

Attorney General's Office
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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

DAIANA AZPILCUETA, individually and on behalf
of CAL-NEVA TRANSPORT & TOW, INC., a
Nevada corporation,

Plaintiffs,

v.

THE STATE OF NEVADA, ex. rel.
TRANSPORTATION AUTHORITY, a division of
the Department of Business and Industry,
DEPARTMENT OF PUBLIC SAFETY, OFFICE
OF THE ATTORNEY GENERAL, and CITY OF
CARSON CITY, a municipality of the State of
Nevada; STEVEN SCHUETTE, in both his
professional and individual capacity; STEVE
ALBERTSEN, in both his professional and
individual capacity; CHARLES TOLOTTI, in both
his professional and individual capacity; DEAN
BUELL, in both his professional and individual
capacity; JOHN MCGLAMERY, in both his
professional and individual capacity; WILLIAM
PROWSE, in both his professional and individual
capacity; KEVIN MCCOY, in both his professional
and individual capacity; The PROGRESSIVE
CORPORATION dba PROGRESSIVE
CASUALTY INSURANCE COMPANY, an Ohio
corporation; GALE LUNDEENN, an individual;
MARCOS BRITO, an individual; and DOE
DEFENDANTS 1-50,

Defendants.

CASE NO. 3:09-cv-00593-LRH-VPC

**DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME PURSUANT
TO FRCP 6 TO FILE REPLY TO
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS (First Request)
AND ORDER**

1 Comes now, Defendants in this cause, THE STATE OF NEVADA, ex. rel.
2 TRANSPORTATION AUTHORITY, a division of the Department of Business and Industry,
3 DEPARTMENT OF PUBLIC SAFETY, OFFICE OF THE ATTORNEY GENERAL, CHARLES
4 TOLOTTI, in both his professional and individual capacity; DEAN BUELL, in both his
5 professional and individual capacity; JOHN MCGLAMERY, in both his professional and
6 individual capacity; WILLIAM PROWSE, in both his professional and individual capacity, and
7 DEAN BUELL, in both his professional and individual capacity; JOHN MCGLAMERY, in both
8 his professional and individual capacity; WILLIAM PROWSE, in both his professional and
9 individual capacity ("State Defendants") by and through their counsel, CATHERINE CORTEZ
10 MASTO, Attorney General of the State of Nevada, and BINU G. PALAL, Deputy Attorney
11 General pursuant to the Federal Rules of Civil Procedure 6(b)(1)(A) and Local Rule 6-1
12 hereby file this Motion for an Order for Extension of Time to File Defendants Reply in support
13 of its Motion to Dismiss.

14 Defendants request a one week extension to file its Reply. This is Defendants' first
15 request for enlargement. Defendants Reply, according to the Local Rules that were amended
16 on December 1, 2009, is due on December 11, 2009. Defendants seek to file its Reply one
17 week later on December 18, 2009. The need for the extension arises out of Defendants'
18 counsel, Binu G. Palal, falling ill and being unable to work for the better part of the last week.¹

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¹ See attached affidavit.

1 It is due to the illness of their counsel that Defendants' seek to enlarge the time to file
2 its reply; from December 11, 2009 to December 18, 2009.

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4 DATED this 11th day of December, 2009.

5 CATHERINE CORTEZ MASTO
6 Attorney General

7
8 By: 

9 BINU G. PALAL
10 Deputy Attorney General
11 Nevada Bar No. 10178
12 Office of the Attorney General
13 Public Safety Division
14 555 East Washington Avenue, #3900
15 Las Vegas, Nevada 89101
16 *Attorneys for Defendants,*
17 *State of Nevada, ex. rel. its Transportation*
18 *Authority; Department of Public Safety;*
19 *Office of the Attorney General;*
20 *Charles Tolotti; Dean Buell;*
21 *John McGlamery and William Prowse*

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25 IT IS SO ORDERED nunc pro tunc.

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28 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

DATED: December 23, 2009

AFFIDAVIT OF BINU G. PALAL

STATE OF NEVADA)
COUNTY OF CLARK) ss:

I, BINU G. PALAL, being first duly sworn under oath, depose and state as follows:

1. I am an attorney licensed to practice law in the State of Nevada; that I am qualified and admitted to practice before this Court; and that I am employed as a Deputy Attorney General in the Office of the Nevada Attorney General in the Public Safety Division, and pursuant to that employment I have been assigned to represent a number of Defendants in the matter entitled Azpicuella v. Nevada et al. in the United States District Court, District of Nevada, case number 09-cv-00593-LRH-VPC; and as such, have personal knowledge of the matters contained herein.

2. Defendants' Reply for their Motion to Dismiss is currently due to be filed with this Court on December 11, 2009

3. Defendants' counsel, Binu G. Palal, was unable to draft a reply due to illness.

4. This is Defendants first request to enlarge time in this matter before this Court.

5. Affiant therefore requests a seven (7) day enlargement of time, up to and including, December 18, 2009, to file a Reply in its Motion to Dismiss.

6. Affiant's request is made in good faith and not for the purposes of delay.

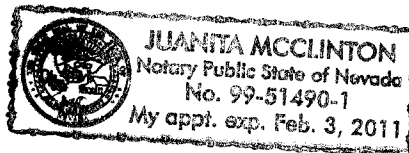
FURTHER YOUR AFFIANT SAYETH NAUGHT.

[Handwritten Signature]
BINU G. PALAL

SUBSCRIBED and SWORN to before me this 11th day of December, 2009.

[Handwritten Signature]

NOTARY PUBLIC in and for said County and State



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