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UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

| | | |
|--------------------------------------|---|-------------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 2:12-cv-00471-GMN-VCF |
| |) | |
| v. |) | UNOPPOSED MOTION TO |
| |) | EXTEND TIME FOR FILING JOINT |
| MARGE L. CELLINI and HARRY |) | PRETRIAL ORDER |
| PORTNOY, individually, and d/b/a TAX |) | |
| FACTORY, INC., and/or MYST INC., |) | |
| |) | |
| Defendants. |) | |

The United States respectfully requests a 30 day extension of time to file the parties' Joint Pretrial Order, which is currently due to the Court no later than January 9, 2014. This deadline has not been previously extended. The basis for this request is as follows:

1. On January 8, 2014, undersigned counsel contacted John Lusk, attorney for defendant Harry Portnoy, who stated that he did not oppose this request for an extension.¹
2. On October 16, 2012, the Court entered the Discovery Plan and Scheduling Order in this case. (Doc. 18.)

¹ Defendant Harry Portnoy is the only remaining defendant in the case; judgment was entered against defendant Marge L. Cellini on December 10, 2013. (Doc. 25.)

3. Pursuant to the Discovery Plan and Scheduling Order, the parties are required to file their Joint Pretrial Report no later than January 9, 2014. (Doc. 18.)

4. Counsel for both parties have been working diligently to resolve this case without the need for trial. At this time, the United States has proposed a specified conduct injunction that would resolve all claims in the case, and the defendant and his counsel are currently considering that proposal.

5. As a result of these recent settlement discussions, counsel for both parties believe that settlement of this matter is possible, and that good cause exists to grant an extension of time to file the Joint Pretrial Report.

6. The additional time will allow the parties to continue their settlement discussions and focus on a final resolution of this matter, rather than potentially unnecessary pre-trial preparation.

7. Accordingly, this request is not made for purposes of delay, but to possibly resolve this matter and conserve scarce resources.

8. The parties have otherwise litigated this case expeditiously, including the completion of discovery without any requests to extend discovery deadlines.

WHEREFORE, the United States respectfully requests a 30 day extension of time to file the parties' Joint Pretrial Order, which is currently due to the Court no later than January 9, 2014.

Dated: January 8, 2014

Respectfully submitted,

/s/ Richard G. Rose

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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that, on January 8, 2014, the foregoing UNOPPOSED MOTION TO EXTEND TIME FOR FILING JOINT PRETRIAL ORDER was electronically filed with the Court using the CM/ECF system, to be served by operation of the Court's electronic filing system upon the following:

John R. Lusk

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Attorney for Harry Portnoy

/s/ Richard G. Rose
RICHARD G. ROSE
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA


UNITED STATES OF AMERICA,)
)
Plaintiff,) 2:12-cv-00471-GMN-VCF
)
v.) ~~[proposed]~~ **ORDER ON MOTION TO**
) **EXTEND TIME FOR FILING JOINT**
MARGE L. CELLINI and HARRY) **PRETRIAL ORDER**
PORTNOY, individually, and d/b/a TAX)
FACTORY, INC., and/or MYST INC.,)
)
Defendants.)

This matter comes before the Court on the United States' MOTION TO EXTEND TIME FOR FILING JOINT PRETRIAL ORDER. (Doc. 26.) For good cause shown, the Court hereby GRANTS the United States' motion. Accordingly, it is hereby ORDERED that:

The parties are granted a 30 day extension of time to file the Joint Pretrial Order;

The Joint Pretrial Order shall be filed no later than February 10, 2014.

IT IS SO ORDERED this 10th day of January, 2014.



~~GLORIA M. NAVARRO~~
UNITED STATES ~~DISTRICT~~ JUDGE
Magistrate