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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 TODD EVANS,

13 Plaintiff,

14 vs.

15 JAMES DZURENDA, *et al.*,

16 Defendants.

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

STIPULATION AND ORDER TO
EXTEND DEADLINE TO FILE
AMENDED COMPLAINT
(ECF No. 41)

(FOURTH REQUEST)

17 Pursuant to LR IA 6-1, Plaintiff TODD EVANS and Defendants JAMES
18 DZURENDA, ROMEO ARANAS, JOHN KEAST, DR. JONES, and DR. MAR
19 (collectively "Defendants"), by and through their respective counsel, hereby stipulate and
20 request that this Court extend the deadline for Plaintiff TODD EVANS to file his Amended
21 Complaint, pursuant to Screening Order (ECF No. 41), by an additional sixty (60) days,
22 extending the deadline from September 9, 2020 to November 5, 2020.

23 This Request for an extension of time is not sought for any improper purpose or
24 other purpose of delay. This is the fourth request for an extension in this matter. This request
25 for extension is based upon the following:

26 Counsel for Plaintiff TODD EVANS is class counsel in *In re: HCV Prison*
27 *Litigation*, Case No. 3:19-cv-0577-MMD-CLB.4 In that suit, which has been certified as a
28 class action (*see In re: HCV Prison Litigation*, ECF No. 21), the class representatives are



1 seeking declaratory and injunctive relief regarding NDOC's failure to provide treatment for
2 chronic HCV. Pursuant to the Court's order certifying the class in the *In re: HCV Prison*
3 *Litigation*, the class consists of all persons: (a) who are or will be in the legal custody of
4 NDOC; (b) who have been incarcerated for at least 21 days and have at least 12 weeks
5 remaining on their sentence; (c) who have been diagnosed with chronic HCV and are
6 candidates for DAA treatment pursuant to the proper medical standard of care; and (d) for
7 whom DAA treatment has been or will be denied, withheld, or delayed based on policies or
8 considerations that deviate from the proper medical standard of care. (*In re: HCV Prison*
9 *Litigation*, ECF No. 21, p. 17:17-23.)

10 The Court has conducted a multi-day settlement conference in that matter (*see In*
11 *re: HCV Prison Litigation*, ECF Nos. 54, 55, and 59 (minutes of settlement conference).)
12 The parties have submitted a proposed settlement (consent decree) to the Court for
13 preliminary approval. (ECF No. 61.) The Court has scheduled a fairness hearing for October
14 27, 2020. (ECF No. 63 (amended minute order setting fairness hearing.)) Because the
15 proposed consent decree relates to Mr. Evans' claims regarding denial of treatment for his
16 chronic HCV, this additional extension of time is necessary so that counsel can determine
17 whether the Court will approve the consent decree, and to assess the impact of that consent
18 decree on Mr. Evans' claims.

19 Counsel for Plaintiff TODD EVANS also requires this additional extension of time
20 due to conflicting deadlines in other cases. Specifically, counsel Alina M. Shell is counsel in
21 *In Re: D.O.T. Litigation* (Eighth Judicial District Court Case No. A-19-787004-B). Ms. Shell
22 has been in trial in the *In Re: D.O.T. Litigation* matter since July 13, 2020. The first phase of
23 trial ended on August 18, 2020, and the second phase of trial is scheduled to begin on
24 September 8, 2020. The undersigned has had to dedicate substantial time to participating in
25 trial and attending to matters related to trial.

26 Further, counsel for Mr. Evans has conflicting deadlines, such as dispositive motion
27 filings due on September 9, 2020 in another matter, *Las Vegas Review-Journal v. Las Vegas*
28 *Metropolitan Police Department*, Eighth Judicial District Court Case No. A-18-775378-W,

1 a Reply to Answer to Petition for Writ of Mandamus due on September 14, 2020 in *Joanna*
2 *Sarah Weller v. Eighth Judicial District Court*, Nevada Supreme Court Case No. 81685, and
3 a mediation statement due on September 16, 2020 in *Huffman, et al. v. Bertsch, CPA*, Nevada
4 Supreme Court Case No. 81330. Accordingly, counsel requires additional time to adequately
5 represent Mr. Evans' interests in this matter.

6 WHEREFORE, the parties respectfully request that this Court extend the deadline
7 for Plaintiff to file his Amended Complaint to up to and including October 9, 2020.

8 IT IS SO STIPULATED.

9 DATED this 8th day of September, 2020.

DATED this 8th day of September, 2020.

10 **MCLETCHIE LAW**

ATTORNEY GENERAL'S OFFICE

11
12 /s/ Alina M. Shell

/s/ Douglas R. Rands

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22 **ORDER**

23 IT IS SO ORDERED.

24 *William G. Cobb*

25

HONORABLE JUDGE WILLIAM G. COBB

26 DATED: September 8, 2020.
27 _____
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