

1 JASON M. FRIERSON
2 United States Attorney
3 District of Nevada
4 Nevada Bar No. 7709
5 HOLLY A. VANCE
6 Assistant United States Attorney
7 400 South Virginia Street, Suite 900
8 Reno, Nevada 89501
9 Telephone: 775-784-5438
10 holly.a.vance@usdoj.gov

11 *Attorneys for United States of America*

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

14 DENNIS MONTGOMERY, *et al.*
15 Plaintiffs,
16 v.
17 ETREPPID TECHNOLOGIES, L.L.C., *et al.*,
18 Defendants.

19 Case No. 3:06-cv-00056-MMD-CSD
20 And
21 No. 3:06-cv-145-MMD-VPC

22 **United States' Motion for Extension of
23 Time
24 (First Request)**

25 The United States of America, in its capacity as a prior defendant in this litigation through
26 the U.S. Department of Defense and as an interested party in regard to the protective order entered
27 at ECF No. 253, hereby requests a 30-day extension of time, until October 6, 2022, in which to
28 respond to the motion to intervene and to lift protective order, ECF No. 1216, filed by non-party
Michael J. Lindell. Under the Court's local rules, the response to that motion is currently due
September 6, 2022.

An extension is warranted for at least two reasons. First, current counsel for the United
States was only recently assigned to handle this matter and requires additional time to become
familiarized with the issues. Second, it appears that the United States has had no involvement
in this case for over a decade. Accordingly, additional time is necessary for relevant officials
to become familiarized with the issues implicated by Mr. Lindell's motion. Under the

1 circumstances, good cause exists to extend the deadline for the United States to file its response
2 to the motion to intervene and to lift the protective order. *See* Fed. R. Civ. P. 6(b)(1)(A) (“When
3 an act may or must be done within a specified time, the court may, *for good cause*, extend the
4 time...with or without motion or notice if the court acts, or if a request is made, before the
5 original time or its extension expires[.]”) (emphasis added).

6 This is the United States’ first request for an extension of time. *See* LR IA 6-1(a) (must
7 advise of previous extensions). This motion is made in good faith and not for the purpose of
8 undue delay.

9 Respectfully submitted this 1st day of September, 2022.

10 JASON M. FRIERSON
11 United States Attorney

12 *s/ Holly A. Vance*
13 HOLLY A. VANCE
Attorney for the United States

CERTIFICATE OF SERVICE

I, the undersigned, am a citizen of the United States and ma at least eighteen years of age. My business address is 400 S. Virginia Street, Suite 900, Reno, Nevada 89501. I am not a party to the above-entitled action. On the date set forth below, I caused service of **United States’ Motion for Extension of Time** through the Court’s electronic filing and notice system (CM/ECF), and by sending a copy of same via ECF notice upon:

Edmond “Buddy” Miller, Esq.
Bar No. 3116
STEPTOE & JOHNSON LLP
1610 Montclair Avenue, Suite
C Reno, NV 89509
bmiller@buddyrnillerlaw.com

*Attorney for ETREPPID TECHNOLOGIES,
L.L.C. and WARREN TREPP*

Dennis L. Kennedy, Esq.
Bailey Kennedy
8984 Spanish Ridge Avenue Las
Vegas, Nevada 89148-1302
dkennedv@baileykennedv.com

J. Stephen Peek, Esq.
HOLLAND & HART LLP
5441 Kietzke Lane, Second Floor
Reno, NV 89511
speek@hollandhart.com

Raphael O. Gomez, Esq.
Senior Trial Counsel Federal
Programs Branch Civil
Division – Room 6144
U.S. Department of Justice 20
Massachusetts Ave., N.W.
P.O. Box 883
Washington, DC 20044
Raphael.Gomez@usdoj.gov

Reid H. Weingarten, Esq.
Brian M. Heberlig, Esq.
Robert A. Ayers, Esq.
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036-1795
rweingarten@steptoe.com
bheberlig@steptoe.com rayers@steptoe.com

Carlotta P. Wells, Esq. Senior Trial
Counsel Federal Programs Branch
Civil Division – Room 7150
U.S. Department of Justice 20
Massachusetts Ave., NW
P.O. Box 883
Washington, DC 20044
Carlotta.Wells@usdoj.gov

Roland Tellis, Esq. Marshall B.
Grossman, Esq. Bingham McCutchen
LLP The Water Garden
1620 26th Street, 4th Floor, North
Tower Santa Monica, CA 90404
rolland.tellis@bingham.com
marshall.grossman@bingham.com

1 Robert E. Rohde, Esq.
2 Gregory G. Schwartz, Esq.
3 Rohde & Van Kampen
4 1001 Fourth Avenue, Suite 4050
5 Seattle, Washington 98154
6 brohde@rohdelaw.com
7 gschwartz@rohdelaw.com

8 Amanda J. Cowley, Esq.
9 Bradley Scott Schrager, Esq.
10 Gary R. Goodheart, Esq.
11 Jones Vargas
12 3773 Howard Hughes Parkway
13 Third Floor South
14 Las Vegas, Nevada 89169
15 acowley@jonesvargas.com
16 bschrager@jonesvargas.com
17 grg@jonesvargas.com

18 Michael James Flynn, Esq.
19 Flynn & Stillman
20 P.O. Box 690
21 Rancho Santa Fe, CA
22 mjffb@msn.com

23 Ellyn S. Garofalo, Esq.
24 Liner Yankelevitz Sunshine &
25 Regenstreif LLP
26 1100 Glendon Avenue
27 Los Angeles, California 90024-3503
28 egarofalo@linerlaw.com

Timothy Ryan O'Reilly, Esq.
O'Reilly Law Group
325 S. Maryland Parkway Las
Vegas, Nevada 89101
tor@oreillylawgroup.com

Ronald J. Logar, Esq.
Law Office of Logar & Pulver, PC
225 S. Arlington Avenue, Suite A
Reno, Nevada 89501
Zachary@logarpulver.com

Bridget Robb Peck, Esq.
Lewis and Roca, LLP
50 W. Liberty Street, Suite 410
Reno, Nevada 89501
bpeck@lrlaw.com

Debbie Leonard, Esq.
Leigh T. Goddard, Esq.
John J. Frankovich, Esq.
McDonald Carano Wilson LLP
P.O. Box 2670
Reno, Nevada 89505-2670
dleonard@mcdonaldcarano.com
lgoddard@mcdonaldcarano.com
jfrankovich@mcdonaldcarano.com

Thomas H. Casey, Esq.
The Law Office of Thomas H. Casey,
Inc.
22342 Avenida Empresa, Suite 260
Rancho Santa Margarita, California
92688
msilva@tomcaseylaw.com

1 and by US Mail on:
2

3 The Montgomery Family Trust
4 6 Toscana Way W.
5 Rancho Mirage, CA 92770

Blxware LLC
600 106th Avenue NE, Suite 210
Bellevue, WA 98004-5045

6 Offspring LLC
7 600 106th Avenue NE, Suite 210
8 Bellevue, WA 98004-5045

Dennis Montgomery
6 Toscana Way W.
Rancho Mirage, CA 92770

9
10
11 I declare under penalty of perjury that the foregoing is true and correct.

12 Dated this 1st day of September, 2022.

13 *s/ Holly A. Vance*

14 _____
Holly A. Vance
15
16
17
18
19
20
21
22
23
24
25
26
27
28