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 2 District of Nevada  
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7 *Attorneys for Defendant*

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

11  
 12 MICHAEL J. WELLS,  
 13 Plaintiff,

14 v.

15 ISABELLA GUZMAN, in her official  
 capacity as the Administrator of the U.S.  
 16 SMALL BUSINESS  
 ADMINISTRATION, DOES 1-10; ROE  
 17 CORPORATIONS I through X,  
 18 Defendants.

Case No. 3:19-cv-00407-MMD-CLB

**DEFENDANT’S MOTION FOR  
 EXTENSION TO FILE RESPONSE TO  
 AMENDED COMPLAINT**

**(First Request)**

19  
 20 Defendant Isabella Guzman (“Defendant”) hereby moves for a 45-day extension,  
 21 until February 3, 2022, to file a response to Plaintiff’s amended complaint (ECF No. 43).  
 22 This motion is supported by Federal Rule of Civil Procedure 6(b)(1)(A) and Local Rule IA  
 23 6-1.

24 **BACKGROUND**

25 Plaintiff Michael J. Wells (“Plaintiff”) brought this action relating to a contractual  
 26 dispute involving the United States Small Business Administration. (ECF No. 1). On  
 27 February 1, 2021, Defendant moved to dismiss Plaintiff’s complaint, or alternatively, for  
 28 summary judgment in the case. (ECF No. 33). On September 28, 2021, the Court granted

1 Plaintiff leave to file an amended complaint. (ECF No. 42). Plaintiff filed that amended  
2 complaint on October 19, 2021, asserting six claims: breach of contract; breach of the  
3 implied covenant of good faith and fair dealing; equitable subrogation; procedural due  
4 process; declaratory relief/judgment; and injunctive relief. (ECF No. 43). Defendant's  
5 response to Plaintiff's amended complaint is due on December 20, 2021.

#### 6 **ARGUMENT**

7 For several reasons, a 45-day extension to file Defendant's response to Plaintiff's  
8 amended complaint is warranted. First, the parties are attempting to settle the case, but  
9 attorneys who are required to authorize any settlement are out of the office for the holidays.  
10 (Vance Decl. ¶ 3). Second, defense counsel's office recently lost a number of attorneys and  
11 staff. As a result, defense counsel is handling a higher-than-normal caseload. (*Id.*). Third,  
12 Plaintiff's amended complaint presents unique and novel issues that require considerable  
13 research and investigation to meaningfully evaluate. (*Id.*). Fourth, only a limited number of  
14 attorneys and support staff may work in defense counsel's office at any given time due to  
15 the pandemic, thereby slowing the time it takes to process and complete required tasks. (*Id.*).  
16 Fifth, defense counsel faces multiple filing deadlines in several cases before both the district  
17 court and Ninth Circuit. (*Id.*). Lastly, defense counsel's office continues to be inundated  
18 with a higher-than-normal number of immigration cases. (*Id.*). The deadlines in those cases  
19 are shortened and require prompt action which inhibits defense counsel's ability to focus on  
20 her regularly-assigned duties. (*Id.*). Under the circumstances, good cause exists for an  
21 extension to allow Defendant a meaningful opportunity to review Plaintiff's amended  
22 complaint and file a response *See* Fed. R. Civ. P. 6(b)(1)(A) ("When an act may or must be  
23 done within a specified time, the court may, *for good cause*, extend the time...with or without  
24 motion or notice if the court acts, or if a request is made, before the original time or its  
25 extension expires[.]") (emphasis added).

26 This is Defendant's first extension request. *See* LR IA 6-1 (must advise of previous  
27 extension requests). Defense counsel called Plaintiff's counsel to get his position on this  
28 extension request, but he is out of the office this entire week. (Vance Decl. ¶ 4). However,

1 defense counsel and Plaintiff's counsel have always stipulated to their respective extension  
2 requests in the past. (*Id.*)

3 **CONCLUSION**

4 For the reasons argued above, Defendant respectfully requests that the deadline to  
5 file her response to Plaintiff's amended complaint be extended by 45 days—until February  
6 3, 2022.

7 DATED: December 20, 2021

Respectfully submitted,

8 CHRISTOPHER CHIOU  
9 Acting United States Attorney

10 s/ Holly A. Vance  
11 HOLLY A. VANCE  
12 Assistant U.S. Attorney

13  
14 IT IS SO ORDERED.

15 Dated: December 20, 2021

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18 UNITED STATES MAGISTRATE JUDGE  
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7 *Attorneys for Isabella Casillas Guzman*  
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10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12	MICHAEL J. WELLS,	)	Case No. 3:19-cv-00407-MMD-CLB
		)	
13	Plaintiff,	)	
		)	
14	v.	)	<b>DECLARATION OF HOLLY A.</b>
		)	<b>VANCE IN SUPPORT OF MOTION</b>
15	ISABELLA CASILLAS GUZMAN, in her	)	<b>FOR EXTENSION OF TIME</b>
	official capacity as the Administrator of the	)	
16	U.S. SMALL BUSINESS	)	
	ADMINISTRATION, <i>et al.</i> ,	)	
17		)	
	Defendants.	)	
18		)	

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

20 1. I serve as an Assistant United States Attorney with the United States  
21 Department of Justice, United States Attorney's Office in Reno, Nevada. I have served in  
22 that capacity since October 20, 2008.

23 2. I have been assigned to defend the lawsuit entitled *Wells v. Guzman*, 3:19-cv-  
24 00407-MMD-CLB. I provide this declaration in support of Defendant's motion for  
25 extension to respond to Plaintiff's amended complaint (ECF No. 43).

26 3. For several reasons, a 45-day extension to file Defendant's response to  
27 Plaintiff's amended complaint is warranted. First, the parties are attempting to settle the  
28 case, but attorneys who are required to authorize any settlement are out of the office for the

1 holidays. Second, defense counsel's office recently lost a number of attorneys and staff. As  
2 a result, defense counsel is handling a higher-than-normal caseload. Third, Plaintiff's  
3 amended complaint presents unique and novel issues that require considerable research and  
4 investigation to meaningfully evaluate. Fourth, only a limited number of attorneys and  
5 support staff may work in defense counsel's office at any given time due to the pandemic,  
6 thereby slowing the time it takes to process and complete required tasks. Fifth, defense  
7 counsel faces multiple filing deadlines in several cases before both the district court and  
8 Ninth Circuit. Lastly, defense counsel's office continues to be inundated with a higher-than-  
9 normal number of immigration cases. The deadlines in those cases are shortened and require  
10 prompt action which inhibits defense counsel's ability to focus on her regularly-assigned  
11 duties.

12 4. Defense counsel called Plaintiff's counsel to get his position on this  
13 extension request, but he is out of the office this entire week. However, defense counsel  
14 and Plaintiff's counsel have always stipulated to their respective extension requests in the  
15 past.

16 I declare under penalty of perjury that the foregoing is true and correct based on my  
17 personal knowledge.

18 Executed this 20th day of December, 2021 in Reno, Nevada.

19  
20 /s/ Holly A. Vance  
21 HOLLY A. VANCE  
22 Assistant United States Attorney  
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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MICHAEL J. WELLS,  
Plaintiff,

v.

ISABELLA GUZMAN, in her official  
capacity as the Administrator of the U.S.  
SMALL BUSINESS  
ADMINISTRATION, DOES 1-10; ROE  
CORPORATIONS I through X,  
Defendants.

Case No. 3:19-cv-00407-MMD-CLB

**[PROPOSED] ORDER GRANTING  
DEFENDANT’S MOTION FOR  
EXTENSION TO FILE RESPONSE TO  
AMENDED COMPLAINT**

IT IS HEREBY ORDERED that Defendant Isabella Guzman shall have a 45-day extension, up to and until February 3, 2022, to file a response to Plaintiff’s amended complaint (ECF No. 43).

DATED: \_\_\_\_\_, 2021

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE