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 15 **UNITED STATES DISTRICT COURT**  
 16 **DISTRICT OF NEVADA**

17  
 18 WARREN SMITH

19 Plaintiff,

20 v.

21 UNITED PARCEL SERVICE, INC., UNITED  
 22 PARCEL SERVICE FLEXIBLE BENEFIT  
 PLAN, and AETNA LIFE INSURANCE  
 23 COMPANY,

24 Defendants.

Case No. 3:17-cv-00137-HDM-WGC

**ORDER GRANTING  
 STIPULATION TO: (1) EXTEND  
 DEFENDANTS' DEADLINE TO FILE  
 REPLY BRIEFS AS SET FORTH IN THE  
 SCHEDULING ORDER AS AMENDED  
 BY ECF NO. 32; AND (2) ALLOW  
 PLAINTIFF TO FILE CORRECTED  
 DOCUMENT IN PLACE OF ECF NO. 37**

**[SECOND REQUEST – TO EXTEND  
 BREIFING DEADLINE ]**

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 26  
 27 Defendants United Parcel Service, Inc. (“UPS”) and United Parcel Service Flexible  
 28 Benefit Plan (the “Plan”), by and through their counsel, Armstrong Teasdale LLP and Thompson

1 Hine LLP (admitted *pro hac vice*), and Aetna Life Insurance Company (“Aetna” and collectively  
2 with UPS and Plan, the “Defendants”), by and through its counsel, Armstrong Teasdale LLP, and  
3 Plaintiff Warren Smith (“Plaintiff”), by and through his counsel Kent Law and Flanigan &  
4 Bataille (admitted *pro hac vice*), hereby stipulate and agree:

- 5 1) To extend the deadline for Defendants’ to file their reply briefs in support of their  
6 Motions for Summary Judgment filed on February 16, 2018 (ECF No. 33 & 34) by  
7 ten (10) days, from April 27, 2018, to May 7, 2018. This is the second request to  
8 extend Defendants’ reply brief deadline, and a hearing date has not been set for  
9 this matter; and
- 10 2) To allow Plaintiff to replace the documents currently on file as ECF No. 37 with  
11 the documents bearing ECF No. 39-1, which is the relief requested in Plaintiff’s  
12 Motion to for Leave to File an Amended Pleading (ECF No. 39).

13 Pursuant to Fed. R. Civ. P. 6 and Local Rule LR IA 6-1, good cause exists to extend  
14 Defendants’ reply brief deadline. Counsel that has been primarily involved in the drafting of  
15 Defendants’ briefing for this matter and who will participate in drafting of the reply brief will be  
16 out of the office for personal reasons for a substantial amount of time prior to the reply brief  
17 deadline. As such, Defendants seek a short ten-day extension of their reply brief deadline to  
18 allow counsel the time necessary to fully participate in responding to Plaintiff’s Opposition to  
19 Defendants’ Motions for Summary Judgment. Plaintiff has no objection to this short extension of  
20 time. This case was initially filed on March 3, 2017, thus this short extension will not result in an  
21 unreasonable delay in having this matter decided. Furthermore, this stipulation is made in good  
22 faith and is not intended to unduly delay the proceedings.

23 The parties also agree to allow Plaintiff to replace the document currently on file as ECF  
24 No. 37 with the corrected document currently on file as ECF No. 39-1, as requested in Plaintiff’s  
25 Motion to for Leave to File an Amended Pleading (ECF No. 39) (“Motion to Amend”). The  
26 corrected document simply corrects the date affixed at the end of Plaintiffs’ Reply/Opposition  
27 Brief and on the Certificate of Service, the footer, page numberings, and a few non-substantive  
28 grammatical and formatting issues. Based on this stipulation, once it approved by the Court, the

1 relief requested in the Motion to Amend would become moot, with the Plaintiff withdrawing his  
2 Motion to Amend.

3 For all of the above-mentioned reasons, the parties respectfully request that this Court  
4 approve this stipulation and allowing Defendants' reply brief deadline to move from April 27,  
5 2018, to May 7, 2018; further allowing Plaintiff to replace the document currently on file as ECF  
6 Nos. 37 with the corrected document currently on file as ECF Nos. 39-1.

7  
8 Dated this 12<sup>th</sup> day of April, 2018.

Dated this 12<sup>th</sup> day of April, 2018.

9 **FLANIGAN & BATAILLE**

**ARMSTRONG TEASDALE, LLP**

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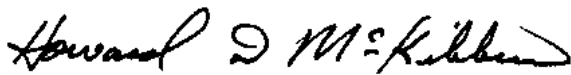
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20 *Counsel for Plaintiff Warren Smith*

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23 **ORDER**

24 **IT IS SO ORDERED.**

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26 \_\_\_\_\_  
27 UNITED STATES DISTRICT JUDGE

28 DATED: April 13, 2018