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 8 Attorneys for Defendants
 Nevada State Athletic Commission,
 9 Dr. Margaret Goodman, and
 Marc Ratner

10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF NEVADA

13 PATRICIA HARDING MORRISON, Pro Se)
 14 Plaintiff,)
 15 vs.)
 16 QUEST DIAGNOSTICS INCORPORATED;)
 JOHN HIATT; DR. MARGARET GOODMAN;)
 17 NEVADA STATE ATHLETIC COMMISSION;)
 MARC RATNER; et al.)
 18 Defendants.)
 19)
 20)
 21)

Case No. 2:14-cv-01207-RFB-PAL

**EX PARTE MOTION FOR AN
 ENLARGEMENT OF TIME
 (FIRST REQUEST)**

22 COMES NOW, Nevada State Athletic Commission, Marc Ratner and Dr. Margaret
 23 Goodman (hereinafter "STATE DEFENDANTS"), by and through their attorney, Adam Paul
 24 Laxalt, Attorney General, and his deputy, Vivienne Rakowsky, Deputy Attorney General, and
 25 hereby respectfully submit the instant **EX PARTE MOTION FOR AN ENLARGEMENT OF**
 26 **TIME (FIRST REQUEST)** in the above-referenced matter.

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Attorney General's Office
 555 E. Washington, Suite 3900
 Las Vegas, NV 89101

1 This Motion is brought pursuant to Fed.R.Civ.P. 6(b), LR 6-1 and 6-2, the attached Points and
2 Authorities, and the papers and pleadings on file with the Court herein.

3 DATED this 28th day of October 2015.

4 Respectfully submitted,
5 ADAM PAUL LAXALT
6 Attorney General

7 By: 
8 VIVIENNE RAKOWSKY
9 Deputy Attorney General

10 **POINTS AND AUTHORITIES**

11 **I. LEGAL ARGUMENT**

12 Fed.R.Civ.P. 6(b)(1)(A) provides, in pertinent part:

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

16 Rule 6(b)(1) allows for a party to move for an enlargement of time, the determination of
17 which lies with the presiding court. "The Court has inherent power and discretion to control its
18 docket, and the proceedings within the cases on its docket." *Ford v. County of Missoula,*
19 *Mont.*, 2010 WL 2674036, 1 (D.Mont., 2010) (citing *Landis v. North American Co.*, 299 U.S.
20 248, 254 (1936); see also Fed.R.Civ.P. 6(b) (advisory committee note, 1946) ("Rule 6(b) is a
21 rule of general application giving wide discretion to the court to enlarge these time limits or
22 revive them after they have expired . . .").

23 Plaintiff filed an Amended Complaint on October 16, 2015. Defendants are requesting
24 an extension of time to file their response to plaintiff's Amended Complaint (CD 79) before the
25 deadline has expired. The due date is October 30, 2015. This is the first request made by the
26 Defendants to enlarge time. The request is based upon good cause to allow assigned
27 counsel to file the response to Plaintiff's Amended Complaint on Monday, November 2nd
28 because Friday, October 30th is a Nevada State holiday, and all State offices are closed

1 leaving no staff to e-file the response on the current due date.

2 Assigned Counsel, Deputy Attorney General Vivienne Rakowsky respectfully emailed
3 Plaintiff on October 27th and explained about the state holiday and respectfully requested that
4 Plaintiff stipulate to allow the filing on Monday, November 2, 2015. A true and correct copy of
5 the email is attached hereto as Exhibit "A". The Plaintiff did not respond to the request.

6 On October 28, 2015, another email was sent with a draft motion similar to this
7 requesting the extension and explaining that if not, the State Defendants would file a Motion
8 with the Court to extend time.

9 The Plaintiff responded, and denied the State Defendant's request. A true and correct
10 copy of the email sent to Plaintiff and the response email is collectively attached hereto as
11 Exhibit "B."

12 Based upon the foregoing, Defendants respectfully request that this Honorable Court
13 allow a one (1) court day enlargement of time in which to file a response to Plaintiff's
14 Amended Complaint (CD 79) though and including November 2, 2015. This request is made
15 in good faith and not for purposes of delay.

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1 **III. CONCLUSION**

2 Because good cause has been shown, Defendants respectfully request the Court to
3 enlarge the time by which they must file a response to Plaintiff's Amended Complaint
4 pursuant to Fed.R.Civ.P. 6(b) by 1 court day to November 2, 2015.


5 Dated this 28th day of October, 2015.

6 Respectfully submitted,

7 ADAM PAUL LAXALT
8 Attorney General

9 By: 
10 VIVIENNE RAKOWSKY
11 Deputy Attorney General
12 Nevada State Bar No. 009160

13 "IT IS SO ORDERED:

14 
15 UNITED STATES MAGISTRATE JUDGE
16 DATED: November 2, 2015 "

DECLARATION VIVIENNE RAKOWSKY

Declarant, VIVIENNE RAKOWSKY, hereby states:

I present this Declaration in support of Defendants Motion for Enlargement of Time (First Request) in the United States District Court, District of Nevada, Case No. 2:14-cv-01207-RFB-PAL, *Morrison v. Quest Diagnostics Incorporated, et al.*; I have personal knowledge of and am competent to testify regarding the matters stated in this Declaration.

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

I am currently assigned as a Deputy Attorney General, Las Vegas, within the Nevada Office of the Attorney General, Bureau of Government Affairs, Business & Industry Division.

Friday, October 30th is the due date for State Defendant's response to the Plaintiff's Amended Complaint. The Amended Complaint was filed on October 16, 2015.

October 30th is Nevada Day, a State of Nevada holiday. All state offices including the Office of the Attorney General will be closed.

Counsel is requesting a 1 (one) court day extension from Friday, October 30, 2015, up to and including, Monday, November 2, 2015 to provide a response to Plaintiff's Amended Complaint (CD 79).

Counsel has offered a Stipulation to Plaintiff, and Plaintiff has denied the request for 1 (one) court date extension.

This is the first request for an extension being made by, and on behalf of, Defendants DR. MARGARET GOODMAN; NEVADA STATE ATHLETIC COMMISSION; MARC RATNER in this matter.

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Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

1 This request is being made prior to the expiration of the deadline and is being made in
2 good faith and not for the purpose of delay.

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

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6 DATED this 28th day of October, 2015.

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VIVIENNE RAKOWSKY

EXHIBIT A

EXHIBIT A

Vivienne Rakowsky

From: Vivienne Rakowsky
Sent: Tuesday, October 27, 2015 11:21 AM
To: 'Trisha Harding Morrison R I P Tommy'
Cc: 'Faye Caldwell'
Subject: Morrison

Dear Ms. Morrison:

I would like to respectfully ask If you will agree to allow the State Defendants to file our response to your Amended Complaint on Monday, November 2, 2015. The response is due on October 30, 2015, but all of the state office buildings are closed on Friday for "Nevada Day." It is a state holiday and not a federal one. So although the state courts are closed, the federal court is still open.

The problem I have is that my office is closed so no one will be available to file the response with the federal court on October 30th. The Court stated that if you will stipulate to allow the State Defendants to file on November 2nd, it would be fine. So please let me know so that I can have my office prepare a stipulation for you to sign and return to me. We would file it with the Court.

Thank you in advance for your consideration of this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,
Vivienne

Vivienne Rakowsky, Deputy Attorney General
State of Nevada
Office of the Attorney General
555 East Washington Avenue, Suite 3900
Las Vegas, Nevada 89101
vrakowsky@ag.nv.gov
Phone: (702) 486-3103
Fax: (702) 486-3416

This message and attachments are intended only for the addressee(s) and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, I did not intend to waive and do not waive any privileges or the confidentiality of the messages and attachments, and you are hereby notified that any dissemination of this communication is strictly prohibited. If you receive this communication in error, please notify me immediately by e-mail at vrakowsky@ag.nv.gov and delete the message and attachments from your computer and network. Thank you.

EXHIBIT B

EXHIBIT B

Vivienne Rakowsky

From: Tommy and Trisha Morrison <tommyandtrishamorrison@yahoo.com>
Sent: Wednesday, October 28, 2015 12:41 PM
To: Vivienne Rakowsky
Cc: Faye Caldwell; Keith Weaver; weaver@lewisbrisbois.com; Trisha Harding Morrison R. I. P. Tommy
Subject: Ref: Attorney General's Office Request for Stipulation and Enlargement of Time Morrison v Quest et al

REF: 2:14-CV-01207

Ms. Rakowsky ; Ms.Caldwell and Mr.Weaver:

Ms.Rakowsky :

Thank you for your email received: the afternoon of October 27th, 2015 and email received: the morning of October 28, 2015.

1. The court ordered Amended Complaint was filed on October 16th, 2015 with the Court in Nevada , of which you received your own copies through your electronic system that same day October 16, 2015.
2. In addition I mailed to all defense counsel copies via first class ,certified mail, which you have received and signed for.
3. It is my understanding that replies to my Amended Complaint are due on , (or before) , October 30th, 2015 filed with the court, and a copy to be sent to me in order that I may file a timely response.
4. "Nevada Day" has been in existence since 1864 and it appears to me to be an unnecessary excuse for a delay in responding to my Amended Complaint of the events that took place on the soil of Las Vegas, Nevada.
5. In the time that it takes to contact me via email, write a motion, use precious judicial time and resources, your Attorney General's office and staff could have filed, and still can, prior to October 30th,2015.
6. Your pre-prepared document: Motion for Enlargement must be amended to read that this Plaintiff DID respond to both your unexpected emails. If this is not done and you file your document "as is" , this Plaintiff will file an OBJECTION with this Court.

I respectfully DENY your request to send me a "stipulation".

I respectfully DENY any approval of your "enlargement of time".

Thank you.

Patricia Harding Morrison

Vivienne Rakowsky

From: Vivienne Rakowsky
Sent: Wednesday, October 28, 2015 10:40 AM
To: 'Trisha Harding Morrison R I P Tommy'
Cc: 'Faye Caldwell'
Subject: Motion for Exlargement of Time - First Request -
Attachments: Motion for Enlargement of Time - First Request - Response to Amended Complaint (2).doc; Declaration in Support of Motion for Exlargement of Time - First Request - Amended Complaint.doc

Dear Ms. Morrison:

I had emailed you yesterday requesting a one court day extension to file the State Defendant's response to the Amended Complaint due to the closure of the State offices on October 30th. Not having heard from you and with the deadline approaching, I have prepared this Motion requesting this same relief from the Court that I hoped that you would agree to by stipulation. Accordingly, if I do not hear from you by 3:00 p.m. (pacific daylight time) today, I will file this motion with the Court.

Thank you for your consideration of this request.

Sincerely,
Vivienne

Vivienne Rakowsky, Deputy Attorney General
State of Nevada
Office of the Attorney General
555 East Washington Avenue, Suite 3900
Las Vegas, Nevada 89101
vrakowsky@ag.nv.gov
Phone: (702) 486-3103
Fax: (702) 486-3416

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