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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

MILTON O. CRAWFORD,	)	
	)	
Plaintiff,	)	2:12-cv-00122-GMN-GWF
	)	
vs.	)	
	)	<b><u>ORDER</u></b>
SMITH'S FOOD AND DRUG	)	Motion to Submit Offer of Proof (#10)
STORE,	)	
	)	Motion for Extension (#11)
Defendant,	)	

This matter comes before the Court on Plaintiff's Motion to Submit Offer of Proof (#10) and Motion for Extension (#11), filed on March 26, 2012. Plaintiff requests the Court allow him to submit an audio recording of his personal recollection of a conversation that he had with representatives of the Defendant. Plaintiff argues that because the Defendant mentioned recording the conversation, but failed to do so, Defendant has waived its right to object to Plaintiff's audio recording. Plaintiff further requests an extension of time to file his amended complaint.

As best the Court can tell, Plaintiff is requesting that the Court allow him to provide an audio recording of Plaintiff's personal recollection of a meeting that took place between Plaintiff and Defendant's representatives to be used as evidence in this case. Plaintiff's request is improper. Plaintiff's complaint has yet to be filed, and Defendant has yet to make an appearance in this matter. On March 8, 2012, the Court directed Plaintiff to file an amended complaint, including any documentation Plaintiff has to support his allegations. The Court however will not accept an audio recording of Plaintiff's personal recollection of an event or incident, as documentation in support of Plaintiff's amended complaint. If Plaintiff believes that the above

1 encounter substantiates the allegations in his complaint, Plaintiff may describe the event in  
2 writing in his amended complaint. The Court will therefore deny Plaintiff's request to submit an  
3 audio recording.

4 Plaintiff further requests additional time to file his amended complaint in light of the  
5 Court hearing and ruling on the pending Motion to Submit Offer of Proof (#11). Because the  
6 Court is denying Plaintiff's Motion (#11) without delay and Plaintiff offered no other reason for  
7 requesting an extension, the Court will deny Plaintiff's request for extension. If the Plaintiff  
8 needs additional time to gather evidence or draft his amended complaint, Plaintiff may request an  
9 extension from the Court setting forth his reason for such request. Accordingly,

10 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Submit Offer of Proof (#10) is  
11 **denied.**

12 **IT IS FURTHER ORDERED** that Motion for Extension (#11) is **denied** without  
13 prejudice.

14 DATED this 28th day of March, 2012.

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17 GEORGE FOLEY, JR.  
18 United States Magistrate Judge  
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