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8 *Candis Brockway, Sheryl Foster,*
Jonathan Perry, and Ashley Randolph
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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 CHRISTOPHER A. JONES,
13 Plaintiff,

14 vs.

15 BRUCE BANNISTER, et al.,
16 Defendants.

Case No. 3:16-cv-00399-MMD-VPC

**DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO RESPOND
TO DISCOVERY**

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18 Defendants, Romeo Aranas, Isidro Baca, Candis Brockway, Sheryl Foster, Jonathan Perry, and
19 Ashley Randolph, by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada,
20 and Benjamin R. Johnson, Deputy Attorney General, hereby move for an enlargement of time to serve
21 discover responses. This is Defendants' first request for an enlargement of time. This motion is based
22 on the following Memorandum of Points and Authorities and all papers and pleadings on file herein.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **I. LAW AND ARGUMENT**

25 On November 1, 2017, Plaintiff served approximately sixteen separate discovery requests to
26 Defendants. These requests included interrogatories, requests for admissions, and requests for production
27 of documents. Some requests had over 100 separate requests for admission for a single defendant. Due to
28 the sheer volume of discovery requests, additional time is necessary to respond to discovery.

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
8 for 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 -serve responses to discovery. Good cause exists to
13 extend the time to file this motion. Counsel and the paralegal assigned to the Attorney General's Office
14 have been preparing for a week long jury trial set to commence on December 5, 2017, in Case No.
15 3:13-cv-00433-MMD-WGC. Counsel has been heavily engaged in trial preparation and additional time
16 is necessary to complete the discovery responses in this case. Counsel and the assigned paralegal have
17 been unable to coordinate responses with the named parties. Defendants request an additional extension
18 of thirty days to serve discovery responses, up to and including, December 29, 2017.

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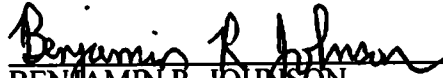
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1 **II. CONCLUSION**

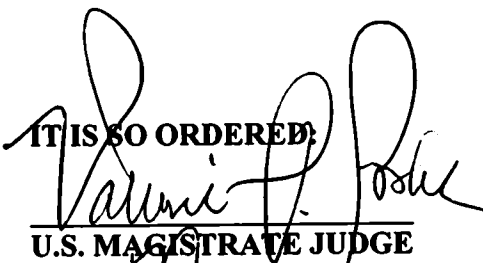
2 Based on the foregoing, Defendants respectfully request their motion for enlargement of time is
3 granted and the deadline for serving discovery responses be extended to December 29, 2017.

4 DATED this 29th day of November, 2017.

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

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14 **IT IS SO ORDERED:**
15 U.S. MAGISTRATE JUDGE

16 DATED: November 30, 2017
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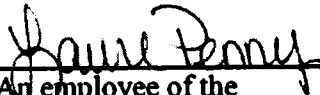
CERTIFICATE OF SERVICE

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I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 29th day of November, 2017, I caused to be served a copy of the foregoing, **DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO DISCOVERY**, by U.S. District

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