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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 32 days from today, from the current deadlines of
4 August 13, 2020, (for discovery dated July 14, 2020, but not received until July 21), August 23, 2020 (for
5 discovery dated July 22, but not received until July 27, 2020), and August 28, 2020 (for discovery dated
6 July 24, but not received until July 27, 2020, or July 28, 2020). In summary, Defendants request until
7 September 14, 2020 for the following discovery listed by date of discovery signed by Plaintiff:

- 8 1. July 14, 2020:
 - 9 a. RFAs:
 - 10 i. Foster
 - 11 ii. Byrne
 - 12 iii. Powers
 - 13 iv. Kelly
 - 14 v. Vidaurri (second)
 - 15 b. Request for Documents:
 - 16 i. Foster & Byrne
- 17 2. July 22, 2020:
 - 18 a. RFA:
 - 19 i. Foster
 - 20 ii. Byrne
 - 21 iii. Vidaurri (third)
 - 22 b. Request for Documents
 - 23 i. Viaurri, Byrne, Foster
- 24 3. July 24, 2020:
 - 25 a. Interrogatories:
 - 26 i. Vidaurri
 - 27 ii. Byrne
 - 28 iii. Foster
 - iv. Powers
 - v. Kelly

24 **II. ARGUMENT**

25 Defendants respectfully requests a 32-day extension of time out from the current deadlines to
26 serve responses to Plaintiff's Request for Admissions and Requests for Production of Documents and
27 interrogatories as set forth above. Federal Rule of Civil Procedure 6(b)(1) governs extensions of time
28 and provides as follows:

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

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

8 Defendants assert that the requisite good cause is present to warrant the requested extension of
9 time. This request has been necessitated by ongoing quarantine measures imposed in response to the
10 COVID-19 virus pandemic. Defendants make the instant request in light of the current issues related to
11 COVID-19 including Nevada Governor Sisolak’s March 31, 2020 Declaration of Emergency (Directive
12 010) – ‘Stay at Home Order’ and the Governor’s April 1, 2020 “Stay at Home” directive. In response, the
13 Office of the Attorney General (OAG) has directed all AOG employees to comply with the Governor’s
14 directives and orders. The OAG is limiting (and in some instances, restricting completely) in-office work,
15 and instructing employees to stay at home and to work from home to the extent possible. The OAG, and
16 the State Nevada information technology staff have been working to fully implement alternate, home-
17 based working arrangements. As a result, the already limited staff at the OAG is rendered less efficient
18 due to constraints imposed by limited Virtual Private Networks (VPN) and lack of remote document
19 access, along with a recent quarantine of the undersigned. In light of Governor’s directives, the OAG’s
20 policies, the information technologies limitations, and due to the functional difficulties the instant
21 circumstances place on accessing and obtaining the necessary supporting documents, including
22 correspondence between the OAG and Defendants, Defendants respectfully request that the Court extend
23 the time to respond to the discovery until September 14, 2020.

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

27 For these reasons, Defendant respectfully requests a thirty-two (32) day extension of time from
28 the today to serve responses to the request for admissions, interrogatories, and requests for production
of documents in this case, with a new deadline up to and including Monday, September 14, 2020.

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DEADLINE

The Deadline for outstanding discovery as set forth above: Monday September 14, 2020.

DATED this 13th day of August 2020.

AARON D. FORD
Attorney General

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

IT IS SO ORDERED:

Walter G. Cobb

UNITED STATES MAGISTRATE JUDGE

DATED: August 14, 2020