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7 *Attorneys for Defendants Minor Adams,*
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Benedicto Gutierrez, Julio Mesa, Wilfredo Piscos,
 9 *Conrad Porter, Francisco Sanchez, David Tristan,*
Joselo Vicuna and Dean Willett

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

13 REGINALD C. HOWARD,
 14 Plaintiff,
 15 v.
 16 GREG COX, *et al.*,
 17 Defendants.

Case No. 2:17-cv-01002-JAD-BNW
**DEFENDANTS' MOTION TO
 VACATE THE ORDER
 SCHEDULING SETTLEMENT
 CONFERENCE (ECF NO. 81) AND
 RESCHEDULE
 (FIRST REQUEST)**

18 Defendants, Minor Adams, Romeo Aranas, Sonya Clark, James G. Cox, James
 19 Dzurenda, Jo Gentry, Kyle Groover, Benedicto Gutierrez, Julio Mesa, Wilfredo Piscos,
 20 Conrad Porter, Francisco Sanchez, David Tristan, Joselo Vicuna, and Dean Willett, by and
 21 through counsel, Aaron D. Ford, Nevada Attorney General, and Austin T. Barnum, Deputy
 22 Attorney General, hereby submit this motion to vacate and reschedule the settlement
 23 conference currently set for November 19, 2021, at 09:00 a.m. to the first half of December
 24 2021 on a date convenient to the Court. The Motion is based upon the attached
 25 memorandum of points and authorities, the pleadings herein on file, and any other evidence
 26 the Court determines is appropriate.

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1 **I. BACKGROUND**

2 Defendant respectfully requests this Court to vacate the scheduled settlement
3 conference and reschedule to the first half of December 2021 at the Court’s convenience.
4 The Court ordered a settlement conference and scheduled said conference for November
5 19, 2021. ECF No. 81. The Court’s order mandated parties with settlement authority to
6 attend. *Id.* at 2:1-10. The Tort Claims Manager, a non-party member of the defense, retains
7 settlement authority for monetary settlements above \$500. This makes the Tort Claims
8 Manager a required attendee. The Tort Claims Manager has three separate Early
9 Mediation Conferences with the Federal District Court scheduled for the same day. The
10 Torts Claims Manager advised their schedule is more open in the first half of December
11 2021.

12 Additionally, the previous Deputy Attorney General and Senior Deputy Attorney
13 General assigned to this case left the employ of the State of Nevada’s Office of the Attorney
14 General a short time before this order from the Court. Undersigned counsel returned to the
15 office from long-term military orders on October 4, 2021. Counsel was provided a full case
16 load on the same day and reviewed this case on October 5, 2021.

17 **II. LEGAL ARGUMENT**

18 Defendant respectfully requests this Court vacate the order scheduling a settlement
19 conference because good cause exists. District Courts have inherent power to control their
20 dockets. *Hamilton Copper & Steel Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th
21 Cir. 1990) (citation excluded). “[T]he court may, for good cause, extend time . . . if a request
22 is made, before the original time or its extension expires.” FED. R. OF CIV. PROC. 6(b)(1)(A).
23 “A motion . . . to extend any date set by . . . scheduling order must . . . be supported by a
24 showing of good cause for the extension.” Nevada Local R. 26-3. The Tort Claims Manager
25 is a required attendee to this conference. This is the only person authorized to settle claims
26 over \$500. This person has three separate Early Mediation Conferences scheduled by the
27 court on the same day. Additionally, undersigned counsel was assigned this case and a full
28 case load. Undersigned counsel will benefit from the additional time to properly prepare

1 for this settlement conference and his role as legal adviser to the Defendants and
2 individuals authorized to settle this case.

3 **III. CONCLUSION**

4 Defendant respectfully requests this Court vacate the order scheduling a settlement
5 conference and reschedule the settlement conference in the first half of December 2021.

6 DATED this 13th day of October, 2021.

7 Respectfully submitted,

8 AARON D. FORD
9 Attorney General

10 By: /s/ Austin T. Barnum
11 Austin T. Barnum (Bar No. 15174)
12 Deputy Attorney General
13 *Attorneys for Defendants*

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17 **Order**

18 IT IS ORDERED that ECF No. 83 is GRANTED. The Settlement
19 Conference scheduled for 11/19/2021 is VACATED and
20 RESCHEDULED to **12/6/2021 at 9:00 a.m.**

21 On 11/29/2021, parties and counsel must send their confidential
22 written evaluation statement and preferred e-mail address for the
23 Zoom invitation to judicial clerk Radia Amari at
24 radia_amari@nvd.uscourts.gov.

25 A pre-Settlement Conference telephonic conference is set for
26 12/3/2021 at 3:00 p.m.

27 **IT IS SO ORDERED**

28 **DATED:** 4:51 pm, October 14, 2021



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the State of Nevada, Office of the Attorney General,
3 and that on October 13, 2021, I electronically filed the foregoing **DEFENDANTS'**
4 **MOTION TO VACATE THE ORDER SCHEDULING SETTLEMENT**
5 **CONFERENCE (ECF NO. 81) AND RESCHEDULE (FIRST REQUEST)**, via this
6 Court's electronic filing system. Parties who are registered with this Court's electronic
7 filing system will be served electronically.

8 Reginald Howard, #13891
9 Ely State Prison
10 P.O. Box 1989
11 Ely, Nevada 89301
12 ESP_LawLibrary@doc.nv.gov
13 *Plaintiff, Pro Se*

14 /s/ Sheri Regalado
15 Sheri Regalado, an employee of the
16 Office of the Nevada Attorney General
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