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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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TIMOTHY LUGER,  
  
v.  
  
UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
Defendant.

Case No. 2:17-cv-02839-GMN-GWF

**ORDER**

This matter is before the Court on the Defendant United States of America’s Motion to Extend Time for Dispositive Motion and Joint Pretrial Order (ECF No. 42), filed on July 12, 2019. Plaintiff filed his Response (ECF No. 44) on July 12, 2019 and Defendant filed its Reply (ECF No. 45) on July 15, 2019.

This matter arises from allegations of negligence/medical malpractice for the care received by Plaintiff at Loma Linda VAMC. See Complaint (ECF No. 1). On February 6, 2019, the Court granted the parties’ stipulation to extend discovery deadlines. ECF No. 28. The discovery cutoff deadline was extended until March 30, 2019 and the dispositive motion deadline was extended until April 30, 2019. Defendant requests that the Court re-open and extend the dispositive motion deadline to August 16, 2019 or, in the alternative, to extend the joint pretrial order deadline to August 16, 2019. Defendant states that it failed to file its request for extension because of the backup of work that occurred due to the government shutdown and the 33% deficit in staffing at the U.S. Attorney’s Office. It argues that Plaintiff supplemented medical record disclosures and that a dispositive motion would condense damage issues at trial. Plaintiff argues that any further delay will prejudice Plaintiff.


A request made after the expiration of a deadline will not be granted unless the movant demonstrates that the failure to file the motion before the deadline expired was the result of

1 excusable neglect. Local Rules IA 6-1. In evaluating excusable neglect, the court considers the  
2 following factors: “(1) the danger of prejudice to the opposing party; (2) the length of the delay  
3 and its potential impact on the proceedings; (3) the reason for the delay; and (4) whether the  
4 movant acted in good faith.” *Bateman v. U.S. Postal Service*, 231 F.3d 1220, 23–24 (9th Cir.  
5 2000) (citing *Pioneer Inv. Servs. Co. v. Brunswick Assocs.*, 507 U.S. 380, 395 (1993)). The Court  
6 finds that Defendant has failed to demonstrate excusable neglect and the Court, therefore, denies  
7 its request to re-open and extend the dispositive motion deadline. The Court, however, grants  
8 Defendant’s request to extend the joint pretrial order deadline to **August 16, 2019**. Accordingly,

9 **IT IS HEREBY ORDERED** that the Defendant United States of America’s Motion to  
10 Extend Time for Dispositive Motion and Joint Pretrial Order (ECF No. 42) is **granted**, in part, and  
11 **denied**, in part according to the provisions herein.

12 **IT IS FURTHER ORDERED** that the parties’ shall file their joint pretrial order no later  
13 than **August 16, 2019**.

14 DATED this 18th day of July, 2019.

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18 GEORGE FOLEY, JR.  
19 United States Magistrate Judge  
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