

1 DAN M. WINDER, ESQ.
 Nevada Bar No. 1569
 2 Law Office of Dan M. Winder P.C.
 3507 W. Charleston Blvd.
 3 Las Vegas, Nevada 89102
 Attorneys for Plaintiff
 4 Manuel Garcia

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

8 MANUEL GARCIA,
 9
 10 Plaintiff,
 11 vs.

CASE NO. 2:17-cv-2504-APG-BNW

12 CLARK COUNTY SHERIFF'S OFFICE, JOE
 LOMBARDO, BRANDON PRISBREY,
 #9315, SUNRISE MEDICAL HOSPITAL,
 13 SUSANNE ROOZENDAAL,
 14 Defendants.

**PLAINTIFF'S ATTORNEYS' MOTION
 TO
 WITHDRAW FROM CASE
 LR 1A 11-6**

15
 16 Dan M. Winder on behalf of himself and The Law Offices of Dan M. Winder hereby
 17 moves to withdraw from the representation of the Plaintiff, Manuel Garcia on the grounds that the
 18 Plaintiff and his counsel have irreconcilable differences as to how the matter should be handled.
 19 Counsel has been informed by the Plaintiff he wishes us to withdraw.

20 Plaintiff Garcia is being notified of this Motion by service of the Motion and by separate
 21 letter explaining the upcoming events and the probable consequences of the withdrawal of
 22 Plaintiff's counsel including the likelihood that Plaintiff will not prevail in the absence of
 23 representation.

24 Under these circumstances, Counsel requests this court reopen discovery and give Plaintiff
 25 an additional 90 days to retain counsel. This has, in part, been required because Plaintiff has been
 26 surprised by the testimony of Brandon Prisbrey that he was not the officer who interfered the
 27 medical treatment of Plaintiff at Sunrise Hospital even though he was the arresting and booking
 28 officer and completed the arrest report concerning the matter. According to Plaintiff's theory of

1 the case, the officer at the hospital is the prime defendant who acted to prevent him from getting
2 medical care for his fractured foot.

3 The upcoming events and deadlines in this matter are:

4 03/18/20 Deposition of Plaintiff
5 05/01/20 Dispositive Motions (Summary Judgment)
6 05/04/20 Joint Pretrial Order (will be extended when dispositive motion filed).

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8 The last known address of the Plaintiff is:

9 Manuel Garcia
10 #1107857
11 High Desert State Prison
Indian Springs, NV 89070

IT IS ORDERED that ECF No. 78 is
GRANTED in part and DENIED in part. It is
granted to the extent that Mr. Winder will be
permitted to withdraw as counsel. However, it
is denied to the extent it seeks to reopen
discovery.

IT IS FURTHER ORDERED that, before Mr.
Winder withdraws, the parties are to meet and
confer under LR 16-1(d) about how this case
should move forward. Specifically, the parties
must discuss reopening discovery, delaying
the case for 90 days, and Plaintiff's deposition
on 3/18/2020. The parties must file a joint
status report by 3/20/2020 regarding these
issues.

12 Respectfully submitted this 12th day of March,
13 2020.

14 LAW OFFICE OF DAN M. WINDER

15 /s/Dan M. Winder
DAN M. WINDER, ESQ.
16 Nevada Bar No. 1569
3507 W. Charleston Blvd.
17 Las Vegas, Nevada 89102
Attorneys for Plaintiff
18 Manuel Garcia

IT IS SO ORDERED
DATED: March 13, 2020


BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

19
20 I certify that on the date stamped hereon by the System, I served the forgoing on the parties of
21 record via the Court's Electronic Case Filing System. I also served a copy of the Motion on the
22 Plaintiff by mailing it to the following address:

23 Manuel Garcia
#1107857
24 High Desert State Prison
Indian Springs, NV 89070

25 /s/Hamilton D. Moore
26 An employee of the Law Office of Dan M. Winder P.C.
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