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 15 **UNITED STATES DISTRICT COURT**
 16 **DISTRICT OF NEVADA**

17 ELIZABETH CARLEY,

18 Plaintiff,

19 v.

20 JO GENTRY, *et al.*,

21 Defendants.

Case No. 2:17-cv-02670-MMD-VCF

**JOINT STIPULATION AND ORDER
 TO EXTEND THE JOINT PRETRIAL
 ORDER DEADLINE FROM APRIL
 25, 2022, TO MAY 25, 2022**

22 Plaintiff Elizabeth Carley, by and through counsel, Lisa. A. Rasmussen, and
 23 Defendants, Sheryl Foster, Patrick Vejar, Jo Gentry, James Dzurenda, Charles Daniels,
 24 Gabriela Najera, Tanya Hill, Dwight Neven, Cynthia Ruiz, and Kim Thomas, by and
 25 through counsel, Aaron D. Ford, Nevada Attorney General, and Christopher M. Guy,
 26 Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby
 27 Joint Stipulation And Order To Extend The Joint Pretrial Order Deadline From April 25,
 28 2022, to **May 25, 2022**.

1 The Parties hereby move to extend the Joint Pretrial Order deadline from April 25,
2 2022, to May 25, 2022 (30 days). Good cause supports this extensions request. Defense
3 counsel starts a trial on April 25, 2022. Defense Counsel was required to prepare for this
4 trial, and therefore the Parties requests an additional 30 days to draft the Joint Pretrial
5 Order.

6 **I. INTRODUCTION**

7 The Parties request an extension of the Joint Pretrial Order deadline of April 25,
8 2022. Defense counsel will be in trial the week of April 25th for case *3:17-cv-00649-MMD-*
9 *CSD*. Therefore, the Parties requests an additional 30 days to draft the Joint Pretrial
10 Order.

11 **II. LAW AND ARGUMENT**

12 **A. Law**

13 Federal Rule of Civil Procedure 6(b)(1)¹ provides:

14 (1) In General. When an act may or must be done within a
15 specified time, the court may, for good cause, extend the time:

16 (A) with or without motion or notice if the court acts, or if
17 a request is made, before the original time or its extension
18 expires; or

(B) on motion made after the time has expired if the party
failed to act because of excusable neglect.

18 Fed.R.Civ.P. 6(b)(1).

19 The United States Supreme Court has recognized, “Rule 6(b) gives the
20 court *extensive flexibility* to modify the fixed time periods found throughout the rules,
21 whether the enlargement is sought before or after the actual termination of the allotted
22 time.” *Lujan v. Nat’l Wildlife Fed.*, 497 U.S. 871, 906 n. 7 (1990) (internal quotation marks
23 and citation omitted) (emphasis added); *see also Perez-Denison v. Kaiser Found. Health*
24 *Plan of the Nw.*, 868 F. Supp. 2d 1065, 1079 (D. Or. 2012) (citing and quoting *Lujan*, 497
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26 ¹ LR IA 6-1(a): “A motion or stipulation to extend time must state the reasons for the
27 extension requested and must inform the court of all previous extensions of the subject
28 deadline the court granted.” Further, a “stipulation or motion seeking to extend the time
to file an opposition or reply to a motion, or to extend the time fixed for hearing a motion,
must state in its opening paragraph the filing date of the subject motion or the date of the
subject hearing.” LR IA 6-1(c).

1 U.S. at 906). Further, this rule, like all the Federal Rules of Civil Procedure is to be liberally
2 construed to effectuate the general purpose of seeing that cases (and other disputed issues)
3 are decided on the merits. *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258 (9th Cir.
4 2010). Regarding “Good cause,” it is a non-rigorous standard that has been construed
5 broadly across procedural and statutory contexts. *Id.* (citing several circuits *Venegas-*
6 *Hernandez v. Sonolux Records*, 370 F.3d 183, 187 (1st Cir.2004); *Thomas v. Brennan*, 961
7 F.2d 612, 619 (7th Cir.1992); *Lolatchy v. Arthur Murray, Inc.*, 816 F.2d 951, 954 (4th
8 Cir.1987)).

9 Consequently, requests for extensions of time made before the applicable deadline
10 has passed should “normally ... be granted in the absence of bad faith on the part of the
11 party seeking relief or prejudice to the adverse party.” *Ahanchian*, 624 F.3d at 1259
12 (quoting 4B Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure §
13 1165 (3d ed. 2004).

14 **B. Argument**

15 Defense counsel attended the pre-trial calendar call on April 5, 2022, in case *3:17-*
16 *cv-00649-MMD-CSD*; the case scheduled for trial back in November 2021 but was
17 continued. On April 5, 2022, the District Court informed the parties that case *3:17-cv-*
18 *00649-MMD-CSD* was number one (1) on the stack. Thus, the trial will take place starting
19 April 25th.

20 The Parties contend that the upcoming trial in case *3:17-cv-00649-MMD-CSD*
21 establishes good cause to grant this extension request. The Parties do not act in bad faith.
22 The Parties seek additional time to work together to draft the Joint Pretrial Order. Thus,
23 the Parties request an extension of the Joint Pretrial Order deadline of April 25, 2022, to
24 May 25, 2022.

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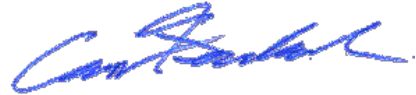
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1 **III. CONCLUSION**

2 For the foregoing reasons, the Parties request an extension of the Joint Pretrial
3 Order deadline of April 25, 2022, to **May 25, 2022**.

<p>6 DATED this 22nd day of April 2022</p> <p>7</p> <p>8 By: <u>/s/ Lisa A. Rasmussen</u> LISA A. RASMUSSEN, Esq. Law Offices of Kristina Wildeveld & Associates 550 E. Charleston Blvd. Las Vegas, Nevada 89101 Attorneys for Plaintiff</p>	<p>6 DATED this 22nd day of April 2022</p> <p>7</p> <p>8 By: <u>/s/ Christopher M. Guy</u> CHRISTOPHER M. GUY Deputy Attorney General Office of the Nevada Attorney General 555 E. Washington Avenue, #3900 Las Vegas, Nevada 89101 Attorneys for Defendants</p>
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13 IT IS SO ORDERED.

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15 UNITED STATES MAGISTRATE JUDGE

16 DATE: 4-28-2022