

1 AARON D. FORD  
2 Attorney General  
3 LEO T. HENDGES (Bar No. 16034)  
4 Senior Deputy Attorney General  
5 State of Nevada  
6 Office of the Attorney General  
7 555 E. Washington Ave., Ste. 3900  
8 Las Vegas, Nevada 89101  
(702) 486-3795 (phone)  
(702) 486-3773 (fax)  
Email: lhendges@ag.nv.gov

7 *Attorneys for Defendants*  
Keith Benson, Steven Klomp,  
8 Kelli Lyons, and Louisa Sanders

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 KENTRELL D. WELCH,

13 Plaintiff,

14 v.

15 MICHAEL MINOR, *et al.*,

16 Defendants.

Case No. 2:19-cv-00480-CDS-BNW

**STIPULATION AND ~~PROPOSED~~  
ORDER FOR  
STAY OF CASE PENDING EARLY  
EXHAUSTION MOTION FOR  
SUMMARY JUDGMENT  
[FIRST REQUEST]**

17  
18 The parties, Plaintiff Kentrell D. Welch acting *pro se*, and Defendants by and  
19 through their counsel of record, hereby stipulate to stay the case, pending resolution of an  
20 Early Exhaustion Motion for Summary Judgment that Defendants plan to file, based on  
21 Plaintiff's administrative grievance history. This is the parties' first stipulation to stay the  
22 case.

23 "A court's power to stay proceedings is incidental to its inherent power to manage its  
24 docket." Stephens v. Comenity, LLC, 287 F.Supp.3d 1091, 1096 (D. Nev. 2017); citing  
25 Landis v. N. Am. Co., 299 U.S. 248, 254–55 (1936). "In determining whether a stay is  
26 appropriate, a court 'must weigh competing interests and maintain an even balance.'" Id.  
27 at 1097; citing Landis, 299 U.S. at 254–55; see also Lockyer v. Mirant Corp., 398 F.3d 1098,  
28 1110 (9th Cir. 2005). "These competing interests include: (1) possible damage resulting

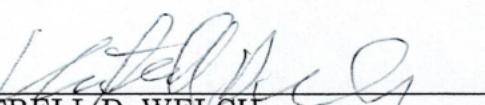
1 from granting a stay; (2) hardship or inequity to a party if the proceedings go forward; and  
2 (3) simplification or complication of issues, proof and questions of law from a stay." Id.;  
3 citing CMAX, Inc. v. Hall, 300 F.2d 265, 268 (9th Cir. 1962).

4 As discovery has not commenced, neither party will be prejudiced with a stay in this  
5 case. The parties stipulate and agree that this case should be stayed pending the outcome  
6 of Defendants' Early Motion for Summary Judgment based on exhaustion. Defendants'  
7 Early Motion for Summary Judgment based on Exhaustion shall be filed on or before  
8 Monday, December 18, 2023, which is roughly thirty (30) days after the date of this  
9 stipulation and proposed order.

10 DATED this 13 day of November, 2023.

DATED this 9th day of November, 2023

11  
12 AARON D. FORD  
Attorney General

13 By:   
14 KENTRELL D. WELCH  
Plaintiff, Pro Se

15  
16 By: /s/ Leo T. Hedges  
17 LEO T. HENDGES (Bar No. 16034)  
Senior Deputy Attorney General  
Attorneys for Defendants

## ORDER

18 Upon Stipulation of the parties, and good cause appearing therefore, it is hereby  
19 ORDERED the case is stayed pending resolution of Defendants' Early Exhaustion Motion  
20 for Summary Judgment. If the Defendants fail to file the Motion on or before December 18,  
21 2023, the stay will be lifted.

22 Dated: November 14, 2023

23  
24  
25 UNITED STATES DISTRICT JUDGE  
26  
27  
28

