

1 CAL J. POTTER, III, ESQ.
 Nevada Bar No. 1988
 2 JOHN C. FUNK, ESQ.
 Nevada Bar No. 9255
 3 POTTER LAW OFFICES
 1125 Shadow Lane
 4 Las Vegas, Nevada 89102
 Telephone: (702) 385-1954
 5 Facsimile: (702) 385-9081
Attorneys for Plaintiff

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 7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

8 LOUISA THURSTON,
 9 Plaintiff,

Case No.: 2:10-cv-00516-LRH-RJJ

10 v.

11 CITY OF NORTH LAS VEGAS;
 NORTH LAS VEGAS POLICE
 12 DEPARTMENT a political subdivision of
 the STATE OF NEVADA; DETECTIVE
 13 PAUL FREEMAN; DETECTIVE WATKINS;
 SGT. MICHAEL WALLER; OFFICERS
 14 TAYLOR, ROCKWELL AND SCARALE,
 individually and in their capacity as police
 15 officers employed by the City of North Las
 Vegas Police Department; Doe Officers IV
 16 through X, inclusive and JOHN DOES I
 through X, inclusive.

17 Defendants.

18 _____ /
 19 **MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANTS’**
RESPONSE TO PLAINTIFF’S EMERGENCY MOTION TO COMPEL

20 COMES NOW, Plaintiff, LOUISA THURSTON, by and through her counsel of record,
 21 and hereby moves this Honorable Court for an addition seven (7) day enlargement of time to
 22 submit her Reply to Defendants’ response to Plaintiff’s Emergency Motion to Compel.

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1 This motion is made and based upon the papers and pleadings on file herein and the
2 affidavit of counsel attached hereto.

3 DATED this 29th day of December, 2010.

4 POTTER LAW OFFICES

5 By /s/ John C. Funk, Esq.
6 CAL J. POTTER, III, ESQ.
7 Nevada Bar No. 1988
8 JOHN C. FUNK, ESQ.
9 Nevada Bar No. 9255
10 1125 Shadow Lane
11 Las Vegas, Nevada 89102
12 *Attorneys for Plaintiff*

13 **INTRODUCTION**

14 Plaintiff hereby requests an extension of time of seven (7) days to submit her Reply to
15 Defendants' Response to Plaintiff's Emergency Motion to Compel pursuant to Local Rule 6-1
16 and FRCP 6(b).

17 This motion is made and based upon the following reasons:

- 18 (1) The current Response is due December 30, 2010. Plaintiff's counsel recently
19 underwent photorefractive keratectomy (PRK) surgery on December 18, 2010
20 which is a more aggressive and more invasive procedure than traditional Lasik eye
21 surgery. As part of the PRK process the laser cuts through the cornea and the
22 patient has to regrow the cornea which requires a longer recovery period. That
23 Plaintiff's counsel has had vision problems and is currently under the care of his
24 physician and has been unable to drive.
- 25 (2) That Plaintiff's counsel was out of the office for an entire week and attempted to
26 return to his work duties on December 27, 2010 and had to have his runner
27 transport him and Plaintiff's counsel learned his near vision was also
28 compromised as a result of the PRK procedure and reading causes significant
strain and discomfort.
- (3) Plaintiff's counsel has a follow up appointment with his doctor on December 30,
2010 to address the eye pain, discomfort, vision problems, which include double

1 and blurred vision both distant and near.

2 **DECLARATION OF JOHN C. FUNK, ESQ.**

3 COUNTY OF CLARK)
4 STATE OF NEVADA ss.)

5 CAL J. POTTER, III, ESQ., being first duly sworn, and says:

6 1. That your Declarant is duly licensed to practice law in the State of Nevada and
7 admitted to practice before this Honorable Court;

8 2. That in that capacity your Declarant represents the Plaintiff, Louisa Thurston;

9 3. The current Response is due the on Thursday, December 30, 2010 and your
10 Declarant asks for an additional seven days to respond.

11 4. That your Declarant recently underwent photorefractive keratectomy (PRK)
12 surgery on December 18, 2010 which has affected both near and far sighted vision
13 in both eyes resulting in significant dryness of the eyes, blurring and double vision
14 making reading a significant strain, painful and very difficult.

15 5. That your Declarant has a follow up appointment with his doctor on December 30,
16 2010 to address the ongoing pain, discomfort, blurred and double vision which
17 has caused significant sleep deprivation.

18 6. That Plaintiff's other counsel, CAL J. POTTER, III, ESQ., has been working on a
19 brief which is also due and has been unable to assume your Declarant's
20 responsibilities.

21 7. Your Declarant seeks a one week extension of time in order to submit the
22 Plaintiff's Reply to Defendants' response to Plaintiff's Emergency Motion to
23 Compel.

24 Further Declarant sayeth naught.

25 /s/ John C. Funk, Esq.
JOHN C. FUNK, ESQ.

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1 CONCLUSION

2 For the reasons stated above as well as those in Plaintiff's counsel's Declaration,
3 Plaintiff respectfully requests that this Honorable Court grant a seven (7) day extension to Reply
4 to Defendants' Response to Plaintiff's Emergency Motion to Compel which is currently due on
5 December 30, 2010 until January 6, 2011.

6 DATED this 29th day of December, 2010.

7 POTTER LAW OFFICES

8 By /s/ John C. Funk, Esq.
9 CAL J. POTTER, III, ESQ.
10 Nevada Bar No. 1988
11 JOHN C. FUNK, ESQ.
12 Nevada Bar No. 9255
13 1125 Shadow Lane
14 Las Vegas, Nevada 89102
15 *Attorneys for Plaintiff*

16 IT IS SO ORDERED.

17 *Robert J. Johnston*
18 UNITED STATES MAGISTRATE JUDGE

19 DATE: DEC. 29, 2010
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