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7 *Attorneys for Defendants*
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and Dwight Neven

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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

ORDER

12 MICHAEL RHYMES, 13 14 Plaintiff, 15 v. 16 NEVADA DEPARTMENT OF CORRECTIONS, et al., 17 Defendants.	
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Case No. 3:15-cv-00592-RCJ-VPC

**DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO OPPOSE
PLAINTIFF'S MOTION TO COMPEL**

18 Defendants Cynthia Sablica, James "Greg" Cox, and Dwight Neven, by and through counsel,
19 Adam Paul Laxalt, Attorney General of the State of Nevada, and Benjamin R. Johnson, Deputy Attorney
20 General, hereby move this Court for an enlargement of time to file an Opposition to Plaintiff's Motion
21 to Compel (ECF No. 52). This Motion is based on the following Memorandum of Points and
22 Authorities and all papers and pleadings on file herein.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **I. ARGUMENT**

25 On February 14, 2018, Plaintiff filed his Motion to Compel Discovery. (ECF No. 52). Defendants
26 are working on a response but need additional time to confirm the existence and/or availability of
27 documents requested by Plaintiff. Defendant Neven originally responded that the documents were not
28 available and counsel needs time to consult with the defendant on the opposition.

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

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

7 The proper procedure, when additional time for any purpose is needed, is to present a request for
8 extension of time before the time fixed has expired. *Canup v. Mississippi Val. Barge Line Co.*, 31
9 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a
10 showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8
11 F.R.D. 268 (N.D. Ohio 1947).

12 Defendants seek an enlargement of time to file an Opposition to the Motion to Compel. Good
13 cause exists to extend the time to file this opposition. Counsel has been working to complete discovery
14 in other cases in addition to all of the discovery for this case. Defendants request an additional
15 extension of seven days up to and including March 7, 2018, to file an opposition to Plaintiff's motion.

16 **I. CONCLUSION**

17 Based on the foregoing, Defendants respectfully request their motion for enlargement of time is
18 granted and the deadline for serving an Opposition to Plaintiff's Motion to Compel Discovery be
19 extended until March 7, 2018.

20 DATED this 28th day of February, 2018.

21 ADAM PAUL LAXALT
22 Attorney General

23 By: Benjamin R. Johnson
24 BENJAMIN R. JOHNSON
25 Deputy Attorney General
26 State of Nevada
27 Bureau of Litigation
28 Public Safety Division

29 **IT IS SO ORDERED**
30 Valerie D. Robb
31 U.S. MAGISTRATE JUDGE

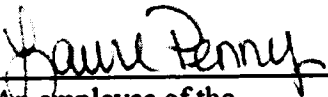
32 DATED: March 1, 2018

33 *Attorneys for Defendant*

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 28th day of February, 2018, I caused to be served a copy of the foregoing **DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO OPPOSE PLAINTIFF'S MOTION TO COMPEL**, by U.S. District Court CM/ECF Electronic Filing to:

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An employee of the
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