Randolph v. Baker et al

Doc. 70

28 | /

///

DECLARATION OF ERICA BERRETT

I, ERICA BERRETT, being first duly sworn under oath, depose and state as follows:

- 1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Senior Deputy Attorney General in the Office of the Nevada Attorney General. I am responsible to represent Respondents in *Roger Randolph v. Renee Baker, et al.*, Case No. 2:18-cv-00449-RFB-VCF, and as such, have personal knowledge of the matters contained herein.
 - 2. This Motion is made in good faith and not for the purpose of delay.
- 3. The reply to Randolph's Opposition to Renewed Motion to Dismiss Second Amended Petition (ECF No. 68) is currently due November 21, 2022. I have been unable with due diligence to timely complete the reply.
- 4. Respondents were initially given only seven days to file this reply, in accordance with the local rules. See ECF No. 33 at 2. During this period, I have largely spent my time working on an amended answer in capital habeas matter Guy v. Baca, 2:11-cv-01809-APG-NJK, among other federal habeas matters. Looking forward, I need to continue to work on the answer in the capital habeas matter, Byford v. Reubart, et al., 3:11-cv-00112-JCM-CSD, which is now on a fifth extension, due December 30, 2022, and for which the Court has indicated it is unlikely to grant further extensions. Moreover, I have an oral argument set on December 9, 2022, in the Ninth Circuit Court of Appeals for Kelsey v. Baker, 22-15557, 3:18-cv-00174-MMD-CLB, for which I have been preparing and need to continue my preparations.
- 5. In addition to these case-related responsibilities, my administrative responsibilities as a Senior Deputy have been especially time-consuming in recent months, as we have continued to have turnover within the Nevada Attorney General's Post-Conviction Division, and I am responsible for case assignment and reassignment for the large majority of federal habeas cases in the Division. I am also responsible to review the pleadings of multiple Deputies.
- 6. I have contacted Petitioner's counsel regarding this request for enlargement of time, and she does not oppose.

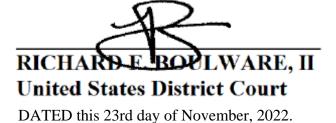
7. Based on the foregoing, I respectfully request an enlargement of time of sixty (60) days, up to and including January 20, 2023, to file the reply.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 21, 2022.

/s/ Erica Berrett
Erica Berrett (Bar No. 13826)
Senior Deputy Attorney General

IT IS SO ORDERED:



CERTIFICATE OF SERVICE I hereby certify that I electronically filed the foregoing *Unopposed Motion for Enlargement of* Time to File Reply to Opposition to Renewed Motion to Dismiss (First Request) with the Clerk of the Court by using the CM/ECF system on November 21, 2022. The following participants in this case are registered electronic filing system users and will be served electronically: Shelly Richter Assistant Federal Public Defender 411 E. Bonneville Ave., Ste. 250 Las Vegas, Nevada 89101 /s/ C. Martinez An employee of the Office of the Attorney General