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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 LUIS CERVANTES,
12 Plaintiff,
13 vs.
14 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a political subdivision of the
15 State of Nevada; EDDIE SCOTT, P#15631, in
his individual and official capacities; KEVIN
16 PATIMETEEPORN, P#14529, in his
individual and official capacities; and
17 TIMOTHY DORION, P#14942, in his
individual and official capacities,
18 Defendants.

CASE NO.: 2:17-cv-00562-MMD-DJA

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE JURY TRIAL
(Third Request)**

19 Defendants, Eddie Scott, Kevin Patimeteeporn and Timothy Dorion (“LVMPD
20 Defendants”), through their counsel, Kaempfer Crowell, and Plaintiff, Luis Cervanes (“Plaintiff”)
21 through his counsel, Trevor Hatfield, hereby jointly stipulate and agree to a third continuance of
22 the jury trial and represent as follows:

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24 ///

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1 1) A Jury Trial in this matter is currently set on a three-week stack to commence on
2 February 27, 2023 at 9:00 a.m. and a Calendar Call is currently set for February 21, 2023 at 1:00
3 p.m. via telephone.

4 2) This request is submitted pursuant to LR IA 6-1, 6-2 and LR II 7-01 and is the
5 parties' third request for a continuance of the jury trial [ECF Nos. 155 and 161], and all trial
6 related deadlines. The parties respectfully request that the trial be moved to the Court's June 27
7 trial stack.

8 3) This Court has discretion to re-schedule the current trial setting. District courts
9 have inherent power to control their dockets. *Hamilton Copper & Steel Corp., v. Primary Steel,*
10 *Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cor. 1992). A
11 motion for continuance of trial should be granted for good cause. Fed. R. Civ. P. 16(b)(4). "The
12 determination of whether to grant a motion for trial continuance rests in the sound discretion of the
13 trial court." *U.S. v. Makley*, 468 F2.d 916, 917 (9th Cir. 1972).

14 4) The parties submit that good cause for a continuance of the current jury trial exists.
15 As the Court is aware, the individual Defendants in this matter are Clark County Detention Center
16 Corrections Officers. Two of the individual Defendants have conflicts with the current trial date
17 for the following reasons. Defendant Scott is currently a member of the United States Army
18 Reserve and has orders from his command requiring him to attend training on March 2, 2023 and
19 March 3, 2023 and thus he would be unavailable those days. Defendant Patimeteeporn is currently
20 a specialized (SERT) instructor at the Las Vegas Metropolitan Police Department's Academy for
21 Correction Officer recruits. He will be instructing the entire Corrections Officer Academy
22 February 27, 2023 through March 10, 2023 and will not be available.

