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5 **Attorneys for Defendant**
 6 **STEVE WILLIAMS**

7 UNITED STATES DISTRICT COURT
 8 DISTRICT OF NEVADA

9 LARRY BARBER,
 10
 Plaintiff,
 11 vs.
 12 OFFICER STEVE WILLIAMS;
 13
 Defendant.

Case No.: 2-13-cv-00538-GMN-CWH

**STEVE WILLIAMS' THIRD MOTION
 TO CONTINUE STAY OF DISCOVERY
 PENDING OUTCOME OF CRIMINAL
 INVESTIGATION**

14
 15 Defendant, STEVE WILLIAMS, by and through his attorneys, Kaempfer Crowell,
 16 hereby moves to continue the stay of discovery pending the outcome of the criminal matters.
 17 This Motion is made and based upon the Points and Authorities attached hereto, the papers and
 18 pleadings on file herein, and any arguments of counsel as may be heard by this Court pursuant to
 19 LR 78-2.

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KAEMPFER CROWELL RENSHAW
 GRONAUER & FIORENTINO
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 Las Vegas, Nevada 89113

AFFIDAVIT OF LYSSA S. ANDERSON
IN SUPPORT OF MOTION FOR STAY

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1. I am duly licensed to practice law in the State of Nevada and before this Court. I am counsel of record for Defendant, Steve Williams (“Officer Williams”).

2. This Affidavit is made of my own personal knowledge, except for those matters stated upon information and belief, and, as to those, I believe them to be true. I am competent to testify in a court of law to the matters included herein and if called upon will so testify.

3. This Affidavit is made in support of Steve Williams’ Third Motion to Continue Stay of Discovery Pending Outcome of Criminal Investigation.

4. On September 10, 2013, Plaintiff Larry Barber (“Barber”) filed his Complaint.

5. Barber’s Complaint alleges that on January 31, 2012, Officer Williams used lethal force against him.

6. Upon information and belief, it is the policy of the Clark County District Attorney (“DA”) to review the actions of Officer Williams (the shooting of Barber) to determine if Williams is criminally culpable for the events of January 31, 2012 and to publish a Report on Use of Force (hereinafter referred to as the “DA’s Report”).

7. Upon information and belief, after the DA has reviewed the investigation surrounding the shooting, the DA will either pursue criminal charges against Officer Williams via a grand jury proceeding or issue a finding that the actions of Officer Williams were not criminal, and then publish the DA’s Report.

8. As of the date of filing this Motion, the DA’s Report has not been published.

9. As set out in the prior pleadings filed with this Court, as a result of the incident on January 31, 2012, Barber has been criminally charged with Attempted Murder With a Deadly Weapon; Resist Public Officer – Weapon; Carrying a Concealed Weapon; and Assault With a

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1 Deadly Weapon, in the Eighth Judicial District Court, Case Number C283230 (the “Criminal
2 Proceedings”). (See **Exhibit A**, Case No. C283230 Docket Sheet attached hereto).

3 10. Trial in the Criminal Proceedings has been previously set several times, with the
4 last setting being March 9, 2015. From a review of the Court Docket, the Trial did not proceed
5 on March 9, 2015.

6 11. As both of these criminal matters are ongoing, very little information has been
7 made available to any party in the case and, to date, I do not have access to the investigative
8 reports, party statements, witness statements or any other evidence related to the incident of
9 January 31, 2012.

10 12. As no information/documents could be made available due to the ongoing
11 criminal matters, on March 4, 2014, Officer Williams filed a Motion to Stay Discovery Pending
12 Outcome of Criminal Investigation, [Docket No. 35], which this Court granted on March 14,
13 2014. [Docket No. 41].

14 13. On August 7, 2014, Williams filed a Motion to Continue Stay of Discovery
15 Pending Outcome of Criminal Investigation as there had been no progress in either of the matters
16 and the trial in the Criminal Proceedings had been continued. [Docket No. 51].

17 14. On August 8, 2014, this Court extended the stay until November 6, 2014.
18 [Docket No. 52].

19 15. On October 27, 2014, prior to expiration of the stay, Williams filed his second
20 Motion to Continue Stay of Discovery. [Docket No. 57]. The second Motion explained that the
21 Trial in the Criminal Proceedings was not set until March 9, 2015 and therefore a continued stay
22 was necessary.

23 16. This Court continued the stay until March 16, 2015 and required the parties to file
24 interim status reports on March 2, 2015. [Docket No. 58].

1 17. On February 27, 2015 Plaintiff filed his status report, [Docket No. 59], and on
2 March 2, 2015 Williams filed his status report, [Docket No. 60]. Both status reports advised the
3 Court that a Calendar Call in the Criminal Proceedings was set for March 5, 2015 and that it was
4 likely the Trial in the Criminal Proceedings would again be continued. As a result, this Court
5 requested the parties to file additional status reports on March 6, 2015. [Docket 61].

6 18. As the Court directed, on March 6, 2015 the parties filed additional status report
7 advising the Court that the Trial in the Criminal Proceedings was again continued to July 20,
8 2015. [Docket Nos. 62 and 63].

9 19. In addition, the DA's Report has not been published as of the date of filing this
10 instant Motion.

11 20. Because the DA's Report has not been published and the Criminal Proceedings
12 are ongoing, Officer Williams respectfully requests that this Court enter an order continuing the
13 stay of discovery in Barber's civil rights case.

14 21. At this time, a continued stay of discovery in this matter is necessary as I will not
15 have access to any of the pertinent documents to the incident until the Criminal Proceedings are
16 complete.

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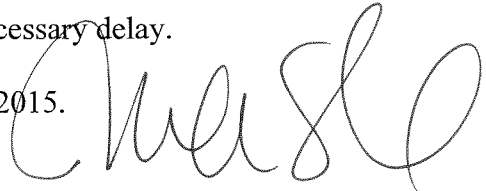
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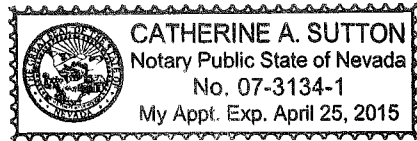
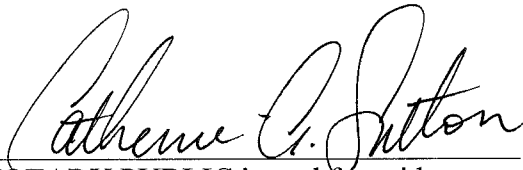
22. This request to extend the stay is sought in the good faith belief that it is necessary to protect the rights of the parties, the investigation of the DA, and the search for truth and not for any improper purpose or to cause unnecessary delay.

DATED this 16th day of March, 2015.



LYSSA S. ANDERSON

SUBSCRIBED AND SWORN to before me this 16th day of March, 2015.



NOTARY PUBLIC in and for said County and State

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1 **MEMORANDUM OF POINTS & AUTHORITIES**

2 **I. ARGUMENT**

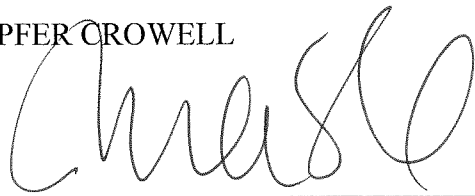
3 In the interest of brevity, Officer Williams incorporates by reference the legal authority in
4 the initial Motion for Stay of Discovery, [Docket No. 35], the Motion to Continue Stay [Docket
5 No. 51], and the second Motion to Continue Stay [Docket No. 57], as if fully set forth herein.

6 **II. CONCLUSION**

7 Based on the foregoing, Officer Williams respectfully requests a continued stay of
8 discovery in the present matter.

9 DATED this 16th day of March, 2015.

10 KAEMPFER CROWELL

11 

12 BY:

13 LYSSA S. ANDERSON
14 (Nevada Bar No. 5781)
15 8345 West Sunset Road, Suite 250
16 Las Vegas, Nevada 89113
17 **Attorneys for Defendant Steve Williams**

18 **ORDER**

19 It is so ordered.

20 DATED: March 16, 2015

21 
22 United States Magistrate Judge

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CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing **STEVE WILLIAMS' THIRD MOTION TO CONTINUE STAY OF DISCOVERY PENDING OUTCOME OF CRIMINAL INVESTIGATION** was made this date by depositing a true copy of the same for mailing at Clark County, Nevada, addressed to each of the following:

Larry Barber
Prisoner Number 87105
PO Box 650
Indian Springs, NV 89070

DATED this 16th day of March, 2015.

Becky Heldebrand

an employee of Kaempfer Crowell

EXHIBIT A

[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [New District Civil/Criminal Search](#) [Refine Search](#) [Back](#) Location : District Court Civil/Criminal [Help](#)

REGISTER OF ACTIONS

CASE No. C-12-283230-1

State of Nevada vs Larry Barber

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Case Type: **Felony/Gross Misdemeanor**
 Date Filed: **08/03/2012**
 Location: **Department 15**
 Cross-Reference Case Number: **C283230**
 Defendant's Scope ID #: **1118123**
 Lower Court Case # Root: **12F01886**
 Lower Court Case Number: **12F01886X**

PARTY INFORMATION

Defendant **Barber, Larry J**

Lead Attorneys
Susan K. Bush
Court Appointed
 702-868-4411(W)

Plaintiff **State of Nevada**

Steven B Wolfson
 702-671-2700(W)

CHARGE INFORMATION

Charges: Barber, Larry J	Statute	Level	Date
1. ATT. MURDER WITH A DEADLY WEAPON	200.030	Felony	01/31/2012
2. RESIST PUBLIC OFFICER-WEAPON	199.280	Felony	01/31/2012
3. CARRYING A CONCEALED WEAPON	202.350	Felony	01/31/2012
4. ASSAULT WITH A DEADLY WEAPON	200.471	Felony	01/31/2012

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

- 08/08/2012 **Plea** (Judicial Officer: Silver, Abbi)
 - 1. ATT. MURDER WITH A DEADLY WEAPON
Not Guilty
 - 2. RESIST PUBLIC OFFICER-WEAPON
Not Guilty
 - 3. CARRYING A CONCEALED WEAPON
Not Guilty
 - 4. ASSAULT WITH A DEADLY WEAPON
Not Guilty
- 11/08/2012 **Amended Plea** (Judicial Officer: Silver, Abbi) Reason: Plea Withdrawn
 - 2. RESIST PUBLIC OFFICER-WEAPON
Guilty
 - 3. CARRYING A CONCEALED WEAPON
Guilty
 - 4. ASSAULT WITH A DEADLY WEAPON
Guilty

OTHER EVENTS AND HEARINGS

- 08/02/2012 **No Bail Set**
- 08/03/2012 **Criminal Bindover**
- 08/06/2012 **Information**
Information
- 08/08/2012 **Initial Arraignment** (1:30 PM) (Judicial Officer De La Garza, Melissa)
 - Parties Present
 - Minutes
 - Result: Plea Entered
- 09/05/2012 **Transcript of Proceedings**
Reporter's Transcript Of Preliminary Hearing Taken On Monday, July 30, 2012
- 11/08/2012 **Calendar Call** (9:00 AM) (Judicial Officer Silver, Abbi)
 - Parties Present
 - Minutes
 - Result: Plea Entered
- 11/08/2012 **Guilty Plea Agreement**
Guilty Plea Agreement
- 11/13/2012 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer Silver, Abbi)
Vacated - per Judge
- 12/11/2012 **Motion**
Motion To Withdraw Counsel
- 12/11/2012 **Motion**
Motion For Production Of Documents, Papers, Pleadings And Tangible Property Of Defendant

12/14/2012 **Motion**
Motion To Withdrawal Plea

01/03/2013 **Motion to Withdraw as Counsel** (9:00 AM) (Judicial Officer Silver, Abbi)
Motion To Withdraw Counsel
Result: Off Calendar

01/03/2013 **Motion** (9:00 AM) (Judicial Officer Silver, Abbi)
Motion For Production Of Documents, Papers, Pleadings And Tangible Property Of Defendant
Result: Off Calendar

01/03/2013 **Motion to Withdraw Plea** (9:00 AM) (Judicial Officer Silver, Abbi)
Motion To Withdrawal Plea
Result: Hearing Set

01/03/2013 **All Pending Motions** (9:00 AM) (Judicial Officer Silver, Abbi)
Motion To Withdraw Counsel, Motion For Production Of Documents, Papers, Pleadings And Tangible Property Of Defendant and Deft's Pro Se Motion to Withdraw Plea
Minutes
Result: Hearing Set

01/03/2013 **Order**
Order For Production of Inmate Larry Jevon Barber, BAC #87105

01/04/2013 **PSI**

01/07/2013 **Ex Parte Order**
Ex Parte Order for Transcript

01/10/2013 **Sentencing** (9:00 AM) (Judicial Officer Silver, Abbi)
SENTENCING & DISMISS COUNT 1
Result: Off Calendar

01/10/2013 **Status Check** (9:00 AM) (Judicial Officer Silver, Abbi)
01/10/2013, 01/15/2013, 05/09/2013
Status Check: Withdrawal of Plea
Parties Present
Minutes
Result: Continued

01/10/2013 **All Pending Motions** (9:00 AM) (Judicial Officer Silver, Abbi)
Status Check: Withdrawal of Plea and Sentencing - Dismiss Count 1
Parties Present
Minutes
Result: Continued

01/15/2013 **Confirmation of Counsel** (9:00 AM) (Judicial Officer Silver, Abbi)
Confirmation of Counsel (Christensen)
Result: Granted

01/15/2013 **All Pending Motions** (9:00 AM) (Judicial Officer Silver, Abbi)
Status Check: Withdrawal of Plea and Confirmation of Counsel (Christensen)
Parties Present
Minutes
Result: Briefing Schedule Set

01/16/2013 **Media Request and Order**
Media Request and Order Allowing Camera Access to Court Proceedings

01/31/2013 **Reporters Transcript**
Reporter's Transcript of Guilty Plea 11/8/12

03/19/2013 **Motion**
Motion To Withdraw Guilty Plea Agreement

03/22/2013 **Receipt of Copy**
Receipt of Copy

04/02/2013 **Motion to Withdraw Plea** (9:00 AM) (Judicial Officer Silver, Abbi)
Motion To Withdraw Guilty Plea Agreement
Minutes
Result: Off Calendar

04/22/2013 **Opposition**
State's Opposition to Motion to Withdraw Guilty Plea

10/22/2013 **Notice of Witnesses and/or Expert Witnesses**
Notice of Witnesses

10/22/2013 **Notice of Witnesses and/or Expert Witnesses**
Notice of Expert Witnesses

10/28/2013 **Motion**
Motion to Produce Evidence Including Potentially Exculpatory Evidence

10/30/2013 **Receipt of Copy**
Receipt of Copy

11/07/2013 **Motion to Produce** (9:00 AM) (Judicial Officer Silver, Abbi)
11/07/2013, 11/14/2013, 01/14/2014
Motion to Produce Evidence Including Potentially Exculpatory Evidence
Parties Present
Minutes
Result: Continued

11/14/2013 **Calendar Call** (9:00 AM) (Judicial Officer Becker, Nancy)
Result: Trial Date Set

11/14/2013 **All Pending Motions** (9:00 AM) (Judicial Officer Becker, Nancy)
Parties Present
Minutes
Result: Trial Date Set

11/14/2013 **Opposition**

11/18/2013 *State's Opposition to Defendant's Motion to Produce Evidence Including Potentially Exculpatory Evidence*
CANCELED Jury Trial (10:00 AM) (Judicial Officer Silver, Abbi)
Vacated - per Judge

01/09/2014 **Status Check** (9:00 AM) (Judicial Officer Silver, Abbi)
Motion to Produce Evidence Including Potentially Exculpatory Evidence
Parties Present
Minutes
 Result: Matter Heard

06/06/2014 **Motion**
Motion to Withdraw Counsel

06/06/2014 **Notice of Motion**
Notice of Motion

07/08/2014 **Motion to Withdraw as Counsel** (9:00 AM) (Judicial Officer Silver, Abbi)
07/08/2014, 07/24/2014
Parties Present
Minutes
07/01/2014 Reset by Court to 07/08/2014
 Result: Continued

07/11/2014 **Order for Production of Inmate**
Order for Production of Inmate Larry Jevon Barber, Bac#87105

07/24/2014 **Calendar Call** (9:00 AM) (Judicial Officer Silver, Abbi)
 Result: Vacated and Reset

07/24/2014 **All Pending Motions** (9:00 AM) (Judicial Officer Silver, Abbi)
Calendar Call and Deft's Pro Se Motion to Withdraw Counsel
Parties Present
Minutes
 Result: Trial Date Set

07/28/2014 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer Silver, Abbi)
Vacated - per Judge

01/12/2015 **Motion**
Motion for Production of Documents, Papers, Pleadings and Tangible Property of Defendant

01/12/2015 **Notice of Motion**
Notice of Motion

01/12/2015 **Motion**
Motion to Withdraw Counsel

01/12/2015 **Notice of Motion**
Notice of Motion

02/03/2015 **Motion** (9:00 AM) (Judicial Officer Barker, David)
02/03/2015, 02/10/2015
Motion for Production of Documents, Papers, Pleadings and Tangible Property of Defendant
 Result: Continued

02/03/2015 **Motion** (9:00 AM) (Judicial Officer Barker, David)
02/03/2015, 02/10/2015
Motion to Withdraw Counsel
 Result: Continued

02/03/2015 **All Pending Motions** (9:00 AM) (Judicial Officer Barker, David)
Motion for Production of Documents, Papers, Pleadings and Tangible Property of Defendant and Motion to Withdraw Counsel
Parties Present
Minutes
 Result: Continued

02/10/2015 **All Pending Motions** (9:00 AM) (Judicial Officer Bonaventure, Joseph T.)
Motion for Production of Documents, Papers, Pleadings and Tangible Property of Defendant and Motion to Withdraw Counsel
Parties Present
Minutes
 Result: Decision Made

03/05/2015 **Calendar Call** (9:00 AM) (Judicial Officer Bonaventure, Joseph T.)
Parties Present
Minutes
 Result: Trial Date Set

03/09/2015 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer Silver, Abbi)
Vacated - per Judge

07/16/2015 **Calendar Call** (9:00 AM) (Judicial Officer Silver, Abbi)

07/20/2015 **Jury Trial** (9:00 AM) (Judicial Officer Silver, Abbi)

FINANCIAL INFORMATION

Defendant Barber, Larry J			
	Total Financial Assessment		175.50
	Total Payments and Credits		175.50
	Balance Due as of 03/16/2015		0.00
11/07/2013	Transaction Assessment		50.50
11/07/2013	Payment (Window)	Receipt # 2013-135337-CCCLK	First Legal (50.50)
11/07/2013	Transaction Assessment		125.00
11/07/2013	Payment (Window)	Receipt # 2013-135343-CCCLK	First Legal (125.00)