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 7 *David Mar, and Marsha Johns*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 TODD EVANS,

Case No. 3:18-cv-00283-RCJ-CSD

11 Plaintiff,

ORDER GRANTING

12 v.

**MOTION FOR EXTENSION OF TIME TO
 REPLY TO PLAINTIFF’S OPPOSITION TO
 DEFENDANTS’ MOTION FOR SUMMARY
 JUDGMENT
 (ECF No. 136)**

13 JAMES DZURENDA, et al.,

14 Defendants.

(First Request)

16 Defendants, James Dzurenda, Romeo Aranas, David Mar, and Marsha Johns by and through
 17 counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior
 18 Deputy Attorney General, move this Court for an order extending the deadline for filing the reply to
 19 Plaintiff’s Opposition to Motion for Summary Judgment. (ECF No. 136). This is the first request the
 20 Defendants have made. This Motion is made and based upon the attached Points and Authorities, the
 21 papers and pleadings on file, herein, and such other and further information as this Court may deem
 22 appropriate.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **I. RELEVANT FACTS AND PROCEDURAL HISTORY AND ARGUMENT**

25 This is a pro se prisoner civil rights action brought by Todd Evans, (Plaintiff), asserting claims
 26 arising under 42 U.S.C. § 1983. Plaintiff alleges Eighth Amendment claims for deliberate indifference
 27 to serious medical needs.

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1 Plaintiff sued multiple defendants for events that took place while he was incarcerated at
2 Northern Nevada Correctional Center (“NNCC”). (ECF No. 1-1 at 2).

3 Defendants filed their Motion for Summary Judgment on September 21, 2022. (ECF No. 122).
4 Plaintiff filed multiple requests for additional time (ECF Nos.127 and 132). This Court granted both
5 requests. (ECF Nos. 129 and 133). Plaintiff filed his opposition on December 21, 2022. (ECF No.
6 136).

7 Plaintiff’s opposition is 65 pages with multiple exhibits. (ECF No. 136). It was filed
8 immediately prior to the holiday season. During the holidays, a significant storm hit the Reno area,
9 which caused power outages in South Reno. While the power has been restored, it caused significant
10 issues. Additionally, Counsel has been working on a Motion for Summary Judgment in another case
11 which is due today, January 4, 2023. For these reasons, Counsel requests an extension of time to file
12 the reply to Plaintiff’s opposition.

13 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

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

19 Defendants’ request is timely and will not hinder or prejudice Plaintiff’s case, as the trial date
20 is not imminent. The requested extension of time should permit the Defendants to file a proper and
21 complete reply to assist the Court in determining the validity of the Motion for Summary Judgment.
22 There is no attempt to delay the proceedings. There has not been a previous request. Additionally,
23 Plaintiff received 2 extensions of time to file the Opposition. Therefore, the Defendants request
24 additional time to prepare reply.

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1 **II. CONCLUSION**

2 Defendants assert that the requisite good cause and extenuating circumstance is present to
3 warrant the requested extension of time. Therefore, the Defendants requests an extension, until
4 **February 1, 2023**, to file the Reply to Plaintiff's Opposition (ECF No. 136).

5 DATED this 4th day of January, 2023.

6 AARON D. FORD
7 Attorney General

8 By: /s/ Douglas R. Rands
9 DOUGLAS R. RANDS, Bar No. 3572
10 Senior Deputy Attorney General

Attorneys for Defendants

11 IT IS SO ORDERED.

12 DATED: January 5, 2023.

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16 UNITED STATES MAGISTRATE JUDGE
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