

1
2
3
4
5
6
7
8
9
10
11
12

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DWIGHT MCINTYRE,
Plaintiff,
v.
NAPHCARE INC. et al.,
Defendants.

2:16-cv-02107-JCM-PAL

ORDER

I. DISCUSSION

On July 13, 2017 and August 24, 2017, this Court entered a screening order and a follow up order, respectively, permitting this action to proceed against Defendants Frank Ryan, Brian Poirier, and Ted Hanf for deliberate indifference to serious medical needs (Counts I and II) only. (ECF No. 4 at 8-9; ECF No. 6 at 1). The Court stayed the case for 90 days to give Plaintiff and Defendants an opportunity to settle their dispute before the filing fee was paid, an answer was filed, or the discovery process began. (ECF No. 6 at 2). The Court directed the Attorney General’s Office to notify the Court whether it would enter a limited notice of appearance on behalf of Defendants for the purpose of settlement. (*Id.* at 3).

On September 12, 2017, the Attorney General’s Office informed the Court that it could not make a limited appearance for the purpose of settlement because none of the remaining defendants were currently employed by the Nevada Department of Corrections. (ECF No. 7 at 1).

In light of the Attorney General Office’s notice, the Court now orders the Attorney General’s Office to send letters to Defendants Frank Ryan, Brian Poirier, and Ted Hanf at their last known addresses informing them that they are defendants in this lawsuit. In the letters, the Attorney General’s Office shall ask Defendants Frank Ryan, Brian Poirier, and Ted Hanf

1 if they would like the Office to represent them in this matter. Within 30 days from the date of
2 this order, the Attorney General's Office shall file an updated notice with the Court informing
3 the Court whether it will be entering a limited notice of appearance on behalf of Defendants
4 Frank Ryan, Brian Poirier, and Ted Hanf for the purpose of settlement in light of those letters.

5 If the Attorney General's Office enters a limited notice of appearance on behalf of
6 Defendants Frank Ryan, Brian Poirier, and Ted Hanf for the purpose of settlement, the Court
7 shall schedule an early inmate mediation conference. However, if the Attorney General's
8 Office notifies the Court that it will not be entering a limited notice of appearance in light of its
9 communication with Defendants Frank Ryan, Brian Poirier, and Ted Hanf , the Court will issue
10 an order that: (1) removes this case from the early inmate mediation program, (2) rules on the
11 application to proceed *in forma pauperis*, and (3) begins the service process with the U.S.
12 Marshal's Office.

13 **II. CONCLUSION**

14 For the foregoing reasons, IT IS ORDERED that the Attorney General's Office shall
15 send letters to Defendants Frank Ryan, Brian Poirier, and Ted Hanf at their last known
16 addresses informing them of this lawsuit and asking whether they seek to have the Office
17 represent them for the limited purpose of settlement.

18 IT IS FURTHER ORDERED that, within 30 days from the date of this order, the
19 Attorney General's Office shall file an updated notice with the Court informing the Court about
20 Defendants Frank Ryan, Brian Poirier, and Ted Hanf's representation statuses.

21 IT IS FURTHER ORDERED that, within 30 days from the date of this order, the
22 Attorney General's Office shall advise the Court whether it will enter a limited notice of
23 appearance on behalf of Defendants Frank Ryan, Brian Poirier, and Ted Hanf for the purpose
24 of settlement. No defenses or objections, including lack of service, shall be waived as a result
25 of the filing of the limited notice of appearance.

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS FURTHER ORDERED that, if this case remains in the early inmate mediation program, the Court extends the 90-day stay and the deadline for the 90-day stay status report until 5 days after any scheduled mediation.

DATED: This 26th day of September, 2017.


United States Magistrate Judge