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9  
 10 **UNITED STATES DISTRICT COURT**  
 11 **DISTRICT OF NEVADA**

12 THOMAS WALKER, an individual, and  
 13 CATHY CATALDO, an individual

14 Plaintiffs,

15 vs.

16 CITY OF NORTH LAS VEGAS; OFFICER  
 17 PAUL MAALOUF, individually and in his  
 18 official capacity as a North Las Vegas Police  
 Department Officer; and OFFICER TRAVIS  
 19 SNYDER, individually and in his official  
 20 capacity as a North Las Vegas Police  
 Department Officer,

21 Defendants.

**Case No.: 2:14-cv-01475-JAD-NJK**

**STIPULATION AND ORDER TO  
 EXTEND DISPOSITIVE MOTION  
 DEADLINE**

**(First Request)**

22 Pursuant to Local Rule 26-4, Plaintiffs, THOMAS WALKER and CATHY  
 23 CATALDO (hereinafter "Plaintiffs"), by and through their attorneys of record, Margaret A.  
 24 McLetchie and Alina M. Shell of McLetchie Shell, LLC and Jennifer L. Braster of Naylor &  
 25 Braster, and Defendants, CITY OF NORTH LAS VEGAS, OFFICER PAUL MAALOUF,  
 26 and OFFICER TRAVIS SNYDER (herein after "Defendants"), by and through their  
 27 attorneys of record, Robert W. Freeman, Jr., Esq. and Noel E. Eidsmore, Esq., of Lewis  
 28 Brisbois Bisgaard & Smith, LLP, hereby stipulate and request that this Court extend the

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1 dispositive motion deadline thirty (30) days.

2 **LOCAL RULE 26-4 REQUIREMENTS**

3 Discovery in this matter has been completed. However, the parties are hereby  
4 requesting that the two remaining deadlines set forth in the Scheduling Order (ECF No. 114)  
5 be extended.

6 Currently, the last day for filing dispositive motions including, but not limited to  
7 motions for summary judgment, shall be extended from July 17, 2017 to **August 16, 2017**.

8 The parties also hereby request that the last day to file a Joint Pretrial Order,  
9 including any disclosures pursuant to Fed. R. Civ. P. 26(a)(3), shall be extended by thirty  
10 (30) days from August 16, 2017 to September 15, 2017. In the event dispositive motions are  
11 filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after  
12 decision on the dispositive motions or upon further Order by the Court extending the time  
13 period in which to file the Joint Pretrial Order.

14 The parties aver, pursuant to Local Rule 6-1, that good cause exists for the  
15 requested extension. For example, Plaintiffs have three discovery motions which are still  
16 pending before this Court. Two of those motions request reconsideration of an order by the  
17 magistrate judge quashing subpoenas to two non-parties (ECF Nos. 132 and 133), while the  
18 other is motion for sanctions pursuant to Fed. R. Civ. P. 37(d).

19 Counsel for defendants has been occupied with propounding and answering  
20 discovery in Hollis v. North Las Vegas, 2:16-cv-2663-JAD-GWF, Murry v. North Las  
21 Vegas, 2:17-cv-157-APG -CWH, and Spiotto v. LVMPD, 2:17-cv-0153-GMN-GWF.  
22 Further counsel for defendants has been occupied in preparing a Motion for Summary  
23 Judgment in Kiessling v. LVMPD, 2:16-cv-690-GMN-NJK.

24 Further, the parties believe that dispositive motions may resolve issues related in  
25 the case, such as the same will not be required to proceed to a jury and will conserve judicial  
26 resources.

27 Local Rule 26-4 governs modifications or extension of the scheduling order. Any  
28 stipulation or motion must be made no later than twenty-one (21) days before the expiration

1 of the subject deadline, and comply fully with LR 26-4.

2 Pursuant to LR 26-4, any motion to extend discovery deadlines must be received  
3 by the Court “no later than twenty-one (21) days before the expiration of the subject  
4 deadline.” LR 26-4 further states that a request made after the deadline “shall not be granted  
5 unless the movant demonstrates that the failure to act was the result of excusable neglect.”  
6 The parties recognize that they are requesting an extension of the expert disclosure deadline  
7 inside of the twenty-one (21) day period as set forth in LR 26-4. As such, the parties submit  
8 that excusable neglect exists to permit granting the instant requested extension. In evaluating  
9 excusable neglect, the court considers the following factors: (1) the reason for the delay and  
10 whether it was in the reasonable control of the moving party, (2) whether the moving party  
11 acted in good faith, (3) the length of the delay and its potential impact on the proceedings,  
12 and (4) the danger of prejudice to the nonmoving party. *See, Pioneer Inv. Servs. Co. v.*  
13 *Brunswick Assocs.*, 507 U.S. 380, 395 S. Ct. 1489, 123 L.Ed.2d 74 (1993).

14 This extensions request is made in good faith, jointly by the parties, and not for the  
15 purposes of delay. Trial in this matter has not yet been set. Moreover, since this request is a  
16 joint request, neither party will be prejudiced.

17 This Request for an extension of time is not sought for any improper purpose or  
18 other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing  
19 sufficient time to conduct discovery in this case and adequately prepare their respective cases  
20 for trial.

21 This is the first request for extension of time in this matter. The parties respectfully  
22 submit that the reasons set forth above constitute compelling reasons for the extension.

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WHEREFORE, the parties respectfully request that this Court extend the deadline to file dispositive motions in the above-captioned case thirty (30) days, up to and including **August 16, 2017** and the other dates as outlined in accordance with the table above.

IT IS SO STIPULATED.

DATED this 12<sup>th</sup> day of July, 2017.                      DATED this 12<sup>th</sup> day of July, 2017.  
LEWIS BRISBOIS BISGAARD & SMITH      MCLETCHIE SHELL LLC

/s/ Robert W. Freeman, Jr., Esq.  
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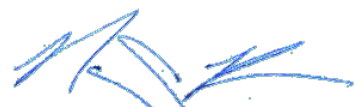
/s/ Margaret A. McLetchie  
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and  
  
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**ORDER**

IT IS SO ORDERED.

DATED July 13 \_\_\_\_\_, 2017.

  
\_\_\_\_\_  
United States Magistrate Judge