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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KENNETH FRIEDMAN,
 Plaintiff,
 vs.
 ISIDRO BACA, et al.,
 Defendants.

Case No. 3:17-cv-00433-MMD-WGC

**ORDER GRANTING
 DEFENDANT’S MOTION FOR
 ENLARGEMENT OF TIME TO RESPOND
 TO PLAINTIFF’S MOTION FOR ORDER
 REQUIRING INSPECTION, COPYING,
 POSSESSION OF PERSONAL MEDICAL
 RECORDS
 (First Request)**

Defendants, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, Gerri Lynn Hardcastle, Deputy Attorney General, hereby file this motion for enlargement of time to respond to Plaintiff’s Motion for Order Requiring Inspection, Copying, Possession of Personal Medical Records. This motion is based Fed. R. Civ. P. 6(b)(1), the following Memorandum of Points and Authorities, and the papers and pleadings on file herein.

MEMORANDUM OF POINTS AND AUTHORITIES

I. RELEVANT PROCEDURAL HISTORY

This case is a *pro se* civil rights action pursuant to 42 U.S.C. § 1983. ECF No. 31. Plaintiff, Kenneth Friedman (Plaintiff), is an inmate in the lawful custody of the Nevada Department of Corrections (NDOC). *Id.* at 2. He alleges, *inter alia*, that Defendants violated his rights under the First, Eighth, and Fourteenth Amendments to the U.S. Constitution. *Id. passim.*

On March 4, 2019, Plaintiff filed a Motion for Injunctive Relief/T.R.O. to Allow Legal Calls (ECF No. 74) and the instant Motion for Order Requiring Inspection, Copying, Possession of Personal Medical

1 Records (ECF No. 73). Defendants have responded to Plaintiff’s motion for injunctive relief at ECF No.
2 74; however, they have been unable to complete their response to Plaintiff’s motion regarding his medical
3 records. Defendants therefore request an enlargement of time of one week (or up to and including
4 Monday, March 25, 2019) to respond to Plaintiff’s motion.

5 **II. LEGAL STANDARD**

6 District courts have inherent power to control their dockets. *Hamilton Copper & Steel Corp. v.*
7 *Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cir.
8 1992). Fed. R. Civ. P. 6(b)(1) governs enlargements of time and provides as follows:

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

12 “The proper procedure, when additional time for any purpose is needed, is to present to the
13 Court a timely request for an extension before the time fixed has expired (*i.e.*, a request presented
14 before the time then fixed for the purpose in question has expired).” *Canup v. Miss. Valley Barge Line*
15 *Co.*, 31 F.R.D. 282, 283 (D.Pa. 1962). The *Canup* Court explained that “the practicalities of life” (such
16 as an attorney’s “conflicting professional engagements” or personal commitments such as vacations,
17 family activities, illnesses, or death) often necessitate an enlargement of time to comply with a court
18 deadline. *Id.* Extensions of time “usually are granted upon a showing of good cause, if timely made.”
19 *Creedon v. Taubman*, 8 F.R.D. 268, 269 (D.Ohio 1947). The good cause standard considers a party’s
20 diligence in seeking the continuance or extension. *See, e.g., Johnson v. Mammoth Recreations, Inc.*,
21 975 F.2d 604, 609 (9th Cir. 1992).

22 **III. DISCUSSION**

23 Here, Defendants are seeking an enlargement of time to respond to Plaintiff’s motion prior to
24 the expiration of the deadline. Therefore, they must establish good cause for the requested extension.

25 Defendants assert good cause exists to enlarge the time by which they must respond to
26 Plaintiff’s motion. Plaintiff filed two motions on the same day, and Defendants responses to both
27 documents are due today. Defendants are filing their response to one of those motions, but they need
28 additional time to respond to the second. Their counsel is currently preparing for a jury trial scheduled

1 in another matter, so she has had to devote a significant amount of time to that matter. Nonetheless, she
2 timely filed her clients' response to one of Plaintiff's motions, but she needs additional time to respond
3 to the second. Furthermore, the enlargement Defendants seek is relatively short (just one week) and
4 should not unfairly prejudice Plaintiff.

5 **IV. CONCLUSION**

6 Based on the foregoing, Defendants respectfully request that this Court grant their motion for
7 enlargement of time and allow them up to and including March 25, 2019 to file their response to
8 Plaintiff's Motion for Order Requiring Inspection, Copying, Possession of Personal Medical Records..

9 DATED this 18th day of March, 2019.

10 AARON D. FORD
11 Attorney General

12 By:



13 GERRI LYNN HARDCASTLE
14 Deputy Attorney General
15 State of Nevada
16 Bureau of Litigation
17 Public Safety Division

Attorneys for Defendants

18 IT IS SO ORDERED.

19 DATED: March 19, 2019.

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UNITED STATES MAGISTRATE JUDGE
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