

1 JASON C. MAKRIS, ESQ.,
 SBN 11192
 2 MAKRIS LEGAL SERVICES, LLC
 400 S. 4th Street, Suite 500
 3 Las Vegas, Nevada 89101
 Telephone: (702) 793-4023
 4 Facsimile: (702) 793-4023
 Email: jason.makris@makrislegal.com
 5 *Attorney for Plaintiff*
In conjunction with
 6 *U.S. Dist. Court, District of Nevada*
Pro Bono Program

7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF NEVADA**

10 Wayne A. Porretti,
 11 Plaintiff,
 12 v.
 13 Dzurenda, *et al.*,
 14 Defendants.

Case No. 2:17-cv-01745-RFB-DJA

**STIPULATION AND ORDER FOR
 EXTENSION OF TIME FOR DISCOVERY
 AND MOTION FOR SUMMARY
 JUDGMENT BRIEFING
 (FIRST REQUEST)**

15 Plaintiff, Wayne A. Porretti, by and through counsel, Jason C. Makris, and Defendants, Alberto
 16 Buencamino, James Dzurenda, Bob Faulkner, Linda Fox, Rio Manalang, Francis Oakman, Perry Russell,
 17 and Brian Williams, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada,
 18 and Alexander J. Smith, Esq., Deputy Attorney General, hereby stipulate and agree to extend the deadline
 19 for Discovery for thirty (30) days pursuant to LR 26-3 and IA 6-1; and to extend the filing deadline to
 20 the Parties' Summary Judgment Briefs:

DISCOVERY COMPLETED

- 22 To date, the parties in this action have conducted discovery as follows:
- 23 1. The parties conducted their Rule 26(f) conference via telephone.
 - 24 2. The Parties have served initial disclosures.
 - 25 3. Expert Witness Disclosures and Rebuttal Expert Witnesses.
 - 26 4. Treating Physician Disclosures

DISCOVERY THAT REMAINS TO BE COMPLETED

1 4. Request for Production of Documents regarding communications between NDOC
2 Defendants regarding the Police to stop providing Wellbutrin and Seroquel and Plaintiff's medical
3 treatment.

4 5. Depositions of Named Defendants to be determined upon receipt of document
5 disclosers;

6 6. Depositions of FRCP 30(b)(6) to be determined.

7 **REASONS FOR REQUEST TO EXTEND DISCOVERY DEADLINE**

8 Counsel for both sides have discussed and agree that a stipulation on this matter is necessary for
9 proceedings in this case. LR 26-3 provides that upon a demonstration of excusable neglect upon a
10 showing that there is no danger of prejudice to the opposing party, the length of delay and its potential
11 impact on the proceedings, the reason for delay, and that the movant has acted in good faith. See
12 Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 395, 113 S.Ct. 1489, 123
13 L.Ed.2d 74 (1993).

14 On March 30, 2022, this court entered an order allowing limited discovery on the issue of
15 communication between NDOC Defendants regarding their police and treatment of Plaintiff while in
16 custody of the NDOC. ECF 436. During that time, Counsels for Plaintiff and NDOC Defendants
17 have been discussing issues relevant to the litigation in this matter, including discussions regarding the
18 payment of Dr. Roitman's outstanding fees. NDOC Defendants have complied with this Court's
19 Orders, and provided payment to Dr. Roitman. Due to Plaintiff's Counsel's case load, however, the
20 discovery requested has not been able to be competently completed within the time frame initially
21 granted by this Court due to Counsel's case load in the Eighth Judicial District Court.

22 Additionally, since this Court's Order, DAG Alexander Smith, Esq., has returned from leave
23 and is again actively involved in the action. At this point no trial date has been set in this matter.
24 Based upon the above factors, no prejudice will result to NDOC Defendants, as Counsel has stipulated
25 to the extension. Additionally, the potential impact on the requested additional thirty (30) day request
26 for extending discovery is minimal and will not have an impact to any trial date since none has been
27 set. Plaintiff is receiving his mental health medications as previously ordered by this Court and sees
28 Dr. Sussman monthly for continued evaluation of those medications.

1 Finally, Counsel moves for this in good faith as this outstanding discovery is necessary for
2 summary judgment purposes. Therefore, excusable neglect and good cause support extending the
3 discovery deadline.

4 Additionally, the parties agree to an extension of Summary Judgment deadlines to ensure
5 completeness of the record before this Court. Therefore, the Parties stipulate to and request this Court
6 to extend the applicable deadlines as follows:

7
8 **NEW DISCOVERY CUT-OFF DATE:** June 13, 2022

9 **Summary Judgement Briefs Due By:** July 14, 2022;

10 **Response/Opposition Briefs Due By:** July 28, 2022;

11 **Reply Briefs Due by:** August 04, 2022.

12
13 **JASON C. MAKRIS, ESQ.**

14 By: /s/ Jason C. Makris
15 Jason C. Makris (No. 11192)
16 *Attorney for Plaintiff*

Date: May 12 , 2022

17 **AARON D. FORD, ESQ.**
18 Nevada Attorney General

19 **Alexander J. Smith, ESQ.**
20 Deputy Attorney General

21 By: /s/ Alexander J. Smith
22 Alexander J. Smith (No. 15484)
23 Deputy Attorney General
24 *Attorneys for Defendants*

Date: May 12 , 2022

25
26 **IT IS SO ORDERED:**

27 
28 **RICHARD E. BOULWARE, II**
United States District Court

DATED this 13th day of May, 2022.

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of May, 2022, I electronically filed the foregoing stipulation for stipulation AND ORDER FOR EXTENSION OF TIME FOR DISCOVERY AND MOTION FOR SUMMARY JUDGMENT BRIEFING (FIRST REQUEST) via the United States District Court, District of Nevada’s electronic filing system. Parties registered with this Court’s electronic system will be served electronically.

AARON D. FORD, Esq.
Nevada Attorney General
ALEXANDER J. SMITH, ESQ.
Deputy Attorney General

/s/ Jason Makris
An Employee of the Makris Legal Services, LLC

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