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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**
14

15 LOLA MCGEE,)
16 Plaintiff,) Case No. 2:13-cv-01426-RFB-VCF
17 v.)
18 MEGAN J. BRENNAN, United States Postal)
Service Postmaster General,)
19 Defendant.)
20

21 **MOTION FOR EXTENSION OF TIME**
22 **(First Request)**

23 Federal Defendant United States Postal Service Postmaster General Megan J. Brennan
24 respectfully requests an extension of time to complete the deposition of one of Plaintiff's treating
25 doctors. Pursuant to the Court's order (ECF No. 57), the deadline to complete limited discovery is
26 December 11, 2015. Federal Defendant is requesting an extension until February 10, 2016 to complete

1 the limited discovery ordered by the Court. There have not been any previous requests for such an
2 extension of time.

3 In support of the instant Motion, the Federal Defendant submits the following:

4 1. From the date of the last hearing, Federal Defendant subpoenaed and received several
5 hundred pages of records relating to Plaintiff's incapacity claim. After reviewing those documents, some
6 of which are impossible to read, Federal Defendant determined it would be necessary to depose two of
7 Plaintiff's medical providers.

8 2. Federal Defendant contacted Mary Reed, PhD, APRN, and Dr. Rick Jenkins, MD, to set
9 up depositions.

10 3. Federal Defendant was able to schedule Dr. Reed's deposition on December 8, 2015,
11 within the current discovery deadline.

12 4. Despite efforts to coordinate a deposition date and time for Dr. Jenkins in Long Beach,
13 California, Dr. Jenkins will not be available until after the December 11, 2015 deadline. In addition, Dr.
14 Jenkins' witness fee, \$1,000.00 per hour, and his demand for payment at the time of deposition, create
15 problems that may require court intervention.

16 5. As a result of Dr. Jenkins' unavailability and the issues noted above, an extension of time
17 is necessary in order to complete the limited discovery.

18 6. On November 25, 2015, Federal Defendant emailed Plaintiff about the Dr. Reed
19 deposition and also asked if she would be willing to stipulate to an extension of time to complete Dr.
20 Jenkins' deposition. Plaintiff responded to the message regarding Dr. Reed's deposition, but did not
21 indicate whether or not she would or would not agree to an extension. Accordingly, counsel for Federal
22 Defendant advised Plaintiff she would be filing the instant motion. *See* attached Exhibit.

23 7. In addition, counsel for the Federal Defendant are involved in several other cases that are
24 active in litigation, including a case set for trial on January 26, 2016, settlement negotiations in a
25 wrongful death case, and the close of discovery in an employment discrimination case.

26 8. This motion is filed in good faith for these reasons and not for the purposes of delay.

1 **CERTIFICATE OF SERVICE**

2 I, Krystal J. Rosse, AUSA, certify that the following individual was served with the **MOTION**
3 **FOR EXTENSION OF TIME** on this date by the below identified method of service:

4 **Electronic Case Filing:**

5 Lola McGee
6 14005 Kornblum Ave. #215
7 Hawthorne, California 90250
8 mcgee.lola@yahoo.com

9 *Plaintiff Pro Se*

10 DATED this 1st day of December 2015.

11 */s/ Krystal J. Rosse*
12 **KRYSTAL J. ROSSE**
13 Assistant United States Attorney
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EXHIBIT

Rosse, Krystal (USANV)

From: Rosse, Krystal (USANV)
Sent: Tuesday, December 01, 2015 11:45 AM
To: Lola McGee
Cc: Roberts, Lindsay (USANV); Jones, Eunice (USANV); Knight, Sue (USANV)
Subject: RE: Notice of Deposition

Ms. McGee,

I spoke to Dr. Reed and she is available at 1:00 p.m. on December 8, 2015. We will send out an updated notice of deposition with the new time and location (at Dr. Reed's office).

You did not respond to whether you are agreeable to an extension of time to complete the deposition of Dr. Jenkins. Accordingly, I will be filing a motion this afternoon.

Sincerely,

Krystal J. Rosse
AUSA Nevada

From: Lola McGee [<mailto:mcgee.lola@yahoo.com>]
Sent: Monday, November 30, 2015 4:06 PM
To: Rosse, Krystal (USANV)
Subject: Re: Notice of Deposition

Ms. Rosse,

I have a scheduling conflict for the December 8, 2015 deposition, can we reschedule or schedule it for later in the afternoon.

Thank you
Lola McGee

From: "Rosse, Krystal (USANV)" <Krystal.Rosse@usdoj.gov>
To: Lola McGee <mcgee.lola@yahoo.com>
Cc: "Roberts, Lindsay (USANV)" <Lindsay.Roberts@usdoj.gov>; "Jones, Eunice (USANV)" <Eunice.Jones@usdoj.gov>; "Knight, Sue (USANV)" <Sue.Knight@usdoj.gov>
Sent: Wednesday, November 25, 2015 11:22 AM
Subject: Notice of Deposition

Ms. McGee,

We filed our notice of issuance of subpoena for Dr. Mary Reed this morning for her deposition scheduled December 8, 2015. Given the upcoming close of limited discovery the court ordered, this is the only date Dr. Reed is available to allow us to complete her deposition in time.

I have been unable to coordinate a deposition date and time with Dr. Jenkins, one of your treating psychologists during the relevant time period. In order to complete the limited court-ordered discovery, we will need to request an extension

of time for the limited purpose of completing Dr. Jenkins' deposition. If you are agreeable to this, please let me know and I will prepare a stipulation.

Thank you,

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