

1 **LEX TECNICA, LTD.**

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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 \* \* \*

14 LEX TECNICA, LLC, a Nevada limited  
15 liability company,

16 Plaintiff,

17 vs.

18 CLARK COUTY SCHOOL DISTRICT,

19 Defendant.

20 Case No.: 2:24-cv-01656-GMN-BNW

21 **STIPULATION AND ORDER**  
22 **[PROPOSED] FOR EXTENSION OF**  
23 **DEADLINES TO (i) RESPOND TO**  
24 **MOTION TO DISMISS FIRST**  
25 **AMENDED COMPLAINT AND (ii) FILE**  
26 **DISCOVERY PLAN/SCHEDULING**  
27 **ORDER**

28 **(First Request)**

Plaintiff Lex Technica, LLC (“Plaintiff”), and Defendant Clark County School District (“Defendant”) hereby submit this Stipulation and Order [Proposed] for Extension of Deadlines to (i) Respond to Motion to Dismiss First Amended Complaint and (ii) file a Discovery Plan/Scheduling Order, and request this Court to enter an order effectuating the same as follows:

The deadline for Plaintiff to file its Response to Defendant’s pending Motion to Dismiss First Amended Complaint [ECF NO. 13] (the “Motion to Dismiss”) is October 23, 2024. Erven Nelson,

1 counsel for Plaintiff, has been ill since October 16, 2024, and has requested an extension of one week,  
2 through October 30, 2024, to prepare and file Plaintiff's response. Geraldine Castillo, counsel for  
3 Defendant, has graciously agreed to Mr. Nelson's request and has in turn requested that Mr. Nelson  
4 stipulate to extend the deadline for the parties to file a discovery plan/scheduling order until the Motion  
5 to Dismiss has been fully briefed and decided by this Court, to which Mr. Nelson has agreed. The  
6 parties are not requesting these stipulated extensions to deadlines in order to delay the proceedings, and  
7 this is the first request for any extensions.  
8

9  
10 Through counsel, the parties are pursuing settlement negotiations and have agreed that  
11 extending the deadline to file the discovery plan/scheduling order until the Motion to Dismiss has been  
12 decided would promote judicial economy and reasonable attorney's fees. Discovery has not yet begun  
13 in this case and would not be necessary if this Court were to grant the Motion to Dismiss or instruct  
14 the parties to meet with a settlement judge or arbitrator on the very narrow issue in this case: the  
15 reasonable amount of attorney's fees, if any, to be paid by the Defendant to the Plaintiff arising from  
16 Plaintiff's representation of a student in the Clark County School District in a due process matter in an  
17 administrative matter.  
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19  
20 **I. REASONS FOR EXTENSIONS OF TIME**

21 A. Extension to respond to Motion to Dismiss. Plaintiff seeks the extension to respond to  
22 the Defendant's Motion to Dismiss because Plaintiff's counsel has been ill since Wednesday, October  
23 16, 2024, with joint pain, headaches and nausea which rendered him unable to prepare and file an  
24 appropriate response, as set forth in the attached Declaration of Erven T. Nelson. (Defendant and its  
25 counsel do not attest to the statements in Mr. Nelson's Declaration.) Plaintiff requests that the deadline  
26 to file a Response to the Motion to Dismiss be extended through October 30, 2024, and Defendant so  
27 stipulates.  
28

1 B. Extension to file Discovery Plan. Through counsel, the parties are pursuing settlement  
2 negotiations and have agreed that extending the deadline to file the discovery plan until either (i) they  
3 can reach a settlement or (ii) the Motion to Dismiss has been decided, would promote judicial economy  
4 and reasonable attorney's fees. Discovery has not yet begun in this case and would not be necessary if  
5 the parties could reach a settlement or if this Court were to grant the Motion to Dismiss or instruct the  
6 parties to meet with a settlement judge or arbitrator on the very narrow issue in this case: the reasonable  
7 amount of attorney's fees, if any, to be paid by the Defendant to the Plaintiff regarding to an  
8 administrative claim which Plaintiff handled for a student in the Clark County School District.  
9  
10

## 11 **II. PROPOSED SCHEDULE FOR FILING A DISCOVERY PLAN**

12 The parties request an extension of the deadline to file a Discovery Plan/Scheduling Order until  
13 the earlier of (i) thirty (30) days from the current deadline or (ii) thirty days from the Court rendering  
14 a decision on the Motion to Dismiss. The current deadline to file a Discovery Plan is October 28, 2024,  
15 and the next weekday 30 days thereafter would be November 27, 2024.  
16

### 17 **IT IS SO STIPULATED.**

18 LEX TECNICA, LLC

18 CLARK COUNTY SCHOOL DISTRICT


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20  
21 /s/ Erven T. Nelson  
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25 *Attorneys for Defendant*

**ORDER**

Consistent with and based upon the above stipulation, **IT IS HEREBY ORDERED** that (i) the Plaintiff shall have until October 30, 2024, to file its Response to Defendant’s Motion to Dismiss First Amended Complaint [ECF No. 13] and (ii) the Parties shall have until the earlier of November 27, 2024, or thirty (30) days after the Court renders its decision on Defendant’s Motion to Dismiss First Amended Complaint, to file a Discovery Plan/Scheduling Order.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
GLORIA M. NAVARRO  
UNITED STATES DISTRICT JUDGE

DATED: October 23, 2024

1 **DECLARATION OF ERVEN T. NELSON IN SUPPORT OF STIPULATION AND ORDER**  
2 **[PROPOSED] FOR EXTENSION OF DEADLINES TO (i) RESPOND TO MOTION TO**  
3 **DISMISS FIRST AMENDED COMPLAINT AND (ii) FILE DISCOVERY**  
4 **PLAN/SCHEDULING ORDER**

4 Pursuant to 28 U.S.C. section 1746, I, Erven T. Nelson, hereby declare as  
5 follows:  
6

7 1. I am a resident of Clark County, Nevada and over 18 years of age. I make this  
8 declaration based upon my own personal knowledge except as to those matters stated upon  
9 information and belief, and as to those matters, I believe them to be true.  
10

11 2. I am counsel for Plaintiff Lex Tecnica, LLC, and I make this Declaration in  
12 support of the Stipulation and Order [Proposed] for Extension of Deadlines to (i) Respond to Motion  
13 to Dismiss First Amended Complaint and (ii) File Discovery Plan/Scheduling Order filed concurrently  
14 herewith.  
15

16 3. On Wednesday, October 16, 2024, and I became ill from an attack of gout in my knee and  
17 ingesting the prescribed medication for it, Indomethacin. As a result of the Indomethacin, I sustained  
18 fatigue, light headedness, a headache and nausea, all of which rendered me incapable of working, in  
19 general, and specifically of preparing an appropriate response to Defendant's Motion to Dismiss  
20 First Amended Complaint [ECF No. 13] (the "Motion to Dismiss").  
21

22 4 I took the last dose of Indomethacin on Sunday, October 20, 2024, and it is now out of  
23 my system enough to allow me to work.  
24

25 5. Lex Tecnica's Response to Defendant's Motion to Dismiss is due tomorrow, October  
26 23, 2024. I called Defendant's counsel's office to request an extension of one week to file the  
27 Response, and Geraldine Castillo, Esq., was gracious in agreeing to such an extension through a  
28 stipulation and order. At her request, I have in turn agreed to an extension of the deadline to file a

1 Discovery Plan/Scheduling Order until the earlier of (a) November 27, 2024, or (b) thirty days after  
2 the Court has rendered its decision of the Motion to Dismiss.

3  
4 6. Ms. Castillo and I discussed settlement today and will continue those discussions.

57. The extensions that are requested in the attached Stipulation and Order [Proposed] are not being  
6 pursued to delay proceedings in this case but (a) to accommodate me in light of my recent illness and  
7 (b) to allow the parties to continue settlement discussions and, if they are not successful, to foster  
8 judicial economy and lower attorney's fees by waiting for the Court's decision on the Motion to  
9 Dismiss.  
10

11 I declare under pain of perjury that the foregoing is true and correct.

12 Executed on October 22, 2024.

13 /s/ Erven T. Nelson

14 ERVEN T. NELSON  
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