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6 *Attorneys for Respondents*

7 UNITED STATES DISTRICT COURT  
 8 DISTRICT OF NEVADA

9  
 10 JAMES ANTHONY DAVIS,  
 11 Petitioner,  
 12 vs.  
 13 DWIGHT W. NEVEN, et al.,  
 14 Respondents.

Case No. 2:15-cv-01574-RFB-NJK

**UNOPPOSED MOTION FOR EXTENSION OF  
 TIME TO FILE OPPOSITION TO  
 PETITIONER’S MOTION FOR  
 EVIDENTIARY HEARING (ECF NO. 62)**

**(SECOND REQUEST)**

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 16 Respondents hereby request an extension of time of an additional seven (7) days, up to and  
 17 including December 10, 2018, within which to file their Opposition to Petitioner’s Motion for Evidentiary  
 18 Hearing (ECF No. 62). The current due date to file the Opposition is December 3, 2018.

19 This is the second enlargement of time sought by Respondents and is brought in good faith and  
 20 not for the purpose of delay. This motion is based on the accompanying declaration of counsel.

21 DATED: December 3, 2018.

22 ADAM PAUL LAXALT  
 Attorney General

23  
 24 By: /s/ Heidi Parry Stern  
 Heidi Parry Stern (Bar. No. 8873)  
 Chief Deputy Attorney General

1 DECLARATION OF HEIDI PARRY STERN

2 STATE OF NEVADA )  
3 COUNTY OF CLARK ) ss:

4 I, HEIDI PARRY STERN, being first duly sworn under oath, depose and state as follows:

5 1. I am an attorney licensed to practice law in all courts within the State of Nevada; qualified  
6 and admitted to practice before this Court; employed as a Chief Deputy Attorney General in the Office  
7 of the Nevada Attorney General; and pursuant to this employment, I have been assigned to represent  
8 Respondents in *James Anthony Davis v. Dwight W. Neven, et al.*, 2:15-cv-01574-RFB-NJK, and as such,  
9 have personal knowledge of the matters contained herein.

10 2. I was assigned to this matter after the retirement this year of one of the attorneys in our  
11 office. Since his retirement, our unit has been short staffed due to the office's inability to find a  
12 replacement for him. As such, my caseload (particularly of death penalty cases) has been substantially  
13 higher than normal during this timeframe.

14 3. In addition, during this same timeframe, I have had an unusually heavy load of oral  
15 arguments before the Ninth Circuit, which have required significant preparation time. This includes, most  
16 recently, *Robert Jones v. Jack Palmer, et al.*, Case No. 17-15575, which took place on October 9, 2018,  
17 and *Alquandre H. Turner v. Renee Baker, Warden, et al.*, Case No. 17-72044, which took place on  
18 November 16, 2018.

19 4. That the Opposition to Petitioner's Motion for Evidentiary Hearing is due to be filed  
20 December 3, 2018.

21 5. Respondents request seven (7) days to file an opposition, up to and including December  
22 10, 2018.

23 6. I have contacted opposing counsel, and she has no objection to this request for extension.

24 7. This is Respondents' second motion for enlargement of time to file the Opposition.

25 8. I have been working diligently to complete this opposition and do not anticipate seeking  
26 additional extensions.

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I electronically filed the foregoing *Unopposed Motion for Extension of Time*  
3 *to File Opposition to Petitioner’s Motion for Evidentiary Hearing (ECF No. 62) (Second Request)* with  
4 the Clerk of the Court by using the CM/ECF system on December 3, 2018.

5 The following participants in this case are registered CM/ECF users and will be served by the  
6 CM/ECF system:

7 Amelia L. Bizzaro, Esq.  
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Las Vegas, Nevada 89101  
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10  
11 /s/ R. Carreau  
12 An employee of the Office of the Attorney General  
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