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

10 CHARITY MITCHELL,

11 Plaintiff,

12 vs.

13 U.S. AIRWAYS/AMERICAN AIRLINES,

14 Defendant.  
 15  
 16

Case No.: 2:15-cv-01921-JAD-PAL

**MOTION FOR EXTENSION OF  
 TIME FOR DEFENDANT  
 AMERICAN AIRLINES, INC. TO  
 ANSWER OR OTHERWISE  
 RESPOND TO PLAINTIFF'S  
 SECOND AMENDED COMPLAINT  
 (FIRST REQUEST)**

17 Pursuant to Fed. R. Civ. P. 6(b) and Local Rule 6-1 of the Local Rules of Practice of  
 18 the United States District Court for the District of Nevada, Defendant American Airlines,  
 19 Inc. ("Defendant")<sup>1</sup>, seeks an extension of time, through and including April 28, 2017, in  
 20 which to answer or otherwise respond to Plaintiff's Second Amended Complaint ("SAC")  
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26 <sup>1</sup> The Second Amended Complaint improperly names "U.S. Airways/American Airlines" as the  
 27 Defendant. Plaintiff's employer was US Airways, Inc. However, on December 30, 2015, US  
 28 Airways, Inc. ceased to exist as a separate entity and merged into American Airlines, Inc. The  
 correct name of the Defendant is therefore American Airlines, Inc.

1 (ECF. No. 9). This is Defendant’s first request for an extension of time. This Motion is  
2 supported by the following Memorandum of Points and Authorities.

3 Dated this 12th day of April, 2017.

4  
5 OGLETREE, DEAKINS, NASH, SMOAK  
6 & STEWART, P.C.

7 /s/ Jill Garcia  
8 \_\_\_\_\_  
9 Jill Garcia  
10 Wells Fargo Tower  
11 3800 Howard Hughes Parkway, Suite 1500  
12 Las Vegas, NV 89169  
13 Telephone: 702.369.6800  
14 Attorneys for Defendant American Airlines, Inc.

15 **MEMORANDUM OF POINTS & AUTHORITIES**

16 Plaintiff filed her SAC on August 9, 2016, alleging disability discrimination and  
17 retaliation claims under the Americans with Disabilities Act of 1990 (“ADA”).

18 On March 16, 2017, Magistrate Judge Peggy Leen issued a Screening Order and  
19 Report of Findings and Recommendation (ECF No. 10). Magistrate Leen permitted the  
20 ADA and retaliation claims to proceed against the named Defendant, US  
21 Airways/American Airlines, but recommended dismissing Plaintiff’s claims against the  
22 three individual employee Defendants as ADA claims are properly asserted against the  
23 employer, not individual employees. The Court adopted the Report and Recommendation  
24 on April 5, 2017, and dismissed the individually named Defendants with prejudice (ECF  
25 No. 12).

26 At this time, Defendant is in the process of gathering and reviewing relevant  
27 information to adequately respond to Plaintiff’s SAC. However, Defendant requires  
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1 additional time to finish compiling and reviewing relevant information and to prepare a  
2 response. Therefore, Defendant requests an additional two weeks (through and including  
3 April 28, 2017) to answer or otherwise respond to the SAC. This is Defendant's first  
4 request for an extension of time to respond to the SAC. This request is made in good faith  
5 and will not cause undue prejudice to Plaintiff. Accordingly, Defendant's request for an  
6 extension should be granted.  
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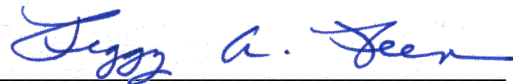
8 Dated this 12th day of April, 2017.  
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10 OGLETREE, DEAKINS, NASH, SMOAK &  
11 STEWART, P.C.

12 /s/ Jill Garcia

13 Jill Garcia  
14 Wells Fargo Tower  
15 3800 Howard Hughes Parkway, Suite 1500  
16 Las Vegas, NV 89169  
17 Telephone: 702.369.6800  
18 Attorneys for Defendant American Airlines, Inc.

19 **IT IS SO ORDERED.**

20 

21 UNITED STATES MAGISTRATE JUDGE

22 DATED: April 14, 2017  
23  
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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically transmitted the foregoing **Motion For Extension Of Time For Defendant American Airlines, Inc., To Answer Or Otherwise Respond To Plaintiff’s Second Amended Complaint (First Request)** to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

I also hereby further certify that service of the foregoing **Motion For Extension Of Time For Defendant American Airlines, Inc., To Answer Or Otherwise Respond To Plaintiff’s Second Amended Complaint (First Request)** was also made by depositing a true and correct copy of same for mailing, first class mail, postage prepaid thereon, at Las Vegas, Nevada, addressed to the following:

Charity Mitchell  
1130 White Rock Road #112  
El Dorado Hills, California 95762  
Pro Per Plaintiff

DATED this 12th day of April, 2017.

/s/ Darhyl Kerr  
\_\_\_\_\_  
An Employee Of Ogletree, Deakins, Nash,  
Smoak & Stewart, P.C.

**OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.**  
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