

1 DAN M. WINDER, ESQ.
Nevada State Bar No. 1569
2 SCOTT C. DORMAN, ESQ.
Nevada State Bar No. 13108
3 LAW OFFICE OF DAN M. WINDER, P.C.
3507 W. Charleston Blvd.
4 Las Vegas, NV 89102
Telephone: (702) 474-0523
5 Facsimile: (702) 474-0631
winderdanatty@aol.com
6 Attorneys for Plaintiff

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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 Richard W. Peters

12 Plaintiff,

13 vs.

14 Gaylene Fukagawa, et al

15 Defendants

3:15-CV-00472-RCJ-VPC

**Plaintiff's Motion
For
Extension of Time
To Reply re #53
Plaintiff's Motion for Spoliation Sanctions
LR IA 6-1**

FIRST REQUEST

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18 Plaintiff, by and through his attorney, Dan M. Winder, of The Law Offices of Dan M.
19 Winder hereby moves this Court grant an extension of time for Plaintiff to reply to Defendant's
20 Response (#54 12/18.17) to Plaintiff's Motion for Spoliation Sanctions (# 53 12/04/17) on the
21 following grounds:
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- 23
- 24 1. Delivery of a copy of the Defendants' Response to the Plaintiff is necessarily
25 delayed due to Plaintiff being a prisoner and the prison's procedures in dealing
26 with legal mail.
 - 27 2. Plaintiff's input into the reply is critical since the Defendants are utilizing 5
28 previously undisclosed witnesses who purport to dispute Plaintiff's counsel's
current understanding of the facts.

1 3. The Holiday Season Vacations and Office Closures make a reply due on the
2 Day after Christmas extremely burdensome. Plaintiff's counsel's office is
3 scheduled to be closed on both December 22d and December 29th.

4 Considering the delays occasioned by the difficulties of communication between Plaintiff
5 and his counsel due to Plaintiff being incarcerated and the burdens which would be imposed on
6 Plaintiff's counsel during the holiday season if time to respond to the Response is not granted,
7 Plaintiff requests this Court grant Plaintiff until January 8th, 2018 to Reply to the Response.

8 Defendant would in no way be prejudiced by this delay.

9 Respectfully submitted this 21st day of December, 2017

10 Law Office of Dan M. Winder, P.C.

11 /s/ Dan Winder
12 DAN M. WINDER, ESQ.
13 Nevada State Bar No. 1569
14 3507 W. Charleston Blvd.
15 Las Vegas, NV 89102
16 *Attorneys for Plaintiff*

17 **IT IS SO ORDERED**
[Signature]
18 **U.S. MAGISTRATE JUDGE**
19 **DATED: December 27, 2017**

20 **CERTIFICATE OF SERVICE**

21 I HEREBY CERTIFY I caused the foregoing document to be served on the counsel of record for
22 this matter by the court's electronic filing system on the date stamped by the system.

23 /s/Hamilton D. Moore