

1 AARON D. FORD
 Attorney General
 2 CHARLES D HOPPER (Bar No. 6346)
 Deputy Attorney General
 3 State of Nevada
 Office of the Attorney General
 4 555 East Washington Avenue
 Suite 3900
 5 Las Vegas, Nevada 89101
 (702) 486-3655 (phone)
 6 (702) 486-3773 (fax)
 Email: CDHopper@ag.nv.gov

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 8 *Attorneys for Defendants*
James Dzurenda and Brian Williams

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

11 ANTHONY PRENTICE,
 12 Plaintiff,
 13 v.
 14 NEVADA STATE OF, *et al.*,
 15 Defendants.

Case No. 2:18-01801-APG-VCF

**DEFENDANTS' MOTION FOR
 EXTENSION OF TIME TO FILE
 OPPOSITION
 TO PLAINTIFF'S EMERGENCY
 MOTION FOR PRELIMINARY
 INJUNCTIONS (ECF NOS. 14, 15)**

ORDER

17 Defendants, James Dzurenda and Brian Williams, by and through counsel, Aaron
 18 D. Ford, Nevada Attorney General, and Charles D Hopper, Deputy Attorney General,
 19 hereby file a Motion for Extension of time to file their Oppositions to Plaintiff's Motion for
 20 Preliminary Injunction for Religious Diet (ECF No. 14) and for Religious Practice (ECF No.
 21 15). In light of the exigent circumstances regarding the State of Nevada's response and
 22 directives regarding COVID-19, the Office of the Attorney General's (OAG) response to the
 23 directives, along with an unexpected network outage, Defendants respectfully request a 10
 24 day extension to respond to Plaintiff's Emergency Motions for Preliminary Injunctions (ECF
 25 Nos. 14 and 15).

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. RELEVANT BACKGROUND AND FACTS**

3 On November 8, 2019, Plaintiff filed an Emergency Motion for Preliminary Injunction
4 for Religious Diet (ECF No. 14), and an Emergency Motion for Preliminary Injunction
5 Religious Practice (ECF No. 15).

6 On June 8, 2020, the Court entered an Order Regarding Briefing on Motion for
7 Preliminary Injunction, ordering Defendants to file a response to the ECF Nos. 14, 15, by
8 June 22, 2020. (See ECF No. 20.)

9 In light of the administrative obstacles at the Office of the Attorney General
10 (OAG), related to the State guidelines in response to COVID-19, which has affected
11 the effectiveness and responsiveness of communications among the Defendants, and the
12 OAG's ability to efficiently obtain documents and evidence, Defendants request the extension.
13 An additional unexpected complication is an Internet outage affecting some state agencies
14 state-wide. See e-mail dated June 22, 2020 from State of Nevada Enterprise IT Services
15 (indicating fiber optic cable was severed) a copy is attached as Exhibit A.

16 Thus, Defendants respectfully request a ten (10) day extension of time from the current
17 deadline of June 22, 2020, to file responses to Plaintiff's Motions on or before July 2, 2020.¹

18 **II. DISCUSSION**

19 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as
20 follows:

21 When an act may or must be done within a specified time, the court
22 may, for good cause, extend the time: (A) with or without motion or
23 notice if the court acts, or if a request is made, before the original
24 time or its extension expires; or (B) on motion made after the time
25 has expired if the party failed to act because of excusable neglect.

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27 ¹ The Ninth Circuit's COVID-19 Notice (as of 3/26/20) implies 60 days may be
28 sufficient for brief filing extensions. The OAG believes 10 days to be sufficient in this
case.

1 “The district court is given broad discretion in supervising the pretrial phase of
2 litigation....” *Zivkovic v. S. California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002) (citation
3 omitted).

4 Defendants assert that the requisite good cause is present to warrant the requested
5 extension of time. Defendants make the instant request in light of the current issues related
6 to COVID-19 including Nevada Governor Sisolak’s March 31, 2020 Declaration of Emergency
7 (Directive 010) – ‘Stay at Home Order’ and the Governor’s April 1, 2020 “Stay at Home”
8 directive. In response, the Office of the Attorney General (“OAG”) has directed all AOG
9 employees to comply with the Governor’s orders, limit in-office work and to stay at home
10 effective immediately while and until the OAG transitions to alternate, home-based working
11 arrangements. In light of those directives and due to the difficulties the instant circumstances
12 place on obtaining the necessary supporting documents, including declarations and
13 correspondence between the OAG and Defendants, Defendants respectfully request that the
14 Court extend the current deadline by 10 days, until July 2, 2020. The deadline to file replies
15 would likewise be extended until July 16, 2010. Defendants’ request for 10 days will not
16 hinder or prejudice Plaintiff’s or his case as he alleges to have been a practicing Qayin
17 Thelemite for more than 10 years “since his conversion in 2008.” (ECF No.13 at p. 34 of 55)
18 (Plaintiff’s page 32).

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1 **III. CONCLUSION**

2 For these reasons, Defendants respectfully request a ten (10) day extension to the
3 current deadline to respond to Plaintiff's Emergency Motions for Preliminary Injunctions
4 (ECF Nos. 14, 15).

5 Proposed Schedule for Dispositive Deadline

6 Current Response Deadline June 22, 2020

7 Proposed Response Deadline July 2, 2020

8 DATED this 22nd day of June 2020.

9 AARON D. FORD
10 Attorney General

11 By: /s/ Charles D. Hopper
12 CHARLES D. HOPPER, Bar No. 6346
13 Deputy Attorney General

14 *Attorneys for Defendants*

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16 **IT IS SO ORDERED:**

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19 **UNITED STATES DISTRICT JUDGE**

20 **DATED:** 6/23/2020
21 _____

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the State of Nevada, Office of the Attorney General,
3 and that on June 22, 2020, I electronically filed the foregoing, **DEFENDANTS' MOTION**
4 **FOR EXTENSION OF TIME TO FILE OPPOSITION TO PLAINTIFF'S**
5 **EMERGENCY MOTION FOR PRELIMINARY INJUNCTIONS (ECF NOS. 14, 15),**
6 via this Court's electronic filing system to the following:

7 Anthony Prentice, #74880
8 C/o Law Librarian
9 High Desert State Prison
10 PO Box 650
11 Indian Springs, NV 89070
12 HDSP_lawlibrary@doc.nv.gov

Plaintiff, Pro Se

13 /s/ Caitie Collins
14 An employee of the Office of the
15 Nevada Attorney General

EXHIBIT A

E-mail dated June 22, 2020 from State of
Nevada Enterprise IT Services

EXHIBIT A

From: [Sandra L. Geyer](#)
To: [EveryoneCarson](#)
Cc: [Melissa K. Mendoza](#); [Jennifer L. Ross](#)
Subject: FW: Enterprise IT Services – Notification - Network Issues *Update*
Date: Monday, June 22, 2020 2:22:46 PM
Attachments: [image002.png](#)
Importance: High

Please see the message from EITS.

From: Outside Agency List <OUTSIDEAGENCIES@LISTSERV.STATE.NV.US> **On Behalf Of** State Email Admin
Sent: Monday, June 22, 2020 1:53 PM
To: OUTSIDEAGENCIES@LISTSERV.STATE.NV.US
Subject: Enterprise IT Services – Notification - Network Issues *Update*
Importance: High

Enterprise IT Services – Notification - **Network Issues *Update***

Outage Description	The fiber cut has been identified and is due to a severed utility power line. Fiber restoration efforts are pending the utility provider restoration to ensure the area is safe to work in. We will continue working on this and will send updates as they are received and needed for this event. Thank you for your time and patience
Affected Users	Everyone State
Audience	Everyone State
User Action	N/A
Next Update	N/A
	If you have any questions or problems, please contact the POC below and we can assist you.
Point of Contact	EITS Help Desk: eitshelp@admin.nv.gov 775-684-4333

Thank you – EITS Help Desk

EITS Client Services – Help Desk

State of Nevada | Department of Administration | Division of Enterprise IT Services

T: (775) 684.4333 | F: (775) 684.4712 | E: EITShelp@admin.nv.gov

Website: <http://it.nv.gov/Helpdesks> -- **Request Portal:** <https://helpdesk.nv.gov/HEAT>



//ace

To unsubscribe from the OUTSIDEAGENCIES list, click the following link:

[?TICKET=NzM3NjI4IFNHZXIickBBRy50Vi5HT1YgT1VUU0IERUFHRU5DSUVTII%2FDRhBVksOR&c=SIGNOFF](#)