

1 AARON D. FORD
 2 Attorney General
 3 PETER E. DUNKLEY Bar No. 11110
 4 Deputy Attorney General
 5 State of Nevada
 6 Public Safety Division
 7 100 N. Carson Street
 8 Carson City, NV 89701-4717
 9 Tel: (775) 684-1259
 10 E-mail: pdunkley@ag.nv.gov

11 *Attorneys for Defendants Ira
 12 Brannon and Christopher Smith*

13 **UNITED STATES DISTRICT COURT**
 14 **DISTRICT OF NEVADA**

15 JOSEPH L. MIZZONI,
 16
 17 Plaintiff,
 18
 19 vs.
 20 STATE OF NEVADA, *et al.*,
 21 Defendants.

Case No. 3:15-cv-00499-MMD-WGC

**ORDER GRANTING UNOPPOSED
 MOTION FOR EXTENSION OF
 TIME TO FILE JOINT
 STIPULATION AND ORDER FOR
 DISMISSAL WITH PREJUDICE**

22 Defendants Ira Brannon and Christopher Smith, by and through counsel, Aaron D.
 23 Ford, Attorney General of the State of Nevada, and Peter E. Dunkley, Deputy Attorney
 24 General, file this unopposed Motion for Extension of Time to File Joint Stipulation and
 25 Order for Dismissal With Prejudice.

MEMORANDUM OF POINTS AND AUTHORITIES

I. RELEVANT BACKGROUND AND PROCEDURAL HISTORY

26 Following a mediation with Magistrate Judge William Cobb, the parties agreed to settlement
 27 terms. *See* ECF No. 167. Pursuant to the Court's order, the stipulation of dismissal with prejudice is
 28 to be filed no later than September 28, 2020. *See id.* The parties have exchanged settlement documents
 and are still collaboratively working on obtaining the necessary signatures on both the settlement
 documents. The parties believe they will obtain the necessary signatures within the next 30 days, or by
 October 28, 2020. Plaintiff has confirmed that this motion is unopposed.

///
 1

1 **II. ARGUMENT**

2 Courts have inherent power to control their dockets. *Hamilton Copper & Steel Corp. v. Primary*
3 *Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cir. 1992).
4 Fed. R. Civ. P. 6(b)(1) governs enlargements of time and provides as follows:

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

10 “The proper procedure, when additional time for any purpose is needed, is to present to the Court a
11 timely request for an extension before the time fixed has expired (*i.e.*, a request presented before the
12 time then fixed for the purpose in question has expired).” *Canup v. Miss. Valley Barge Line Co.*, 31
13 F.R.D. 282, 283 (D.Pa. 1962). The *Canup* Court explained that “the practicalities of life” often
14 necessitate an enlargement of time to comply with a court deadline. *Id.* Extensions of time “usually are
15 granted upon a showing of good cause, if timely made.” *Creedon v. Taubman*, 8 F.R.D. 268, 269
16 (D.Ohio 1947). The good cause standard considers a party’s diligence in seeking the continuance or
17 extension. *See, e.g., Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

18 In this case, the parties have been working on finalizing the settlement documents and obtaining
19 the necessary signatures. Final versions of the documents have been circulated and are awaiting
20 execution. Counsel for Defendants has confirmed that this motion is unopposed.

21 Thus, good cause exists for the Court to grant a [30] day extension in order to permit time for
22 the settlement documents to be executed and the Stipulation and Order of Dismissal to be submitted to
23 the Court, which will fully resolve this case.

24 ///

25 ///

26 ///

27 ///

28 ///

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

III. CONCLUSION

For the above stated reasons, Defendants request October 28, 2020 to file the Joint Stipulation and Order of Dismissal with Prejudice. This request is unopposed.

DATED this 28th day of September, 2020.

AARON D. FORD
Attorney General

By: /s/ Peter E. Dunkley
PETER E. DUNKLEY, Bar No. 11110
Deputy Attorney General

Attorneys for Defendants

IT IS SO ORDERED.

William G. Cobb
U.S. MAGISTRATE JUDGE

DATED: September 29, 2020