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10 Counsel for Defendant Dean Mostofi

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF NEVADA**
13 **SOUTHERN DIVISION**

15 RIGHTHAVEN, LLC,
16
17 Plaintiff,
18 v.
19 DEAN MOSTOFI,
20 Defendant.

Case Number 2:10-CV-1066-KJD-GWF

Hon. Kent J. Dawson

**MOTION FOR 14-DAY
ENLARGEMENT OF TIME IN
WHICH TO FILE MOTION FOR
ATTORNEYS FEES;
SUPPORTING MEMORANDUM
OF POINTS AND AUTHORITIES**

[First Request]

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MOTION

The final judgment of dismissal in this case was entered on July 13, 2011. Accordingly, pursuant to Rule 54-16 of this court, a motion for attorneys fees ordinarily would be due no later than 14 days thereafter, or July 27, 2011. Defendant moves for an extension of that deadline for an additional 14 days so that the motion must be filed no later than August 10, 2011.

MEMORANDUM OF POINTS AND AUTHORITIES

Facts

- 1. On July 13 2011, this court entered an order dismissing without prejudice, the above-captioned action.
- 2. Defendant, while proceeding pro se, paid for legal consulting, and seeks reimbursement for such expenses, as well as costs, pursuant to Fed. R. Civ. P. 54 and 17 U.S.C. § 505, as well as this Court's July 13 , 2011 Order.
- 3. Defendant has just retained Attorneys Willcox and DeWitt to represent him in this fee petition motion and the new case, very recently filed by Righthaven against Mr. Mostofi.

Applicable Legal Principles

Pursuant to Rule 6(b)(1), FED. R. CIV. PROC., this court has jurisdiction to extend time for good cause, so long as, according to Rule 6(b)(1)(A), the motion is filed before the expiration of the then-effective deadline, as this one is; and, according to Rule 6(b)(2), the deadline is one not established by cited portions of Rules 50, 52,

1 59 or 60, which this is not. Rather, a motion for attorneys fees is brought pursuant
2 to rule 54(d)((2).

3 Accordingly, the court has authority to extend time. *Walker v. Astrue*, 593 F.3d
4 274, 280 (3rd Cir.2010).

5 Good cause obviously exists. Counsel is now making its first appearance – not
6 adequate time to become familiar with the case.

7 The undersigned (Mr. Wilcox) has contacted opposing counsel (Shawn A.
8 Mangano, Esq), requesting his position. He responded, but has not taken a position
9 one way or another as of yet.

10 For the above reasons, the instant motion should be granted.

11 Dated: July 27, 2011.

Respectfully Submitted,

12 CLYDE DeWITT
13 LAW OFFICES OF CLYDE DeWITT, APC
14 THOMAS C. WILLCOX
15 ATTORNEY AT LAW

16 By: /s/ Clyde DeWitt
17 Clyde DeWitt

18 Counsel for Defendant Dean Mostofi

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