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 6 for Plaintiff HYRUM JOSEPH WEST

7 UNITED STATES DISTRICT COURT
 8 DISTRICT OF NEVADA

9 ***

11	HYRUM JOSEPH WEST,)	
		)	2:13-cv-00271-APG-VCF
12	Plaintiff,)	
		)	<u>STIPULATION TO EXTEND TIME</u>
13	v.	)	<u>TO FILE SUPPLEMENTAL</u>
		)	<u>OPPOSITION AND SUPPLEMENTAL</u>
14	NYE COUNTY, et al.,	)	<u>REPLY TO MOTION FOR</u>
		)	<u>SUMMARY JUDGMENT</u>
15	Defendants.	)	(First Request)
16		)	ORDER

17 IT IS HEREBY STIPULATED by and between Angela H. Dows, Esq., counsel for
 18 Plaintiff HYRUM JOSEPH WEST, and Craig R. Anderson, Esq., and Jonathan B. Lee, Esq.,
 19 counsel for Defendants NYE COUNTY, et al., that the dates for: (1) Plaintiff HYRUM JOSEPH
 20 WEST to file his supplemental opposition be extended to thirty (30) days following the final
 21 decision on Plaintiff’s Motion to Extend Discovery as to Newly-Discovered Evidence [ECF No.
 22 92], and (2) Defendants’ supplemental reply be extended to fourteen (14) days after the filing of
 23 Plaintiff’s supplemental opposition.
 24

25 The parties also agree that a final decision on Plaintiff’s Motion [ECF No. 92] includes
 26 an allowance of time for the parties to file and obtain ruling(s) on, if filed, any objections to any
 27 report(s) or order(s) as to Plaintiff’s Motion.. This is the first stipulation filed in the matter to
 28

1 continue the deadlines for the supplemental opposition and reply, and is entered into for the
2 following reasons:

- 3 1. That, as noted, on December 28, 2018 Plaintiff has filed a motion to extend and
4 re-open discovery related to newly-discovered evidence [ECF No. 92.]
- 5 2. The motion to extend potentially impacts the evidence in the instant case,
6 including arguments or additional discovery potentially having a bearing on the
7 pending motion for summary judgment.
- 8 3. That without a continuance of the supplemental opposition and reply, then
9 important issues in the case may be undetermined prior to the ruling of a
10 potentially dispositive motion in the case.
- 11 4. That Plaintiff HYRUM JOSEPH WEST is currently incarcerated, and does not
12 object to the subject brief continuance.
- 13 5. The additional time requested herein is being sought in good faith not sought for
14 purposes of delay, but merely to allow the parties adequate time to have the
15 necessary issues reviewed related to potentially important additional discovery in
16 the case.
17
18

19 DATED this 9th day of January, 2019.

20 PREMIER LEGAL GROUP
21 By: /s/ Angela H. Dows
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MARQUIS AURBACH COFFING
By: /s/ Craig R. Anderson
CRAIG R. ANDERSON, ESQ.
By: /s/ Jonathan B. Lee
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HYRUM JOSEPH WEST,)	
)	2:13-cv-00271-APG-VCF
Plaintiff,)	
	)	<u>FINDINGS OF FACT,</u>
v.	)	<u>CONCLUSIONS OF LAW, AND</u>
	)	<u>ORDER THEREON</u>
NYE COUNTY, et al.,)	
)	
Defendants.)	
)	

FINDINGS OF FACT

Based on the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

1. On December 28, 2018, Plaintiff HYRUM JOSEPH WEST filed a Motion to Extend Discovery as to Newly-Discovered Evidence [ECF No. 92.]
2. The Court’s ruling on Plaintiff’s Motion [ECF No. 92] may ultimately result in additional discovery or briefing in the case, all of which could have an impact upon dispositive issues, including Defendants’ pending motion for summary judgment.
3. Thus, the parties anticipate that Plaintiff’s Motion [ECF No. 92] to extend discovery will need to be briefed and concluded prior to effectuating final briefing as to Defendants’ Renewed Motion for Summary Judgment. [See ECF No. 91.]
4. That Plaintiff HYRUM JOSEPH WEST is incarcerated, and does not object to the subject continuance.
5. The additional time requested herein is not sought for purposes of delay, but

1 merely to allow the parties to resolve an important discovery issue in the instant case, taking into
2 account the exercise of due diligence.

3 6. Additionally, denial of this request for a continuance could result in the
4 miscarriage of justice without resolving the instant discovery dispute prior to concluding
5 dispositive motion briefing.

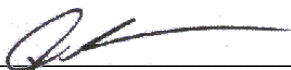
6 **CONCLUSIONS OF LAW**

7 The additional time requested by this stipulation is sought in good faith not sought for
8 purposes of delay, but instead to allow the parties adequate time to work through a discovery
9 matter, taking into account the exercise of due diligence. For all of the above-stated reasons, the
10 ends of justice would best be served by a brief continuance of the supplemental opposition and
11 supplemental reply to Defendants' motion for summary judgment.
12

13 **ORDER**

14 IT IS THEREFORE ORDERED that the previously-scheduled deadline of January 10,
15 2019 for Plaintiff HYRUM JOSEPH WEST to file his supplemental opposition to Defendants'
16 motion for summary judgment is extended to thirty (30) days following the final decision or
17 receipt of discovery on Plaintiff's Motion to Extend Discovery as to Newly-Discovered Evidence
18 [ECF No. 92].
19

20 IT IS FURTHER ORDERED that Defendants' supplemental reply be extended to
21 fourteen (14) days after the filing of Plaintiff's supplemental opposition to Defendants' motion
22 for summary judgment.
23

24 
25 _____
26 ANDREW P. GORDON
27 UNITED STATES DISTRICT JUDGE
28 Dated: January 10, 2019.