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5 Attorneys for Plaintiff

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

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 11 **JABLONSKI ENTERPRISES, LTD.,**

12 **PLAINTIFF,**

13 **vs.**

14 **NYE COUNTY, NEVADA**, a corporation created
 15 by the State of Nevada, **SHEREE STRINGER**,
 16 individually and in her capacity as Nye County
 Assessor; **DEBBIE ORRICK**, individually and in
 17 her capacity as Mapping Administrator for Nye
 County; **BRIAN KUNZI**, individually and as Nye
 County District Attorney; **MARLA ZLOTEK**,
 18 individually and as Nye County Deputy district
 attorney; **SUMMA, LLC**, a Nevada limited
 19 liability company; **TOM LEWIS**, individually and
 as manager of Summa, LLC; **HENRY**
 20 **TONKING**, individually and as manager of
 Summa, LLC; **LITHIUM CORPORATION**, a
 21 Nevada corporation; **GREG EKINS**, individually;
GIS LAND SERVICES, a Nevada corporation;
 22 and **CLAYTON P. BRUST**, individually,

23 **DEFENDANTS.**

Case No.: 2:15-cv-2296 GMN (GWF)

24
 25 **MOTION TO EXTEND TIME TO**
 26 **FILE RESPONSE TO MOTION TO**
 27 **DISMISS (ONE DAY)**

28
 COMES NOW the Plaintiff, JABLONSKI ENTERPRISES, LTD., a Nevada
 corporation, by and through its counsel, Lisa A. Rasmussen, Esq., and hereby requests a one
 day extension of time to file Jablonski Enterprises, Ltd.'s Responses to Summa, Tonking,

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1 Lithium and Brust's Motions to Dismiss (docket #'s 6 and 7).

2 This is the first request for an extension of time and the Response was filed on today's
3 date, docket #17.

4 This Motion is made and based upon the following:

5 1. Brust, Lithium, Tonking and Summa filed their Motions to Dismiss on March
6 8, 2016. Dockets #6 and 7.

7 2. The filings generated a response date of March 25, 2016.

8 3. The undersigned was in trial from March 8, 2016 through March 14, 2016 in
9 United States v. Haischer, 2:11-cr-267 MMD.

10 4. The undersigned had two appellate briefs due thereafter, one on March 16,
11 2016, Michael Domingues v. State, Nevada Supreme Court case number 69140, and one due
12 on today's date that the undersigned still has not completed in Eliades v. Eliades, 2:15-cv-
13 1145 APG, which will require another request for extension of time for one day to complete
14 because the undersigned spent 10 hours today on these responses.

15 5. Additionally, the undersigned was engaged most of last week in preparations
16 for and in a two day settlement conference in two separate cases pending before The
17 Honorable Robert C. Jones, McKnight v. Barkett, et al, 2:10-cv-1617 RCJ, and In Re: Asset
18 Resolution Company, 2:09-bk-32824 RCJ. These cases involve a long and sordid history of
19 events that began in 2006 with USA Commercial Mortgage's bankruptcy filing. The
20 undersigned had three clients here from different parts of the country for these settlement
21 conferences which actually took place on Thursday March 24th and Friday March 25, 2016
22 before retired Judge Herb Ross from Alaska. The preparations for the conference were
23 substantial and along with the conference, consumed most of last week.

24 6. The undersigned intended to file a request for a one week extension of time
25 last Wednesday and forgot to do so before becoming all-consumed in the great settlement
26 project. As a result, the undersigned simply prepared the Response today and is asking that
27 this Court grant a one day extension of time, nunc pro tunc.

28 7. The defendants filed two separate motions, but the motions are essentially
identical. Since the Motions are made pursuant to NRS Chapter 41, et seq, they require more

1 than a case law analysis that would be ordinarily required under F.R. Civ. P. 12(b)(6). As
2 written, they were more akin to a Motion for Summary Judgment, requiring a similar
3 response from the undersigned.

4 8. Local Rule 6-1 permits the filing of a Motion for an Extension of Time. The
5 Rule states that the failure to file the Motion before the deadline for the Response is subject
6 to an excusable neglect standard, demonstrating that the failure to act was the result of
7 excusable neglect. The undersigned has explained above, she intended to file a motion last
8 week on Wednesday requesting a one week extension of time and simply forgot to do so
9 because she was consumed with the settlement conference issues in the McKnight and ARC
10 cases. Furthermore, the undersigned is a sole practitioner and is still getting caught up after
11 having been in trial less than two weeks ago. In fact responding to these motions today is
12 creating the need to ask for an additional extension of time in another case, with an appeal
13 response due to Judge Gordon also on today's date.

14 9. As demonstrated, this request is not made for the purpose of delay and takes
15 into account due diligence on the part of the undersigned.

16 10. If this request were denied, it would create prejudice to the Plaintiff whereas
17 there is no prejudice to the defendants by this request for a one day extension of time.
18 Additionally, the interests of justice would indicate that determining this matter on its merits
19 is preferable to a determination by default.

20 Accordingly, it is respectfully requested that the Court issue an Order granting a one
21 day extension of time, nunc pro tunc, to file the Plaintiff's Response to the two Motions to
22 Dismiss filed as docket numbers 6 and 7.

23 Respectfully submitted this 28th day of March, 2016.

24 **ORDER**

LAW OFFICE OF LISA RASMUSSEN,

/s/ Lisa A. Rasmussen

25 It is so ordered.

26 _____
LISA A. RASMUSSEN, ESQ.

Nevada Bar No. 7491

Attorneys for Jablonski Enterprises, Ltd.

27 _____
U.S. DISTRICT COURT JUDGE

28 Dated this 6 day of April, 2016.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am a person competent to serve papers and that I served a copy of the foregoing MOTION FOR ONE DAY EXTENSION OF TIME TO FILE RESPONSE TO MOTIONS TO DISMISS AND TO TRANSFER VENUE, upon all persons participating in CM/ECF, as required by local rule in this case.

Dated this 28th day of March, 2016.

/s/ Lisa A. Rasmussen

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