

1 Joseph J. Sperber IV  
2 NY State Bar No. 2662526  
3 United States Department of Justice  
4 Civil Rights Division  
5 Employment Litigation Section  
6 950 Pennsylvania Avenue, N.W.  
7 Washington, D.C. 20530  
8 Telephone (202) 598-9249  
9 Facsimile (202) 514-1005  
10 Email joseph.sperber@usdoj.gov

11 Attorney for the United States

12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,  
15  
16 Plaintiff,  
17  
18 v.  
19 STATE OF NEVADA, *et al.*  
20  
21 Defendants.

CASE No. 3:24-cv-00026-MMD-CLB

UNITED STATES' CONSENT MOTION  
FOR EXTENSION OF TIME FOR  
BRIEFING ON MOTIONS TO DISMISS

22 1. On January 17, 2024, Plaintiff, the United States of America ("United States"),  
23 filed a complaint (Doc. 1) in this action to enforce the provisions of the Uniformed Services  
24 Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301 et seq. ("USERRA").

25 2. The complaint alleges that Defendants, the State of Nevada ("Nevada"), the  
26 Office of the Attorney General of the State of Nevada ("Nevada AG") and the Public  
Employees' Retirement System of the Nevada ("NVPERS") (collectively, "Defendants"),  
violated 38 U.S.C. § 4318 of USERRA by denying Nevada state employee Charles Lehman, and  
other similarly-situated employees, proper pension benefits upon their reemployment after  
military service.

3. On March 19, 2024, Defendants filed Motions to Dismiss Plaintiff's Complaint  
for failure to state a claim upon which relief can be granted. Docs. 20 (Defendant NVPERS

1 Motion) and 25 (Defendants’ Nevada and Nevada AG Motion).

2 4. Currently, the United States’ responses to the pending Motions to Dismiss are due  
3 April 2, 2024, and Defendants’ replies are due April 9, 2024.

4 5. Counsel for each of the parties have discussed the timing of briefing for the  
5 pending Motions to Dismiss.

6 6. The extension of deadlines is requested so that complex issues raised by Motions  
7 to Dismiss may be properly and fully addressed.

8 7. All Defendants, through counsel, have consented to the United States’ Motion for  
9 Extension of Time for briefing on the Motions to Dismiss.

10 8. The United States, with the consent of Defendants, respectfully requests that the  
11 Court extend the deadlines for the United States’ briefing in response to Defendants’ Motions to  
12 Dismiss and the Defendants’ replies to the United States’ responses.

13 9. This is the first motion for an extension of the briefing deadlines with respect to  
14 the Motions to Dismiss.

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20 TO COMPLY WITH LR IA 6-2.

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1           10.    The United States respectfully requests that the Court order the United States’  
2 responses to the Motions to Dismiss be due on April 23, 2024.

3           11.    The United States respectfully requests that the Court order the Defendants’ reply  
4 briefs be due on May 10, 2024.

5                     Respectfully submitted this 26th day of March 2024.

6   /s/    Joseph J. Sperber IV  
7   JOSEPH J. SPERBER IV  
8   Trial Attorney  
9   United States Department of Justice  
10   Civil Rights Division  
11   Employment Litigation Section

*Attorney for the United States*

11   **IT IS SO ORDERED:**



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13   **UNITED STATES DISTRICT JUDGE**

14   **DATED:**     March 26, 2024

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**CERTIFICATE OF SERVICE**

I certify that on the 26th day of March 2024, I used the Court’s electronic filing system to file a true and correct copy of the foregoing, which will send notification of such filing to the following attorneys of record:

For Defendant the Public Employees’ Retirement System of Nevada

Ian E. Carr  
Nevada Attorney General  
100 North Carson Street  
Carson City, NV 89701

Samuel I. Levin  
David N. Levine  
Groom Law Group  
Suite 1200  
1701 Pennsylvania Avenue, N.W.  
Washington, DC 20006

For Defendants the State of Nevada and the Office of the Attorney General of Nevada

Iva K. Todorova  
Marni Rubin Watkins  
Navada Attorney General  
Suite 3900  
555 East Washington Avenue  
Las Vegas, NV 89101

Dated: March 26, 2024, in Washington, D.C.

/s/ Joseph J. Sperber IV  
JOSEPH J. SPERBER IV  
Attorney for Plaintiff  
The United States of America