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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LHF PRODUCTIONS, INC., a Nevada
Corporation,

Plaintiff,

vs.

MARIA GONZALEZ, an individual;
BRIAN KABALA, an individual; JOHN
KOEHLI, an individual; DANIEL
O'CONNELL, an individual; DONALD
PLAIN, an individual; ANTE SODA, an
individual; MATTHEW STEWART, an
individual; and JOHN AND JANE DOES.

Defendants

Case No.: 2:16-cv-02028-JAD-NJK

**STIPULATION AND ORDER TO SET
STANDARD LR II 7-2 BRIEFING
SCHEDULE IN ON COUNTER-
PLAINTIFF'S RENEWED MOTION TO
COMPEL CERTAIN WRITTEN
DISCOVERY RESPONSES (ECF 155)**

(First Request)

BRIAN KABALA, an individual;

Counter-Plaintiff,

vs.

LHF PRODUCTIONS, INC., a Nevada
Corporation,

Counter-Defendant,

Pursuant to Local Rule IA 6-1(a) and Fed.R.Civ.P. 6(b)(1)(A), Counter-Defendant, LHF PRODUCTIONS, INC. (hereafter referred to as "Counter-Defendant" or "LHF"), and Counter-Plaintiff BRIAN KABALA ("Counter-Plaintiff" or "Kabala"), by and through their undersigned counsel, stipulate to an order to set a standard LR II 7-2 briefing schedule for the parties on Counter-Plaintiff's Renewed Motion to Compel ("Motion," ECF 155). The stipulated schedule would replace the expedited deadlines for the filing of an opposition and a reply set forth by the

1 Court's Order of March 19, 2018, (ECF 137, prescribing the filing of an opposition four calendar-
2 days after the filing of the Motion and the filing of a reply two-days thereafter), of June 19, 2018,
3 for an opposition and June 21, 2018, for a reply, to the standard briefing deadlines set forth by
4 the LR II 7-2 of June 29, 2018, (14-days after the filing of the Motion) for the opposition, and
5 July 6, 2018, (7-days after the filing of the opposition) for the reply. This is the first request for
6 an extension of time to file an opposition or a reply on the Motion.

7 LR IA 6-1 and Fed.R.Civ.P. 6(b)(1)(A) provide that stipulations to extend time may be
8 granted upon a showing of good cause when brought prior to the expiration of the relevant
9 deadline. "Good cause" is a non-rigorous standard that has been construed broadly across
10 procedural and statutory contexts." *Id.* citing *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253,
11 1259 (9th Cir. 2010) (discussing "good cause" in the context of Fed. R. Civ. P. 6(b)(1)). It
12 generally involves a case-by-case assessment of whether there is some good reason for the delay
13 or requested extension in the absence of bad faith and prejudice to the non-moving party. *See id.*
14 at 1109-1110. Generally, there is good cause to extend time to permit parties adequate time under
15 the circumstances to fairly respond to the legal and factual issues raised in the preceding brief,
16 and, in the context of a discovery dispute, to seek to resolve the underlying dispute.

17 As set forth in the Declaration of Mr. Austin, counsel for LHF, attached hereto as Exhibit
18 1, these are precisely the reasons LHF requested the extension to the briefing schedule. Mr. Austin
19 was not counsel for LHF when the facts and circumstances arose giving rise to the original January
20 30, 2018, Motion to Compel (ECF 112) which the Motion now renews. (*See* ECF 129 (Feb. 21,
21 2018, Notice of Appearance); Austin Decl. at ¶3.) Mr. Austin has suggested to Counter-Plaintiff's
22 counsel that he desires additional time to come up to speed on the history of the dispute and confer
23 with his client in order to respond, or if possible, to narrow or resolve the dispute. However, Mr.
24 Austin is presently unavailable to give this matter the full attention required as he has an appellate
25 brief due the end of this month on an unrelated matter before the Nevada Supreme Court in
26 addition to discovery responses in this matter due on June 22, 2018. Accordingly, LHF seeks an
27 order setting a standard LR II 7-2 briefing schedule to so it may properly confer with its counsel—
28 who is presently has limited availability due to a conflicting matter—and to seek to resolve the

1 outstanding dispute—if possible—in connection with responses to an existing request for
2 production due June 22, 2018. *Id.* at ¶6.

3 In light of the above, Counter-Defendants, who originally filed the renewed Motion with
4 the understanding that the briefing deadlines were governed by LR II 7-2, have graciously agreed
5 to the requested stipulation. *Id.* at ¶ . Neither party, therefore, will be prejudiced by the requested
6 extension.

7 Having learned that the expedited deadlines would apply, the parties have agreed to this
8 stipulation to in a good faith effort to provide LHF with fair opportunity—given the current time
9 constraints of its counsel—to confer with its counsel and respond to the Motion and/or seek to
10 narrow or resolve the dispute. Good cause, therefore, exists for the requested stipulation, and it
11 should be granted.

12 DATED this 19th day of June 2018.

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19
20 *Attorney for Counter-Plaintiff Brian Kabala*

21 **ORDER**

22 IT IS SO ORDERED

23 Dated June 19, 2018

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26 
27 United States Magistrate Judge
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