

1 DANIEL G. BOGDEN
 United States Attorney
 District of Nevada
 Nevada State Bar No. 2137
 3 CARLOS A. GONZALEZ
 Assistant United States Attorney
 4 333 Las Vegas Blvd. So., #5000
 Las Vegas, Nevada 89101
 5 Ph: (702) 388-6336
 Fax: (702) 388-6787
 6 E-mail: Carlos.Gonzalez2@usdoj.gov
 Attorneys for the United States.

8 UNITED STATES DISTRICT COURT
 9 DISTRICT OF NEVADA

10 YANITA KUZOVA, et al.,)
) Case No. 2:10-CV-01711-GMN-GWF
 11 Plaintiffs,)
) MOTION TO RESET FEDERAL
 12 v.) DEFENDANTS DUE DATE FOR THE
) FILING OF AN ANSWER OR
 13 UNITED STATES DEPARTMENT OF,) APPROPRIATE PLEADING TO
 HOMELAND SECURITY, et al.,) PLAINTIFF'S COMPLAINT
 14)
)
 15 Defendants.)
)

17 COMES NOW Defendants, by and through Daniel G. Bogden,
 18 United States Attorney for the District of Nevada, and Carlos A.
 19 Gonzalez, Assistant United States Attorney, and files the instant
 20 MOTION TO RESET FEDERAL DEFENDANTS DUE DATE FOR THE FILING OF AN
 21 ANSWER OR APPROPRIATE PLEADING TO PLAINTIFF'S COMPLAINT.

22 ...
 23 ...
 24 ...
 25 ...

26

STATEMENT OF FACTS

1
2 1. On or around October 2, 2010, plaintiffs filed their
3 Complaint with the Clerk of the Court.

4 2. On February 2, 2011, plaintiffs filed the returned
5 executed summons for the United States of America, served on
6 January 31, 2011.

7 3. On February 2, 2011, plaintiffs filed the returned
8 executed summons for federal defendants Eric Holder and Lola
9 Paracua served on January 31, 2011.

10 4. On February 4, 2011, plaintiffs filed the returned
11 executed summons for the federal defendants Alejandro Mayorkas,
12 Janet Napolitano and the United States Department of Homeland
13 Security served on February 3, 2011.

14 5. On February 4, 2011, plaintiffs filed the returned
15 executed summons for federal defendant Robert Muller, served on
16 February 4, 2011.

17 The clerk of the court scheduled defendant United States
18 answer for April 2, 2011 and federal defendants Eric Holder and
19 Lola Paracua's answer for February 21, 2011.

20 The clerk of the court also scheduled federal defendants
21 Alejandro Mayorkas, Janet Napolitano and the United States
22 Department of Homeland Security's answer for February 24, 2011.

23 Finally the clerk of the court scheduled federal defendant
24 Robert Muller's answer for February 25, 2011.

25 ...

26 ...

1 **STATEMENT OF LAW**

2 Plaintiffs mailed a copy of their complaint to defendants on
3 January 29, 2011. (See Exhibit #1)

4 Pursuant to Fed.R.Civ.P. 5(b)(2)(C), service is complete
5 upon mailing:

6 **Service: How made.**

7 Mailing to the person's last known
8 address-in which event service is
complete upon mailing;

9 This rule would conclude that defendant's time to answer or
10 otherwise plead to the complaint would commence on January 30,
11 2011 (the day after service pursuant to Fed.R.Civ.P.6(a)), and
would expire on March 30, 2011.

12 Fed.R.Civ.P. 6(d) would operate to extend such deadline for
13 an additional three (3) days until April 2, 2011.

14 **Additional Time after Certain Kinds of Service.**

15 When a party may or must act within a
16 specified time after service and
17 service is made under Rule 5(b)(2)(C),
(D), (E), or (F), 3 days are added
after the period would otherwise
expire under Rule 6(a).

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

1 Since April 2, 2011 is a Saturday, defendants deadline to
2 answer or otherwise file an appropriate pleading would have to be
3 extended to April 4, 2011 pursuant to Fed.R.Civ.P. 6(a)(1)(C):

4 **Computing and Extending Time; Time for Motion
Papers.**

5 Computing Time. The following rules
6 apply in computing any time period
7 specified in these rules, in any local
8 rule or court order, or in any statute
9 that does not specify a method of
10 computing time.

11 . . .

12 include the last day of the period,
13 but if the last day is a Saturday,
14 Sunday, or legal holiday, the period
15 continues to run until the end of
16 the next day that is not a Saturday,
17 Sunday, or legal holiday.

18 Defendants in the case at bar are federal agencies and
19 federal officers sued in their official capacities and are
20 therefore entitled to the sixty (60) day period to file their
21 appropriate answer to the complaint, as properly extended by the
22 above-mentioned applicable Federal Rules of Civil Procedure:

23 Fed.R.Civ.P.12(a)(2) states:

24 United States and Its Agencies, Officers, or
25 a United States officer or employee sued only
26 in an official capacity must serve an answer
to a complaint, on the United States Attorney

27 ...
28 ...
29 ...
30 ...

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CONCLUSION

Federal defendants deadline to file an answer or appropriate pleading to plaintiffs complaint must be reset to read Monday April 4, 2011.


Therefore, Defendants respectfully request that their due date to file their answer be reset to Monday April 4, 2011.

DATED this 22nd day of February 2011.

Respectfully submitted,
Daniel G. Bogden
United States Attorney

/s/ CARLOS A. GONZALEZ
Carlos A. Gonzalez
Assistant United States Attorney

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE
DATE: February 24, 2011

PROOF OF SERVICE

I, CARLOS A. GONZALEZ, AUSA, certify that I caused the following individual to be served on this date with United States' MOTION TO RESET FEDERAL DEFENDANTS DUE DATE FOR THE FILING OF AN ANSWER OR APPROPRIATE PLEADING TO PLAINTIFF'S COMPLAINT by the below identified method of service:

Electronic Case Filing

Peter L. Ashman
Law Offices of Peter L. Ashman
617 S. 8th St., Ste B
Las Vegas, NV 89101-7082
702-735-1112
702-382-7775 (fax)
us@ashmanlaw.com

Nicolette Glazer
Law Offices of Larry R Glazer
1875 Century Park East #700
Suite 700
Century City, CA 90067
310-407-5353
nicolette@glazerandglazer.com

DATED this 22nd day of February, 2011.

/s/ Carlos A. Gonzalez
CARLOS A. GONZALEZ
Assistant United States Attorney

EXHIBIT 1

RECEIVED
JAN 31 2011
BY: *Phredy Nail*
postdated 29 Jan 11

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEVADA

YANITA KUZOVA and YAVOR
KUZOV, individually and on behalf of
all similarly situated individuals

Plaintiffs

vs.

UNITED STATES DEPARTMENT
OF HOMELAND SECURITY,
CITIZENSHIP AND IMMIGRATION
SERVICES; LOLA PARACUA, in
her official capacity as the District
Director of the Las Vegas District
Office; ERIC HOLDER, Attorney
General of the United States; JANET
NAPOLITANO, Secretary of
Department of Homeland Security,
and ALEJANDRO MAYORKAS,
Director of the United States
Citizenship and Immigration Services;
ROBERT MULLER is the Director of
the Federal Bureau of Investigation;
UNITED STATES OF AMERICA.

Defendants

Civil Action
CASE NO.: *2010-cv-1711-GMN-GWF*

CLASS ACTION

COMPLAINT FOR ISSUANCE OF
A WRIT OF MANDAMUS and
FOR DECLARATORY AND
INJUNCTIVE RELIEF AND
PETITION FOR
NATURALIZATION PURSUANT
TO 8 USC 1147(b).

LAW OFFICES OF LARRY R. GLAZER
1875 CENTURY PARK EAST, SUITE #700
CENTURY CITY, CALIFORNIA 90067