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 8 *Attorneys for Defendants State of Nevada,*
ex rel the Nevada Board of Prison Commissioners;
State of Nevada, ex rel the Nevada Department of
 9 *Corrections; Brian Sandoval; Adam P. Laxalt;*
Barbara Cegavske; James Cox; Dwight Neven;
 10 *Anthony Scillia; Isidro Baca; Cole Morrow;*
Jerry Howell; Jennifer Nash; and Nicholas
 11 *Galbiso*

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

16 DARIO OLIVAS,
 17 Plaintiff,
 18 v.
 19 STATE OF NEVADA ex rel. DEPT. OF
 20 CORRECTIONS; NICHOLAS GALBISO,
 individually; *et al.*,
 21 Defendants.

Case No. 2:14-cv-01801-JCM-VCF

**STIPULATION AND ORDER TO
 EXTEND RESPONSE DEADLINE**
**(Second Request Or First Request
 Following Order On Defendants'
 Motion To Dismiss)**

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 23 Plaintiff Dario Olivas, by and through his attorney, Travis N. Barrick, Esq., and
 24 Defendants State of Nevada, ex rel the Nevada Board of Prison Commissioners; State of
 25 Nevada, ex rel the Nevada Department of Corrections; Brian Sandoval; Adam P. Laxalt;
 26 Barbara Cegavske; James Cox; Dwight Neven; Anthony Scillia; Isidro Baca; Cole Morrow;
 27 Jerry Howell; Jennifer Nash; and Nicholas Galbiso, by and through counsel, Adam Paul
 28 Laxalt, Nevada Attorney General, and Jared M. Frost, Senior Deputy Attorney General, of

1 the State of Nevada, Office of the Attorney General, hereby stipulate and agree to an eleven
2 (11) day extension of the deadline to respond to Plaintiff's Fourth Amended Complaint.

3 On March 5, 2018, Plaintiff filed his Fourth Amended Complaint. ECF No. 48. On
4 May 4, 2018, Defendants filed a Motion to Dismiss the Fourth Amended Complaint. ECF
5 No. 56. On November 27, 2018, the Court granted in part and denied in part Defendants'
6 Motion to Dismiss. ECF No. 59. Absent an extension, Defendants are required to file an
7 Answer or other response to the Fourth Amended Complaint by December 11, 2018. *See*
8 Fed. R. Civ. P. 12(a)(4) (if the Court denies a motion filed under Rule 12, the responsive
9 pleading must be served within 14 days after notice of the Court's action).

10 The parties here state that there is good cause for an extension. Defendants recently
11 presented a settlement proposal for Plaintiff's consideration and are evaluating a possible
12 interlocutory appeal of the Court's order denying Defendants' qualified immunity
13 arguments. *See Knox v. Southwest Airlines*, 124 F.3d 1103, 1107 (9th Cir. 1997) ("[W]e have
14 jurisdiction over an interlocutory appeal from the denial of qualified immunity where the
15 appeal focuses on whether the defendants violated a clearly established law given the
16 undisputed facts . . ."). In the event of either settlement or an appeal, filing a response
17 and triggering the discovery period would not be necessary and would not serve the

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1 interests of judicial economy. Therefore, the parties submit that there is good cause to
2 extend Defendants' response deadline for an additional eleven (11) days.

3 DATED this 11th day of December, 2018.

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5 GALLIAN WELKER & BECKSTROM, LC

ADAM PAUL LAXALT
Attorney General

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7 By: /s/ Travis N. Barrick
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10 *Attorneys for Plaintiff*

By: /s/ Jared M. Frost
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12 **SO ORDERED.** Defendants shall have until December 21, 2018, to file a response
13 to Plaintiff's Fourth Amended Complaint.

14 Dated December 13, 2018.

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UNITED STATES MAGISTRATE JUDGE