

1 Amanda L. Ireland, Esq.  
 Nevada Bar No. 13155  
 2 **Ireland Law Group, LLC**  
 7854 West Sahara Ave.  
 3 Las Vegas, Nevada 89117  
 Tel: (702) 427-2110  
 4 Fax: (702) 441-7637  
[amanda@irelandlawgroup.com](mailto:amanda@irelandlawgroup.com)  
 5 *Attorney for Plaintiff*

6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

8 SHANE SIPE, an individual,

Case No.: 2:20-cv-00299-JCM-BNW

9 Plaintiff,

10 v.

11 MUSIC TRIBE COMMERCIAL NV INC.;  
 DOES I through X, inclusive; ROE  
 12 CORPORATIONS I through X, inclusive,

**PLAINTIFF'S MOTION FOR A FINAL  
 EXTENSION OF TIME TO FILE HIS  
 OPPOSITION TO DEFENDANT'S  
 MOTION FOR SUMMARY  
 JUDGMENT**

13 Defendant.

**(Fourth Request)**

15 Pursuant to Federal Rule of Civil Procedure 6(b)(1) and Local Rules IA 6.1, 6.2, Plaintiff  
 16 Shane Sipe, by and through his counsel, Amanda L. Ireland, Esq. of Ireland Law Group, LLC,  
 17 respectfully requests the Court Grant Plaintiff's motion for a final extension of time to file his  
 18 Opposition to Defendant's Motion for Summary Judgment until today, February 15, 2021. This  
 19 fourth and final request for extension is submitted contemporaneously with the Opposition brief  
 20 in an abundance of caution, since no further time is sought at the time of filing, however, the  
 21 previous Stipulation and Order (ECF No. 35.) extending the deadline for Plaintiff's Opposition  
 22 until February 12, 2021, expired before it was possible to file Plaintiff's Opposition brief, due to  
 23 unavoidable constraints and circumstances.

24 Defendant's Motion was filed on December 17, 2020 (ECF No. 24) and an opposition  
 25 was originally due on January 7, 2021. Due to the holiday season and COVID-19 office closures  
 26 the parties stipulated to an initial extension on December 22, 2020 (ECF No. 25), granted on  
 27 December 28, 2020, (ECF No. 26), extending the deadline eight days until January 15, 2021.  
 28

1 On January 4, 2021, prior counsel filed a Motion to Withdraw, which was granted by  
2 minute order on January 11, 2021. (ECF No. 29.) A status check regarding Plaintiff's intent to  
3 retain new counsel was set for January 14, 2021. Before appearing at the status check, Plaintiff  
4 retained undersigned counsel January 12, 2021, and her appearance was noticed the same day  
5 (ECF No. 31). Plaintiff immediately moved for a two-week extension until January 29, 2021 to  
6 allow new counsel time to review the entire case file before responding to the dispositive motion.  
7 (ECF No. 32). Plaintiff's January 13<sup>th</sup> motion for an extension was granted on January 22, 2021.  
8 (ECF No. 34). The parties subsequently filed a Stipulation and Proposed Order to extend the  
9 deadline to respond until February 12, 2021 (ECF No. 35) which was granted February 4, 2021.  
10 This is Plaintiff's fourth request for an extension of time to file his opposition to Defendant's  
11 Motion for Summary Judgment. Plaintiff relies on the memorandum of points and authorities set  
12 forth below in support of his request.

### 13 MEMORANDUM OF POINTS AND AUTHORITIES

14 Federal Rule of Civil Procedure 6(b)(1) provides that "[w]hen an act may or must be  
15 done within a specified time, the court may, for good cause, extend the time: (A) with or without  
16 motion or notice if the court acts, or if a request is made, before the original time or its extension  
17 expires; or (B) on motion made after the time has expired if the party failed to act because of  
18 excusable neglect. It is within a trial court's sound discretion to determine whether to grant an  
19 extension of time. Ahanchian v. Xenon Pictures, Inc., 624 F.3d 1253, 1258 (9<sup>th</sup> Cir. 2012).

20 This fourth and final request for an extension is made three days after expiry of the  
21 current deadline to respond to the motion for summary judgment, therefore something more than  
22 "good cause" must be shown. Here, Plaintiff's neglect in seeking a final request is excusable  
23 under the circumstances of Plaintiff's need to change counsel at the 11<sup>th</sup> hour, due to a conflict of  
24 interest that emerged after the close of discovery and filing of Defendant's motion for summary  
25 judgment. The ability of new counsel to fully apprehend and appreciate the implications raised  
26 by the totality of the evidence, and adequately address the substantive issues in such a short time  
27 frame was severely constrained and additional delay was unavoidable.  
28



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 15<sup>th</sup> day of February 2021, I served **PLAINTIFF’S MOTION FOR A FINAL EXTENSION OF TIME TO FILE HIS OPPOSITION TO DEFENDANT’S MOTION FOR SUMMARY JUDGMENT (Fourth Request)** via Electronic Filing/Service Notification through CM/ECF to:

<b>ATTORNEY OF RECORD</b>	<b>TELEPHONE/FAX</b>	<b>PARTIES</b>
Mark H. Hutchings, Esq. HUTCHINGS LAW GROUP, LLC 552 E. Charleston Blvd. Las Vegas, Nevada 89104 <u>MHutchings@HutchingsLawGroup.com</u>	Tel: (702) 660-7700 Fax: (702) 552-5202	Plaintiff, Counter-Claimant <i>Music Tribe Commercial NV Inc.</i>

*/s/ Anya Karakozov*

An employee of IRELAND LAW GROUP