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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

18 STIPULATION AND ORDER TO
19 CONTINUE JURY TRIAL [SECOND
20 REQUEST]

Jury Trial: 8/22/2022 @ 9:00 AM
Calendar Call: 8/15/2022 @ 10:00 PM

21 COMES NOW, Plaintiff Luis Cervantez ("Plaintiff"), by and through his counsel, the
22 law firm of Hatfield & Associates., Ltd., appearing *pro bono publico*, and Defendants Eddie
23 Scott, Kevin Patimeteeporn, and Timothy Dorion ("LVMPD Defendants") by and through their
24 counsel, the law firm of Kaempfer Crowell, hereby stipulate and agree to a second continuance
25 of the jury trial currently scheduled on a three-week stack commencing on August 22, 2022 @
26 9:00 AM with the calendar call scheduled on August 15, 2022 @ 10:00 AM.

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

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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, but Plaintiff
12 has not been released as yet. Moreover, Plaintiff's counsel has a bench trial scheduled to begin
13 on August 22, 2022 in the Eighth Judicial District Court, Clark County, Nevada in Case No.
14 A789252, *Sprewell v. Wilson, et al.*, which conflicts with this currently trial setting. Defendants'
15 counsel has trial setting in September and October of this year. Because of this issue, Plaintiff's
16 and defense counsel conferred and agreed to continue this trial until Plaintiff is released from
17 incarceration and requests that this case be continued to the February 27, 2022 stack.
18
19

20 This request is not made for the purposes of undue delay and is brought in good faith.
21 Upon information and belief, the Court and parties will not be prejudiced by this request, and it
22 is surmised that judicial economy will be promoted with a continuance as Plaintiff will not
23 require transport. The additional time will also allow the parties' counsel to meet and confer
24 regarding pre-trial matters, to coordinate exhibits, and to facilitate a more efficient trial.
25 Furthermore, there should be no known inconvenience to the Court or parties, or any witness as a
26 result of this request for a continuance. This continuance will allow the parties more time to
27 prepare for trial, which again is believe will result in a more organized and efficient trial.
28

Furthermore, a continuance would grant the parties additional time to re-open settlement negotiations and explore the possibilities for a settlement agreement prior to trial, which has not occurred since the first continuance as Plaintiff continues to be incarcerated. The parties will in good faith use additional time to discuss possible ways to resolve this matter before trial. Accordingly, the parties assert that the requisite good cause is present to justify continuance pursuant to FED. R. CIV. P. 16(b)(4). Therefore, the parties respectfully request that this Court continue the trial in this case and the associated dates. The parties offer the following suggested trial date after consultation with the Court's clerk: **1. February 27, 2023 @ 9:00 AM with the calendar call on February 21, 2023 at 1:00 PM, by telephone.**

DATED this 13th day of July, 2022

HATFIELD & ASSOCIATES

/s/ Trevor J. Hatfield
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*Attorney for Plaintiff In Conjunction with
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DATED this 14th day of July, 2022

KAEMPFER CROWELL

/s/ Lyssa S. Anderson
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*Attorneys for Defendants Eddie Scott, Kevin
Patimeteeporn, and Timothy Dorion*

IT IS SO ORDERED:

ORDER


UNITED STATES DISTRICT JUDGE

Dated: July 14, 2022

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of July, I filed and served the foregoing
STIPULATION AND PROPOSED ORDER TO CONTINUE TRIAL (Second Request) with
the Clerk of the Court using the ECF system which served the parties hereto electronically.

DATED: July 14, 2022

/s/ Trevor J. Hatfield
By: _____

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