

1 JASON M. FRIERSON
2 United States Attorney
3 District of Nevada
4 Nevada Bar Number 7709

5 PATRICK A. ROSE
6 Assistant United States Attorney
7 Nevada Bar Number 5109
501 Las Vegas Blvd. So., Suite 1100
Las Vegas, Nevada 89101
(702) 388-6336
Patrick.Rose@usdoj.gov
7 *Attorneys for the Federal Defendants*

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

10 FULLAM ENTERPRISES dba
11 THUNDERSTRUCK DANCE
12 PRODUCTIONS, a Nevada Corporation,

13 Plaintiff,
vs.

14 U.S. SMALL BUSINESS
15 ADMINISTRATION and ISABELLA
16 CASILLAS GUZMAN, Administrator, Small
Business Administration,

17 Defendants.

Case No. 2:22-cv-01032-RFB-NJK

**Stipulation and Order to
Extend or Clarify Responsive Date
(First Request)**

18 In this case, arising under the Administrative Procedure Act, 5 U.S.C. §§ 551–559,
19 701–706, Plaintiff and Federal Defendants, through their undersigned attorneys, submit this
20 stipulation to extend or clarify, and thereby establish, a mutually-agreeable date of
21 September 29, 2022, for Federal Defendants to file and serve an answer to Plaintiff's First
22 Amended Complaint (ECF No. 20, filed 9/1/2022). This is the first request of this kind, and
23 it is based on the circumstances set forth below.

24 A response to an amended complaint is due on the later of 14 days after service of
25 the amended complaint or the due date to respond to the original complaint. Fed. R. Civ. P.
26 15(a)(3). Federal defendants, such as those named in this case, have 60 days from service of
27 process on the United States Attorney to respond to a complaint. *See* Fed. R. Civ. P.
28 12(a)(2); *see also* Fed. R. Civ. P. 4(i)(1), (2) (requirements for service of process include

1 delivery of summons and complaint, or certified mailing of summons and complaint, to the
2 United States Attorney or other appropriate person within the office). The United States
3 Attorney was not served with the summonses and original complaint so as to commence the
4 60-day clock.

5 However, as a practical matter, the undersigned AUSA filed a Notice of Appearance
6 on July 25, 2022, noting that a revised decision was expected from the SBA, the SBA issued
7 a revised decision on July 28, 2022, and Plaintiff filed its First Amended Complaint on
8 September 1, 2022.

9 In an effort to avoid motion practice over the issues of service requirements and an
10 applicable responsive due date, and because the undersigned AUSA's schedule includes
11 several meetings, depositions, and other deadlines during the next two weeks, the parties
12 agree to a date of September 29, 2022, for Federal Defendants to file and serve an answer to
13 Plaintiff's First Amended Complaint. The U.S. Attorney's Office remains very busy, with
14 three civil defense attorneys and three vacancies for civil defense attorneys.

15 Respectfully submitted this 14th day of September 2022.

16 METSCH & MASON LLP

17 JASON M. FRIERSON
United States Attorney

18 /s/ Michael J. Mason
19 MICHAEL J. MASON, Esq.
5060 N. Harbor Drive, Suite 275
20 San Diego, CA 92106
Attorneys for Plaintiff Fullam Enterprises

21 /s/ Patrick A. Rose
22 PATRICK A. ROSE
23 Assistant United States Attorney
24 *Attorneys for the Federal Defendants*

25 IT IS SO ORDERED

26 
UNITED STATES MAGISTRATE JUDGE
DATED: September 15, 2022