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

12
 13 TROY CASTILLO,) Case No. 2:14-cv-00332-GMN-PAL
)
 14 Plaintiff,)
)
 15 v.) **MOTION FOR ENLARGEMENT OF TIME**
)
 16 KEVIN INGRAM; *et al.*,) **(SECOND REQUEST)**
) **AND ORDER**
 17 Defendants.)

18 COME NOW, Defendants, Kevin Ingram, David Spencer, Mark Zane, James Nadeau,
 19 James Colbert, and Robert Uithoven, by and through their attorneys, Adam Paul Laxalt,
 20 Attorney General, and Raelene K. Palmer, Deputy Attorney General, of the State of Nevada,
 21 Office of the Attorney General, and hereby move this Court for an enlargement of time to
 22 answer or otherwise respond to *Plaintiff's Verified First Amended Complaint for Declaratory*
 23 *Relief – Civil Rights [42 U.S.C. § 1083]*, (Court Docket "CD" #29).

24 This Motion is brought pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule
 25 6-2 with the following Memorandum of Points and Authorities, the declaration attached hereto,
 26 and all papers and pleadings contained in the Court record in this matter.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. FACTS AND RELEVANT PROCEDURAL HISTORY**

3 On February 5, 2015, the Court issued an Order granting Defendants' *Motion to*
4 *Dismiss* (CD #21), without prejudice, allowing Plaintiff until February 25, 2015, to file an
5 amended complaint. (CD #28). On February 25, 2015, *Plaintiff's Verified First Amended*
6 *Complaint for Declaratory Relief – Civil Rights [42 U.S.C. § 1083]*, ("FAC") (CD #29), and
7 *Plaintiff's Motion for Preliminary Injunction (FRCP 65; 28 U.S.C. §§ 1651, 2283)*, (CD #30),
8 were filed. On February 26, 2015, Defendants' former counsel, Deputy Attorney General
9 Colleen L. Platt, filed an unopposed *Motion for Extension of Time*, seeking until March 30,
10 2015, to file responses to both Plaintiff's FAC, (CD #29), and Motion, (CD #30). (CD #31).
11 The Court granted Defendants' motion the following day. (CD #32). On March 12, 2015, the
12 undersigned counsel was reassigned to represent Defendants in this matter, and accordingly,
13 contacted opposing counsel regarding the need for an additional enlargement to respond to
14 the complaint only. This motion now follows.

15 **II. LEGAL ARGUMENT**

16 Federal Rule of Civil Procedure 6(b)(1)(A) provides in pertinent part:

17 (b) *Extending Time.*

18 (1) *In General.* When an act may or must be done within a
19 specified time, the court may, for good cause, extend the time: with
or without motion or notice if the court acts, or if a request is made,
before the original time or its extension expires[.]

20 Local Rule 6-1 provides in pertinent part:

21 (a) Every motion requesting a continuance, extension of time, or
22 Order shortening time shall be "Filed" by the clerk and
processed 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
25 the extension requested . . . Immediately below the title of such
26 motion or stipulation there shall be included a statement
indicating whether it is the first, second, third, etc., requested
extension . . .

27 Defendants' are requesting an unopposed extension to and including April 30, 2015, to
28 respond to *Plaintiff's* FAC, (CD #29). This will enable their counsel to familiarize herself with

1 the facts of the case, to research the law, and to engage in settlement discussions on a case
2 to which she was just reassigned. See Exhibit "A," attached hereto. This request for an
3 enlargement of time is made in good faith and not for purposes of delay.

4 **III. CONCLUSION**

5 Based upon the foregoing, Defendants respectfully request that they be granted an
6 unopposed extension of time to April 30, 2015, to respond to *Plaintiff's* FAC, (CD #29).

7 DATED this 16th day of March, 2015.

8 Respectfully submitted,

9 ADAM PAUL LAXALT
10 Attorney General

11 By: /s/ Raelene K. Palmer
12 RAELENE K. PALMER
13 Deputy Attorney General
14 Nevada State Bar No. 8602
15 *Attorneys for Defendants Kevin Ingram,*
16 *David Spencer, Mark Zane, James Nadeau,*
17 *James Colbert, and Robert Uithoven*

18 **IT IS SO ORDERED.**

19 
20 _____
21 Gloria M. Navarro, Chief Judge
22 United States District Court

23 **DATED: 05/06/2015**

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Office of the Attorney General and that on the 16th day of March, 2015, I served the foregoing, **MOTION FOR ENLARGEMENT OF TIME (AMENDED FIRST REQUEST)**, by causing a true and correct copy thereof to be filed with the Clerk of the Court using the electronic filing 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:

TIMOTHY SANDEFUR, Cal. Bar No. 224436*
ANASTASIA P. BODEN, Cal. Bar No. 281911*
Pacific Legal Foundation
930 G Street
Sacramento, California 95814
**pro hac vice*

LEE IGLODY, Nev. Bar No. 7757
Iglody Hulet PLLC
7450 Arroyo Crossing Parkway, Suite 270
Las Vegas, Nevada 89113

Attorneys for Plaintiff, Troy Castillo

By: /s/ Debra Turman
DEBRA TURMAN
An employee of:
STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

Exhibit A

Exhibit A

DECLARATION PURSUANT TO 28 U.S.C. § 1746

1
2 1. I, Raelene K. Palmer, present this Declaration in the United States District Court for the
3 District of Nevada in support of a Motion for an Enlargement of Time (Second Request) in *Castillo v.*
4 *Ingram, et al.*, Case Number 3:14-cv-00332-GMN-PAL. I have personal knowledge of, and am
5 competent to testify, regarding the matters stated in this Declaration.

6 2. I am an attorney licensed to practice in the State of Nevada, and I am admitted to
7 practice in the United States District Court for the District of Nevada.

8 3. I am currently employed as a Deputy Attorney General at the Nevada Office of the
9 Attorney General, Boards & Licensing Division, in Las Vegas, Nevada.

10 4. On March 12, 2015, I was reassigned to represent the defendants in this case. (Court
11 Docket "CD" #33).

12 5. Prior to my reassignment, former counsel, Deputy Attorney General Colleen L. Platt,
13 requested and was granted an extension to March 30, 2015, to file an answer or other responsive
14 pleading in this case. (CD #32).


15 6. Upon learning of my reassignment, I telephoned Plaintiff's counsel, Anastasia P. Boden,
16 and she agreed to stipulate to or otherwise not oppose an additional one-month extension to respond to
17 the First Amended Complaint.

18 7. The extension will enable me to familiarize myself with the facts of the case and the law,
19 as well as enable the opposing parties to discuss possible settlement of this matter.

20 8. Accordingly, Defendants are seeking an enlargement of time until April 30, 2015, to file
21 their responsive pleading. This request for an enlargement of time is made in good faith and not for
22 purposes of delay.

23 Pursuant to Title 28, United States Code, Section 1746, I declare under penalty of perjury that
24 the foregoing is true and correct to the best of my knowledge and belief.

25 Executed in Clark County, Nevada on March 16, 2015.

26
27 
28 Raelene K. Palmer