

MARQUIS AURBACH COFFING

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

10 PROTECT OUR GIRLS,
a Committee for Political Action (PAC),
11 Advocating Passage, *et al.*,

12 Plaintiffs,

13 vs.

14 BARBARA CEGAVSKE,
in her official capacity as Nevada
15 Secretary of State, *et al.*,

16 Defendants.

Case No. 3:20-cv-00515-MMD-WGC

**ORDER GRANTING RURAL
COUNTY DEFENDANTS' MOTION
FOR EXTENSION OF TIME IN
WHICH TO FILE A RESPONSIVE
PLEADING TO PLAINTIFFS'
COMPLAINT
(ECF NO. 1)**

FIRST REQUEST

17 Defendants Elko County Clerk Kristina Jakeman, Lander County Clerk Sadie
18 Sullivan, Pershing County Clerk-Treasurer Lacey Donaldson, Storey County Clerk Vanessa
19 Stevens, White Pine County Clerk Nichole Baldwin, Nye County Clerk, Sandra Merlino,
20 Humboldt County Clerk Tammie Rae Spero, Douglas County Clerk-Treasurer Kathy Lewis,
21 Churchill County Clerk-Treasurer Linda Rothery, Esmeralda County Clerk-Treasurer
22 Lacinda Elgan, Lincoln County Clerk Lisa C. Lloyd, Eureka County Clerk Lisa Hoehna,
23 Mineral County Clerk-Treasurer Christopher Nepper, Lyon County Clerk-Treasurer Nikki
24 Bryan (collectively the "Rural County Defendants"), by and through their attorneys of
25 record, the law firm of Marquis Aurbach Coffing, hereby move the Court, pursuant to Rule
26 6(b) of the Federal Rules of Civil Procedure (FRCP), and Local Rule IA 6-1 (LR 6-1), for an
27 order extending their time in which to file a responsive pleading to Plaintiffs' Complaint,
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1 hereinafter “Complaint” (ECF No. 1). This is the Rural County Defendants’ first request for
2 an extension of any filing deadline in this case. The Rural County Defendants request that
3 their time for filing a responsive pleading in this case be extended until November 2, 2020,
4 and, therefore, placing the deadline consistent with that of another aligned Defendant – the
5 Nevada Secretary of State. *See* ECF No. 14. This request is based upon the following points
6 and authorities and all pleadings and papers on file herein.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 FRCP 6(b) states: “When an act may or must be done within a specified time, the
9 court may, for good cause, extend the time . . . with or without motion or notice if the
10 court acts, or if a request is made, before the original time or its extension expires.” On the
11 Rural County Defendants’ behalf, the undersigned accepted service of the Complaint on
12 September 24, 2020. Pursuant to NRCP 12(a), the Rural County Defendants are to file a
13 responsive pleading today.

14 On October 7, 2020, the Rural County Defendants joined a motion (ECF No. 10)
15 in which Defendants requested approval of a proposed consent decree similar to the one
16 that was approved in *Fair Maps Nevada v. Cegavske*, Case No. 3:20-cv-00271-MMD-
17 WGC (D. Nev. Filed May 6, 2020). However, by order dated October 9, 2020 (ECF No.
18 12), this Court dismissed the joint motion without prejudice and directed the parties “to
19 file either a joint brief, or separate briefs, addressing the . . . questions of whether
20 Plaintiffs have standing to prosecute this case, and whether the Court would have
21 jurisdiction to approve a revised consent decree” (*Id.* at 2:19-21). In light of the Court’s
22 order, the Rural County Defendants intend to evaluate the question of standing in light of
23 any facts that Plaintiffs may produce in connection with a forthcoming motion for
24 preliminary injunction. Additionally, given the strong likelihood that such a motion for
25 preliminary injunction will be contested by the Proposed Intervenor-Defendants, the Rural
26 County Defendants intend to reevaluate whether renewing the joint motion and proposed
27 consent decree is the most expeditious method of disposing of this case.

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1 Due to the change in circumstances, the Rural County Defendants desire additional
2 time in which to draft a responsive pleading. Such a responsive pleading may be
3 consolidated with the Rural County Defendants' response to Plaintiffs' forthcoming motion
4 for preliminary injunction which is anticipated to be briefed and decided on an emergency
5 basis. The Rural County Defendants will not object to an expedited briefing and hearing
6 schedule, provided that Defendants are afforded no fewer than seven (7) days in which to
7 respond to a motion for preliminary injunction.

8 The Rural County Defendants respectfully submit that the change in circumstances,
9 as discussed above, amounts to good cause for an extension of the 21-day period in which to
10 file a responsive pleading. As noted above, this is the Rural County Defendants' first request
11 for an extension of any filing deadline in this case. The Rural County Defendants request
12 that the time for filing a responsive pleading in this case be extended until November 2,
13 2020. It is anticipated that the requested extension, if granted, will provide adequate time in
14 which to align the Rural County Defendants' responsive pleading with a response to
15 Plaintiffs' anticipated motion for preliminary injunction.

16 Dated this 15th day of October, 2020.

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19 By /s/ Brian R. Hardy, Esq.
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26 Attorney(s) for Rural County Defendants
27
28

ORDER

IT IS SO ORDERED.

DATED: October 16, 2020.

William G. Cobb

U.S. MAGISTRATE JUDGE

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