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*Scott Mattinson and William Reubart*

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10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

ORDER

12 BENJAMIN ESPINOSA,  
13 Plaintiff,  
14 vs.  
15 FILSON, et al.,  
16 Defendants.

Case No. 3:18-cv-00298-MMD-CBC  
**MOTION FOR ENLARGEMENT OF TIME  
FOR DEFENDANTS TO FILE THEIR  
RESPONSES TO DISCOVERY  
PROPOUNDED BY PLAINTIFF (FIRST  
REQUEST)**

17 Defendants, Romero Aranas, Gloria Carpenter, Michelle Clay, James Dzurenda, Michele Ewing,  
18 Gail Holmes, Scott Mattinson and William Reubart by and through counsel, Aaron D. Ford, Attorney  
19 General of the State of Nevada, and Charles H. Odgers, Deputy Attorney General, hereby move this  
20 Court for an order enlarging the time to respond to Discovery Requests Propounded by Plaintiff in this  
21 case. This Motion is made pursuant to Fed. R. Civ. Proc. 6(b) and is based upon the following Points  
22 and Authorities and all pleadings and papers on file herein. This Motion is made in good faith and not  
23 for the purposes of undue delay.

24 **MEMORANDUM OF POINTS AND AUTHORITIES**

25 **I. NATURE OF MOTION**

26 The Defendants submit there is good cause to enlarge the time for Defendants' to respond to  
27 Plaintiff's discovery requests. Plaintiff propounded individual discovery in this case on each named  
28 Defendant on August 14, 2019. On August 28, 2019, when it became clear the Office of the Attorney

1 General would not be able to meet the 30 day time to file responses on behalf of these Defendants,  
2 counsel had a telephonic meet and confer with the Plaintiff to request a continuation of discovery to  
3 September 27, 2019. Plaintiff agreed to that continuance.

4 However, the volume of discovery requests in this and all of the other cases has made  
5 completion of discovery responses by September 27, 2019 not possible. Interrogatories for Defendants  
6 Clay, Aranas and Mattinson have been responded to by these Defendants and will be sent to Plaintiff  
7 before the deadline. Response to Request for Admissions to Ewing have been drafted, however, Dr.  
8 Ewing has been unable to meet with counsel to approve the draft responses. Discovery responses from  
9 Holmes and Carpenter have not been responded to by these Defendants as they have only recently been  
10 drafted by this office and sent to these Defendants.

11 The responses to Request for Production of Documents will be sent prior to expiration of time.  
12 The undersigned was notified this week that the remaining discovery responses would be late and there  
13 was no time to arrange a telephonic meet and confer with the Plaintiff to request additional time to  
14 respond, making this motion for enlargement of time a necessity.

## 15 **II. ARGUMENT**

16 Fed. R. Civ. P. 6(b) grants this Court discretion to enlarge the period of time in which an act is  
17 to be done. Fed. R. Civ. P. 6(b)(1)(b) provides in pertinent part:

18 When by these rules . . . or by order of court an act is required or allowed  
19 to be done at or within a specified time, the court for good cause extend  
20 the time on motion made after the time has expired if the party failed to  
act because of excusable neglect.

21 The time for Defendants to file their discovery responses is September 27, 2019. The request  
22 for enlargement is timely because this office has been short staffed, there was a recent trial and the sheer  
23 number of requests submitted by all Plaintiffs in all of the cases has made it near impossible to prepare  
24 drafts, send to Defendants and obtain responses in a timely manner. Additionally, counsel has worked  
25 very diligently to bring all of the cases assigned since being hired on August 5, 2019 current.  
26 Unfortunately, not everything has been accomplished yet. These discovery responses are one of the  
27 items that has yet to be accomplished. This is the Defendants' first request for enlargement of time with  
28 respect to responding to and/or filing response to discovery, submitted to the Court. This request for


1 enlargement of time is made in good faith and not for the purpose of delay. Defense counsel is  
2 requesting a thirty day extension to include October 25, 2019. However, as discovery responses are  
3 received, they will be submitted to Plaintiff, with the intent not to use the entire 30 day period  
4 requested.

5 **III. CONCLUSION**

6 Based on the foregoing the Defendants respectfully submit that the Court should grant the  
7 Defendants' motion and enter an Order enlarging the time to respond to propounded discovery by  
8 Plaintiff on behalf of Defendants Holmes, Carpenter and Ewing by thirty days, up to and including  
9 October 25, 2019.

10 DATED this 7th day of October, 2019.

11 AARON D. FORD  
12 Attorney General

13 By:   
14 CHARLES H. ODGERS, Bar No. 8596  
15 Deputy Attorney General

16 *Attorneys for Defendants*

17 **IT IS SO ORDERED.**

18   
19 U.S. MAGISTRATE JUDGE

20 DATED: 10/8/2019