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 5 Attorney for Plaintiff Thomas Mooney

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

9 THOMAS MOONEY,  
 10  
 11 Plaintiff,  
 12 v.  
 13 FIFE DERMATOLOGY, PC, d/b/a  
 14 SURGICAL DERMATOLOGY & LASER  
 CENTER; DOUGLAS FIFE, M.D.; and  
 15 HEATHER FIFE,  
 16 Defendants.

CASE NO. 2:17-cv-02191-JCM-DJA

**STIPULATION AND ORDER TO  
 EXTEND TIME FOR PLAINTIFF TO  
 RESPOND TO DEFENDANTS' MOTION  
 FOR SUMMARY JUDGMENT AND TO  
 EXTEND TIME FOR DEFENDANTS TO  
 FILE THEIR REPLY IN SUPPORT OF  
 THEIR MOTION FOR SUMMARY  
 JUDGMENT**

**[ECF NO. 71]  
 (SECOND REQUEST)**

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19 The Parties, by and through their respective counsel, hereby stipulate for a second time to  
 20 extend the time for Plaintiff to respond to Defendants' MOTION FOR SUMMARY  
 21 JUDGMENT [ECF No. 71] from the current extended deadline of Monday, March 28, 2022  
 22 through and including Monday, April 11, 2022. Based on Plaintiff's need for a second extension,  
 23 the Parties further stipulate that Defendants shall have up to and including Monday, May 16,  
 24 2022 to file their reply in support of their Motion for Summary Judgment.

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1 This is the SECOND request for an extension of Plaintiff’s deadline to respond to  
2 Defendants’ Motion for Summary Judgment [ECF No. 71]. The Parties provide the following  
3 information to the Court regarding the proposed extension of time:  
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- 5 1. Defendants filed their Motion for Summary Judgment [ECF No. 71] on  
6 February 11, 2022, and a related Errata [ECF No. 74] solely concerning  
7 exhibits on February 15, 2022.
- 8 2. On March 1, 2022, Plaintiff’s counsel contacted Defendants’ counsel with  
9 a request to amend the summary judgment briefing schedule with a three-  
10 week extension for Plaintiff’s response deadline, moving the deadline  
11 from March 4, 2022 to March 28, 2022 based on the fact that Plaintiff’s  
12 counsel was scheduled to be on vacation from March 4, 2022 to March  
13 18, 2022 for a long-planned two-week cruise where he and his wife are  
14 celebrating their 25<sup>th</sup> wedding anniversary. During this long-planned  
15 cruise, Plaintiff’s counsel did not have any time to work on the response  
16 to Defendants’ comprehensive motion seeking summary judgment on all  
17 claims until March 21, 2022. Plaintiff’s counsel has been working on the  
18 response, but has not had time to complete it because of an intervening  
19 factor that was somewhat unexpected.  
20
- 21 3. While Plaintiff’s counsel was on vacation, on March 11, 2022, Plaintiff’s  
22 counsel received an order in Case 8:18-cv-01727-MAA *Damian Raffeale*  
23 *v. VCA, Inc* in the Central District of California that after approximately  
24 seven months of waiting due to COVID-19 delays a jury and a courtroom  
25 has been confirmed for a jury trial commencing at 8:30 a.m. on March 30,  
26 2022, which is this coming Wednesday. Accordingly, Plaintiff’s counsel  
27 has had to divert efforts from working on the extensive summary  
28

1 judgment opposition due in this case to trial preparations in the Raffele  
2 matter. This trial was not expected to be able to go, but now that the  
3 opportunity has come up, the Judge in California is insistent that it  
4 commence and get completed. Plaintiff's counsel must leave for  
5 California today, March 28, 2022.  
6

7 4. On March 27, 2022, Plaintiff's counsel emailed Defendants' counsel to  
8 request an additional two weeks to file his response for the reasons set  
9 forth above. Defendants' counsel granted Plaintiff's counsel's request for  
10 additional time. To that end, the Parties agree that Plaintiff may have until  
11 **Monday, April 11, 2022** to file his Response to Defendants' Motion for  
12 Summary Judgment.

13 5. The Parties have further agreed to extend the time for Defendants' Reply  
14 by three weeks from Monday, April 25, 2022 to **Monday, May 16, 2022**.  
15 *See* LR 7-2 (setting deadline for Reply in Support of Motion for  
16 Summary Judgment at 14 days). This additional time is needed by  
17 Defendants to account for Plaintiff's extension request, which request  
18 affects Defendants' drafting timeframe as it now intersects with the  
19 Easter holiday, pre-planned travel, spring break for Clark County School  
20 District students, and time-intensive obligations in other matters  
21 (including, but not limited to, preparation for an evidentiary hearing  
22 currently set for the week of May 9, 2022 in Case No.  
23 2:20-cv-00406-RFB-BNW).

24  
25 6. There are no other deadlines or proceedings with which this extension  
26 would interfere.  
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1 This stipulation to extend the Response *and* Reply deadlines regarding Defendants'  
2 Motion for Summary Judgment [EFC No. 71] (to Monday, April 11, 2022 and Monday, May 16,  
3 2022, respectively) is made in good faith and not for the purposes of delay.  
4

5 DATED this 28<sup>th</sup> day of March, 2022.

DATED this 28<sup>th</sup> day of March, 2022.

6 /s/ Hayley J. Cummings (with permission)

/s/ James P. Kemp

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10 *Attorneys for Defendants*

*Attorney for Plaintiff*

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13 **ORDER**

14 IT IS SO ORDERED:

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18 UNITED STATES DISTRICT JUDGE

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28 DATED: March 29, 2022

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