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 8 *Terry Lindberg, Marc Mallinger, James Stogner,*
William Sandie, and Daniel Wheeler

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

12 ANTHONY PRENTICE,
 13 Plaintiff,
 14 v.
 15 CHAPLAIN STOGNER, *et al.*,
 16 Defendants.

Case No. 3:16-cv-00060-MMD-WGC
ORDER GRANTING
DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO SERVE
DISCOVERY RESPONSES
(SECOND REQUEST)

17 Defendants James Cox, Anthony Carrasco, Brandon Gonzales, Terry Lindberg, Marc Mallinger,
 18 James Stogner, William Sandie, and Daniel Wheeler, by and through counsel, Adam Paul Laxalt,
 19 Attorney General of the State of Nevada, and Benjamin R. Johnson, Deputy Attorney General, hereby
 20 move this Court for an enlargement of time to serve their responses and/or objections to Plaintiff's
 21 discovery requests. This Motion is based on the following Memorandum of Points and Authorities and
 22 all papers and pleadings on file herein.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **I. INTRODUCTION AND RELEVANT PROCEDURAL HISTORY**

25 On January 16, 2018, Plaintiff served interrogatories on all named defendants. Due to preparation
 26 for a trial that was held on January 23, 2018, in Case No. 3:13-cv-00433-MMD-WGC, counsel and the
 27 paralegal assisting with discovery have been unable to confer with the defendants and complete the
 28 responses. Defendants Cox, Mallinger, Rose-Thayer, Stogner, and Sandie have completed their

1 interrogatory responses and they were served concurrently with the filing of this motion. Defendants
2 Carrasco, Gonzales, Lindberg and Wheeler need additional time to respond. Defendants request an
3 additional eight days, up to and including March 16, 2018 to serve responses.

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,
6 for good cause, extend the time: (A) with or without motion or notice if
7 the court acts, or if a request is made, before the original time or its
8 extension expires; or (B) on motion made after the time has expired if the
9 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
11 for extension of time before the time fixed has expired. *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. *Creedon v. Taubman*, 8
14 F.R.D. 268 (N.D. Ohio 1947).

15 Defendants seek an enlargement of time to file serve responses to discovery. Good cause exists
16 to extend the time to file this motion. The majority of defendants have completed interrogatory
17 responses. Defendant Carrasco, Wheeler, Gonzales, and Lindberg need a second extension of time up
18 to and including March 16, 2018, to complete their responses.

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1 **I. CONCLUSION**

2 Based on the foregoing, Defendants respectfully request their motion for enlargement of time is
3 granted and the deadline for serving discovery responses be extended to March 16, 2018.

4 DATED this 8th day of March, 2018.

5 ADAM PAUL LAXALT
6 Attorney General

7 By: 
8 BENJAMIN R. JOHNSON
9 Deputy Attorney General
10 State of Nevada
11 Bureau of Litigation
12 Public Safety Division

Attorneys for Defendants

13 **APPROVED AND SO ORDERED:**

14 
15 WALTER G. COBB
16 **U.S. MAGISTRATE JUDGE**

17 **DATED:** March 8, 2018