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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 ELIZABETH CARLEY,)
16) CASE NO. 2:17-cv-02670-MMD-VCF
Plaintiff,)
17) **JOINT STIPULATION AND ORDER TO**
vs.) **EXTEND THE JOINT PRETRIAL**
18) **ORDER DEADLINE FROM AUGUST 29,**
NEVEN, et al.,) **2022, TO SEPTEMBER 28, 2022**
19) **(Fourth Request)**
Defendants.)

20
21 Plaintiff ELIZABETH CARLEY, by and through her counsel of record, Lisa A.
22 Rasmussen, Esq. of The Law Offices of Kristina Wildeveld & Associates, and Defendants,
23 SHERYL FOSTER, PATRICK VEJAR, JO GENTRY, JAMES DZURENDA, CHARLES
24 DANIELS, GABRIELA NAJERA, TANYA HILL, DWIGHT NEVEN, CYNTHIA RUIZ, by

1 through their counsel, Aaron D. Ford, Nevada Attorney General, and Douglas R. Rands, Senior
2 Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby submit
3 a Joint Stipulation and Order to Extend the Joint Pretrial Order Deadline from August 29, 2022
4 to September 28, 2022.

5 **I. INTRODUCTION**

6 The Parties hereby move to extend the Joint Pretrial Order deadline from August 29, 2022
7 to September 28, 2022 (30 days). Good cause exists in this case because the Parties have
8 continued discussions and may be able to resolve this matter without further litigation.
9 Additionally, during recent preparations for Joint Pretrial Order, Plaintiff’s counsel discovered
10 that many of the thousands of pages of documents originally produced by the State directly to Ms.
11 Carley at earlier stages of the litigation were missing or lost, primarily due to Ms. Carley’s
12 changes in custody location and issues concerning her ability to make copies while incarcerated.
13 The State’s counsel has agreed to provide a full set of discovery documents produced by the State
14 in electronic format. The Parties agree that additional time is necessary to review the discovery
15 records produced in this matter to submit a Joint Pretrial Order.

16 **II. LEGAL STANDARDS**

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

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

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

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

21 FED. R. CIV. P. 6(b)(1).¹
22

23 ¹ LR IA 6-1(a) provided that “[a] motion or stipulation to extend time must state the reasons for
24 the extension requested and must inform the court of all previous extensions of the subject
deadline the court granted.” Further, a “stipulation or motion seeking to extend the time to file an

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1 The United States Supreme Court has recognized, “Rule 6(b) gives the court extensive
2 flexibility to modify the fixed time periods found throughout the rules, whether the enlargement
3 is sought before or after the actual termination of the allotted time.”² Further, this rule is to be
4 liberally construed to effectuate the general purpose of seeing that cases, and other disputed
5 issues, are decided on the merits.³ Regarding “Good cause,” it is a non-rigorous standard that has
6 been construed broadly across procedural and statutory contexts.⁴ Consequently, requests for
7 extensions of time made before the applicable deadline has passed should “normally ... be granted
8 in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse
9 party.”⁵

10 **III. ARGUMENT**

11 After some delays based on miscommunications as to the identify of the attorney
12 representing the State, the Parties met and conferred about the status of the case. The Parties
13 discussed settlement, and an offer by Plaintiff has been presented to and is now being considered
14 by the State. The Parties also discussed the fact that many of the several thousands of pages of
15 records provided by the State in disclosures and discovery responses were missing from the
16 documents in Plaintiff’s possession. This situation appears to be the result of restrictions on

17 _____
18 opposition or reply to a motion, or to extend the time fixed for hearing a motion, must state in its
19 opening paragraph the filing date of the subject motion or the date of the subject hearing.” LR IA
20 6-1(c).

21 ² *Lujan v. Nat’l Wildlife Fed.*, 497 U.S. 871, 906 n. 7 (1990) (internal quotation marks and citation
22 omitted) (emphasis added); see also *Perez-Denison v. Kaiser Found. Health Plan of the Nw.*, 868
23 F. Supp. 2d 1065, 1079 (D. Or. 2012) (*citing and quoting Lujan*, 497 U.S. at 906).

24 ³ *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258 (9th Cir. 2010).

⁴ *Id.* (citing *Venegas–Hernandez v. Sonolux Records*, 370 F.3d 183, 187 (1st Cir.2004), *Thomas v. Brennan*, 961 F.2d 612, 619 (7th Cir.1992), *Lolatchy v. Arthur Murray, Inc.*, 816 F.2d 951, 954 (4th Cir.1987)).

⁵ *Ahanchian*, 624 F.3d at 1259 (*quoting* 4B Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 1165 (3d ed. 2004)).

1 Plaintiff's ability to make copies while in custody as well as documents being lost during Plaintiff
2 move into transitional housing. State's counsel has agreed to provide Plaintiff's counsel with a
3 complete copy of all discovery provided by the State in electronic format.

4 The Parties do not act in bad faith. They are evaluating the issues and settlement possibility
5 in good faith. The Parties seek the additional time to work together to draft the Joint Pretrial
6 Order. They are working together to resolve the issue of the discovery documents, and determine
7 precisely which documents will be appropriate and necessary for trial. The additional time is
8 necessary for the drafting and agreement to a joint order, and also to further settlement
9 discussions. Therefore, Parties request an extension of the Joint Pretrial Order from August 29,
10 2022 to September 28, 2022.

11 **IV. CONCLUSION**

12 For the foregoing reasons, the Parties request an extension of the Joint Pretrial Order
13 deadline from August 29, 2022 to September 28, 2022.

14 DATED this 29th day of August, 2022.

DATED this 29th day of August, 2022.

15 **THE LAW OFFICES OF KRISTINA WILDEVELD
& ASSOCIATES,**

OFFICE OF THE ATTORNEY GENERAL

16 **By: /s/ Lisa A. Rasmussen**
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By: /s/
DOUGLAS R. RANDS (NV Bar 3572)
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100 N. Carson Street
Carson City, NV 89701-4717
Attorneys for Defendants

23 **IT IS SO ORDERED:**

24 UNITED STATES MAGISTRATE JUDGE

DATED: 8-30-2022

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