

1 DANIEL G. BOGDEN
United States Attorney
2 District of Nevada

3 MICHAEL A. HUMPHREYS
Assistant United States Attorney
4 333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101
5 Telephone: 702-388-6336
Facsimile: 702-388-6787
6 Email: michael.humphreys@usdoj.gov

7 *Attorneys for the United States of America.*

8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,)
)
12 Plaintiff,) Case Nos.: 2:13-CV-00100-(JCM)-(GWF)
) and
13 v.) 2:13-CV-00947-(JCM)-(GWF)
)
14 \$1,002,327.00 IN UNITED STATES)
CURRENCY, et. al.,)
15 Defendants.)

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17 **UNITED STATES’ UNOPPOSED MOTION TO CONTINUE THE DATE**
18 **FOR THE U.S. TO FILE ITS REPLY MEMORANDUM UNTIL MAY 4, 2015**

19 The United States of America, by and through the United States Attorney for the Nevada, hereby
20 requests additional time of a week, or until May 4, 2015, to file its reply memorandum to the Claimants’
21 opposition to the United States’ Motion to Quash the Subpoenas of Dr. Terrance Boos and Dr. Arthur
22 Berrier.

23 While open to the Claimants’ discovery requests, generally, the United States has opposed the
24 discovery of either Dr. Boos or Berrier (through a motion to quash their respective subpoenas) because:

- 25 1. The United States has already designated its expert witnesses for this case, who stand, ready
26 willing and able to be deposed and/or cross-examined on the question of whether XLR11 is

1 substantially similar to JWH-018. Thus, deposing other DEA employees gives latitude for
2 the Claimants to select their own government witnesses in this case, which they are not
3 entitled to do. In addition, deposing Drs. Boos and Berrier contravenes the Deliberative
4 Process privilege and other regulatory prohibitions.

- 5 2. Moreover, with respect to Dr. Berrier, any statement that he made with respect to UR-144 is
6 not pertinent to this litigation because XLR11 is the relevant substance in this litigation; not
7 UR-144.

8 Counsel for the Government was out of the office on April 17, 2015, the date that the Claimants
9 filed their Opposition memorandum. In addition, Government counsel was out of state on Government
10 business travel for the entire week of April 20th through April 24th.

11 Counsel for the United States returned to the office on April 27, 2015, and needs and requests
12 additional time to research and prepare a written Reply memorandum to the Claimants' opposition.

13 On April 27, 2015, Counsel for the Government spoke to Greg Miller, counsel for the Claimants
14 and Attorney Miller has given Government counsel permission to represent to this Court, through this
15 motion, that he consents to this motion.

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1 This motion is not submitted solely for the purpose to delay or for any other improper purpose.
2 WHEREFORE, the United States moves this Court to grant a seven day continuance, or until
3 May 4, 2015, for the United States to file its Reply Memorandum in this matter.

4 DATED this 27th day of April, 2015.

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6 Respectfully submitted,

7 DANIEL G. BOGDEN
8 United States Attorney

9 /s/Michael A. Humphreys
10 MICHAEL A. HUMPHREYS
11 Assistant United States Attorney

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13 IT IS SO ORDERED:

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16 UNITED STATES MAGISTRATE JUDGE

17 DATED: April 28, 2015
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