

1 TREVOR J. HATFIELD, ESQ  
2 Nevada Bar No. 7373  
3 HATFIELD & ASSOCIATES, LTD.  
4 703 S. Eighth Street  
5 Las Vegas, Nevada 89101  
6 Telephone: (702) 388-4469  
7 Facsimile: (702) 386-9825  
8 Email: [thatfield@hatfieldlawassociates.com](mailto:thatfield@hatfieldlawassociates.com)  
9 Attorney for Plaintiff In Conjunction with Legal Aid Center of  
10 Southern Nevada Pro Bono Project

11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13 LUIS CERVANTEZ,  
14 Plaintiff,  
15 vs.  
16 EDDIE SCOTT, et al.,  
17 Defendants.

CASE NO: 2:17-cv-00562-MMD-NJK

**STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE JURY TRIAL**

**Jury Trial: 2/07/2022 @ 9:00 AM  
Calendar Call: 1/31/2022 @ 1:00 PM**

18 COMES NOW, Plaintiff Luis Cervantez (“Plaintiff”), by and through his counsel, the  
19 law firm of Hatfield & Associates., Ltd., appearing *pro bono publico*, and Defendants Eddie  
20 Scott, Kevin Patimeteeporn, and Timothy Dorion (“LVMPD Defendants”) by and through their  
21 counsel, the law firm of Kaempfer Crowell, hereby stipulate and agree to a continuance of the  
22 jury trial currently scheduled on a three-week stack commencing on February 7, 2022 @ 9:00  
23 AM with the calendar call scheduled on January 31, 2022 @ 1:00 PM to the jury trial on **August**  
24 **22, 2022 @ 9:00 AM with the calendar call on August 15, 2022 @ 1:00 PM.**

25 This request is submitted pursuant to LR IA 6-1, 6-2 and LR II 7-1 and is the parties’ first  
26 request for a continuance of jury trial [ECF #154] and [ECF #155] and to reschedule  
27 accompanying deadlines for submission of documents, etc.  
28

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703 8<sup>th</sup> Street \* Las Vegas, Nevada 89101  
Telephone (702) 388-4469

1 District courts have inherent power to control their dockets. *Hamilton Copper & Steel*  
2 *Corp., v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d  
3 272, 273 (9th Cir. 1992). A motion for a continuance of trial should be granted for good cause.  
4 FED. R. CIV. P. 16(b)(4). "The determination of whether to grant a motion for trial continuance  
5 rests in the sound discretion of the trial court." *U.S. v. Makley*, 468 F.2d 916, 917 (9th Cir. 1972).  
6

7 The parties respectfully stipulate, agree, and request that the Court continue the trial and  
8 associated dates in this case. Plaintiff's counsel is representing Plaintiff pro bono in this  
9 prisoner's medical indifference case. Based upon information and belief, Plaintiff will be  
10 released from incarceration in July 2022 and it will be much more pragmatic for Plaintiff to be  
11 prepared for trial upon his release from incarceration than if Plaintiff is incarcerated. Because of  
12 this issue, Plaintiff's and defense counsel conferred and agreed to continue this trial until Plaintiff  
13 is released from incarceration.  
14

15 This request is not made for the purposes of undue delay and is brought in good faith.  
16 The Court and parties will not be prejudiced by this request, and it is surmised that judicial  
17 economy will be promoted with a continuance as Plaintiff will not require transport. The  
18 additional time will also allow the parties' counsel to meet and confer regarding pre-trial matters,  
19 to coordinate exhibits, and to facilitate a more effective trial. Furthermore, there should be no  
20 known inconvenience to the Court or parties, or any witness as a result of this request for a  
21 continuance. This will allow the parties more time to prepare for trial, which will result in a  
22 more organized and efficient trial. Furthermore, a continuance would grant the parties additional  
23 time to re-open settlement negotiations and explore the possibilities for a settlement agreement  
24 prior to trial. The parties will in good faith use additional time to discuss possible ways to  
25 resolve this matter before trial. Accordingly, the parties assert that the requisite good cause is  
26 present to justify continuance pursuant to FED. R. CIV. P. 16(b)(4). Therefore, the parties  
27  
28

1 respectfully request that this Court continue the trial in this case and the associated dates. The  
2 parties offer the following suggested trial date after consultation with the Court's clerk: 1.

3 **August 22, 2022 @ 9:00 AM with the calendar call on August 15, 2022 @ 1:00 PM.** .

4  
5 DATED this 15<sup>th</sup> day of December, 2021

DATED this 15<sup>th</sup> day of December, 2021

6 **HATFIELD & ASSOCIATES**

**KAEMPFER CROWELL**

7 */s/ Trevor J. Hatfield*

*/s/ Lyssa S. Anderson*

8 By: \_\_\_\_\_

By: \_\_\_\_\_

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10 Nevada Bar No. 7373  
11 703 S. Eighth Street  
12 Las Vegas, Nevada 89101  
13 Tel: (702) 388-4469  
14 Email: [thatfield@hatfieldlawassociates.com](mailto:thatfield@hatfieldlawassociates.com)  
15 *Attorney for Plaintiff In Conjunction with*  
16 *Legal Aid Center of Southern Nevada Pro*  
17 *Bono Project.*

18 LYSSA S. ANDERSON, ESQ.  
19 Nevada Bar No. 5781  
20 RYAN W. DANIELS, ESQ.  
21 Nevada State Bar No. 13094  
22 KRISTOPHER J. KALKOWSKI, ESQ.  
23 Nevada State Bar No. 14892  
24 Tel.: (702) 792-7000  
25 Email: [landerson@kcnvlaw.com](mailto:landerson@kcnvlaw.com)  
26 Email: [rdaniels@kcnvlaw.com](mailto:rdaniels@kcnvlaw.com)  
27 Email: [kkalkowski@kcnvlaw.com](mailto:kkalkowski@kcnvlaw.com)  
28 *Attorneys for Defendants Eddie Scott, Kevin*  
*Patimeteeporn, and Timothy Dorion*

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**ORDER**

**IT IS SO ORDERED.**



\_\_\_\_\_  
MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE

Dated: 12/20/2021