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7 *Attorneys for Defendants*
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 8 *Jennifer Nash, Brian Williams,*
Jeremy Bean, Taylor Paryga,
 9 *Anthony Ritz, Pamela Del Porto,*
Harold Wickham, Sheryl Foster,
 10 *Renee Baker, and Benjamin Estill*

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

15 LAUSTEVEION JOHNSON,
 16 Plaintiff,

17 v.

18 HIGH DESERT STATE PRISON, *et al.*,
 19 Defendants.

Case No. 2:18-cv-01078-JCM-EJY

**DEFENDANTS' UNOPPOSED
 MOTION TO EXTEND THE
 DISPOSITIVE MOTION DEADLINE
 [FIFTH REQUEST]¹**

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 22 Defendants James Dzurenda, Julio Calderin, Jennifer Nash, Brian Williams,
 23 Jeremy Bean, Taylor Paryga, Anthony Ritz, Pamela Del Porto, Harold Wickham, Sheryl
 24 Foster, Renee Baker, and Benjamin Estill, by and through counsel, Aaron D. Ford, Nevada
 25 Attorney General, and Katlyn M. Brady, Senior Deputy Attorney General, of the State of
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 28 ¹ Although this is Defendants' fifth request, this is the second request filed by
 Defendants' new counsel. Both of the extension requests filed by counsel were agreed to by
 Plaintiff due to the COVID restrictions at Southern Desert Correctional Center.

1 Nevada, Office of the Attorney General, request this Court grant Defendants' unopposed
2 motion to extend the dispositive motion deadline.

3 **I. INTRODUCTION**

4 Defendants respectfully request this Court extend the dispositive motion deadline
5 from February 4, 2021, to March 4, 2021. Good cause supports this request because new
6 counsel has been unable to complete the dispositive motion due to her heavy caseload.
7 Further, counsel spent a significant amount of time out of the office quarantining due to a
8 potential COVID exposure. Additionally, Plaintiff has been unable to complete a dispositive
9 motion due to the COVID restrictions at Southern Desert Correctional Center (SDCC).

10 **II. BACKGROUND**

11 This is a prisoner civil rights matter. Plaintiff Lausteveion Johnson (Johnson) is an
12 inmate in the Nevada Department of Corrections (NDOC). Currently, Johnson is housed
13 at SDCC, which has imposed restrictions on inmate movements to prevent against the
14 spread of COVID-19.

15 On February 2, 2021, the parties engaged in a meet and confer to discuss multiple
16 matters across three cases. Declaration of counsel attached as Exhibit A. Counsel explained
17 to Johnson that she had been unable to complete the dispositive motion deadline because
18 she had been required to complete three summary judgments over the last two weeks and
19 had a fourth motion for summary judgment due February 8th.² Accordingly, the dispositive
20 motion in this matter would have been counsel's fifth dispositive motion in less than
21 4 weeks. *Id.* Further, counsel has been involved in responding to two emergency motions
22 regarding High Desert State Prison (HDSP)'s lockdown procedures.³

23 During the phone call, Johnson noted that he was recovering from an illness and
24 that due to the SDCC's lockdown restrictions, he had been unable to complete a dispositive
25 motion in this matter. *Id.* Further, the parties discussed that Johnson has an opposition to
26 a motion for summary judgment due in another matter. *Id.* Accordingly, the parties agreed

27 ² The cases are: 2:17-cv-00641-JCM-BNW, 2:17-cv-00431-JCM-VCF, 2:17-cv-02500-
28 JCM-NJK, and 2:19-cv-00326-JAD-BNW.

³ 2:20-cv-01768-RFB-EJY and 2:20-cv-00518-RFB-VCF.

1 to extend the dispositive motion deadline 30 days to allow both sides to complete a
2 dispositive motion. Johnson agreed that Defendants would file the unopposed motion in
3 this matter.

4 **III. INFORMATION REQUIRED BY LOCAL RULE 26-4**

5 Defendants provide the following information in accordance with Local Rule 26-4.

6 **A. Discovery Completed**

7 The parties have completed the following discovery to date.

8 On October 15, 2019, Defendant Estill served Answers to Plaintiff's Interrogatories.

9 On October 15, 2019, Defendant Baker served Answers to Plaintiff's Interrogatories.

10 On October 16, 2019, Defendant Williams served Answers to Plaintiff's
11 Interrogatories.

12 On October 18, 2019, Defendant Nash served Answers to Plaintiff's Interrogatories.

13 On October 21, 2019, Defendant Calderin served Answers to Plaintiff's
14 Interrogatories.

15 On October 21, 2019, Defendant Del Porto served Answers to Plaintiff's
16 Interrogatories.

17 On October 22, 2019, Defendant Estill served Responses to Plaintiff's first set of
18 Requests for Production of Documents.

19 On November 5, 2019, Defendant Nash served Responses to Plaintiff's first set of
20 Requests for Admissions.

21 On November 6, 2019, Defendant Williams served Responses to Plaintiff's first set
22 of Requests for Admissions.

23 On November 7, 2019, Defendant Calderin served Responses to Plaintiff's first set
24 of Requests for Admissions.

25 On November 7, 2019, Defendant Del Porto served Responses to Plaintiff's first set
26 of Requests for Admissions.

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1 On November 8, 2019, Defendant Del Porto served Responses to Plaintiff's first set
2 of Requests for Production of Documents.

3 **B. Discovery That Remains To Be Completed**

4 No additional discovery is needed in this matter. The remaining case management
5 deadlines are:

6 Dispositive motion deadline: February 4, 2020

7 Joint pretrial order (if no dispositive motions filed): March 4, 2021

8 **C. Reasons Why The Deadlines Were Not Satisfied**

9 The dispositive motion deadline was not completed for several reasons. For
10 Defendants, counsel was unable to complete the dispositive motion deadline as she has
11 been required to complete four motions for summary judgment over the last three weeks
12 and is additionally working on two emergency motions for preliminary injunctions.

13 For Plaintiff, the deadline cannot be satisfied due to SDCC's lockdown restrictions
14 during the COVID-19 pandemic and his recent illness.

15 **D. Proposed Deadlines**

16 Dispositive motion deadline March 4, 2021

17 Joint pretrial order (if no dispositive motions filed): April 4, 2021

18 **E. Good Cause Supports The Request**

19 Good cause supports granting this unopposed request to extend the dispositive
20 motion deadline. As counsel has been required to complete numerous substantive motions
21 over a short time, counsel has been unable to complete the dispositive motion in this
22 matter. Similarly, Plaintiff has been unable to complete a dispositive motion due to SDCC's
23 COVID restrictions.

24 There will be no prejudice caused by granting this extension. Both parties have
25 agreed that an extension is necessary to ensure the claims can be adequately briefed for
26 this Court. Further, Plaintiff has indicated that he has yet to receive requested research or
27 items from the SDCC Law Library. As a result, Plaintiff has been unable to complete the

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1 dispositive motion. Finally, there is no trial date in this matter and thus, there is no
2 prejudice in granting this extension request.

3 **IV. CONCLUSION**

4 Defendants respectfully request an extension to complete the dispositive motion
5 deadline from February 4, 2021, to March 4, 2021. The parties have agreed an extension in
6 this matter is necessary due to counsel's heavy caseload and SDCC's COVID restrictions.

7 DATED this 4th day of February, 2021.

8 AARON D. FORD
9 Attorney General

10 By: /s/ Katlyn M. Brady
11 KATLYN M. BRADY (Bar No. 14173)
12 Senior Deputy Attorney General

13 *Attorneys for Defendants*

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15 IT IS SO ORDERED.

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17 
18 Dayna L. Zouchak
19 U.S. MAGISTRATE JUDGE

20 Dated: February 4, 2021

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on February 4, 2021, I electronically filed the foregoing **DEFENDANTS' UNOPPOSED MOTION TO EXTEND THE DISPOSITIVE MOTION DEADLINE [FIFTH REQUEST]** via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically. For those parties not registered, service was made by emailing a copy at Las Vegas, Nevada, addressed to the following:

Lausteveion Johnson, #82138
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, Nevada 89070
Email: sdclawlibrary@ag.nv.gov
Plaintiff, Pro Se

/s/ Carol A. Knight
CAROL A. KNIGHT, an employee of the
Office of the Nevada Attorney General