Malone v. Williams et al

Doc. 42

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DECLARATION OF ALLISON HERR

STATE OF NEVADA) ss: COUNTY OF CLARK

- I, Allison Herr, 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 have been assigned to represent Respondents in the case of Malone v. Williams, 2:18-cv-01146-RFB-NJK, and as such, have personal knowledge of the matters contained herein.
- 2. An answer to the Amended Petition for Writ of Habeas Corpus (ECF No. 11) is currently due on Monday, October 12, 2020. I have been unable to timely complete the answer in this matter and need additional time to respond. I am seeking an extension of seventy-eight days up to and including Monday, December 28, 2020.
- 3. Over the summer I have had several personal and professional issues that have required me to seek extensions in other cases. Unfortunately that has created a snowball effect in that I now have several matters coming due at or near the same time, including an answer due in state matter A819055, a response due to A820169, an answer due in state matter 20 EW 00029, an answer due in state matter C-18-336940, a response to a motion due in case 3:16-cv-00631, an answer in case 3:15-cv-00492 which is on its third extension, a state evidentiary hearing in case A789688, an answering brief due to the Nevada Supreme Court in case 81141, and an evidentiary hearing in federal court in case 2:13-cv-01784¹. I am attempting to prioritize these matters by age. Unfortunately, the case of *Malone v. Williams* is the "newest" of these matters.
- 4. Additionally, as I will be out of state for the period of November 9, 2020 through November 18, 2020, and with the upcoming holiday closures I am seeking until the Monday following Christmas to submit my answer.
 - 5. I have discussed this matter with opposing counsel, and she does not oppose my request.

¹ Counsel notes that while there is a motion for a continuance pending in this action, if granted it is not expected to be a long extension, thus it is included within the list of matters coming up in the next thirty days as preparation efforts are ongoing.

| 1 | 6. This is the first request for an extension to file the answer. |
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| 2 | 7. This motion is made in good faith and not for the purpose of delay. |
| 3 | I declare under penalty of perjury that the foregoing is true and correct. |
| 4 | Executed on this 9th day of October 2020. |
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| 6 | /s/ Allison Herr |
| 7 | ALLISON HERR (Bar No. 5383) |
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| 9 | TERCO ORDERED |
| 10 | IT IS SO ORDERED: |
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| 12 | A Company of the Comp |
| 13 | RICHARD F. BOULWARE, II |
| 14 | UNITED STATES DISTRICT JUDGE |
| 15 | DATED this 12th day of October, 2020. |
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CERTIFICATE OF SERVICE I hereby certify that I electronically filed the foregoing MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO AMENDED PETITION FOR WRIT OF HABEAS CORPUS (FIRST **REQUEST**) with the Clerk of the Court by using the CM/ECF system on October 9, 2020. The following participants in this case are registered electronic filing systems users and will be served electronically: Lisa Rasmussen, Esq. Jim Hoffman, Esq. Law Office of Lisa Rasmussen, P.C. 601 South 10th Street, Suite 100 Las Vegas, NV 89101 lisa@lrasmussenlaw.com jim@lrasmussenlaw.com /s/ L. Combs An employee of the Office of the Attorney General