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 4 Elko, NV 89801
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 6 775) 738-3101 (phone)
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8 Kristin A. McQueary, Nevada Bar # 4337
 9 540 Court Street, 2nd Floor
 10 Elko, NV 89801
 11 kmcqueary@elkocountynv.net
 12 (775) 738-3101 (phone)
 13 (775) 738-0810 (facsimile)

14 Attorneys for Defendant Elko County

15 UNITED STATES DISTRICT COURT
16 DISTRICT OF NEVADA

3:99-cv-547-RLH-RAM

17 UNITED STATES OF AMERICA,
 18 Plaintiff-Counter-Defendant

19 vs.

UNOPPOSED MOTION TO EXTEND
DEADLINE TO FILE REPLY

20 JOHN C. CARPENTER
 21 Defendant,

22 GRANT GERBER; O.Q. JOHNSON,
 23 Defendants,

24 And

25 COUNTY OF ELKO,
 26 Defendant

27 THE WILDERNESS SOCIETY; GREAT
 28 OLD BROADS FOR THE WILDERNESS,
 Intervenor and Cross-claimants.

Defendant.

DA#01981

1 COMES NOW, Defendant County of Elko, by and through its attorneys, MARK
2 TORVINEN, District Attorney for the County of Elko, and KRISTIN A. MCQUEARY, Elko
3 County Chief Civil Deputy District Attorney, hereby moves to extend motion to extend
4 deadline to file reply in this case until Tuesday, July 12, 2011. (Docket NO. 351). The
5 Deadline is currently July 6, 2011. Elko County is unable to complete its Reply due to its
6 computer system not working, see attached. (Exhibit A Email).
7

8
9 Elko County informed Courtroom Administrator, Jennifer Cotter of the technical
10 difficulties yesterday by telephone.
11

12 Civil Division Caseworker Juliana Fisherman recreated the form in order to file this
13 Motion to Continue.

14 Based on the foregoing, Elko County respectfully requests that this Court extend the
15 deadline in the Scheduling Order on Elko County's Reply to Motion to Dismiss for Mootness.
16 Counsel for The Wilderness Society and The Great Old Broads For Wilderness (collectively
17 "TWS"), and United States have graciously advised that they do not object to the requested
18 extension of time.
19
20

21 Dated this 6th day of July, 2011.

22 MARK TORVINEN
23 Elko County District Attorney
24

25 By: /S/ KRISTIN A. MCQUEARY
26 KRISTIN A. MCQUEARY
27 Chief Civil Deputy District Attorney
28 State Bar No. 4337

IT IS SO ORDERED



UNITED STATES DISTRICT JUDGE

DATED: July 7, 2011

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 6th day of July, 2011, a true and correct copy of the
3 foregoing UNOPPOSED MOTION TO EXTEND DEADLINE TO FILE REPLY was filed via
4 the Court’s ECF system, with notification sent to the following:
5

6 Michael S. Freeman
7 Attorney At Law
8 1400 Glenarm Pl., # 300
9 Denver, CO 80202

Henry Egghart
Attorney at Law
317 S. Arlington Avenue
Reno, NV 89501

9 Blaine Welsh
10 Office of U.S. Attorney – Las Vegas
11 333 Las Vegas, NV 89101
12 Blaine.Welsh@usdoj.gov

Grant Gerber
Gerber Law Offices, LLP
491 Fourth Street
Elko, NV 89801
agg@gerberlegal.com

13 Holly A. Vance
14 Assistant United States Attorney
15 100 W. Liberty Street, Suite 600
16 Reno, NV 89501

Demar Dahl
Starr Valley
Deeth, NV 89823

16 David W. Gehlert
17 Trial Attorney
18 Environmental & Natural Resources Division
19 999 18th Street, South Terrace, Suite 370
20 Denver, CO 80202
21 David. Gehlert@usdoj.gov

22
23 /S/JULIANA FISHERMAN
24 JULIANA FISHERMAN
25 CASEWORKER
26
27
28

EXHIBIT A

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1 **From:** Gehlert, David (ENRD) [<mailto:David.Gehlert@usdoj.gov>]
2 **Sent:** Tuesday, July 05, 2011 1:13 PM
3 **To:** Michael Freeman; Kristin McQueary; Vance, Holly A. (USANV); gwoodberry
4 **Subject:** RE: Jarbidge South Canyon Road, --FW: Document Management Services (GENERATING)

5 As does the US.

6 **From:** Michael Freeman [<mailto:mfreeman@earthjustice.org>]
7 **Sent:** Tuesday, July 05, 2011 2:13 PM
8 **To:** 'Kristin McQueary'; Gehlert, David (ENRD); Vance, Holly A. (USANV); gwoodberry
9 **Subject:** RE: Jarbidge South Canyon Road, --FW: Document Management Services (GENERATING)

10 That's fine – we understand.

11 **From:** Kristin McQueary [<mailto:kmcqueary@elkocountynv.net>]
12 **Sent:** Tuesday, July 05, 2011 2:04 PM
13 **To:** Gehlert, David (ENRD); Vance, Holly A. (USANV); gwoodberry; Michael Freeman
14 **Subject:** RE: Jarbidge South Canyon Road, --FW: Document Management Services (GENERATING)

15 Counsel,

16 It struck me that I don't have a way to generate a motion to continue either. If it is okay with all of you, I will call the Court Clerk.

17 Thanks,
18 Kristin

19 **From:** Gehlert, David (ENRD) [<mailto:David.Gehlert@usdoj.gov>]
20 **Sent:** Tuesday, July 05, 2011 12:10 PM
21 **To:** Michael Freeman; Kristin McQueary; Vance, Holly A. (USANV); Welsh, Blaine (USANV); gwoodberry
22 **Subject:** RE: Jarbidge South Canyon Road, --FW: Document Management Services (GENERATING)

23 Kristin, the United States also does not oppose. Dave

24 **From:** Michael Freeman [<mailto:mfreeman@earthjustice.org>]
25 **Sent:** Tuesday, July 05, 2011 12:57 PM
26 **To:** 'Kristin McQueary'; Vance, Holly A. (USANV); Gehlert, David (ENRD); Welsh, Blaine (USANV); gwoodberry
27 **Subject:** RE: Jarbidge South Canyon Road, --FW: Document Management Services (GENERATING)

28 Kristin – we do not oppose.

29 **From:** Kristin McQueary [<mailto:kmcqueary@elkocountynv.net>]
30 **Sent:** Tuesday, July 05, 2011 12:32 PM
31 **To:** Vance, Holly A. (USANV); Gehlert, David (ENRD); Welsh, Blaine (USANV); gwoodberry; Michael Freeman
32 **Subject:** Jarbidge South Canyon Road, --FW: Document Management Services (GENERATING)

33 Dear Counsel,

34 I would like to request a brief extension in which to file my reply to your responses. Our case management system is not generating documents at this time. See the emails below. At this time, we don't know when it will be fixed. As my secretary will be gone on medical leave Thursday and Friday, I would like to request an extension until next Tuesday, July 12.

35 Thank you,
36 Kristin

DA#01981

1 **From:** Karen Cracraft

2 **Sent:** Tuesday, July 05, 2011 11:15 AM

3 **To:** Chad Thompson; David Buchler; Jennifer Spencer; Kristin McQueary; Mark Mills; Mark Torvinen; Robert
4 Lowe; Tyler Ingram; Darla Malotte; Georgeann Dalton; Georgia Jordan; JoAnne Lickly; Judith Dewitt; Julie
5 Algerio; Kurri Darby; Liz Watson; Lorena Romero; Mercedes Woster; Tanya Yell

6 **Subject:** FW: Document Management Services (GENERATING)

7
8 FYI - Per Harry, we will NOT be generating until this is fixed. If you have
9 a form that you need copied into the DADATA/FORMS file to use, let me know
10 and I will do so. Also, I will put a copy of the subpoena shell and the disco
11 receipt in DADATA/FORMS for your immediate use. Please add in ticklers to
12 copy the work you do back into screen 12 of JALAN (or, in the case of the
13 attorneys, let your caseworker know). Please save your work in DADATA/DEF
14 (name it the DA number with a descriptive extension such as "12345.mtn" for a
15 motion in DA file number 12345 or "12345.dsc" for a disco receipt. .

16 *Karen Cracraft*

17 Administrative Caseworker

18 Elko County District Attorney's Office

19 kcracraft@elkocountynv.net

20 775-738-3101 x250

21 **From:** Harry Jackson

22 **Sent:** Tuesday, July 05, 2011 11:02 AM

23 **To:** Karen Cracraft

24 **Subject:** Document Management Services (GENERATING)

25
26 After upgrading the AS/400 to a newer version of Operating System – We are currently experiencing problems
27 starting the older version of Document Management Services for the DA's office. I have submitted a ticket to Sungard
28 Public Sector to see if there is an easy way to resolve the problem.

29
30 We're hoping that this is merely a permissions issue (there have been a few of those already) and not an
31 incompatibility between the DMS version and the Operating System. If the problem is the latter – we may be forced to
32 upgrade the DA's office to the current version of DMS in order to make it work. This would require a significant amount of
33 archived documents that would need to be converted to a newer version of Microsoft Word.

34
35 I requested a high level of urgency from Sungard in this matter as I know that this is a critical process for your
36 office.

37
38 Thanks,

39 Harry Berestful Jackson, Jr.

40 Director of Information Technology

41 Elko County

42 540 Court St.

43 Elko, NV 89801

44 E-Mail: hjackson@elkocountynv.net

45 Phone: 775-738-4038

46 Cell: 775-340-5557