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IN THE UNITED STATES COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 )  
 )  
 THE ESTATE OF E. WAYNE HAGE, )  
 *et al.*, )  
 )  
 )  
 Defendants )  
 )  
 \_\_\_\_\_ /

2:07-cv-01154-RCJ-VCF

DEFENDANTS ESTATE OF E. WAYNE  
HAGE AND WAYNE N. HAGE'S  
UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE  
RESPONSE TO PLAINTIFF'S  
MOTION TO AMEND/CORRECT  
COMPLAINT

## **MOTION**

COME NOW DEFENDANT/COUNTERCLAIMANT ESTATE OF E. WAYNE HAGE AND DEFENDANT WAYNE N. HAGE and move this Court for an order extending time to file its response to plaintiff United States's Motion to amend/correct complaint in the above captioned matter. Plaintiff's Motion was filed on October 20, 2001 and the date for response is calendared for November 6, 2011. However, since that date falls on a Sunday, the actual date for filing defendants' responses is November 7, 2011. Defendants are seeking an extension of time to file of two weeks and therefore move this court for an order extending the time for filing their responses to November 21, 2011. Counsel for plaintiff United States has indicated that it does not oppose this motion and has authorized defendants to so represent. The reasons for this motion are, as described further below, counsel for the Estate's travel and work schedules, the medical needs of Counsel's family, the discovery schedule in this case, and defendant Wayne N. Hage's schedule.

### **MEMORANDUM IN SUPPORT OF MOTION**

Plaintiff and defendants herein have been working together on establishing a stipulated discovery schedule. Some issues regarding the scope of discovery and similar matters required some time to work out among the parties. That stipulation has now been filed. At the same time, other matters in this case and family matters have occurred that affect the ability of both defendants to file responses within the normal time established by the rules. Counsel for the Estate of E. Wayne Hage is a sole practitioner having the primary responsibility for responding to plaintiff's motion, conducting discovery, coordinating with plaintiff on matters such as discovery, and coordinating with defendant Wayne N. Hage who is not only a defendant in his own right who is representing himself *pro se*, but is also executor for defendant Estate of E.

Wayne Hage with whom counsel for the Estate must coordinate. Mr. Hage has recently had a new baby and is operating and maintaining the Pine Creek Ranch, which is property of the Estate of E. Wayne Hage. This time of year is a particularly busy one for Mr. Hage as he must prepare the Pine Creek Ranch for winter including, but limited to, moving of livestock. In addition, he must work on the issues of and matters in this case, including participating in discovery, and preparing and responding to briefs and motions, *inter alia*, on his own behalf, among other things. He was also a full participant in negotiating the discover stipulation described herein above.

As part of their activities in this matter, the parties hereto scheduled depositions for Wednesday, Thursday, and Friday, November 2-4, 2011, the and have prepared for and traveled to Ely, Nevada, the site of the scheduled depositions by car on November 1, and will be traveling from Ely to their respective homes on November 4-5, after the depositions conclude. Both Mr. Hage and counsel for the Estate have also required time to prepare for these depositions. In addition, counsel for the Estate has required time during the period following the filing of plaintiff's motion, and will require additional time following the depositions, to prepare his son, age 10, for surgery on December 1, 2011. Likewise, all parties will be engaged in preparing a joint status report in this matter which is due to be filed in approximately one-and-one-half weeks from the date of this motion and will be conferring on other discovery and trial related matters in this matter in the same period. These preparations, litigation activities in this case, a brief respiratory illness of the Estate's counsel in the past two weeks, other previously scheduled matters of the Estate's counsel in other matters, travel on these other matters, and the above-described matters affecting Mr. Hage as well as occasional difficulties establishing telephonic

communication with Mr. Hage at times because of the remote location of the Pine Creek Ranch, have combined to interfere with defendants' abilities to complete their responses to plaintiff's motion in the time allotted.

Defendants have conferred with counsel for plaintiff on these matters who has indicated that plaintiff does not oppose this motion and has authorized defendants to so represent to this court.

NOW THEREFORE, defendants herein respectfully requests that an order be issued granting the Estate's Motion extending the time for it to file their responses to plaintiff's Motion to file an amended/corrected complaint to and including November 21, 2011.

Respectfully submitted this 4<sup>th</sup> Day of November, 2011,

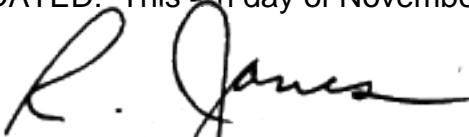
Wayne N. Hage, *pro se*,

Mark L. Pollot, Esq.  
Estate of E. Wayne Hage

By /s/ Mark L. Pollot  
Mark L. Pollot, Esq.  
Attorney for Defendant/Counter-  
Claimant, Estate of E. Wayne Hage

IT IS SO ORDERED.

DATED: This 4th day of November, 2011.



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ROBERT C. JONES  
United States District Judge