

1 ADAM PAUL LAXALT  
Attorney General  
2 IAN E. CARR, Bar No. 13840  
Deputy Attorney General  
3 State of Nevada  
Bureau of Litigation  
4 Public Safety Division  
100 N. Carson Street  
5 Carson City, NV 89701-4717  
Tel: (775) 684-1259  
6 E-mail: icarr@ag.nv.gov

7 *Attorneys for Defendants*

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

10 LAUSTEVEION JOHNSON,  
11 Plaintiff,  
12 vs.  
13 J. YOUNGBLOOD , et al.,  
14 Defendants.

Case No. 3:16-cv-00693-MMD-VPC  
**MOTION FOR EXTENSION OF THE 90-  
DAY STAY AND DEADLINE TO FILE THE  
STAY REPORT**

15 Defendants,<sup>1</sup> by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada,  
16 and Ian Carr, Deputy Attorney General, hereby submit this Motion for Extension of the 90-Day Stay and  
17 Deadline to File the Stay Report. This Motion is based on the following memorandum of points and  
18 authorities, all papers and pleading on file herein, and any other evidence the Court deems appropriate  
19 to consider.

20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 **I. NATURE OF THE MOTION**

22 On December 12, 2017, the Court entered its Screening Order instituting a 90-day stay to allow  
23 Plaintiff and Defendants the opportunity to conduct settlement discussions before an answer or other  
24 responsive pleading was filed and before Plaintiff is assessed the filing fee. *See* ECF No. 5 at 13–14.  
25 The Court further ordered the Office of the Attorney General to file the stay report at the conclusion of  
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28 <sup>1</sup> Defendants submit the instant Motion solely to facilitate the mediation process pursuant to  
their Limited Notice of Appearance. *See* ECF No. 7.

1 that time period. *Id.* Based on the foregoing criteria, the 90-day stay is due to expire on March 12, 2018,  
2 and the stay report is due to be filed on that day. *Id.*

3 The parties have informally corresponded since the Screening Order issued. However, the Early  
4 Mediation Conference in this case has not yet been scheduled, but will certainly fall after the end of the  
5 90-day stay. Defendants now respectfully request that this Court extend the 90 day stay and due date for  
6 the stay report until two (2) business days after the parties attend the Early Mediation Conference.

7 **II. DISCUSSION**

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

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

13 The proper procedure, when additional time for any purpose is needed, is to present a request for  
14 extension of time before the time fixed has expired. *See Canup v. Mississippi Val. Barge Line Co.*, 31  
15 F.R.D. 282 (W.D. Pa. 1962). Extensions of time may always be asked for, and usually are granted on a  
16 showing of good cause if timely made under subdivision (b)(1) of the Rule. *See Creedon v. Taubman*,  
17 8 F.R.D. 268 (N.D. Ohio 1947).

18 Good cause exists to extend the stay in this case, because extension will permit the parties to  
19 engage in the Early Mediation Conference without Plaintiff being assessed a filing fee and without  
20 Defendants being required to prepare a response to Plaintiff's Complaint and the stay report until after  
21 mediation. Extending the stay will provide the parties the opportunity to engage in informal and formal  
22 settlement discussions without the pressure of the litigation process.

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1 **III. CONCLUSION**

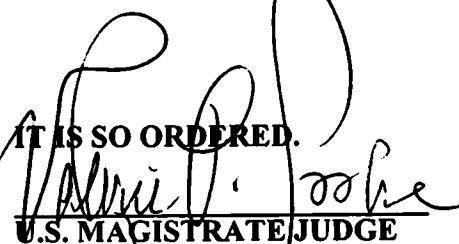
2 Based on the foregoing, Defendants respectfully request that the Court enter an order extending  
3 the stay in this case and the deadline to file the stay report until two (2) days after the eventual Early  
4 Mediation Conference.

5 DATED this 12th day of March, 2018.

6 ADAM PAUL LAXALT  
7 Attorney General

8 By:   
9 IAN E. CARR  
10 Deputy Attorney General  
11 Bureau of Litigation  
12 Public Safety Division

*Attorneys for Defendants*

13 **IT IS SO ORDERED.**  
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15 U.S. MAGISTRATE JUDGE

16 DATED: March 13, 2018  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on March 12, 2018, I caused to be served a copy of the foregoing, **MOTION FOR EXTENSION OF THE 90-DAY STAY AND DEADLINE TO FILE THE STAY REPORT**, by depositing for mailing via the U.S. Postal Service, to the following:

LAUSTEVEION JOHNSON #82138  
HIGH DESERT STATE PRISON  
P.O. BOX 650  
INDIAN SPRINGS, NV 89070



An employee of the  
Office of the Attorney General