

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BRIAN BORENSTEIN,

Plaintiff,

v.

THE ANIMAL FOUNDATION, *et al.*,

Defendants.

Case No.: 2:19-cv-00985-APG-DJA

**ORDER**

Pending before the Court is Plaintiff’s Motion to Extend Time (ECF No. 150), filed on April 12, 2021. Defendants filed a Response (ECF No. 151) on April 23, 2021. The Court finds this matter properly resolved without a hearing. *See* Local Rule 78-1.

Plaintiff seeks leave to conduct limited discovery after which he requests 30 days to file a second amended complaint, or alternatively, he seeks a 60 day extension to the deadline to file a second amended complaint. He represents that he was given until April 16, 2021 to file a second amended complaint. (ECF No. 143). However, Plaintiff seeks to obtain discovery from Sunrise Hospital that he claims is necessary to determine the proper claims and parties for a second amended complaint. Further, Plaintiff’s pro bono counsel has an out-of-state surgery scheduled for April 26, 2021 with pre-operative appointments occurring beforehand while his other counsel has received news that his mother has been diagnosed with a terminal illness.

After considering all of the arguments raised by the parties, the Court finds that a compromise of a 30 day extension to the deadline to file an amended complaint is appropriate under these circumstances. The Court has a vested interest in controlling its docket and moving this case along. However, it recognizes that counsel is engaged in this case pro bono and has significant personal commitments that have arisen. Extending professional courtesy to pro bono counsel given those factors is essential. The Court is also cognizant of Defendants’ concern that

1 the discovery is intended to expand the scope of the second amended complaint beyond what  
2 was permitted by Judge Gordon. That is a matter for Judge Gordon to address, if it does arise.

3 IT IS THEREFORE ORDERED that Plaintiff's Motion to Extend Time (ECF No. 150) is  
4 **granted in part and denied in part.**

5 IT IS FURTHER ORDERED that the deadline for filing a second amended complaint is  
6 May 17, 2021.

7 Dated: April 26, 2021



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Daniel J. Albrechts  
United States Magistrate Judge