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COUNSEL/PARTIES OF RECORD	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p style="font-size: 1.2em; margin: 0;">JUL 23 2018</p> </div>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

10 UNITED STATES DISTRICT COURT  
 11 DISTRICT OF NEVADA

12 LEWIS WILLIAM STEWART,  
 13 Plaintiff,  
 14 v.  
 15 ROMEO ARANAS, et al.,  
 16 Defendants

ORDER  
 Case No. 3:17-cv-00132-MMD-VPC  
**MOTION TO CONTINUE EARLY  
 MEDIATION CONFERENCE  
 (FIRST REQUEST)**

17 Defendants, Romeo Aranas, James Cox, Francisco Sanchez and Brian Williams, by and through  
 18 counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Erin L. Albright, Deputy  
 19 Attorney General, hereby move this honorable Court to continue the early mediation conference in this  
 20 matter, which is currently scheduled for ~~August 22, 2017~~ <sup>July 24, 2018</sup>. This motion is based on the following  
 21 Memorandum of Points and Authorities and the papers and pleadings on file herein.

22 **MEMORANDUM OF POINTS AND AUTHORITIES**

23 **I. FACTS AND PROCEDURAL HISTORY**

24 This case is a *pro se* inmate civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 4 at 1).  
 25 Plaintiff, Lewis William Stewart (Plaintiff) was an inmate in the lawful custody of the Nevada  
 26 Department of Corrections (NDOC) at the time the Complaint was filed. *Id.* The Complaint was  
 27 screened and this Court allowed an Eighth Amendment deliberate indifference to a serious medical need  
 28 claim to proceed against Defendants Aranas, Clark, Jones, Sanchez, and Su. (ECF No. 3 at 6).

1 Since the filing of the Complaint, Plaintiff was released from NDOC's custody on parole and  
2 filed a notice of change of address. (ECF No. 7). Thereafter, this Court ordered the parties to participate  
3 in an early mediation conference (EMC) on July 31, 2018. (ECF No. 10).

4 After receipt of the Complaint, defense counsel requested all documents related to this matter  
5 from Defendants. Due to Plaintiff's release from NDOC custody, all records pertaining to Plaintiff have  
6 been placed in storage. Defendants have requested all records pertaining to this matter from storage.  
7 To date, storage has failed to provide Defendants with the requested documentation.

8 On July 23, 2018, defense counsel and Plaintiff discussed this matter. Defense counsel  
9 explained to Plaintiff that she could not analyze the case at this time due to the fact that she had not  
10 received the necessary documentation from Defendants and inquired whether he would stipulate to a  
11 continuance of the EMC. Defense counsel asked Plaintiff for an email address to forward a stipulation  
12 to continue the EMC for Plaintiff's signature, but due to Plaintiff's situation he did not have an email  
13 address to which a stipulation could be forwarded. It is believed that Plaintiff will be calling the Court  
14 Administrator to advise that he is not opposed to continuing the EMC for thirty (30) days.

15 Because defense counsel does not have the necessary documentation to analyze this case and  
16 engage in a thoughtful EMC, Defendants respectfully request that this Court continue the EMC set for  
17 July 31, 2018, for thirty (30) days.

18 **II. DISCUSSION**

19 Local Rule IA 6-1 allows parties to move this Court for a continuance of the time set for a  
20 certain event. The rule states, in pertinent part, as follows:

21 A motion or stipulation to extend time must state the reasons for  
22 the extension requested and inform the court of all previous extensions of  
23 the subject deadline the court granted. . . . A request made after the  
24 expiration of the specific period will not be granted unless the movant or  
25 attorney demonstrates that the failure to file the motion before the  
26 deadline expired was the result of excusable neglect. Immediately below  
27 the title of the motion or stipulation there also must be a statement  
28 indicating whether it is the first, second, third, etc., requested extension.

26 LR IA 6-1(a).

27 ///

28 ///

1 This is Defendants' first request for a continuance of the upcoming EMC. Because Plaintiff has  
2 been released from NDOC custody all of his records have been placed in storage. Defendants have  
3 requested the documents from storage but to this date have not received said documents. Without said  
4 documents, Defendants are unable to analyze Plaintiff's claims and engage in a thoughtful mediation.

5 Given the nature of Plaintiff's claims and the damages he claims, Defendants assert that a  
6 review of Plaintiff's NDOC file in advance of the EMC would be particularly helpful. Without a  
7 review of Plaintiff's NDOC file in advance of the EMC, Defendants fear that the conference will be  
8 unproductive. Accordingly, Defendants seek a continuance of thirty (30) days, so that the Defendants  
9 can review Plaintiff's NDOC file in advance of the EMC and be prepared to engage in thoughtful  
10 mediation discussions at the EMC.

11 This request is made in good faith, for the reasons set forth above, and not for the purpose of any  
12 unnecessary delay.

13 **III. CONCLUSION**

14 In order to maximize the effectiveness of the EMC, Defendants respectfully request that this  
15 honorable Court grant their motion to continue the EMC for thirty (30) days.

16 DATED this 23<sup>rd</sup> day of July, 2018.

17 ADAM PAUL LAXALT  
18 Attorney General

19 By:

  
ERIN L. ALBRIGHT

20 Deputy Attorney General  
21 State of Nevada  
22 Bureau of Litigation  
23 Public Safety Division

*Attorneys for Defendants*

24 **IT IS SO ORDERED**

25   
26 U.S. MAGISTRATE JUDGE

27 DATED: July 23, 2018  
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