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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TONY HINES,  
Plaintiff,  
v.  
JAMES DZURENDA, *et al.*,  
Defendants.

Case No. 2:18-cv-02373-JAD-NJK

**ORDER GRANTING  
DEFENDANTS' UNOPPOSED MOTION  
TO EXTEND THE DISPOSITIVE  
MOTION DEADLINE  
(FIRST REQUEST)**

Defendant, Darren Spiece, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Katlyn M. Brady, Senior Deputy Attorney General, of the State of Nevada, Office of the Attorney General, requests this Court grant a 45-day extension of the dispositive motion deadline.

**I. INTRODUCTION**

Defendant respectfully requests this Court extend the deadline to file a dispositive motion from **July 12, 2021, to August 26, 2021**. Good cause supports this extension as counsel has another dispositive motion due today<sup>1</sup> and was recently tasked with creating a new litigation team within the Public Safety Division—Nevada Department of Corrections (NDOC). Counsel is the current team leader of said litigation team, bearing primary case assignment responsibility over all cases previously assigned to both her and her (4) Deputy

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<sup>1</sup> Case number 2:19-cv-00721-RFB-DJA

1 Attorney Generals (DAG). With the exception of one DAG, who is currently on leave until  
2 August 1, 2021, the three (3) DAGs are new to practice and/or new to civil litigation. In  
3 addition, Plaintiff needs additional time for dispositive motions as Plaintiff's motion to  
4 amend was recently denied. Accordingly, the parties have agreed to a 45-day extension to  
5 draft the dispositive motions as the parties have agreed that it is beneficial to both parties.

## 6 **II. BACKGROUND**

7 This matter is based upon Plaintiff's claim that Defendant Spiece violated Plaintiff's  
8 rights by failing to provide an adequate description of the confidential information used  
9 during a disciplinary hearing. ECF No. 17 at 11:16-19. Plaintiff further claims Defendant  
10 did not verify the credibility of the confidential information. *Id.*

11 Following the opening of discovery, the parties engaged in discovery that ultimately  
12 resulted in Plaintiff filing a motion to compel. ECF No. 44. This Court then denied the  
13 motion. ECF No. 51.

14 Plaintiff also filed a motion to amend the Complaint. ECF No. 36. Following briefing,  
15 this Court recently denied the motion to amend. ECF No. 52.

16 On July 12, 2021, due to an emergency of the undersigned counsel, DAG Amy A.  
17 Porray conducted a meet and confer with Plaintiff to discuss the dispositive motion  
18 deadline. *See* Declaration of Attorney Porray, Exhibit A. DAG Porray explained that  
19 counsel had a second dispositive motion due July 12, 2021, and was tasked with creating a  
20 new inmate litigation team for the Office of the Nevada Attorney General. DAG Porray  
21 requested Plaintiff consent to a 45-day extension of time for the dispositive motion  
22 deadline. DAG Porray explained why she was covering the meet and confer for counsel and  
23 the purpose thereof. She also explained why the Attorney General was unable to give  
24 Plaintiff advance notice of the telephone conference, as Plaintiff requested an answer to  
25 the same. *Id.*

26 DAG Porray explained what a dispositive motion was, and explained what the effect  
27 of an unopposed motion was. Plaintiff further agreed Defendant could title his motion as  
28 unopposed to reflect this agreement. Plaintiff readily agreed to the extension as he

1 explained he also needed additional time to complete a dispositive motion. Plaintiff was  
2 appreciative that counsel would file the unopposed motion. His only request was that a  
3 scheduling order with the date for dispositive motions be included. DAG Porray informed  
4 Plaintiff of the contents of an unopposed motion and that it would necessarily include the  
5 date. *Id.*

### 6 **III. LEGAL ARGUMENT**

7 Motions to enlarge time are governed by FED R. CIV. PROC. 6(b) and Nevada Local Court  
8 Rule 26-3<sup>2</sup> and 26-6:

9 (b) Extending Time.

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

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

14 (B) on motion made after the time has expired if the party failed  
to act because of excusable neglect.<sup>[3]</sup>

15 and

#### 16 **LR 26-3. EXTENSION OF SCHEDULED DEADLINES**

17 A motion or stipulation to extend any date set by the  
18 discovery plan, scheduling order, or other order must, in addition  
19 to satisfying the requirements of LR IA 6-1, be supported by a  
20 showing of good cause for the extension. A motion or stipulation  
21 to extend a deadline set forth in a discovery plan must be  
22 received by the court no later than 21 days before the expiration  
of the subject deadline. A request made within 21 days of the  
subject deadline must be supported by a showing of good cause.  
A request made after the expiration of the subject deadline will  
not be granted unless the movant also demonstrates that the  
failure to act was the result of excusable neglect. A motion or  
stipulation to extend a discovery deadline or to reopen discovery  
must include:

23 (a) A statement specifying the discovery completed;

24 (b) A specific description of the discovery that remains to  
25 be completed;

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27 <sup>2</sup> On April 17, 2020, the Federal District Court of Nevada amended the Local Rules.  
28 This motion cites to the most recent version.

<sup>3</sup> FED R. CIV. PROC. 6(b)

1 (c) The reasons why the deadline was not satisfied or the  
2 remaining discovery was not completed within the time  
3 limits set by the discovery plan; and  
4 (d) A proposed schedule for completing all remaining  
5 discovery.<sup>[4]</sup>

6 Defendant provides the following information in compliance with LR 26-3.

7 **A. Statement Of Completed Discovery**

8 To date, the following discovery has been completed: Plaintiff's First Set of  
9 Interrogatories to Defendant Darren Spiece and Plaintiff's First Request for Production of  
10 Documents to Defendant Darren Spiece.

11 **B. A Description Of Discovery That Remains To Be Completed**

12 There is no remaining discovery to be completed.

13 **C. The Reasons For The Extension Request**

14 Defendant was unable to complete the dispositive motion for the following reasons:  
15 (1) counsel had another dispositive motion due the same day, (2) the OAG is in the middle  
16 of a major restructuring and counsel is tasked with the creation of this new litigation team  
17 and (3) counsel has been covering for another attorney that was out of the office with a  
18 medical emergency. Further, Plaintiff indicated he needs additional time to complete his  
19 own dispositive motion and thus consented to the extension.

20 **D. The Proposed New Deadlines**

21 Dispositive Motion Deadline	August 26, 2021
22 Joint Pretrial order	September 27, 2021 <sup>5</sup>

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24 ///  
25 ///  
26 ///

27 **26-3**

28 <sup>4</sup> Nevada Local Court Rules 26-4

<sup>5</sup> This deadline is suspended if dispositive motions are filed. The joint pretrial order is due 30 days after a ruling on the dispositive motions **or further court order.**

1 **IV. CONCLUSION**

2 The parties respectfully request an extension of 45 days to allow for the completion  
3 of the dispositive motion deadline.

4 DATED this 13th day of July, 2021.

5 AARON D. FORD  
6 Attorney General

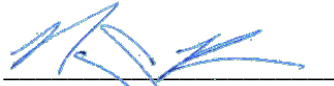
7 By: /s/ Katlyn M. Brady  
8 KATLYN M. BRADY (Bar No. 14173)  
9 Senior Deputy Attorney General

10 *Attorneys for Defendant*

11 This stipulation was filed after the expiration of the subject deadline and, therefore, requires a  
12 showing of excusable neglect in addition to good cause. Counsel for Defendant fails to  
13 address, let alone establish, excusable neglect. Further, work on other cases or establishing a  
14 litigation unit does not constitute good cause. Nonetheless, as a one-time courtesy to the  
15 parties, the Court will **GRANT** this stipulation. Counsel must strictly comply with all rules  
16 and case law.

17 IT IS SO ORDERED.

18 Dated: July 14, 2021

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21 Nancy J. Koppe  
22 U.S. Magistrate Judge  
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