

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

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3  
4 DIPAK KANTILAL DESAI,  
5         Petitioner,

) Case No. 61230

Electronically Filed  
Sep 14 2012 09:11 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

6 vs.  
7 THE EIGHTH JUDICIAL DISTRICT  
8 COURT OF THE STATE OF  
9 NEVADA, IN AND FOR THE  
10 COUNTY OF CLARK; AND THE  
11 HONORABLE VALERIE ADAIR,  
12 DISTRICT JUDGE,

) Respondents,

) and

12 THE STATE OF NEVADA,  
13 Real Party in Interest.

14 **MOTION FOR EXTENSION TIME**  
15 **Second Request**

16 COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark  
17 County District Attorney, through his Deputy, RYAN J. MACDONALD, and  
18 moves this Court for an enlargement of time of seven (7) days from September 14,  
19 2012, making said answer due September 21, 2012. This motion is based on the  
20 following memorandum and all papers and pleadings on file herein.

21 Dated this 14<sup>th</sup> day of September, 2012.

22 Respectfully submitted,

23 STEVEN B. WOLFSON  
24 Clark County District Attorney  
25 Nevada Bar # 001565

26 BY /s/ Ryan J. MacDonald

27 RYAN J. MACDONALD  
28 Deputy District Attorney  
Nevada Bar #012615  
Office of the Clark County District Attorney

1 **MEMORANDUM**

2 I, RYAN J. MACDONALD, am the supervising attorney in the above-  
3 captioned case. This Court may extend the time to file an Answer to Petition for  
4 Writ of Mandamus or Prohibition upon a showing of good cause. NRAP 26(b)(1).

5 The State’s Answer on the instant matter is currently due on September 14,  
6 2012. This petition challenges the sufficiency of a 40-page indictment in a  
7 complex, important, and constantly-evolving case. Despite this, Petitioner asserts  
8 that this Court need not consider any of the grand jury proceedings below when  
9 assessing whether extraordinary intervention this matter is warranted. The State  
10 strongly disagrees and asserts that the appendix Petitioner has submitted is  
11 woefully insufficient. Accordingly, the State was compelled to assemble and  
12 review a Respondent’s Appendix that consists of approximately 2,600 pages of  
13 complicated grand jury testimony.

14 Due to the above-described circumstances, the State submits that good cause  
15 exists to extend the filing due date and respectfully requests this Court’s  
16 permission for an extension of time of SEVEN (7) days to file its Answer to  
17 Petition for Writ of Mandamus or Prohibition, making the Answer due to be filed  
18 on or before September 21, 2012. This motion is made in good faith and not for  
19 purposes of undue delay.

20 I declare under penalty of perjury the factual representations set forth in the  
21 foregoing memorandum are true and correct.

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24 ///

25 ///

26 ///

27 ///

1 Dated this 14<sup>th</sup> day of September, 2012.

2 Respectfully submitted,

3 STEVEN B. WOLFSON  
4 Clark County District Attorney  
5 Nevada Bar # 001565

6 BY */s/ Ryan J. MacDonald*

7 RYAN J. MACDONALD  
8 Deputy District Attorney  
9 Nevada Bar #012615  
10 Office of the Clark County District Attorney  
11 200 Lewis Avenue  
12 Post Office Box 552212  
13 Las Vegas, Nevada 89155-2212  
14 (702) 671-2750

1 **CERTIFICATE OF SERVICE**

2 I hereby certify and affirm that this document was filed electronically with  
3 the Nevada Supreme Court on 14<sup>th</sup> day of September, 2012. Electronic Service of  
4 the foregoing document shall be made in accordance with the Master Service List  
5 as follows:

6  
7 CATHERINE CORTEZ MASTO  
Nevada Attorney General

8 RICHARD A. WRIGHT, ESQ.  
9 Counsel for Petitioner

10 MARGARET M. STANISH, ESQ.  
11 Counsel for Petitioner

12 RYAN J. MACDONALD  
Deputy District Attorney

13  
14  
15 BY /s/ jennifer garcia  
16 Employee, District Attorney's Office

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21  
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23 RJM/jg