

1 DANIEL G. BOGDEN  
 United States Attorney  
 District of Nevada  
 2 BLAINE T. WELSH  
 3 Assistant United States Attorney  
 Nevada Bar No. 4790  
 4 333 Las Vegas Blvd. South, Suite 5000  
 Las Vegas, NV 89101  
 5 Ph: (702)388-6336, Fax: (702) 388-6787  
[Blaine.Welsh@usdoj.gov](mailto:Blaine.Welsh@usdoj.gov)

6 HOLLY VANCE  
 Assistant United States Attorney  
 7 100 W. Liberty Street, Suite 600  
 Reno, NV 89501  
 8 Ph: (775) 784-5438, Fax: (775) 784-5181  
[Holly.A.Vance@usdoj.gov](mailto:Holly.A.Vance@usdoj.gov)

9 DAVID GEHLERT  
 Trial Attorney  
 10 Environmental & Natural Resources Division  
 999 18<sup>th</sup> Street, South Terrace, Suite 370  
 11 Denver, CO 80202  
 Ph: (303) 844-1386, Fax (303) 844-1350  
 12 [David.Gehlert@usdoj.gov](mailto:David.Gehlert@usdoj.gov)

13 Attorneys for the United States of America

14 UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

15 UNITED STATES OF AMERICA, )  
 16 )  
 Plaintiff/Counter-Defendant/ )  
 17 Cross-Defendant, )  
 )  
 18 v. ) 3:99-cv-00547-RLH-RAM  
 )  
 19 JOHN C. CARPENTER, *et al.*, )  
 )  
 20 Defendants, )  
 )  
 21 and )  
 )  
 22 COUNTY OF ELKO, )  
 )  
 23 Defendant/Counter-Claimant, )  
 )  
 24 THE WILDERNESS SOCIETY, *et al.*, )  
 )  
 25 Defendants/Intervenors/Cross-Claimants. )  
 )  
 26 \_\_\_\_\_ )

3:99-cv-00547-RLH-RAM

**UNOPPOSED MOTION TO  
 EXTEND TIME TO RESPOND  
 TO MOTION TO DISMISS  
 FOR MOOTNESS (#351)**

1 COMES NOW the United States of America and hereby moves for an extension of time  
2 to respond to Elko County's Motion to Dismiss for Mootness. (# 351). The United States'  
3 response to the Motion to Dismiss is due today. The United States respectfully requests a two-  
4 week extension of time — until February 14, 2011 — to respond to the motion. Additional time  
5 is needed because the Civil Division of the United States Attorney's Office for the District of  
6 Nevada recently experienced unexpected staffing shortages; two attorneys resigned and a  
7 member of the support staff suffered an injury that has kept her out of the office for several  
8 weeks. Additional time is also needed to give the United States sufficient opportunity to research  
9 and evaluate the issues raised in the motion.

10 Counsel for the United States has conferred with the other parties concerning this matter.  
11 Counsel for Elko County and John Carpenter have advised that they do not object to the  
12 requested extension. Counsel for the Wilderness Society and The Great Old Broads For  
13 Wilderness (collectively "TWS") has advised that TWS does not oppose the extension with the  
14 understanding that it applies to TWS as well as to the United States. The United States certifies  
15 that this motion is not submitted for the purpose of delay or for any other improper purpose. This  
16 motion is supported by the attached declaration of Holly A. Vance.

17 DATED this 31st day of January, 2011.

18 DANIEL G. BOGDEN  
19 United States Attorney

20 /s/  
21 HOLLY A. VANCE  
Assistant United States Attorneys

22 **IT IS ORDERED THAT THE UNITED STATES AND TWS SHALL HAVE UNTIL**  
23 **FEBRUARY 14, 2011 TO RESPOND TO ELKO COUNTY'S MOTION TO DISMISS.**

24   
25 \_\_\_\_\_  
26 **UNITED STATES MAGISTRATE JUDGE**

Dated: \_\_\_\_\_ **February 1, 2011**

**PROOF OF SERVICE**

I, Blaine T. Welsh, AUSA, certify that the following individuals were served with the **MOTION TO EXTEND SCHEDULING ORDER DEADLINES** on this date by the below identified method of service:

**Electronic Case Filing**

Michael S. Freeman  
Earthjustice Legal Defense Fund  
1400 Glenarm Place, Suite 300  
Denver, Colorado 80202  
303-623-9466 Fax: 303-623-8083  
mfreeman@earthjustice.org

Henry Egghart  
317 S. Arlington Avenue  
Reno, Nevada 89501  
775-329-2705 Fax: 775-852-5309  
hegghart@nvcbell.net

*Attorneys for Wilderness Society & Great Old Broads for Wilderness*

Gary D Woodbury & Kristin A. McQueary  
Elko County District Attorney's Office  
1515 7th Street  
Elko, Nevada 89801  
775-738-3101 Fax: 775-738-0160  
gwoodbury@elkocountynv.net  
kmcqueary@elkocountynv.net

*Attorneys for County of Elko*

Grant Gerber  
Gerber Law Offices, LLP  
491 fourth Street  
Elko, Nevada 89801  
agg@gerberlegal.com

*Attorneys for John Carpenter*

William J Frey  
Attorney General's Office  
100 North Carson Street  
Carson City, NV 89701-4717  
775-684-1229  
Fax: 775-684-1103  
Email: [bfrey@ag.nv.gov](mailto:bfrey@ag.nv.gov)

*Attorneys for the State of Nevada*

DATED this 31st day of January, 2011.

/s/  
\_\_\_\_\_  
BLAINE T. WELSH  
HOLLY A. VANCE  
Assistant United States Attorneys

1 DANIEL G. BOGDEN  
United States Attorney  
2 District of Nevada  
3 BLAINE T. WELSH  
Assistant United States Attorney  
4 Nevada Bar No. 4790  
333 Las Vegas Blvd. South, Suite 5000  
5 Las Vegas, NV 89101  
Ph: (702)388-6336, Fax: (702)388-6787  
6 [Blaine.Welsh@usdoj.gov](mailto:Blaine.Welsh@usdoj.gov)

HOLLY VANCE  
7 Assistant United States Attorney  
100 W. Liberty Street, Suite 600  
8 Reno, NV 89501  
Ph: (775) 784-5438, Fax: (775) 784-5181  
9 [Holly.A.Vance@usdoj.gov](mailto:Holly.A.Vance@usdoj.gov)

10 DAVID GEHLERT  
Trial Attorney  
Environmental & Natural Resources Division  
11 999 18<sup>th</sup> Street, South Terrace, Suite 370  
12 Denver, CO 80202  
Ph: (303) 844-1386, Fax (303) 844-1350  
13 [David.Gehlert@usdoj.gov](mailto:David.Gehlert@usdoj.gov)

14 Attorneys for the United States of America

15 UNITED STATES DISTRICT COURT  
16 DISTRICT OF NEVADA

17 UNITED STATES OF AMERICA, )  
18 )  
19 Plaintiff/Counter-Defendant/ )  
20 Cross-Defendant, )  
21 v. )  
22 JOHN C. CARPENTER, *et al.*, )  
23 Defendants, )  
24 and )  
25 COUNTY OF ELKO, )  
26 Defendant/Counter-Claimant, )  
27 THE WILDERNESS SOCIETY, *et al.*, )  
28 Defendants/Intervenors/Cross-Claimants. )

3:99-cv-00547-RLH-RAM

**DECLARATION OF HOLLY A. VANCE IN SUPPORT OF UNOPPOSED MOTION TO EXTEND TIME TO RESPOND TO MOTION TO DISMISS FOR MOOTNESS (#351)**

1 I, Holly A. Vance, hereby declare as follows pursuant to 28 U.S.C. § 1746:

2 1. I am an Assistant United States Attorney with the Department of Justice, United  
3 States Attorney's Office in Reno, Nevada. I represent the United States in *United States v.*  
4 *Carpenter et al.*, 99-cv-547-RLH-RAM. With this declaration, I have filed An Unopposed Motion  
5 to Extend Time to Respond to Motion to Dismiss for Mootness in which I request an additional 14  
6 days to respond to the Motion to Dismiss.

7 2. Additional time is needed because the Civil Division of the United States  
8 Attorney's Office for the District of Nevada recently experienced unexpected staffing shortages.  
9 Two attorneys resigned and a member of the support staff suffered an injury that has kept her out  
10 of the office for several weeks. Additional time is also needed to give the United States sufficient  
11 opportunity to research and evaluate the issues raised in the motion.

12 3. Counsel for the United States has conferred with the other parties concerning this  
13 matter. Counsel for Elko County and John Carpenter have advised that they do not object to the  
14 requested extension. Counsel for the Wilderness Society and The Great Old Broads For  
15 Wilderness (collectively "TWS") has advised that TWS does not oppose the extension with the  
16 understanding that it applies to TWS as well as to the United States.

17 4. The United States certifies that this motion is not submitted for the purpose of delay  
18 or for any other improper purpose.

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

20 Executed this 31<sup>st</sup> day of January, 2011 in Reno, Nevada.

21  
22  
23 /s/ Holly A. Vance  
24 HOLLY A. VANCE  
25 Assistant United States Attorney  
26  
27  
28