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

16 TANYA JOHNSON,)
17 Plaintiff,) Case No. 2:14-cv-00631-RFB-NJK
18 v.)
19 SECAF, DEBORAH LEE JAMES, Secretary)
20 of U.S. AIR FORCE; NELLIS AIR FORCE)
21 BASE, a Government Agency; NELLIS AFB,)
22 NEVADA,) **FEDERAL DEFENDANT'S MOTION TO**
23 Defendants.) **EXTEND DISCOVERY DEADLINES**
24) **(First Request)**
25 _____

26 Pursuant to Fed. R. Civ. P. 6(b) and LR IA 6-1, Federal Defendant, SECAF, Deborah
27 Lee James, Secretary of U.S. Air Force respectfully requests an extension of time of remaining
28 deadlines. This is the first request to extend time to take discovery pursuant to ECF No. 54.¹ In
support of the instant Motion, Federal Defendant submits the following:

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1 1. **Status Report.** This request is made more than 60 days before the current close
2 of discovery, which is currently set for **January 18, 2018**. Pursuant to Local Rules 6-1(b) and
3 26-4, this request is timely in that it is made before the discovery cutoff. However, it is not
4 timely in that it is made less than 21 days before the deadline of the parties' interim status report
5 and Federal Defendant's expert disclosure deadlines, which are set for **November 16, 2017**.
6 Nonetheless, as set forth below, Federal Defendant's request should still be approved because,
7 as discussed more fully below, this Motion is being filed nine days before the deadline.

8 On October 23, 2017, the Court held a hearing on Plaintiff Tanya Johnson's counsel's
9 motion to withdraw as counsel (ECF No. 56). The Court granted the motion and gave Plaintiff
10 until November 27, 2017 to either retain new counsel or file a notice of intent to proceed *pro se*.
11 ECF No. 62. On October 26, 2017, counsel for Federal Defendant emailed Plaintiff (at the email
12 address provided by former counsel) regarding the upcoming deadline for the parties' interim
13 status report, suggesting the parties extend the deadlines by sixty (60) days to account for the
14 Court's order. On October 30, 2017, counsel for Federal Defendant followed up on her previous
15 email. To date, Federal Defendant has not received a response from Plaintiff.

16 2. **Status/Discovery Completed.** Following the Court's order denying Federal
17 Defendant's motion to dismiss (ECF No. 52), on July 6, 2017, the parties held a conference
18 pursuant to Fed. R. Civ. P 26(f). The parties have exchanged initial and supplemental
19 disclosures. On July 21, 2017, the Court entered a Scheduling Order (ECF No. 54). On
20 September 29, 2017, counsel for Plaintiff filed a motion to withdraw as counsel (ECF No. 56).
21 On October 10, 2017, Federal Defendant served its first set of interrogatories.

22 3. **Discovery remaining.** Plaintiff's responses to Federal Defendant's first set of
23 interrogatories are due on November 27, 2017 and Federal Defendant intends to take Plaintiff's
24 deposition.

25 4. **Reasons for extension.** Federal Defendant requests this extension to allow
26 Plaintiff to determine how she will be proceeding in this case and allow the parties adequate
27 time to conduct and complete discovery. This request is made in good faith and not for the
28 purpose of unnecessarily delaying the proceedings.

5. **Revised discovery schedule.**² Federal Defendant proposes the following revised discovery plan and respectfully requests that the Court adopt it as the revised scheduling order in this case.

A. **Discovery Cut-Off Date:** The parties respectfully request that the discovery cut-off be extended from **January 15, 2018**, to **April 16, 2018**.

B. Amending the Pleadings and Adding Parties: Motions to amend the pleadings or add parties shall be filed by **January 16, 2018***, which is 90 days prior to the discovery cutoff.

C. Interim Status Report: An interim status report shall be due on **February 15, 2018**, which is 60 days prior to the discovery cutoff.

D. Expert Disclosures: Plaintiff's deadline to provide expert disclosures has passed. Federal Defendant's expert disclosures must be served by **February 1, 2018**; and if Plaintiff's previous disclosures are inadequate to address evidence in Defendant's expert disclosures, Plaintiff may provide solely contradictory or rebuttal expert disclosures by **March 2, 2018**, which is 45 days before the discovery cutoff.

E. Dispositive Motions: Dispositive motions, if any, shall be filed by **May 16, 2018**, which is 30 days after discovery cutoff.

F. Pretrial Order: A Joint Pretrial Order shall be filed by **June 15, 2018**, which is 30 days after the deadline for filing dispositive motions. However, if any dispositive motions are filed, then the Joint Pretrial Order shall be due 30 days after decision on such motion(s). Disclosures under Fed. R. Civ. P. 26(a)(3), and any objections thereto, shall be included in the Joint Pretrial Order.

Respectfully submitted this 7th day of November 2017.

STEVEN W. MYHRE
Acting United States Attorney

/s/ Krystal J. Rosse
KRYSTAL J. ROSSE
Assistant United States Attorney

² *Pursuant to Fed. R. Civ. P. 6(a)(C) deadlines falling on a weekend or legal holiday “run until the . . . next day that is not a Saturday, Sunday, or legal holiday.”

PROOF OF SERVICE

I, Krystal J. Rosse, hereby certify that the **FEDERAL DEFENDANT'S MOTION TO EXTEND DISCOVERY DEADLINES** was served this date on all parties as indicated below:

U.S. Mail & Electronic Mail:

Tanya E. Johnson
6717 Kyle Stewart Ct.
North Las Vegas, Nevada 89086
tidget@cox.net

Dated this 7th day of November 2017.

/s/ *Krystal J. Rosse*
KRYSTAL J. ROSSE
Assistant United States Attorney

IT IS SO ORDERED.

Dated: November 8, 2017

UNITED STATES MAGISTRATE JUDGE