

KRISTINA WILDEVELD & ASSOCIATES
550 E CHARLESTON BOULEVARD, SUITE A
LAS VEGAS, NEVADA 89104
(702) 222-0007 • FAX: (702) 222-0001
WWW.WILDELDLAW.COM

1 LISA A. RASMUSSEN, ESQ.
Nevada Bar No. 7491
2 **THE LAW OFFICES OF KRISTINA WILDEVELD**
& ASSOCIATES
3 550 E. Charleston Blvd., Suite A
Las Vegas, NV 89104
4 Phone (702) 222-0007
Fax (702) 222-0001
5 Email: Lisa@Veldlaw.com
Attorneys for Plaintiff Elizabeth Carley

6 AARON D. FORD
Attorney General
7 DOUGLAS R. RANDS (Bar No. 3572)
Senior Deputy Attorney General
8 State of Nevada
9 **OFFICE OF THE ATTORNEY GENERAL**
10 100 N. Carson Street
Las Vegas, Nevada 89701-4717
(775) 684-1150 (phone)
11 Email: drands@ag.nv.gov
Attorneys for Defendants James Dzurenda, Charles Daniels,
Sheryl Foster, Jo Gentry, Tanya Hill, Gabriela Najera,
Dwight Neven, Cynthia Ruiz, Kim Thomas, and Patrick Vejar

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**
NEVEN, et al.,) **SEPTEMBER 28, 2022, TO**
19) **OCTOBER 5, 2022**
Defendants.) **(Fifth Request)**
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 September 28,
4 2022 to October 5, 2022.

5 **I. INTRODUCTION**

6 The Parties hereby move to extend the Joint Pretrial Order deadline from September 28,
7 2022 to October 5, 2022 (7 days). The Joint Pretrial Order is due today. Counsel for Plaintiff,
8 Ms. Carley, prepared a draft of the Joint Pretrial Order that they sent to Mr. Rands yesterday
9 afternoon. Mr. Rands, counsel for all defendants, emailed last night to advise that he is currently
10 in trial and he will not be able to complete his portions of the Joint Pretrial Order today as a result.

11 Accordingly, the parties seek a one week extension of time to file the Joint Pretrial Order
12 and submit to the Court that the fact that Mr. Rands is in trial constitutes good cause.

13 **II. LEGAL STANDARDS**

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

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

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

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

21 FED. R. CIV. P. 6(b)(1).¹

22 ¹ LR IA 6-1(a) provided that “[a] motion or stipulation to extend time must state the reasons for
23 the extension requested and must inform the court of all previous extensions of the subject
24 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 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

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

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

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

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

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1 . . .

2 **III. CONCLUSION**

3 For the foregoing reasons, the Parties request an extension of the Joint Pretrial Order
4 deadline from September 28, 2022 to October 5, 2022.

5 DATED this 28th day of September, 2022.

DATED this 28th day of September, 2022.

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

OFFICE OF THE ATTORNEY GENERAL

7 **By: /s/ Lisa A. Rasmussen**
8 LISA A. RASMUSSEN, ESQ. (NV Bar 7491)
9 550 E. Charleston Blvd, Ste. A
10 Las Vegas, NV 89104
11 Tel: (702) 222-0007
12 Lisa@VeldLaw.com
13 *Attorneys for Plaintiff, Elizabeth Carley*

By: /s/ Douglas R. Rands
DOUGLAS R. RANDS (NV Bar 3572)
Senior Deputy Attorney General
100 N. Carson Street
Carson City, NV 89701-4717
Attorneys for Defendants

14 **IT IS SO ORDERED:**



15 UNITED STATES MAGISTRATE JUDGE

16 9-29-2022

17 DATED: _____

KRISTINA WILDEVELD ASSOCIATES
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