

ORIGINAL

IN THE SUPREME COURT OF  
THE STATE OF NEVADA

STATE OF NEVADA, DEPARTMENT  
OF MOTOR VEHICLES,

Appellant.

vs.

WILLIAM JUNGE,

Respondent.

CASE NO. 49350  
(8<sup>th</sup> JD No. A529007)

**FILED**

NOV 13 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

**APPELLANT'S SECOND MOTION TO EXTEND TIME TO FILE RESPONSE BRIEF  
TO ACLU'S AMICUS BRIEF**

Comes now, the State of Nevada, Department of Motor Vehicles (hereinafter, "the Department"), by and through its legal counsel, Attorney General CATHERINE CORTEZ MASTO, by Senior Deputy Attorney General CAROLYN L. WATERS, and hereby submits this second Motion to Extend Time to File a Response Brief to the Amicus Curiae of the American Civil Liberties Union ("ACLU"). The Nevada Supreme Court invited the ACLU to file an Amicus Curiae in this case, which the ACLU did on or about September 19, 2008. Since there are issues that have never been raised by Appellee Junge, but were addressed by the ACLU, the Appellant DMV had requested additional time to file a response. That request was granted by this Court. Since that time, one of the deputies handling work for the Department of Motor Vehicles has left the Attorney General's Office, leaving incoming work to be handled by the remaining two full-time deputies and the undersigned, a half-time deputy. This motion is

////

////

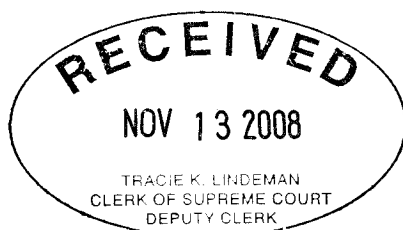
////

////

////

////

////



1 based upon the attached affidavit and is the second enlargement of time sought by Appellant  
2 DMV in this matter. This motion is made in good faith and not for an improper purpose or  
3 delay.

4 DATED this 12<sup>th</sup> day of November, 2008.

5 CATHERINE CORTEZ MASTO  
6 Attorney General

7 By: 

8 CAROLYN L. WATERS  
9 Senior Deputy Attorney General  
10 Nevada Bar No. 5824  
11 555 E. Washington Ave. #3900  
12 Las Vegas, Nevada 89101  
13 Attorneys for Appellant

14 **AFFIDAVIT OF CAROLYN L. WATERS IN SUPPORT OF DMV'S**  
15 **MOTION TO EXTEND TIME TO FILE RESPONSE BRIEF**

16 STATE OF NEVADA )  
17 )  
18 ) ss  
19 COUNTY OF CLARK )

20 CAROLYN L. WATERS, being first duly sworn, deposes and says that:

- 21 1. I am an attorney licensed to practice law in the State of Nevada; that I am qualified and  
22 admitted to practice before this Court; and that I am employed as a part-time senior  
23 deputy attorney general in the Office of the Nevada Attorney General.
- 24 2. I am representing the Department of Motor Vehicles in the case of *State of Nevada,*  
25 *Department of Motor Vehicles v. Junge*, Case No. 49350, and I have personal  
26 knowledge of the matters contained herein. I make this Affidavit in support of the  
27 Department's second "Motion to Extend Time to File Response Brief."
- 28 3. Appellant DMV filed this appeal when the Eighth Judicial District Court reversed the  
decision of an Administrative Law Judge's decision affirming the Department's denial

of a personalized license plate.

4. On August 28, 2007, Appellant DMV served its Opening Brief. Appellee Junge has never filed any response or answering brief.
5. The Nevada Supreme Court invited the ACLU to file an Amicus Curiae brief, and the DMV served the ACLU with the Appellant's Appendix, Appellant's Opening Brief and Transcript of Proceedings on or about July 11, 2008.
6. The ACLU served its brief and asked for a one-day extension to do so on or about September 19, 2008. The brief addresses issues that are new to this appeal, since Junge has never participated in this appeal to the Nevada Supreme Court. Appellant DMV requested an additional thirty (30) days, within which to file a response. That request was granted by the Court.
7. Since the time the Court granted the motion, one of the DMV deputies has left employment with the Attorney General's Office and that deputy position remains open and not filled. The remaining two full-time attorneys and I (a half-time deputy) are handling the remaining work from that departure and all incoming work for the DMV in southern Nevada.
8. Counsel for the ACLU did not object to the first continuance and Respondent Junge has never filed any pleadings in this appeal since its inception. The ACLU is not a party to the action, but simply provided an amicus.
9. This request is not for any improper purpose or delay, but rather to properly and fully respond to the issues which were of concern to the Nevada Supreme Court and which were addressed by the ACLU.

////

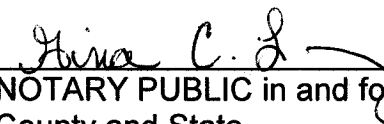
////

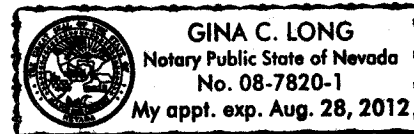
////

1 10. Due to the demands of current caseloads and absorbing the work from a deputy  
2 position that is open and not filled, the affiant requests an additional thirty (30) days to  
3 file an appropriate response.

4   
5 CAROLYN L. WATERS

6 SUBSCRIBED and SWORN to before  
7 me this 12<sup>th</sup> day of November, 2008.

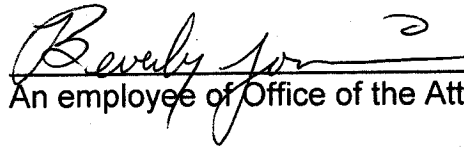
8   
9 NOTARY PUBLIC in and for said  
10 County and State



**CERTIFICATE OF MAILING**

I hereby certify that on the 12<sup>th</sup> day of November, 2008, I served the foregoing  
**APPELLANT'S SECOND MOTION TO EXTEND TIME TO FILE RESPONSE BRIEF TO  
ACLU'S AMICUS BRIEF** by causing to be delivered to the department of general services for  
mailing at Las Vegas, Nevada, a true copy thereof, addressed to:

ACLU of Nevada  
732 South Sixth Street, Suite 200A  
Las Vegas, Nevada 89101

  
An employee of Office of the Attorney General