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*Kara LeGrand, Tim Garrett,*  
 9 *Dana Marks, Brian Egerton,*  
*Rosselle Donnely, and Erin Parks*

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

13 DAVE CLEMENS  
 14 Plaintiff,  
 15 v.  
 16 NEVADA DEPARTMENT OF  
 CORRECTIONS, *et al.*,  
 17 Defendants.  
 18

Case No. 3:23-cv-00035-MMD-CSD

**ORDER GRANTING  
 MOTION FOR 30-DAY EXTENSION  
 TO FILE DISPOSITIVE MOTION**

**[Second Request]**

19 Defendants, Kara LeGrand, Tim Garrett, Dana Marks, Brian Egerton, Rosselle  
 20 Donnely, and Erin Parks, by and through counsel, Aaron D. Ford, Nevada Attorney  
 21 General, Victoria C. Corey, Deputy Attorney General, of the State of Nevada, Office of the  
 22 Attorney General, and Nathan M. Claus, Deputy Attorney General, of the State of Nevada,  
 23 Office of the Attorney General hereby request a 30-day extension of the Dispositive Motion  
 24 deadline. This is Defendants second requested extension of the subject deadline.

25 **MEMORANDUM OF POINTS AND AUTHORITIES**

26 **I. PROCEDURAL HISTORY**

27 This is a *pro se* prisoner 42 U.S.C. § 1983 civil rights claim brought by offender Dave  
 28 Clemens (Clemens). On July 8, 2024, this Court issued a scheduling order, setting the

1 dispositive motion deadline for September 11, 2024. ECF No. 69. On August 23, 2024, this  
2 Court granted Defendant’s first request for an extension of time for the dispositive motion  
3 deadline, allowing for the filing of dispositive motions on or before October 28, 2024. ECF  
4 No. 75.

5 For the reasons fully articulated below, good cause exists to extend the Dispositive  
6 Motion deadlines in this matter an additional 30 days to Friday, November 28, 2024.

7 **II. ARGUMENT**

8 Pursuant to Fed. R. Civ. P. 6(b), the “court may, for good cause, extend the time . . .  
9 with or without motion or notice . . . if a request is made, before the original time or its  
10 extension expires.” Defendants seek an extension of time to respond to file their dispositive  
11 motion. Good cause is present to extend the dispositive motion deadline until November  
12 27, 2024.

13 At this time, Discovery has been completed. Discovery in this matter was  
14 comprehensive and included hundreds of pages of documents ranging from medical  
15 documents, various Nevada Department of Corrections’ policies, and related  
16 documentation. Counsel for defendants is working to ensure that these various documents  
17 are distilled to ensure a clear and accurate record is established. Additionally, Deputy  
18 Attorney General (DAG) Victoria C. Corey has had an unexpected family emergency<sup>1</sup> that  
19 has required her attention and has resulted in the need for additional time to review the  
20 motion prior to filing.

21 Accordingly, Defendants respectfully request that the extension be granted for good  
22 cause shown. *See Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1260, (9th Cir. 2010)  
23 (holding that the “district court abused its discretion in denying party’s timely motion” to  
24 extend time because the party “demonstrated the ‘good cause’ required by Rule 6, and  
25 because there was no reason to believe that [the party] was acting in bad faith or was  
26 misrepresenting his reasons for asking for the extension”).

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<sup>1</sup> If the Court requires specifics on the times of this emergency, Defendants can  
provide it under seal.

1 To date Clemens has not filed his own dispositive motion and there would be no  
2 prejudice to him in this Court granting this second requested extension.

3 **III. CONCLUSION**

4 Based on the foregoing, and for good cause, Defendants request an extension of time  
5 until November 28, 2024, for the dispositive motion deadline.

6  
7 DATED this 22nd day of October, 2024.

8 AARON D. FORD  
9 Attorney General

10 By: /s/ Nathan M. Claus  
11 VICTORIA C. COREY (Bar #16364)  
12 Deputy Attorney General  
13 NATHAN M. CLAUS (Bar #15889)  
14 Deputy Attorney General

*Attorneys for Defendants*

15 IT IS SO ORDERED.

16 DATED: October 23, 2024.

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19 Craig S. Denney  
20 United States Magistrate Judge  
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