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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 ASSURANCE CO. OF AMERICA, et al.	)	Case No.: 2:13-CV-02191-GMN-CWH
	)	
11 Plaintiffs,	)	EMERGENCY MOTION TO EXTEND
	)	DEADLINE TO FILE JOINT PRETRIAL
12 vs.	)	ORDER AS ORDERED BY THE COURT
	)	[Dkt. No. 72]; SUPPORTING
13 IRONSHORE SPECIALTY INS. CO.,	)	DECLARATION THERETO AND ORDER
	)	
14 Defendant.	)	<u>Expedited Review Requested</u>
	)	
15	)	

16 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:  
17 BE ADVISED THAT Plaintiffs hereby move for an order extending the last day to file the  
18 Joint Pretrial Order by 45 days to October 12, 2015. The motion is made based on the fact that  
19 counsel for the plaintiffs has trials in other matters scheduled for August 21, 2015 and September  
20 14, 2015 that impact plaintiffs' ability to prepare the Pretrial Order. Meanwhile, the paralegal  
21 assisting counsel for the plaintiffs in preparing the exhibits for trial is out of the office until  
22 September 7, 2015 assisting her daughter and her family in connection with the birth of the  
23 daughter's second child.

24 This motion is brought on an emergency basis given that inadequate time exists to proceed  
25 on a regular basis given that the current deadline to file the Joint Pretrial Statement is August 28,  
26 2015 coupled with the fact that this deadline was only recently set by this Court on July 29, 2015.  
27 See Dkt. No. 72. Expedited consideration, therefore, is needed for a ruling to issue in advance of  
28 the deadline.

1 Plaintiffs have met and conferred with counsel for defendant Ironshore Specialty Ins. Co.  
2 ("Ironshore") regarding the requested 45 day extension. Ironshore's counsel indicated that it will  
3 not oppose the relief requested herein. See Exhibit A.

4 Accordingly, for the reasons discussed herein, it is respectfully requested that this motion be  
5 granted and that the deadline to file the Joint Pretrial Order by 45 days to October 12, 2015.

#### 6 Discussion

7 A Court has the discretion under Rule 16 to modify a discovery plan and scheduling order  
8 for "good cause" prior to the expiration of the deadlines if the pretrial scheduled "cannot reasonably  
9 be met despite the diligence of the parties seeking the extension." McPeek v. Harrah's Imperial  
10 Palace Corp., 2015 WL 2448748 (D. Nev. 2015). Good cause means the scheduling deadlines  
11 cannot be met despite the parties' diligence. Johnson v. Mammoth Receptions, Inc., 975 F.2d 604,  
12 609 (9th. Cir.1992).

13 Respectfully, good cause exists in this case to extend the deadline to file the Pretrial Order.  
14 Counsel for the plaintiffs has trials in other matters scheduled for August 21, 2015 and September  
15 14, 2015 that impact plaintiffs' ability to prepare the Pretrial Order. 15-20 depositions have yet to  
16 be taken in connection with these matters, both set as jury trials.

17 Meanwhile, the paralegal assisting counsel in preparing the exhibits for trial is out of the  
18 office until September 7, 2015 assisting her daughter and her family in connection with the birth of  
19 the daughter's second child. The paralegal's absence presents a significant hardship as she is  
20 familiar with the file and needed to compile trial exhibits.

21 By virtue of these scheduling issues, additional time is needed to complete the Joint Pretrial  
22 Order.

23 Plaintiffs have proceeded diligently as the deadline to file the Joint Pretrial Order was set by  
24 this Court on July 29, 2015. See Dkt. No. 72. Given the proximity of this deadline, however,  
25 substantial hardship exists given the scheduling issues noted above.

26 Plaintiffs have met and conferred with counsel for defendant Ironshore regarding the  
27 requested 45 day extension and confirmed that Ironshore does not oppose the relief requested  
28 herein. See Exhibit A.



1 exhibits, her absence significantly impacts my ability to prepare the Joint Pretrial Order in this case.

2           6.       I have met and conferred with counsel for defendant Ironshore regarding the  
3 requested 45 day extension and confirmed that Ironshore does not oppose the relief requested  
4 herein. True and correct correspondence which memorializes this fact is attached hereto as Exhibit  
5 A.

6           I declare that the foregoing is true and correct based on my own personal knowledge.

7 Executed in Pleasant Hill, California on the date specified below.

8 Dated: August 10, 2015

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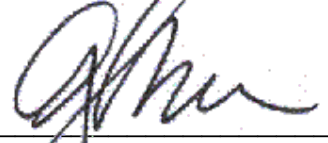
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\_\_\_\_\_  
/s/ William C. Reeves  
William C. Reeves

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
Gloria M. Navarro, Chief Judge  
United States District Court

**DATED:** 08/11/2015.

Exhibit A

Exhibit A

## William Reeves

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**From:** Witte, Philip <PDW@morisonprough.com>  
**Sent:** Thursday, August 06, 2015 12:35 PM  
**To:** William Reeves  
**Cc:** Morison, William  
**Subject:** RE: Zurich v. Ironshore - NV1

Bill:

While Ironshore will not oppose your request for an extension of the Pretrial Order deadline, it will not stipulate to an extension.

Phil

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**From:** William Reeves [mailto:wreeves@mfrlegal.com]  
**Sent:** Thursday, August 06, 2015 11:36 AM  
**To:** Witte, Philip <PDW@morisonprough.com>  
**Subject:** Zurich v. Ironshore - NV1

Good speaking with you.

Per the attached Order, the current deadline to file the Pretrial Order is August 28, 2015.

Extreme difficulty exists on this end to meet this deadline as I have a complicated jury trial scheduled to commence on August 21, 2015 with 10-15 depositions that we still need to take while my paralegal is gone the entire month of August to assist her daughter's family with a baby expected any day.

While I raised a 30 day extension, I note that I also have a jury trial on September 14 that is scheduled to go. Please let me know if Ironshore will stipulate to a 45 (or 30) day extension.

Thanks.

William C. Reeves  
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