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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA PAUL S. KLEIN,

Plaintiff, vs. DWIGHT NEVEN, et al.,

Defendants.

Case No. 2:17-cv-02055-KJD-VCF

MOTION FOR EXTENSION TO FILE STIPULATION OF DISMISSAL

(FIRST REQUEST)

Defendant James Cox, by and through counsel, Adam Paul Laxalt, Attorney General, and Simba M. Muzorewa, Jr., Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby moves for a first extension to file stipulation of Dismissal. This motion is made and based on the points and authorities herein as well as the pleadings and papers on file with the Court.

MEMORANDUM OF POINTS AND AUTHORITIES I. NATURE OF THE MOTION

Defendants hereby move for a thirty day enlargement of time of the currently scheduled submittal of proposed order of dismissal to the Court. II. STATEMENT OF THE CASE

On August 10, 2018, the Court issued its Screening Order stating that it had conducted its screening pursuant to 28 U.S.C. § 1915A, and that certain specified claims in this case would proceed. ECF No. 6. The Court ordered the Office of the Attorney General of the State of Nevada to file a report

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days after the date of the entry of the Court's Screening Order to indicate the status of the case at the end of the 90-day stay. Id. at 14. On November 2, 2018, the parties participated in an EMC and reached a settlement. ECF No. 19. The Court's deadline to file settlement documents and/or stipulation for dismissal is December 17, 2018. Id. III. DISCUSSION

The Court may, for good cause, extend the time in which an act must be done if a request is made before the original time or its extension expires. Fed. R. Civ. P. 6(b)(1)(A).

Defendants hereby request an extension of a period of thirty (30) days to allow the parties to memorialize the settlement terms in a settlement agreement and to execute and file a stipulation and order for dismissal of the case. Plaintiff is a pro-se litigant housed at Northern Nevada Correctional Center. Defendant's undersigned counsel has submitted the settlement documents and proposed stipulation for dismissal, but is waiting for Plaintiff's signature and approval. Defendants request additional time for Plaintiff to return the proposed documents and/or raise any objections or revisions to the settlement documents language. Defendants submit that the facts and argument contained herein constitute good cause to enlarge the time to submit a stipulation for dismissal. IV. CONCLUSION

Based upon the foregoing, Defendants hereby request an extension to submit a stipulation for dismissal.

DATED this 14th

day of December, 2018.

ADAM PAUL LAXALT Attorney General

By: /s/ Simba Muzorewa

SIMBA MUZOREWA (Bar No. 14097) Deputy Attorney General Attorneys for the Defendants

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Paul M. Klein, #30918 Northern Nevada Correctional Center PO Box 7000 Carson City, NV 89702
Plaintiff, Pro Se



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/s/ Diane Resch Diane Resch, an employee of the Office of the Nevada Attorney General

