

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

PATRICIA LOMBARDO, <p style="text-align: center;">v.</p> PROPERTY AND CASUALTY INSURANCE COMPANY OF HARTFORD, et al., <p style="text-align: right;">Defendants.</p>	Plaintiff, Defendants.
---	-------------------------------

Case No. 2:17-cv-02242-JCM-PAL

ORDER

(Mot Ext Time – ECF No. 20)

Before the court is plaintiff’s letter request for Extension of Time (ECF No. 20).

On February 22, 2018, the court entered an Order (ECF No. 18) which granted plaintiff’s former counsel leave to withdraw. Plaintiff Patricia Lombardo (“Lombardo”) was given until March 22, 2018, to either retain substitute counsel who should make an appearance in accordance with the Local Rules of Practice, or to file a notice with the court that she would be appearing in this matter *pro se*.

Lombardo’s letter was received and filed on March 21, 2018—a day before the deadline. The letter requests an additional 90 days to obtain new counsel. In it she states that former counsel misrepresented the events leading up to his withdrawal. She states that she is 85 years old and cares for her critically ill, wheelchair bound daughter. Mr. Jimmerson requested that she come to his office alone without her son, but she was afraid and told him she could not do so because of her own handicaps.

The complaint in this case was filed in state court and removed August 13, 2017. It is an action against the defendants, Hartford. the insurance company which issued a homeowner’s policy for Lombardo’s residence. She alleges the roof of her home was damaged in a wind storm on October 28, 2013. Hartford allegedly failed to make necessary repairs and the contractor it

1 hired made matters worse making repairs that made her roof and ceiling “holier than swiss cheese.”
2 Hartford ultimately determined that she could not live in her residence and placed her in temporary
3 housing pursuant to “loss of use” coverage under the policy at Hartford’s expense. However, at
4 some point Hartford’s agent, Ales Solutions, notified her new landlord that it would no longer pay
5 her rent. As a result, her landlord served her with a 5-day notice to quit. The complaint alleges
6 that Lombardo gave her power of attorney to her son, Anthony, who lives nearby, to communicate
7 with Hartford and to serve as her agent in this case.

8 The court held a scheduling conference on November 7, 2017, and granted the parties’
9 stipulated discovery plan and scheduling order which requested twice the amount of time deemed
10 presumptively reasonable by LR 26-1 to complete discovery. The court warned counsel that no
11 further extension of the discovery plan and scheduling order deadlines would be considered absent
12 a strong showing of good cause and due diligence. Discovery is currently set to close June 30,
13 2018.

14 Having reviewed the letter request, the court will deny Ms. Lombardo’s request for an
15 additional 90 days to find counsel, but will give her an additional 60 days. Mr. Jimmerson’s motion
16 to withdraw was served on plaintiff and her son, Anthony, on February 14, 2018. Her letter does
17 not state what, if any, efforts have been made to obtain substitute counsel. If she has not obtained
18 counsel at that time who has made an appearance in compliance with the Local Rules of Practice
19 the court will deem her to be appearing in this matter *pro se*, that is, representing herself.
20 Accordingly,


21 **IT IS ORDERED** that:

- 22 1. Plaintiff’s letter request for a 90-day extension to retain substitute counsel (ECF No.
23 20) is **DENIED**.
- 24 2. Ms. Lombardo is granted a 60-day extension until **May 21, 2018** in which to retain
25 substitute counsel who shall make an appearance in accordance with the requirements
26 of the Local Rules of Practice.
- 27 3. If Ms. Lombardo has been unable to retain substitute counsel by **May 21, 2018** the
28 court will deem her to be appearing *pro se*, that is, representing herself.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. A status and scheduling conference is set for **10:00 a.m., May 29, 2018, in Courtroom 3B**. Plaintiff must appear at the hearing if she has been unable to retain substitute counsel, but may appear telephonically by calling Jeff Miller, Courtroom Deputy, at (702) 464-5420 **before 4:00 p.m. May 25, 2018** to indicate the telephone number where she may be reached. The courtroom deputy will initiate the call for the hearing.

DATED this 23rd day of March, 2018.


PEGGY A. LEN
UNITED STATES MAGISTRATE JUDGE