

1
2
3
4
5
6
7
8
9

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Mirek Wierzbowski,
Plaintiff
v.
Steve Dec,
Defendant

2:13-cv-00076-JAD-NJK

**Order Granting
Motion to Continue Trial**

[ECF No. 230]

10
11
12
13
14
15
16
17

Plaintiff/Counterdefendant Mirek Wierzbowski moves to continue the December 5, 2017, jury trial of this case for health reasons. Wierzbowski, who returned to Poland earlier this year purportedly for medical treatment, has been told by his physician that “it is not advisable for him to travel now on long-distance flights. It may lead to serious health consequences.”¹ Defendant/Counterclaimant Steve Dec opposes the motion. He cites the advanced age of this nearly five-year-old case (which has encountered delays for, among other things, a bankruptcy stay and to obtain pro bono counsel for the plaintiff) and his concern that the information that Wierzbowski provides is too vague to offer any certainty that this case can ever be tried.²

18
19
20
21
22
23
24

Dec raises meritorious points, and I, too, want to get this aging case to trial. But I find that Wierzbowski’s declaration and his physician’s note offer good cause to continue the trial to April 2018 to permit Wierzbowski the opportunity to get the cited medical conditions under control so that he may travel. I caution Wierzbowski, however, that it is unlikely that his medical conditions will justify a third trial continuance. So if he is not well enough to travel by airplane for the April trial date, he will need to find another method of travel or propose another way to testify at trial, such as by Skype or video conference. Accordingly,

25
26

IT IS THEREFORE ORDERED that the Motion to Continue Trial [ECF No. 230] is

27
28

¹ ECF No. 230-3 at 2.

² ECF No. 234.

1 **GRANTED. This case is continued to the April 10, 2018, jury trial stack.** The calendar call
2 is continued to April 2, 2018, at 1:30 p.m. A new trial order will issue.

3 And because we now have some additional time before trial, **IT IS FURTHER**
4 **ORDERED that this case is referred to the Magistrate Judge for a mandatory settlement**
5 **conference.** Plaintiff's counsel will need to file a separate motion asking the Magistrate Judge
6 for special accommodations for Mr. Wierzbowski's participation in light of his medical travel
7 restrictions.

8 DATED: November 21, 2017

9
10 
11 _____
12 U.S. District Judge Jennifer A. Dorsey
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28