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 8 *Gregory Martin and Brian Sandoval*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 JOHN DAVID PAMPLIN,
 12 Plaintiff,
 13 v.
 14 WARDEN BAKER, *et al.*,
 15 Defendants

Case No. 3:16-cv-00745-MMD-CLB

**MOTION FOR EXTENSION OF TIME TO
 FILE JOINT PRETRIAL ORDER
 (FIRST REQUEST)**

16 Defendants, Renee Baker, James Dzurenda, Robin Hager, John Keast, Gregory Martin and Brian
 17 Sandoval, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Mary
 18 Anne Martin, Deputy Attorney General, hereby submit this Motion for Extension of Time to File Joint
 19 Pretrial Order (first request). This motion to extend the time is based on Federal Rule of Civil Procedure
 20 6(b)(1)(A), Local Rule 16-3(b), the following Memorandum of Points and Authorities, and all papers
 21 and pleadings on file in this action.

22 **MEMORANDUM OF POINTS AND AUTHORITIES**

23 Defendants respectfully request a sixty (60) day extension of time to file a joint pre-trial order
 24 from the current deadline of April 27, 2020. In this Court's minute order dated March 25, 2020 (ECF
 25 No. 88), the parties were encouraged to pursue informal settlement and file a proposed joint pretrial
 26 order by April 27, 2020. LR 16-3(b) states: "Upon the initiative of a pro se plaintiff or plaintiff's attorney,
 27 the attorneys or parties who will try the case and who are authorized to make binding stipulations must
 28 personally discuss settlement and prepare and file a proposed joint pretrial order..." To date, Plaintiff has

1 not initiated a settlement conference nor communicated with Defense counsel regarding a proposed joint
2 pretrial order. Accordingly, Defendants respectfully request an additional sixty (60) days, up to and
3 including June 29, 2020 to confer with Plaintiff regarding settlement and/or a joint pretrial order. During
4 such time, counsel for Defendants will reach out to schedule a conference call with Plaintiff.

5 Defendants seek a sixty day extension rather than a thirty day extension because of recent
6 quarantine measures imposed in response to the COVID-19 virus pandemic. Namely, Governor Sisolak
7 issued a “stay at home” directive on April 1, 2020 whereby Deputy Attorney Generals and other staff
8 are required to utilize home based working arrangements. As a result, the already limited staff at the
9 Office of the Attorney General is rendered less efficient due to constraints imposed by limited VPNs
10 and lack of remote document access.

11 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

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

15 Defendants’ request will not hinder nor prejudice Plaintiff’s case. The requested sixty day extension of
16 time should permit Defendants’ counsel time to confer with Plaintiff regarding settlement as required by
17 LR 16-3(b). Given current briefing demands in other cases and limited staffing within the Office of the
18 Attorney General exacerbated by COVID-19 precautions, Defendants assert that the requisite good
19 cause/excusable neglect is present to warrant the requested extension of time.

20 For these reasons, Defendants respectfully request a sixty (60) day extension of time to confer
21 with Plaintiff and submit a proposed joint pretrial order pursuant to LR 16-3 and ECF No. 88, with a
22 new deadline to and including Monday, June 29, 2020.

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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 this 23rd day of April, 2020, I caused to be served a copy of the foregoing, **MOTION FOR EXTENSION OF TIME TO FILE JOINT PRETRIAL ORDER (FIRST REQUEST)**, by U.S.

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/s/ Perla M. Hernandez
An employee of the
Office of the Attorney General