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9

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

11 .....

12 DAVID EDWIN PLANK,

13 Plaintiff,

Case No. 2:12-cv-02205-JCM-PAL

14 vs.

15 LAS VEGAS METROPOLITAN  
16 POLICE DEPARTMENT, a political  
subdivision of the State of Nevada;  
17 OFFICER B. MAYORAL, individually;  
and JOHN DOES I-X, inclusive,  
18

Defendants.  
19 \_\_\_\_\_ /

20 **STATUS REPORT REGARDING DISCOVERY STAY**

21 COMES NOW, the Plaintiff, DAVID EDWIN PLANK, by and through his counsel, CAL  
22 J. POTTER, III, ESQ. of POTTER LAW OFFICES and KRISTINE K. JENSEN, ESQ. and hereby  
23 submit this Status Report Regarding Discovery Stay.

24 As provided in the Stipulation and Order to Stay Filing of Discovery Plan and Scheduling  
25 Order and Discovery (doc. 14) the Plaintiff's underlying criminal matter is still pending in the Eighth  
26 Judicial District Court, case number C-11-270425-1.

27 The criminal case was set for trial on May 6, 2013, but the trial was continued to September  
28 9, 2013.

1 The Plaintiff requests that discovery in this matter remain stayed until the outcome of the  
2 criminal case is determined because of the potential fifth amendment implications.

3 The Plaintiff further requests to file a status report on or before September 13, 2013 to advise  
4 this Honorable Court as to the status and/or outcome of the criminal case.

5 The Plaintiff does not request this continuance of the stay for the purpose of delay.

6 DATED this 6<sup>th</sup> day of May, 2013.

7 POTTER LAW OFFICES  
8 KRISTINE K. JENSEN, LTD.


9 By /s/ Cal J. Potter, III, Esq.  
10 CAL J. POTTER, III, ESQ.  
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18 *Attorneys for Plaintiff*

19 **ORDER**

20 IT IS ORDERED that the parties shall file a joint status report with the court on  
21 or before September 13, 2013, to advise the court as to the status and/or outcome of  
22 the criminal case.

23 DATED this 5th day of July, 2013.

24   
25 Peggy A. Zeen  
26 United States Magistrate Judge  
27  
28