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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DAVID COOPER, et al.,

Plaintiffs,

v.

CLARK COUNTY NEVADA, et al.,

Defendants.

Case No. 2:10-CV-00763-KJD-PAL

ORDER

Currently before the Court is Plaintiffs' First Motion to Extend Time (#24) filed October 25, 2010. Defendants filed a Response in Opposition (#25). No reply was filed. Also before the Court is Plaintiff's Second Motion to Extend Time (#26), filed November 8, 2010. Defendants filed a Response in Opposition (#31). To date, no reply has been filed.

Plaintiffs' immediate Motions both seek an extension of time in which to file a Response to Defendants' Motion to Dismiss (#22), filed on October 6, 2010. Plaintiffs' first request seeks an extension of fourteen (14) days—until November 8, 2010—in which to file a responsive pleading. Defendants' Opposition to the Motion argues that Plaintiffs' counsel calculated the time for filing a responsive pleading incorrectly, and that a responsive pleading was actually due on October 21, 2010. Defendants additionally aver that Plaintiffs' Motion fails to demonstrate excusable neglect as required for an untimely request for extension of time under Local Rule 6.1.

1 Plaintiffs' second request seeks an additional extension of one (1) day—until November 9,
2 2010—in which to file a responsive pleading to Defendants' dispositive Motion. Again, Defendants'
3 Opposition to the Motion for Extension of Time avers that Plaintiffs' counsel calculated the time in
4 which to file a responsive pleading incorrectly under the Federal Civil, and Local Rules of Practice.

5 Pursuant to Fed. R. Civ. P. 6(d), when service of a Motion is completed electronically, as in
6 this case, three days must be added to the period of time to file responsive pleading. Here, as
7 Defendants' Motion was filed on October 6, 2010, pursuant to Fed. R. Civ. P. 6(d) and Local Rule 7-
8 2(b), Plaintiffs' Responsive Pleading was due on October 25, 2010, the day Plaintiffs filed their First
9 Motion for Extension.

10 Accordingly, **IT IS HEREBY ORDERED** that Plaintiffs' First and Second Motions to
11 Extend Time (##24, 26), are **GRANTED**.

12 DATED this 22nd day of November 2010.

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15 Kent J. Dawson
16 United States District Judge
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