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7 *Attorneys for Plaintiff Lausteveion Johnson*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 LAUSTEVEION JOHNSON,

11 Plaintiff,

12 v.

13 JAMES DZURENDA; FRANK DREESEN;
 14 REGINA BARRETT; JOSEPH LEWIS;
 15 TIMOTHY KNATZ; DAVID WILLIS AND
 16 JO GENTRY,

Defendants.

CASE NO. 2:17-cv-01671-APG-EJY

**JOINT STIPULATION AND
 PROPOSED ORDER TO EXTEND
 DISCOVERY (SEVENTH REQUEST)**

17 Plaintiff Lausteveion Johnson (“*Plaintiff*”) and Defendants James Dzurenda, Frank
 18 Dreesen, Regina Barrett, Joseph Lewis, Timothy Knatz, David Willis, and Jo Gentry
 19 (“*Defendants*,” together with Plaintiff, the “*Parties*”) by and through their undersigned counsel,
 20 hereby stipulate, contingent on this Court’s approval, as follows:

21 **I. PROCEDURAL POSTURE.**

22 1. The Parties attended a global settlement conference for the instant case, along with
 23 counsel in all other cases filed by Plaintiff, on October 5, 2023 (“*Settlement Conference*”).

24 2. Pursuant to stipulation of the Parties, the Court entered an order that stayed this
 25 matter until the Settlement Conference occurred, and extended the discovery deadlines as follows
 26 (“*Order*”):

- 27 a) **Discovery Cut-Off:** The time for the parties to complete discovery shall be
 28 extended by ninety (90) days to January 5, 2024.

1 b) **Dispositive Motions [LR 26-1(b)(4)]**: The parties shall have until February 5, 2024,
2 to file dispositive motions; and

3 c) **Joint Pre-Trial Order [LR 26-1(b)(5)]**: If no dispositive motions are filed, the
4 Joint Pretrial Order shall be filed on March 5, 2024.

5 *See* ECF No. 231.

6 3. This action did not settle at the Settlement Conference.

7 **II. REASONS THE REMAINING DISCOVERY WAS NOT COMPLETED TO DATE**
8 **- GOOD CAUSE AND EXCUSABLE NEGLIGENCE EXIST.**

9 On November 7, 2023, counsel for Plaintiffs learned that Plaintiff was incarcerated. *See*
10 Correspondence (Nov. 7, 2023), attached hereto as **Exhibit 1**. This occurred during a period when
11 the Parties just began to resume discovery in this action. The Parties have worked diligently through
12 the course of litigation to conduct discovery and prepare this action for trial. However, in light of
13 the discovery disputes still pending, the limited contact counsel has with Plaintiff, and the discovery
14 deadline fast approaching, an extension is necessary. This stipulation comes less than 21 days
15 before the discovery deadline because the forgoing circumstances arose recently. The Parties
16 pursue this stipulation cooperatively, and avoided Court intervention to the farthest extent possible.
17 Moreover, because all Parties are stipulating, no party will be prejudiced by extending discovery
18 as requested. Nor is this stipulation made with undue delay, dilatory motive, or bad faith.

19 Thus, good cause and excusable neglect exist for this Court to grant this stipulation.

20 **III. COMPLETED DISCOVERY.**

21 4. The Parties have completed the meet and confer requirement pursuant to Fed. R.
22 Civ. P. 26(f) and LR 26-1(a). Plaintiff has served his first set of Interrogatories and Requests for
23 Production of Documents on Defendants, and Defendants have responded. Plaintiff has served a
24 subpoena *duces tecum* upon NV DOC, and NV DOC has responded.

25 **IV. REMAINING DISCOVERY.**

26 5. The remaining discovery in this action includes additional written discovery,
27 additional subpoenas, depositions, and meet and confer efforts regarding discovery.

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1 **V. PRIOR GRANTED STAYS AND DISCOVERY EXTENSIONS.**

2 6. The Parties have not been granted any prior stays in this action.

3 7. The Parties have been granted five (5) prior discovery plan extensions.

4 **VI. DATES REQUESTED FOR CONTINUED DISCOVERY, SHOULD THE MATTER**
5 **NOT SETTLE.**

6 8. If the case is not resolved at the settlement conference, the Parties stipulate and
7 agree, subject to this Court's approval, to the following 90-day extended discovery period:

8 a) **Discovery Cut-Off:** The time for the parties to complete discovery shall be
9 extended by ninety (90) days to **April 5, 2024.**

10 b) **Dispositive Motions** [LR 26-1(b)(4)]: The parties shall have until **May 6, 2024,** to
11 file dispositive motions; and

12 c) **Joint Pre-Trial Order** [LR 26-1(b)(5)]: If no dispositive motions are filed, the
13 Joint Pretrial Order shall be filed on **June 5, 2024.**

14 d) If dispositive motions are filed, the Joint Pretrial Order shall be filed thirty (30) days
15 after the Court serves its order concerning the dispositive motions.

16 9. The Parties submit this stipulation in good faith and without any intent to cause
17 undue delay in this case.

18 DATED this 4th day of December, 2023.

DATED this 4th day of December, 2023.

19 BROWNSTEIN HYATT FARBER
20 SCHRECK, LLP

STATE OF NEVADA OFFICE OF ATTORNEY
GENERAL

21 BY: /s/ Monique S. Jammer
FRANK M. FLANSBURG III, ESQ.
22 EMILY A. ELLIS, ESQ.
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BY: /s/ Chris W. Davis
AARON D. FORD, Attorney General
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General

23 *Attorneys for Plaintiff*

Attorneys for Defendants

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ORDER

IT IS SO ORDERED:

DATED this 4th day of December, 2023.


UNITED STATES MAGISTRATE JUDGE

Respectfully submitted by:

BROWNSTEIN HYATT FARBER SCHRECK, LLP

/s/ Monique S. Jammer

FRANK M. FLANSBURG III, ESQ.

EMILY A. ELLIS, ESQ.

MONIQUE S. JAMMER, ESQ.

Attorneys for Plaintiff