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11 Attorneys for the Plaintiff

12 **UNITED STATES DISTRICT COURT**  
 13 **DISTRICT OF NEVADA**

14 **THOMAS KIM,**

15 **Plaintiff,**

16 **Case No. 2:16-cv-0778-APG-CWH**

17 **UNITED STATES OF AMERICA**

18 **Defendant.**

19 \_\_\_\_\_  
 20 **PLAINTIFF’S UNOPPOSED MOTION FOR**  
 21 **EXTENSION OF TIME TO RESPOND TO DEFENDANT’S**  
 22 **MOTION TO DISMISS PLAINTIFF’S COMPLAINT**

23 **(FOURTH REQUEST)**

24 Pursuant to Federal Rule of Civil Procedure (“FRCP”) 6(b)(1)(A), Plaintiff respectfully  
 25 requests that the Court extend by four business days, or until October 17, 2016, the time within  
 26 which Plaintiff must respond to Defendant’s motion to dismiss Plaintiff’s Complaint. Presently,

1 Plaintiff's response is due today, October 11, 2016.<sup>1</sup> This is Plaintiff's fourth request for an  
2 extension of time for the purpose set forth herein. Counsel for the United States, Katherine Foss,  
3 Esq., previously indicated she has no opposition to Plaintiff seeking additional time to respond to  
4 the government's motion to dismiss.

5 In support of this motion, Plaintiff relies upon the memorandum of points and authorities  
6 set forth below.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 Federal Rule of Civil Procedure 6(b)(1)(A) permits a party to extend a deadline prior to  
9 its expiration upon a showing of "good cause." The standard to be applied by a court under  
10 FRCP 6(b)(1) is a liberal one in order to "effectuate the general purpose of seeing that cases are  
11 tried on the merits." Ahanchian v. Xenon Pictures, Inc., 624 F.3d 1253, 1258-59 (9<sup>th</sup> Cir. 2010).  
12 "Good cause is a non-rigorous standard that has been construed broadly across procedural and  
13 statutory contexts." Id at 1259.

14 Undersigned counsel has nearly completed a response to the government's motion to  
15 dismiss. While counsel expected to have timely filed the response today, due to another  
16 competing case commitment, undersigned counsel was not able to do so. Specifically,  
17 undersigned counsel was required to devote a significant portion of today preparing for a  
18 physician's deposition tomorrow that was originally to be handled by another co-counsel in a  
19 significant matter pending in state court. Due to unexpected developments involving scheduling  
20 issues, undersigned counsel has been required to handle tomorrow's deposition. In requesting an  
21 additional four days to file a response to the government's pending dispositive motion,  
22 undersigned counsel is doing so with the expectation that no further extensions of time will be  
23 sought.

24 \_\_\_\_\_  
25 <sup>1</sup> October 10, 2016 was a federal holiday.

1 CONCLUSION

2 Based upon the foregoing, undersigned counsel respectfully requests that the Court grant  
3 this motion.

4 Respectfully submitted,

5 /s/ Paul S. Padda

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Paul S. Padda, Esq.

7 Attorney for Plaintiff

8 Dated: October 11, 2016

9 **IT IS SO ORDERED:**

10 **Plaintiff's motion for a four day extension of time to**  
11 **respond to Defendant's dispositive motion (Pacer #10) is**  
12 **hereby granted. Plaintiff's response shall be due on or**  
13 **before October 17, 2016.**

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UNITED STATES DISTRICT JUDGE

16 October 12, 2016

17 **DATED:** \_\_\_\_\_

18 CERTIFICATE OF SERVICE

19 In compliance with the Court's Local Rules, the undersigned hereby certifies that on  
20 October 11, 2016 a copy of the foregoing document, "PLAINTIFF'S UNOPPOSED MOTION  
21 FOR EXTENSION OF TIME TO RESPOND TO DEFENDANT'S MOTION TO DISMISS  
22 PLAINTIFF'S COMPLAINT" was served (via the Court's CM/ECF system) upon all counsel of  
23 record.

24 /s/ Paul S. Padda

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Paul S. Padda, Esq.