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

11 LEWIS WILLIAM STEWART,

12 Plaintiff,

13 vs.

14 ROMEO ARANAS, *et al.*,

15 Defendants.

Case No. 3:17-cv-00132-MMD-CLB

**STIPULATION AND ORDER TO  
 ENLARGE TIME FOR THE  
 DEFENDANTS TO RESPOND TO  
 PLAINTIFF'S MOTION TO VACATE  
 (ECF No. 71)  
 [First Request for Enlargement]**

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 17 Defendants, Romeo Aranas, James Cox, Francisco Sanchez, and Brian Williams  
 18 (NDOC Employees), (collectively, the "NDOC") by and through counsel, Aaron D. Ford,  
 19 Nevada Attorney General, and Frank A. Toddre II, Senior Deputy Attorney General, and  
 20 Plaintiff, Lewis William Stewart, by and through counsel, Andre Lagmarsino, Esq., hereby  
 21 stipulate to enlarge the time for Defendants to respond to Plaintiff's Motion to Vacate the  
 22 Stay Pending Appeal (ECF No. 71) fourteen (14) days from July 1, 2020 until July 15, 2020.

23 The Defendants filed an interlocutory Notice of Appeal (ECF No. 66) pursuant to  
 24 FED. R. APP. P. 3 & 4 and 28 U.S.C. § 1291, and *Mitchell v. Forsyth*.<sup>1</sup> Specifically, the  
 25 Defendants appealed the District Court's denial qualified immunity in denying the  
 26 motion for summary judgment on or about April 2, 2020. <sup>2</sup>

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 28 <sup>1</sup> 472 U.S. 511, 526–27 (1985).

<sup>2</sup> See generally *Knox v. Southwest Airlines*, 124 F.3d 1103, 1107 (9th Cir. 1997)

1 This Court administratively closed Case No. 3:17-cv-00132-MMD-CLB pending  
2 appeal. (ECF No. 69).

3 Counsel Andre Lagomarsino, Esq. appeared on behalf of Plaintiff Stewart on May  
4 19, 2020. (ECF No. 70).

5 Plaintiff filed his Motion to Vacate the Stay Pending Appel the same day. (ECF No.  
6 71).

7 Chief Judge Du issued a Minute Order requiring any response to Plaintiff's motion  
8 to vacate be due on July 1, 2020.

9 The parties have a voluntary mediation conference set in the Ninth Circuit, Case  
10 No. 20-15586, set for Monday, June 29, 2020.

11 In lieu of the preparation required for said conference, the parties agreed to an  
12 enlargement of time to respond.

13 Accordingly, the parties agree to enlarge the time for NDOC to respond to  
14 Plaintiff's Motion to Vacate the Stay from July 1, 2020, until July 15, 2020.

15 DATED this 30<sup>th</sup> day of June, 2020      DATED this 30<sup>th</sup> day of June, 2020.

16 LAGOMARSINO LAW

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27 (“[W]e have jurisdiction over an interlocutory appeal from the denial of qualified  
28 immunity where the appeal focuses on whether the defendants violated a clearly  
established law given the undisputed facts . . .”).

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**ORDER**

This matter comes before the Court regarding the briefing schedule for the Plaintiff's Motion to Vacate (ECF No. 71). The Court has examined the Stipulation as agreed by the parties to this stipulation and good cause having been shown,

IT IS THEREFORE ORDERED that Defendants are granted until July 15, 2020 to respond to Motion to Vacate (ECF No. 71).

DATED this 6th day of July 2020.

  
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DISTRICT COURT JUDGE