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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 KEITH A. WARREN,  
 12 Plaintiff,

13 vs.

14 NEVADA DEPARTMENT OF  
 CORRECTIONS, et al.,  
 15 Defendants.  
 16

Case No. 3:17-cv-00228-MMD-WGC

**ORDER GRANTING  
 MOTION FOR EXTENSION OF TIME  
 TO RESPOND TO DISCOVERY  
 REQUESTS**

17 Defendants, Quentin Byrne, Sheryl Foster, Joshua Kelly, Stephen Powers, Ruben Vidaurri, by  
 18 and through counsel, Aaron D. Ford, Nevada Attorney General, and Peter E. Dunkley, hereby submit  
 19 this Motion for Extension of Time to Serve Discovery Responses to Plaintiff's Discovery Requests,  
 20 Dated June 30, 2020, and received by the Office of the Attorney General on July 6, 2020. This Motion  
 21 is based on Federal Rule of Civil Procedure 6(b)(1)(A), the following Memorandum of Points and  
 22 Authorities, and all papers and pleadings on file in this action.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **I. INTRODUCTION**

25 Defendants request additional time to respond to outstanding Requests for Admissions and  
 26 Requests for Production of documents, without waiving objections, because of the administrative  
 27 obstacles at the Office of the Attorney General (OAG), related to the response to COVID-19.

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1 State-wide, and OAG wide policies and technological limitations have affected the effectiveness  
2 of communications and the ability to efficiently compile documents and evidence, from outside the office.

3 Defendants respectfully request an extension of time from the current deadline of July 30 2020<sup>1</sup>, to  
4 respond to outstanding discovery, on or before August 31, 2020.

5 **II. ARGUMENT**

6 Defendants respectfully requests a 32 day extension of time out from the current deadline of  
7 July 30, 2020, to serve responses to Plaintiff’s Request for Admissions and Requests for Production of  
8 Documents. Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as  
9 follows:

10 When an act may or must be done within a specified time, the court may,  
11 for good cause, extend the time: (A) with or without motion or notice if  
12 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.

13 “The district court is given broad discretion in supervising the pretrial phase of litigation....” *Zivkovic v. S.*  
14 *California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002) (citation omitted).

15 Defendants assert that the requisite good cause is present to warrant the requested extension of  
16 time. This request has been necessitated by ongoing quarantine measures imposed in response to the  
17 COVID-19 virus pandemic. Defendants make the instant request in light of the current issues related to  
18 COVID-19 including Nevada Governor Sisolak’s March 31, 2020 Declaration of Emergency (Directive  
19 010) – ‘Stay at Home Order’ and the Governor’s April 1, 2020 “Stay at Home” directive. In response, the  
20 Office of the Attorney General (OAG) has directed all AOG employees to comply with the Governor’s  
21 directives and orders. The OAG is limiting (and in some instances, restricting completely) in-office work,  
22 and instructing employees to stay at home and to work from home to the extent possible. The OAG, and  
23 the State Nevada information technology staff have been working to fully implement alternate, home-  
24 based working arrangements. As a result, the already limited staff at the OAG is rendered less efficient  
25 due to constraints imposed by limited Virtual Private Networks (VPN) and lack of remote document  
26 access. In light of Governor’s directives, the OAG’s policies, the information technologies limitations, and  
27 due to the functional difficulties the instant circumstances place on accessing and obtaining the necessary

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28 <sup>1</sup> The discovery is dated June 30, 2020. However, the discovery was mailed July 1, 2020 and received by the OAG on July 6, 2020.

1 supporting documents, including correspondence between the OAG and Defendants, Defendants  
2 respectfully request that the Court extend the time to respond to the discovery until August 31, 2020.

3 Defendants' request is timely and will not hinder or prejudice Plaintiff's case, but will allow for  
4 the OAG to have sufficient time to obtain documents and communicate with defendants in order to  
5 respond.

6 For these reasons, Defendant respectfully requests a thirty-two (32) day extension of time from  
7 the current deadline to serve responses to the request for admissions and requests for production of  
8 documents in this case, with a new deadline up to and including Monday, August 31, 2020.

9 DATED this 30th day of July 2020.

10 AARON D. FORD  
11 Attorney General

12 By: /s/ Peter E. Dunkley  
13 PETER E. DUNKLEY, Bar No. 11110  
14 Deputy Attorney General  
15 *Attorneys for Defendants*

16 **IT IS SO ORDERED:**

17 William G. Cobb  
18 **UNITED STATES MAGISTRATE JUDGE**

19 **DATED:** July 31, 2020