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

10 UNITED STATES OF AMERICA,)	Case No. 2:16-cv-02437-KJD-NJK
11 Plaintiff,)	
12 v.)	UNITED STATES' UNOPPOSED
13 STEPHEN D. INGERSON,)	MOTION TO EXTEND TIME TO FILE
14 Defendant.)	ANSWER
)	(First Request)

15
16 Pursuant to Fed. R. Civ. P. 6 and Local Rule 6-1, Plaintiff United States of America
17 ("United States") files this unopposed motion to extend time for Defendant Stephen D. Ingerson
18 ("Ingerson") to file a responsive pleading in this matter. It is respectfully requested that this
19 extension be measured for a period of 90-days from the date that Ingerson signed and returned
20 the waiver of service, which was January 17, 2017. Thus, if granted, the responsive pleading
21 would be due on or before **April 17, 2017**. The extension is necessary so that the parties may
22 continue good faith settlement discussions. This is the first request for an extension of time to
23 file the responsive pleading.

24 Dated this 24th day of January 2017.

25 DANIEL G. BOGDEN
United States Attorney
26
27 /s/ Mark E. Woolf
MARK E. WOOLF
Assistant United States Attorney

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 The complaint in this matter was filed on October 19, 2017. ECF No. 1. The United
3 States, pursuant to Fed. R. Civ. P. 4(d), sent Ingerson the required notice and that he waive
4 service of the summons. Ingerson received the notice and request, but due to an inadvertent
5 misunderstanding did not return the waiver until January 17, 2017, the deadline for completion
6 of service under Rule 4(m). The waiver was filed that same day. ECF No. 4.

7 Immediately prior to filing the waiver, the parties began discussions regarding the
8 potential for settlement in this non-complex debt collection matter, and agreed that settlement
9 discussions were the best use of limited resources. Consequently, the United States files this
10 unopposed motion to extend the time for Ingerson to file a responsive pleading for a period of
11 90-days from the date the waiver of service was returned and filed. The requested extension is
12 not more than is necessary, and the parties are optimistic resolution can be reached short of
13 continued litigation.

14 Because this request comes after the deadline for a responsive pleading, it must be
15 supported by excusable neglect. *See* Fed. R. Civ. P. 6(b); *see also* Local Rule 6-1. Courts
16 generally consider four factors in evaluating excusable neglect: (1) danger of prejudice to
17 opposing party, (2) length of delay and impact on proceedings, (3) reason for the delay, and (4)
18 whether the movant acted in good faith. *See Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253,
19 1261 (9th Cir. 2010) (*citing Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S.
20 380, 385 (1993)). All of the *Pioneer* factors support the requested extension.

21 The parties agree to the extension, so there is no danger of prejudice to any party. The
22 length of the delay is minimal and comes before discovery begins. The basis for the request is
23 the belief that this matter can be resolved without protracted, expensive litigation. The extension
24 is sought in good faith and not for any dilatory purpose. Indeed, settlement discussions began
25 before the current deadline to file a responsive pleading and this extension is sought to facilitate
26 further discussions.

27 Based on the foregoing, it is respectfully requested that the deadline for the filing of a
28 responsive pleading be extended 90-days, or until **April 17, 2017**. A copy of this motion has

1 been provided to Ingerson, who has indicated his non-opposition thereto.

2 Dated this 24th day of January 2017.

3 DANIEL G. BOGDEN
4 United States Attorney

5 /s/ Mark E. Woolf
6 MARK E. WOOLF
7 Assistant United States Attorney

8 IT IS SO ORDERED:

9 
10 _____
11 Nancy J. Koppe
12 United States Magistrate Judge

13 Dated: January 25, 2017

14 **CERTIFICATE OF ELECTRONIC SERVICE**

15 I, Mark E. Woolf, certify that a copy of the **UNITED STATES' UNOPPOSED**
16 **MOTION TO EXTEND TIME TO FILE ANSWER** was served upon Plaintiff Stephen D.
17 Ingerson, who is proceeding in this matter *pro se*, via electronic mail and at the address listed
18 below on January 24, 2017.

19 Stephen D. Ingerson
20 36 Singing Dove Avenue
21 Henderson, Nevada 89002

22 /s/ Mark E. Woolf
23 MARK E. WOOLF
24 Assistant United States Attorney