 2020, I caused a copy of the foregoing, **DEFENDANTS' MOTION FOR EXTENSION OF TIME TO RESPOND TO MOTIONS TO COMPEL (First Request)**, to be served, by U.S. District Court CM/ECF Electronic Filing on the following:

Brian Kamedula #24627  
Care of LCC Law Librarian  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419  
lcclawlibrary@doc.nv.gov



An employee of the  
Office of the Attorney General

# EXHIBIT A

Letter dated July 28, 2020

# EXHIBIT A



AARON D. FORD  
*Attorney General*

KYLE E.N. GEORGE  
*First Assistant Attorney General*

CHRISTINE JONES BRADY  
*Second Assistant Attorney General*

JESSICA L. ADAIR  
*Chief of Staff*

RACHEL J. ANDERSON  
*General Counsel*

HEIDI PARRY STERN  
*Solicitor General*

STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL

100 North Carson Street  
Carson City, Nevada 89701

July 28, 2020

Brian Kamedula #24627  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419

**RE: Brian Kamedula vs. Ian Carr, et al. / Case No. 3:18-cv-00544-MMD-CLB  
Discovery Review**

Dear Mr. Kamedula:

Due to increased restrictions related to COVID-19, I have been unable to review the discovery we discussed during our telephone call. I anticipate being able to do so next week and will update you when I am able.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter E. Dunkley".

PETER E. DUNKLEY  
DEPUTY ATTORNEY GENERAL

PED:ctc