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14 Ira Hollingsworth, Roy Hookham,  
15 Nevada Board of State Prison Commissioners,  
16 Nevada Department of Corrections,  
17 Dwight Neven, and Brian Williams

18  
19 UNITED STATES DISTRICT COURT  
20  
21 DISTRICT OF NEVADA

22 DONALD MOON,

23 Plaintiff,

24 vs.

25 JAMES COX, *et al.*,

26 Defendants.

27 CASE NO. 2:14-cv-02140-APG-GWF

28 **STIPULATION AND ORDER  
REGARDING MOTION TO PRODUCE  
AND PERSONNEL ATTENDANCE AT  
SETTLEMENT CONFERENCE**

29 Consolidated with Case No. 2:16-cv-02082-  
30 APG-PAL

31 DONALD J. BOGOTAITIS,

32 Plaintiff,

33 vs.

34 STATE OF NEVADA, ex rel, the BOARD  
35 OF COMMISSIONERS, *et al.*,

36 Defendants.

37  
38 The parties, via counsel, hereby submit the instant stipulation and order to satisfy  
39 Plaintiff's Motion for Order to Produce (ECF No. 82) and to excuse the personal  
40 attendance of Warden Dwight Neven from attending the Settlement Conference set for  
41 September 15, 2017. (ECF No. 80).

1    **I.    Stipulation Regarding Motion to Produce**

2       Plaintiffs' Counsel filed a Motion to Produce requesting that NDOC provide a  
3       subject matter expert from Offender Management Division ("OMD") to be present at the  
4       Settlement Conference. The parties held a meet and confer, and Counsel for Defendants  
5       advised that it did not have the authority to compel anyone from OMD to attend the  
6       settlement conference at that time, because OMD was not a named party to the action.  
7       Mr. Toddre advised that he would attempt to seek the requisite permission needed from  
8       NDOC and OMD in order to stipulate to Mr. Barrick's request.

9       OMD has authorized that non-party Shelly Williams attend the Settlement  
10      Conference. Ms. Williams is producing an audit report for each Plaintiff's good time  
11      credit; Defendants will informally produce the audit to Mr. Barrick prior to the  
12      Settlement Conference.

13    **II.    Stipulation Regarding Dwight Neven Personal Attendance**

14       The parties also stipulate to excuse the attendance of Warden Dwight Neven,  
15       whom currently serves as Warden for Florence McClure Women's Correctional Center.  
16       NDOC advised that its operational capacity would be substantially burdened if two  
17       current Wardens were required to attend the same conference.

18       The lawsuit names Warden Brian Williams, the current Warden of High Desert  
19       State Prison and former Warden at Southern Desert Correctional, and Dwight Neven,  
20       who served as Warden of High Desert State Prison at the onset of litigation.

21       Warden Williams has since overseen the revisions of housing policies in the men's  
22       prisons that are relevant to the instant matter. The parties agree that Williams likely  
23       has more current and pertinent knowledge to the revision of housing policies in the men's  
24       prisons subject to the instant litigation.

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1       Accordingly, the parties agree that Shelly Williams will attend the Settlement  
2 Conference on behalf of OMD, and that Dwight Neven shall be excused from personally  
3 attending the Settlement Conference. To the extent necessary, Plaintiffs agree that its  
4 Motion to Produce may be vacated as moot.

5  
6 DATED: July 25, 2017.

7  
8 DATED: July 25, 2017.

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10 GALLIAN WELKER &  
11 BECKSTROM, L.C.

12 ADAM PAUL LAXALT  
13 Nevada Attorney General

14 By: */s/ Travis N. Barrick*

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20 *In conjunction with the Pro Bono  
21 Program and the Legal Aid Center  
22 Of Southern Nevada*

23 By: */s/ Frank A. Toddre II*

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Roy Hookham, Dwight Neven, Brian  
Williams, Nevada Board of State Prison  
Commissioners, Nevada Department  
of Corrections

29  
30 **ORDER:**

31       GOOD CAUSE APPEARING, it is SO ORDERED, that Plaintiffs' Motion to  
32 Produce be vacated as moot, and that Shelly Williams shall appear on behalf of the State  
33 of Nevada's Offender Management Division.

34       IT IS FURTHER ORDERED, that Defendants Dwight Neven be excused from  
35 attending the September 15, 2017 Settlement Conference.

36 DATED this 31st day of July 2017.

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39 MAGISTRATE JUDGE  
40 UNITED STATES DISTRICT COURT  
41 DISTRICT OF NEVADA