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14 *Attorneys for Plaintiffs Phillip Semper, Corey Johnson, Ashley Medlock,*
15 *Michael Green, Demarlo Riley, Clinton Reece, and Lonicia Bowie*

16 **UNITED STATES DISTRICT COURT**

17 **DISTRICT OF NEVADA**

18 PHILLIP SEMPER, et al.,

19 Plaintiffs,

vs.

20 LAS VEGAS METROPOLITAN POLICE
21 DEPARTMENT, et. al,

22 Defendants.

Case No.: 2:20-cv-01875-JCM-EJY

23 **PLAINTIFFS' UNOPPOSED MOTION TO**
24 **EXTEND DEADLINE FOR OPPOSITION**
25 **TO DEFENDANTS' MOTION FOR**
SUMMARY JUDGMENT

(First Request)

24 Plaintiffs submit the following motion to extend the time to file an opposition to Defendants
25 motion for summary judgment by 7 days. This would modify the due date from April 15, 2024, to

1 April 22, 2024. This Motion is based on the following Memorandum of Points and Authorities, the
2 following Declaration of Christopher Peterson, and the papers and pleadings already on file herein.
3 Defendants' counsel has represented that they do not oppose the requested extension.

4 DATED: April 11, 2024

5
6 **AMERICAN CIVIL LIBERTIES UNION
OF NEVADA**

7
8 /s/ Christopher Peterson
9 CHRISTOPHER M. PETERSON, ESQ.
Nevada Bar No.: 13932
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1 **DECLARATION OF CHRISTOPHER M. PETERSON ESQ.**

2 I, Christopher M. Peterson, hereby declare as follows:

- 3 1. I am duly licensed to practice law in the State of Nevada and have personal knowledge of and
4 I am competent to testify concerning the facts herein.
- 5 2. I represent the Plaintiffs in the above-captioned matter as lead counsel.
- 6 3. I am the Legal Director of the American Civil Liberties Union of Nevada.
- 7 4. I make this declaration in support of Plaintiffs Motion to Extend Deadline for Opposition to
8 Defendants Motion for Summary Judgment.
- 9 5. Defendants filed a Motion for Summary Judgment in this matter on March 25, 2024. [ECF
10 No. 142]
- 11 6. The current deadline for Plaintiffs opposition to Defendants motion for summary judgment is
12 April 15, 2024.
- 13 7. Plaintiffs request 7 days additional time to complete the opposition to Defendants motion for
14 summary judgment changing this deadline to April 22, 2024.
- 15 8. Plaintiffs believe there is good cause to extend this deadline for the following reasons:
- 16 a. I emailed Jacqueline Nichols, counsel for Defendants, on April 11, 2024, asking if
17 they would oppose this motion to extend time; Ms. Nichols responded stating they had
18 no opposition to this motion.
- 19 b. Defendants' motion for summary judgment is 59 pages, *see* [ECF No. 142], almost
20 twice as long as a typical motion for summary judgment; accordingly, counsel needs
21 more time to review the arguments, conduct relevant research, and draft responses.
- 22 c. Due to the length of the Defendant's motion, Plaintiffs may need to request to exceed
23 the page limits for the opposition to Defendants motion for summary judgment.
- 24 d. As Legal Director for the ACLU of Nevada, I represented the appellees in an oral
25 argument before the Nevada Supreme Court on April 9, 2024, for *State of Nevada*

1 *Board of Pharmacy v. Cannabis Equity and Inclusion Community, et al.*, Case No.
2 85756, which took significant time to prepare for as the case involves multiple issues
3 of first impression under Nevada law.

- 4 e. I filed a reply in support of a motion for preliminary injunction and response to a
5 motion to dismiss in *McAllister et al. v. Clark County*, 2:24-cv-00334-JAD-NJK, in
6 the United States District Court of Nevada on March 26, 2024, and March 28, 2024,
7 respectively.
- 8 f. Due to the Defendants' filings on April 5, 2024, and April 9, 2024, related to
9 Defendants' opposition to Plaintiffs motion for summary judgment, *see* [ECF No.
10 149]; [ECF No. 152]; [ECF No. 153], it is unclear to Plaintiffs if Plaintiffs' reply in
11 support of their motion for summary judgment is due on April 19, 2024, or April 23,
12 2024. Plaintiffs are drafting motions to address the situation and seek clarity regarding
13 the Plaintiffs' obligations.
- 14 g. Plaintiffs reply in support of the motion to reconsider [ECF No. 141] is due on April
15 15, 2024.

16
17 Pursuant to NRS § 53.045, I declare under penalty of perjury under the laws of the State of
18 Nevada that the foregoing is true and correct.

19
20 DATED: April 11, 2024

21 /s/ Christopher Peterson
22 CHRISTOPHER M. PETERSON, ESQ
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Plaintiffs are seeking a seven-day extension from the current deadline of April 15, 2024 to April
3 22, 2024, to file an opposition to Defendants motion for summary judgment [ECF No. 142].

4 A motion to extend time filed before the deadline of the motion it seeks to extend must be
5 supported by a showing of good cause. Local Rule IA 6-1; Local Rule 26-3; Fed. Rules Civ. Proc.
6 6(b)(1)(A); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 610 (9th Cir. 1992). Good cause
7 under FRCP 6 is not a rigorous or high standard. *Ahanchion v. Xenon Pictures, Inc.*, 624 F.3d 1253,
8 1259 (9th Cir. 2010). Absent bad faith, a timely extension sought under FRCP 6 will often be granted.
9 *Id.* at 1259.

10 The good cause analysis rests on a party’s diligence in adhering to the deadlines set by the court.
11 *Johnson v. Mammoth Recreations*, 975 F.2d 604, 609 (9th Cir. 1992). This measure of diligence
12 considers the diligence displayed throughout the entire case. *Williams v. James River Grp. Inc.*, 627
13 F. Supp. 3d 1172, 1177 (D. Nev. 2022). The degree of prejudice to the opposing party may also be
14 considered. *Johnson v. Mammoth Recreations*, 975 F.2d 604, 609 (9th Cir. 1992). Plaintiffs have
15 consistently met the deadlines set forth by this Court throughout this matter, and as Defendants’
16 counsel have stated they would not oppose this motion, it does not appear that they will suffer any
17 prejudice.

18 Courts have found that an attorney’s “conflicting professional engagements” can satisfy a
19 finding of good cause to extend a deadline. *Johnson v. Barrett*, No. 2:17-cv-02304-RFB-BNW, 2021
20 U.S. Dist. LEXIS 201338, at *2 (D. Nev. Oct. 16, 2021) (quoting *Canup v. Miss. Valley Barge Line*
21 *Co.*, 31 F.R.D. 282, 283 (D. Pa. 1962)). Courts have also found good cause for an extension when the
22 size of the responsive document is extensive, the party requesting extension has multiple conflicting
23 deadlines, and the opposing party does not object to the extension. *Atlp v. Corecivic, Inc.*, No. 2:21-
24 cv-02072-JCM-EJY, 2024 U.S. Dist. LEXIS 2955, at *3 (D. Nev. Jan. 2, 2024). Plaintiffs’ counsel
25 have had multiple professional engagements since Defendants’ filed their motion for summary

1 judgment, including argument before Nevada’s highest state court on a case involving multiple issues
2 of first impression and filing deadlines related to substantive motions pending before the United
3 States District Court for Nevada in *McAllister et al. v. Clark County*, limiting counsels’ capacity.

4 Other reasons for good cause exist. First, Plaintiffs will need to file additional motions related
5 to Defendants’ filings on April 5, 2024, and April 9, 2024, to clarify what documents Plaintiffs will
6 need to respond to and when. Second, as parties received permission from the Court to exceed page
7 limits on their respective motions for summary judgment, Plaintiffs are responding to a motion for
8 summary judgment that is significantly longer than is typically permissible under LR. Naturally, the
9 longer motion requires more time to review, research, and respond to. While Plaintiffs may need to
10 draft and file a motion to exceed page limit in support of their response, counsel is also using the
11 extension to prevent as much excess as possible.

12 Plaintiffs contacted Jacqueline Nichols, counsel of record for Defendants via email. Ms.
13 Nichols represented that the Defendants had no opposition to the requested extension.

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18 [REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]
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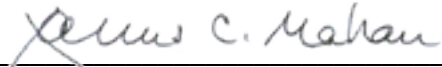
1 For the above reasons, Plaintiffs request pursuant to this unopposed motion that the deadline
2 for Plaintiffs opposition to Defendants motion for summary judgment be modified seven days from
3 its current deadline of **April 15, 2024**, to **April 22, 2024**.

4
5 DATED: April 11, 2024

6 **AMERICAN CIVIL LIBERTIES UNION**
7 **OF NEVADA**

8 /s/ Christopher Peterson
9 CHRISTOPHER M. PETERSON, ESQ.
10 Nevada Bar No.: 13932
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22 ramic@aclunv.org
23 jsmith@aclunv.org

24 **IT IS SO ORDERED:**

25 

UNITED STATES DISTRICT JUDGE

DATED: April 12, 2024

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **Motion to Extend Time** with the Clerk of the Court for the United States District Court by using the court’s CM/ECF system on April 11, 2024. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished on all participants by:

- CM/ECF
- Electronic mail; or
- US Mail or Carrier Service

/s/Christopher Peterson _____
An employee of ACLU of Nevada