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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 JOSE DECASTRO,

11 Plaintiff,

12 vs.

13 LAS VEGAS METROPOLITAN POLICE
14 DEPARTMENT; STATE OF NEVADA;
15 BRANDEN BOURQUE; JASON TORREY; C.
16 DINGLE; B. SORENSON; JESSE
17 SANDOVAL; OFFICER DOOLITTLE and
18 DOES 1 to 50, inclusive,

19 Defendants.

Case No.: 2:23-cv-00580-APG-EJY

**PLAINTIFF’S MOTION FOR LEAVE
AND TO SET SUPPLEMENTAL
BRIEFING SCHEDULE REGARDING
MOTION FOR SUMMARY JUDGMENT
FOLLOWING LOWER COURT’S
REVERSAL ON DIRECT APPEAL**

20
21 DATED 11th day of August, 2024

22
23 /s/ Michael Mee, Esq.
24 MICHAEL MEE, ESQ.
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MEMORANDUM OF POINTS AND AUTHORITIES

1
2 On June 14, 2024, Defendants moved for Summary Judgment. ECF 86. This was
3 supported by the manual filing of exhibits. ECF 87.
4

5 On July 5, 2025, the parties conferred regarding an extension of the deadline for a
6 response to ECF 86 to July 8, 2024. Counsel for Defendants indicated no objection to this
7 continuance via e-mail on July 5, 2025. That request was granted the following day.
8

9 This Response to movants' Motion for Summary Judgment was filed on July 8, 2024.
10 Within that filing, Plaintiff identified the fact that the Eighth Judicial District Court was hearing
11 a direct appeal of Plaintiff's underlying conviction. Within the Response Plaintiff had requested
12 that, if his appeal was granted, that he would seek leave for supplemental briefing regarding that
13 substantial change in circumstances which is relevant to resolving the motion for summary
14 judgment. That court reversed the underlying conviction in Case C-24-381730-A, but this was
15 after the Response was filed.
16
17

18 Not only did the court reverse the conviction, which is directly relevant to whether there
19 would be estoppel or res judicata bars to pursuing some of the relief identified in this civil action,
20 but the lower court made clear that the officer's actions were wholly unlawful. *See Ex. A –*
21 *Decision of Eighth Judicial District Court re State of Nevada v. Jose DeCastro.*
22

23 This unlawfulness is, at the outset, a fundamental basis of Plaintiff's claims. This
24 procedural posture, including this substantial change since the matter was previously briefed by
25 the parties, warrants a supplemental briefing schedule. On this basis, Plaintiff proposes that this
26 Court Order a Supplemental Briefing schedule, with Plaintiff's Supplemental Opposition due

1 within fourteen (14) days of the Court's Order, and with Defendants' Supplemental Reply due
2 within fourteen (14) days of that filing.
3

4 **CONCLUSION**

5 For these reasons, the Motion should be granted, and supplemental briefing permitted for
6 this reasons set forth herein.
7

8 DATED 11th day of August, 2024.
9

10 **/s/ Michael Mee, Esq.**
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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the above Court and served upon all parties registered to receive electronic service in the above-captioned matter.

DATED 8th day of July, 2024.

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