

1 ADAM PAUL LAXALT
Attorney General
2 IAN CARR, Bar #13840
Deputy Attorney General
3 State of Nevada
Bureau of Litigation
4 Public Safety Division
100 N. Carson Street
5 Carson City, NV 89701-4717
Tel: (775) 684-1259
6 E-mail: icarr@ag.nv.gov

7 *Attorneys for Defendants*
8 *David Mar and E.K. McDaniel*

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 JOHN OLIVER SNOW,
12 Plaintiff,
13 vs.
14 DAVID A. MAR, et al.,
15 Defendants.

Case No. 3:14-cv-00290-MMD-VPC

**MOTION FOR EXTENSION OF TIME TO
FILE JOINT PRETRIAL ORDER**

16
17 Defendants David Mar and E.K. McDaniel (Defendants), by and through counsel, Adam Paul
18 Laxalt, Attorney General of the State of Nevada, and Ian Carr, Deputy Attorney General, submit their
19 Motion for Extension of Time to File a Joint Pretrial Order. This Motion is made pursuant to the following
20 Memorandum of Points and Authorities and all other papers and pleadings on file in this action.

21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 **I. INTRODUCTION**

23 This is an inmate civil rights action brought by Plaintiff John Snow (Snow) pursuant to 42 U.S.C.
24 § 1983. On February 6, 2018, the Court granted the parties' stipulation to extend the joint pretrial order
25 deadline through February 19, 2018.¹ See ECF No. 139 at 2. However, on February 16, 2018, Defendants
26

27 ¹ The parties inadvertently stipulated to a deadline of February 19, 2018. See (ECF No. 139).
28 Because this date turned out to be a federal holiday, the final deadline became February 20, 2018. See
FED. R. CIV. P. 6(a)(1)(C).

1 filed their Motion for Leave to File a Renewed Motion for Summary Judgment (ECF No. 140) and
2 submitted their Renewed Motion for Summary Judgment (ECF No. 141), arguing that they are entitled to
3 qualified immunity in this case. *See generally* ECF Nos. 140, 141.

4 **II. DISCUSSION**

5 FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:

6 When an act may or must be done within a specified time, the court may,
7 for good cause, extend the time: (A) with or without motion or notice if
8 the court acts, or if a request is made, before the original time or its
9 extension expires; or (B) on motion made after the time has expired if the
 party failed to act because of excusable neglect.

10 The proper procedure, when additional time for any purpose is needed, is to present a request for
11 extension of time before the time fixed has expired. *See Canup v. Mississippi Val. Barge Line Co.*, 31
12 F.R.D. 282 (W.D. Pa. 1962). Extensions of time may always be asked for, and usually are granted on a
13 showing of good cause if timely made under subdivision (b)(1) of the Rule. *See Creedon v. Taubman*, 8
14 F.R.D. 268 (N.D. Ohio 1947). Good cause exists to enlarge the time by which a party may file a brief
15 where additional time is needed to prepare such a brief. *See O'Connor v. U.S. I.R.S.*, 698 F. Supp. 204,
16 205 (D. Nev. 1988) (district court granted the plaintiffs' motion for an extension of time to oppose a
17 motion for summary judgment).

18 Defendants assert that good cause exists to extend the time for a joint pretrial order until after
19 the Court reaches a decision on Defendants' arguments in favor of qualified immunity. Doing so will
20 permit the Court to make a determination on the potentially dispositive issue of qualified immunity,
21 which would moot or obviate the need for a joint pretrial order.

22 **III. CONCLUSION**

23 Based on the foregoing, Defendants respectfully request that this Court enter an order extending
24 the time for the parties to file a joint pretrial order until after the Court reaches a decision on Defendants'

25 ///

26 ///

27 ///


28 Motion for Leave to file a Renewed Motion for Summary Judgment (ECF No. 140) and the

1 Renewed Motion for Summary Judgment (ECF No. 141).

2 DATED this 20th day of February, 2018.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


ADAM PAUL LAXALT
Attorney General

By: 

IAN CARR
Deputy Attorney General
Bureau of Litigation
Public Safety Division
Attorneys for Defendants

IT IS SO ORDERED.

DATED this 16 day of April, 2018.



UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 20th day of February, 2018, I caused a true and correct copy of the foregoing, **MOTION FOR EXTENSION OF TIME TO FILE JOINT PRETRIAL ORDER**, to be served, by depositing in the U.S. Postal Mail to the following:

John Oliver Snow, #19598
High Desert State Prison (HDSP)
P.O. Box 650
Indian Springs, NV 89070



An employee of the
Office of the Attorney General

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28