

1 Chad W. Miller  
 2 Ryan Gile  
 3 WEIDE & MILLER, LTD.  
 4 7251 W. Lake Mead Blvd., Suite 530  
 5 Las Vegas, NV 89128  
 6 Telephone: (702) 382-4804  
 7 Facsimile: (702) 382-4805  
 8 Email: [cmiller@weidemiller.com](mailto:cmiller@weidemiller.com)  
 9 [rgile@weidemiller.com](mailto:rgile@weidemiller.com)

7 Colin C. Holley (*pro hac vice*)  
 8 HAMPTON HOLLEY LLP  
 9 2101 East Coast Highway, Suite 100  
 10 Corona del Mar, California 92625  
 11 Telephone: (949) 718-4550  
 12 Facsimile: (949) 718-4580  
 13 Email: [cholley@hamptonholley.com](mailto:cholley@hamptonholley.com)

11 *Counsel for Plaintiff and Counter-Defendant,*  
 12 *JL Beverage Company, LLC*

13 Edward T. Colbert (*Admitted Pro Hac Vice*)  
 14 ANDREWS KURTH KENYON LLP  
 15 1350 I Street, N.W., Suite 1100  
 16 Washington, D.C. 20005  
 17 Telephone: (202) 662-3079  
 18 Facsimile: (202) 662-2739  
 19 Email: [edwardcolbert@andrewskurthkenyon.com](mailto:edwardcolbert@andrewskurthkenyon.com)

17 *Counsel for Defendants and Counter-Plaintiffs,*  
 18 *Beam Inc. and Jim Beam Brands Co.*

18 **ADDITIONAL COUNSEL LISTED ON SIGNATURE PAGE**

19 **UNITED STATES DISTRICT COURT**  
 20 **DISTRICT OF NEVADA**

21 JL BEVERAGE COMPANY, LLC,  
 22 a Nevada limited liability company,  
 23 *Plaintiff and Counter-Defendant,*  
 24 v.  
 25 BEAM INC., a Delaware corporation, and JIM  
 26 BEAM BRANDS CO., a Delaware corporation;  
 27 and DOES 1 through 10  
 28 *Defendant and Counter-Plaintiff*

Case No. 2:11-cv-00417-MMD-CWH

**CONSENT MOTION FOR  
 EXTENSION OF TIME  
 (First Request)**

1 Pursuant to Fed. R. Civ. Pro. 6(b), Defendants, Beam Inc. and Jim Beam Brands Co.,  
2 move the Court for an extension of time to file their reply brief to Plaintiff's Opposition to  
3 Defendants' Motion in Limine No. 1 (filed on 2/7/2018) until February 24, 2018. Defendants'  
4 counsel has conferred with Plaintiff's counsel and Plaintiffs have consented to the relief sought in  
5 this motion. This is Defendants' first request for an extension of time.

6 1. On January 5, 2018, Defendants filed their Motion in Limine No. 1 (D.I. 208). Pursuant  
7 to the joint schedule agreed to by the parties and approved by the Court, Plaintiff's opposition to  
8 this motion was due on January 19, 2018 (D.I. 199).

9 2. Plaintiff failed to timely file a response to Defendants' Motion in Limine No. 1 and on  
10 February 7, 2018 filed for a motion for extension of time (D.I. 221) which was granted (D.I. 222)  
11 accepting Plaintiff's opposition as of February 7, 2018.

12 3. Pursuant to LR 7-2(b), Defendants' reply to their Motion in Limine No. 1 would be due  
13 on February 14, 2018.

14 4. Due to preexisting conflicting obligations in other cases, Defendants will be unable to  
15 timely reply to Plaintiff's opposition. Defendants were supposed to file any replies to their  
16 motions in limine as of January 26, 2018 (D.I. 199). However, Plaintiff's belated filing of its  
17 opposition has caused the briefing schedule to overlap with deadlines from other cases.  
18 Specifically, Defendants' counsel had depositions out of state in another case the week of  
19 February 5 (*Heritage Capital Corp. et al. v. Christie's, Inc. et.al.*, JAMS No. 1310023168  
20 (2017)). In addition, Defendants have a reply brief to a summary judgment motion due in the  
21 Trademark Trial and Appeal Board in another case on February 18, 2018 (*Patron Spirits Int'l AG*  
22 *v. CB Spirits SARL*, No. 91224686 (TTAB)) that will consume the entire week of February 12 to  
23 prepare. Pursuant to 37 C.F.R. § 2.127(e)(1), that deadline is non-extendable.

24 5. As such, Defendants request a short extension of 10 days until February 24, 2018 to file  
25 their reply in support of Motion in Limine No. 1.

26 6. The short extension will not prejudice any party. The Court has rescheduled trial to  
27 commence on April 23, 2018, and the final pretrial conference has been reset to April 16, 2018.

28

1 See D.I. 219. As such, this short extension will not impact the Court's existing pretrial and trial  
2 deadlines. Further, Plaintiff has consented to this short extension.

3  
4 In view of the above, Defendants respectfully submit that they have shown good cause for  
5 the grant of an extension. Affording Defendants additional time to respond to Plaintiff's  
6 opposition to Defendants' Motion in Limine No. 1 will not prejudice any of the parties and would  
7 be in the interests of justice. Defendants thus request that the extension be granted.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Dated this 12th day of February, 2018.

Respectfully submitted,

2 By: /s/ Edward T. Colbert

3 Edward T. Colbert (Admitted *Pro Hac Vice*)  
4 William M. Merone (Admitted *Pro Hac Vice*)

5 Erik C. Kane (Admitted *Pro Hac Vice*)

6 **ANDREWS KURTH KENYON LLP**

7 1350 I Street, N.W.

8 Washington, D.C. 20005

9 Tel.: (202) 662-3079

10 Fax: (202) 662-2739

11 Email: [edwardcolbert@andrewskurthenyon.com](mailto:edwardcolbert@andrewskurthenyon.com)

12 [williammerone@andrewskurthkenyon.com](mailto:williammerone@andrewskurthkenyon.com)

13 [erikkane@andrewskurthkenyon.com](mailto:erikkane@andrewskurthkenyon.com)

14 Jonathan W. Thomas (Admitted *Pro Hac Vice*)

15 **ANDREWS KURTH KENYON LLP**

16 One Broadway

17 New York, NY 10004

18 Telephone: (212) 425-7200

19 Facsimile: (212) 425-5288

20 Email: [jonathanthomas@andrewskurthkenyon.com](mailto:jonathanthomas@andrewskurthkenyon.com)

21 Michael J. McCue (NV Bar 6055)

22 Jonathan W. Fountain (NV Bar 10351)

23 **LEWIS ROCA ROTHGERBER CHRISTIE**  
24 **LLP**

25 3993 Howard Hughes Parkway; Suite 600

26 Las Vegas, Nevada 89169-5996

27 Telephone: (702) 949 – 8200

28 Facsimile: (702) 949 – 8398

Email: [MMccue@LRRC.com](mailto:MMccue@LRRC.com)

[JFountain@LRRC.com](mailto:JFountain@LRRC.com)

Mark J. Liss (Admitted *Pro Hac Vice*)

Claudia W. Stangle (Admitted *Pro Hac Vice*)

**LEYDIG, VOIT & MAYER LTD.**

Two Prudential Plaza; Suite 4900

Chicago, Illinois 60601-6780

Telephone: (312) 616 – 5600

Facsimile: (312) 616 – 5700

Email: [mliss@leydig.com](mailto:mliss@leydig.com)

[cstangle@leydig.com](mailto:cstangle@leydig.com)

*Counsel for Defendants and Counter-Plaintiffs,  
Beam Inc. and Jim Beam Brands Co.*

**IT IS SO ORDERED:**



UNITED STATES DISTRICT JUDGE

DATED: February 12, 2018

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby by certify that I am an employee of Andrews Kurth Kenyon LLP and that on February 12, 2018, I served the foregoing **CONSENT MOTION FOR EXTENSION OF TIME** via the Court’s CM/ECF filing system, which will serve a copy on all counsel of record and parties of record.

*/s/ Edward T. Colbert*