

1                                    IN THE SUPREME COURT OF THE STATE OF NEVADA

2    MANUELA HERNANDEZ

3                                    Petitioner

4    vs.

5    EIGHTH JUDICIAL DISTRICT COURT  
6    JUDGE; THE HONORABLE ROBERT W.  
7    TEUTON, DISTRICT COURT JUDGE,

8    Respondents,

9    and

10   THE STATE OF NEVADA

11                                    Real Party in Interest.

Case No. 65939

District Court No. 14-13274-U1

Aug 07 2014 11:41 a.m.

Tracie K. Lindeman

Clerk of Supreme Court

12                                    **MOTION FOR EXTENSION OF TIME TO FILE ANSWER**

13                                    **STEVEN B. WOLFSON**

14                                    **DISTRICT ATTORNEY**

15                                    **Nevada Bar #001565**

16                                    **Jin Kim, Esq.**

17                                    Nevada Bar #9603

18                                    601 North Pecos Road

19                                    Las Vegas, Nevada 89101

20                                    (702) 455-5320

21                                    Counsel for Real Party in Interest

22                                    **ABIRA GRIGSBY**

23                                    **Nevada Bar #10308**

24                                    330 South Third Street, Ste. 800

25                                    Las Vegas, Nevada 89155

26                                    (702)455-6265

27                                    Counsel for Natural Mother

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**Petitioner**

**Case No. 65939**  
**District Court No. J-14-332774-U1**

## Respondents,

THE STATE OF NEVADA

**Real Party in Interest.**

**STEVEN B. WOLFSON**  
**DISTRICT ATTORNEY**  
**Nevada Bar #001565**

Nevada Bar #9603

## Counsel for Real Party in Interest

**Nevada Bar #10308**

Las Vegas, Nevada 89155

(702)455-6265

## Counsel for Natural Mother

This motion is made and based upon NRAP 27 and 31(a)(2), the Affidavit of Deputy District Attorney JIN KIM filed herewith, and the Points and Authorities

1 attached hereto.

2 **POINTS AND AUTHORITIES**

3 Pursuant to NRAP 26(b), this Court for good cause shown can enlarge the time  
4 prescribed by the Nevada Rules of Appellate Procedure for doing any act, or may  
5 permit an act to be done after the expiration of such time.

6 This Court filed the instant order on July 7, 2014, to file an Answer by the Real  
7 Parties in Interest within thirty days. The State erroneously calculated thirty days  
8 from the receipt of the electronic notice and thus filed an Answer on August 7, 2014,  
9 one (1) day late. The delay in filing was improper calculation of dates and not for the  
10 purpose of delay.

11 The State respectfully moves for an enlargement of time of one day within  
12 which to file an answer, up to and including August 7, 2014. The extension of time  
13 affords the State an opportunity to have the issues raised addressed on the merits  
14 rather than a default.

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1 **CONCLUSION**

2 Therefore, the undersigned respectfully requests that this Honorable Court grant  
3 an extension of one (1) day within which to file an answer, and that the time for filing  
4 of the answer be extended to August 7, 2014.

5 DATED this 7th day of August, 2014.

6 STEVEN B. WOLFSON  
7 Clark County District Attorney  
8 Nevada Bar No. 1565

9 By   
10 JIN KIM  
11 Nevada Bar No. 9603  
12 Deputy District Attorney  
13 Office of the Clark County District Attorney  
14 Juvenile Division  
15 601 N. Pecos Road  
16 Las Vegas, Nevada 89101  
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**AFFIDAVIT**

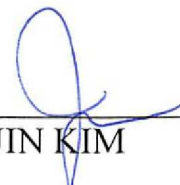
STATE OF NEVADA     )  
  )ss:  
COUNTY OF CLARK    )

I, JIN KIM, being first duly sworn deposes and says:

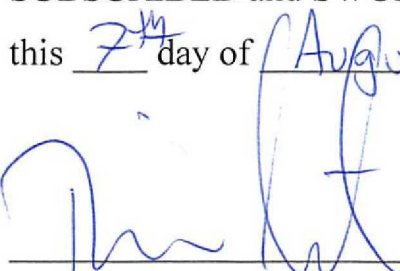
1. I am an attorney duly licensed to practice law in the State of Nevada. As a Deputy District Attorney, I am counsel for the Real Party in Interest in the above-entitled matter; I have personal knowledge of all matters contained herein and am competent to testify thereto.
2. The Real Party in Interest's answer was due in the Supreme Court on August 6, 2014.
3. Affiant received the Order directing the Real Party in Interest to file an answer via electronic notice on July 7, 2014.
4. Affiant miscalculated the thirty days from the receipt of the notice and filed an Answer in thirty one (31) days, on August 7, 2014.
5. Affiant is requesting a continuance of one (1) day to file the answer. This Motion is made in good faith and not for the purpose of delay.

Further Your Affiant Sayeth Naught.

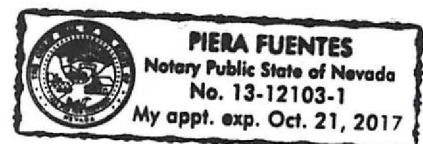
DATED this 7th day of August 2014.

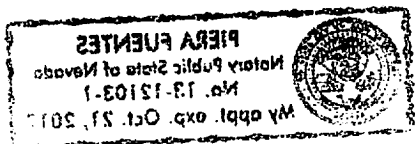
  
\_\_\_\_\_  
JIN KIM

SUBSCRIBED and SWORN to before me  
this 7<sup>th</sup> day of August, 2014.

  
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NOTARY PUBLIC in and for said  
County and State

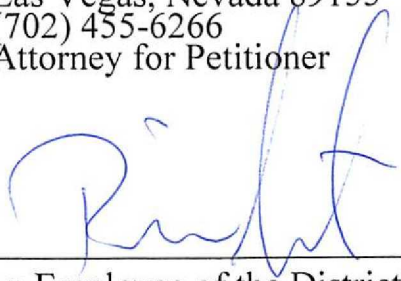




1 **CERTIFICATE OF MAILING**

2 I hereby certify and affirm that I mailed a copy of the foregoing STATE OF  
3 NEVADA'S, REAL PARTY IN INTEREST, ANSWER TO THE PETITIONER'S  
4 WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, WRIT OF PROHIBITION  
5 to the attorneys of record listed below on 7<sup>th</sup> day of August, 2014.

6  
7  
8 THE HONORABLE ROBERT DAVID SCHIECK  
9 TEUTON CLARK COUNTY NEVADA  
10 EIGHTH JUDICIAL DISTRICT SPECIAL PUBLIC DEFENDER  
11 COURT JUDGE Nevada Bar No. 0824  
12 601 North Pecos Road ABIRA GRIGSBY, ESQ.  
13 Las Vegas, Nevada Deputy Special Public Defender  
14 Real Party in Interest Nevada Bar No. 10308  
15 330 South Third Street, Suite 800  
16 Las Vegas, Nevada 89155  
17 (702) 455-6266  
18 Attorney for Petitioner

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An Employee of the District Attorney's  
Office