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8 **UNITED STATES DISTRICT COURT**  
 9 **DISTRICT OF NEVADA**

10 BRANDYN GAYLER,

11 Plaintiff,

12 vs.

13 HIGH DESERT STATE PRISON, et al.,

14 Defendants.

Case No. 2:14-cv-00769-APG-CWH

**STIPULATION AND  
 ORDER EXTENDING TIME FOR  
 DEFENDANTS TO FILE THEIR  
 RESPONSE TO PLAINTIFF'S MOTION  
 TO STRIKE DEFENDANTS' EXHIBITS  
 (ECF No. 87) TO A DATE TO BE  
 PROVIDED TO THE COURT IN THE  
 REVISED SCHEDULING ORDER**

15  
 16 COME NOW, the parties (Parties), by and through their undersigned counsel of  
 17 record, and hereby agree and stipulate to extend the time for Defendants, James G. Cox,  
 18 Jerry Howell, Jennifer Nash, and Dwight Neven,<sup>1</sup> to file their Response in Opposition to  
 19 *Plaintiff's Motion to Strike Defendants' Exhibits*<sup>2</sup> (Motion to Strike), which is currently  
 20 due to be filed on or before **January 6, 2017** until a date that will be included in the  
 21 Parties' revised discovery plan and scheduling order for discovery, which will be filed on  
 22 or before January 23, 2017 as ordered by this Court on December 23, 2016.<sup>3</sup>

23 This Stipulation for an extension of time is not sought for any improper purpose or  
 24 other purpose of delay. Rather, the Stipulation has been agreed to by the Parties in the  
 25 interest of judicial economy and in the interests of all Parties based on this Court's

26  
 27 <sup>1</sup> Defendant High Desert State Prison (HDSP) was dismissed pursuant to this  
 Court's Order on March 18, 2016. ECF No. 57 at 2:5, 3:22-23.

<sup>2</sup> ECF No. 87.

<sup>3</sup> ECF No. 88 at 2:3-5.

1 limited re-opening of discovery and order that the Parties provide the Court with a  
2 revised discovery plan and scheduling order for discovery on or before January 23, 2017.

3 The Parties have had preliminary meet and confer discussions relating to the  
4 Revised Scheduling Order, which will be timely filed by the Parties. In those  
5 conversations, the Parties have both acknowledged that there will be a need to  
6 supplement Plaintiff's *Response to Defendants' Renewed Motion for Summary Judgment*<sup>4</sup>  
7 and *Defendants' Reply to Plaintiff's Response to Defendants' Renewed Motion for*  
8 *Summary Judgment*.<sup>5</sup> Because of the overlap with the arguments expected to be made in  
9 those supplemental filings, the Parties believe that judicial economy and the interests of  
10 all Parties are more appropriately met if Defendants' Response to the pending Motion to  
11 Strike is filed on or near the same time as Defendants' supplemental reply brief that will  
12 be required following Plaintiff's supplemental response.

13 Accordingly, the Parties request that this Court permit Defendants to file their  
14 Response to the Motion to Strike on the same date as their supplemental reply brief. The  
15 due dates for both filings, as well as Plaintiff's supplemental response brief, will be  
16 explicitly listed in the Revised Scheduling Order that the Parties will file on or before  
17 January 23, 2017.

18 Respectfully submitted:

19  
20 /s/ D. Randall Gilmer  
21 D. RANDALL GILMER (Bar No. 14001C)  
22 Senior Deputy Attorney General  
23 Office of the Attorney General  
24 State of Nevada  
25 Attorneys for Defendants


26 Dated this 4th day of January, 2017

20 /s/ Alina M. Shell  
21 Alina M. Shell, Bar No. 11711  
22 Margaret A. McLetchie, Bar No. 10931  
23 MCLETCHIE SHELL LLC  
24 Attorneys for Plaintiff, Brandyn Gayler

26 Dated this 4th day of January, 2017

27 **SO ORDERED.**

28 Dated: January 4, 2017.

  
UNITED STATES DISTRICT JUDGE

<sup>4</sup> ECF No. 77.

<sup>5</sup> ECF No. 82.