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7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE DISTRICT OF NEVADA**

9 RAYMOND WATISON, #1031835 )

10 Plaintiff, )

11 v. )

12 JOSEPH HANSON, )  
13 Defendant. )

Case No. 2:10-cv-01340-KJD-LRL

**DEFENDANT'S MOTION FOR EXTENSION**  
**OF TIME TO FILE ANSWER**  
**(First Request)**

14  
15 Defendant, JOSEPH HANSON (hereinafter, "Defendant"), by and through legal  
16 counsel, Nevada Attorney General, CATHERINE CORTEZ-MASTO, and Deputy Attorney  
17 General, RAELENE K. PALMER, hereby moves this Court for a forty-five (45) day extension  
18 of time to answer or otherwise respond to Plaintiff, RAYMOND WATISON's, Complaint (Court  
19 Docket "CD" #5), filed on November 9, 2010, in the above-entitled action.

20 This motion is made and based upon the pleadings and papers on file, and the  
21 memorandum of points and authorities herein.

22 **MEMORANDUM OF POINTS AND AUTHORITIES**

23 **I. PROCEDURAL HISTORY**

24 On November 9, 2010, Plaintiff RAYMOND WATISON (Nevada Department of  
25 Corrections ID #1031835) (hereinafter, "Plaintiff") initiated the instant action by way of  
26 Complaint in the United States District Court, District of Nevada, styled: *Raymond Watison v.*  
27 *Mr. Joseph Hanson (HDSP Dentist)*, Case No. 2:10-cv-01340-KJD-LRL, alleging a violation of  
28 the Eighth Amendment to the United States Constitution, pursuant to 42 U.S.C § 1983. (Court

1 Docket (“CD”) #5). On December 6, 2010, the Court issued a Screening Order, permitting  
2 Plaintiff to proceed on his Eighth Amendment claim against Defendant. (CD #6). The Court  
3 ordered the Attorney General’s Office to advise the Court within 21 days of the date of entry of  
4 its Order as to whether it could accept service of process for Defendant, who had not been  
5 served, and to file an Answer 30 days thereafter acceptance. *Id.* Acceptance of Service was  
6 made on December 21, 2010. (CD #8). As such, an Answer or other response to the  
7 Complaint is due on January 20, 2011.

8 **II. LEGAL ANALYSIS**

9 FED. R. CIV. P. 6(b) provides:

10 (1) *In General.* When an act may or must be done within a  
11 specified time, the court may, for good cause, extend the time:

12 (A) with or without motion or notice if the court acts, or if a request  
13 is made, before the original time or its extension expires; or

14 (B) on motion made after the time has expired if the party failed to  
15 act because of excusable neglect.

16 (2) *Exceptions.* A court must not extend the time to act under  
17 Rules 50(b) and (d), 52(b), 59(b), (d) and (e), and 60(b), except as  
18 those rules allow.

19 LR 6-1 provides:

20 (a) Every motion requesting a continuance, extension of time, or  
21 order shortening time shall be “Filed” by the clerk and processed  
22 as an expedited matter. . . .

23 (b) Every motion or stipulation to extend time shall inform the court  
24 of any previous extensions granted and state the reasons for the  
25 extension requested. . . .Immediately below the title of such motion  
26 or stipulation there shall be included a statement indicating  
27 whether it is the first, second, third, etc., requested extension. . . .

28 (c) The court may set aside any extension obtained in  
contravention of this rule.

(d) A stipulation or motion seeking to extend the time to file an  
opposition or final reply to a motion, or to extend the time fixed for  
hearing a motion, must state in its opening paragraph the filing  
date of the motion.

Rule 6(b)(1) allows for a party to move for an enlargement of time, the determination of  
which lies with the presiding court. “The Court has inherent power and discretion to control its  
docket, and the proceedings within the cases on its docket.” *Ford v. County of Missoula,*  
*Mont.*, 2010 WL 2674036, 1 (D. Mont., 2010) (citing *Landis v. North American Co.*, 299 U.S.  
248, 254 (1936); *see also* FED. R. CIV.P. 6(b) (advisory committee note, 1946) (“Rule 6(b) is a

1 rule of general application giving wide discretion to the court to enlarge these time limits or  
2 revive them after they have expired . . .”).

3 Defendant is requesting an extension of time to file his answer or other response to  
4 Plaintiff's Complaint (CD #5) before the deadline has expired. Defendant is making this  
5 request based upon good cause to gather key pieces of information which are necessary to  
6 effectively defend in the instant action and properly respond to Plaintiff's complaint. Since  
7 receiving Plaintiff's Complaint, the Attorney General's Office has been in contact with the  
8 named Defendant to inform him of the pending lawsuit concomitant with a request for  
9 information, including a statement of personal knowledge of the events described in the  
10 Complaint.<sup>1</sup>

11 Furthermore, because his counsel is scheduled for outpatient surgery during the week  
12 of February 14, 2011, Defendant respectfully requests a forty-five (45) day enlargement of  
13 time in which to file an Answer or otherwise respond to Plaintiff's Complaint to and including  
14 March 4, 2011.

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28 <sup>1</sup> See Affidavit of Raelene K. Palmer, attached hereto as Exhibit A.

1 **III. CONCLUSION**

2 This Court has ordered that Defendant file his Answer or other response to Plaintiff's  
3 Complaint by Thursday, January 20, 2011. Based upon the foregoing, Defendant requests a  
4 forty-five day extension of time to respond to Plaintiff's Complaint to Friday, March 4, 2011.  
5 This request is being made in good faith and not for the purpose of delay.

6 DATED this 19th day of January, 2011.

7 Respectfully submitted,

8 CATHERINE CORTEZ MASTO  
9 Attorney General

10 By: /s/ Raelene K. Palmer  
11 RAELENE K. PALMER  
12 Deputy Attorney General  
13 Nevada State Bar No. 8602  
14 *Attorneys for Defendants*

15 "IT IS SO ORDERED:



16 \_\_\_\_\_  
17 UNITED STATES MAGISTRATE JUDGE

18 DATED: 1-21-11 "

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the Office of the Attorney General and that on the 19th day of January, 2011, I served the foregoing **DEFENDANT'S MOTION FOR ENLARGEMENT OF TIME TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT (First Request)** by causing a true and correct copy thereof to be filed with the Clerk of the Court using the CM/ECF system and by causing a true and correct copy thereof to be delivered to the Department of General Services, for mailing at Las Vegas, Nevada, addressed to the following:

RAYMOND WATISON #1031835  
HIGH DESERT STATE PRISON  
P.O. Box 650  
INDIAN SPRINGS, NEVADA 89070

/s/ Gina C. Long  
An employee of the Office of the Attorney General