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2 Melissa I. Bright, Esq.
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7
8 *Attorneys for Plaintiffs*
9 *Gene Collins, Six Star Cleaning & Carpet Service, Inc., Yolanda*
10 *Woods, Floppy Mop, Inc., Blue Chip Enterprises, Inc.*

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 GENE COLLINS, an individual doing
business as SOUTHERN NEVADA
14 FLAGGERS & BARRICADES; SIX STAR
CLEANING & CARPET SERVICE, INC., a
15 Nevada corporation; YOLANDA WOODS,
an individual doing business as STEP BY
16 STEP CLEANING SERVICE INC.,
FLOPPY MOP, INC., a Nevada corporation,
17 BLUE CHIP ENTERPRISES, INC. a
Nevada corporation, DOES I through X; and
ROE ENTITIES I through X,

18 Plaintiffs,

19 vs.

20 LABORERS INTERNATIONAL UNION
OF NORTH AMERICA LOCAL NO. 872;
21 LABORERS INTERNATIONAL UNION
OF NORTH AMERICA LOCAL NO. 702;
22 TOMMY WHITE, an individual; DOES I
through X; and ROE ENTITIES I through
23 X,

24 Defendants.

CASE NO. 2:11-cv-00524-LDG-CWH

**PLAINTIFFS' MOTION TO CONTINUE
HEARING**

25
26 Plaintiffs Gene Collins, Six Star Cleaning & Carpet Service, Inc., Yolanda Woods,
27 Floppy Mop, Inc., Blue Chip Enterprises, Inc. ("Plaintiffs"), respectfully move this Court for an
28 Order continuing the hearing set for August 14, 2012 at 9:30 a.m.

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This Motion is made and based upon the pleadings and papers on file with the Court, and any other evidence the Court may consider.

Dated August 7, 2012.

RHODES-FORD & ASSOCIATES, P.C.

By: /s/ Berna L. Rhodes-Ford
Berna L. Rhodes-Ford, Esq.
Nevada Bar No. 7879
Melissa I. Bright, Esq.
Nevada Bar No. 12336
701 N. Green Valley Parkway, Suite 200
Henderson, NV 89074

Attorneys for Plaintiff

I. FACTUAL BACKGROUND

This case is currently set for a Hearing for Plaintiffs Motion to Laborers Joint Trust Funds' Compliance with Subpoena Duces Tecum (#67), Cross-Motion to Quash Subpoena (#69), Plaintiffs' Motion to Compel Discovery Responses (#71), First Plaintiffs' Motion for Sanctions in Response to Defendants' Spoliation of Evidence (#78), and Plaintiffs' Motion to Strike Evidence Used in Support of Defendants' Motion for Summary Judgment that Should Have Been Disclosed During Discovery (#85).

Counsel has not been able to get into contact with Kristina Hillman, counsel for Defendants, but has talked to Roberta Perkins at the direction of Ms. Hillman's office. *See* Declaration of Berna L. Rhodes-Ford at ¶7, attached hereto as "Exhibit A" & Declaration of Melissa I. Bright at ¶6, attached hereto as "Exhibit B." Ms. Perkins stated that only Ms. Hillman or David Rosenfeld could approve a continuance. Exhibit A at ¶8. However, she could provide available dates for Ms. Hillman in the event the hearing was continued. *Id.* at ¶9. Counsel has been in contact with Bryce Loveland who is Counsel for Southern Nevada Laborers Local 872 Training Trust. Exhibit B at ¶7. Mr. Loveland agreed to stipulate to continue and provided dates that he is available. *Id.* at ¶8. According to the dates that were provided to Plaintiffs' Counsel, all parties will be available for a hearing if it is scheduled for August 29, August 30, or September 5. Accordingly, Plaintiffs respectfully request that the Court continue the hearing currently scheduled for August 14, 2012 to a date to include any of the aforementioned.

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II. CONCLUSION

Based upon the foregoing, the Plaintiffs respectfully request this Honorable Court to continue the Hearing to a date convenient to the Court.

Dated: August 7, 2012

RHODES-FORD & ASSOCIATES, P.C.

By: /s/ Berna L. Rhodes-Ford
Berna L. Rhodes-Ford, Esq.
Nevada Bar No. 7879
Melissa I. Bright, Esq.
Nevada Bar No. 12336
701 N. Green Valley Parkway, Suite 200
Henderson, NV 89074

Attorneys for Plaintiffs

EXHIBIT A

1 Berna L. Rhodes-Ford, Esq.
Nevada Bar No. 7879
2 Melissa I. Bright, Esq.
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7 *Attorneys for Plaintiffs*
Gene Collins, Six Star Cleaning & Carpet Service, Inc., Yolanda
8 *Woods, Floppy Mop, Inc., Blue Chip Enterprises, Inc.*

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

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business as SOUTHERN NEVADA
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15 BLUE CHIP ENTERPRISES, INC. a
Nevada corporation, DOES I through X; and
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17 Plaintiffs,

18 vs.

19 LABORERS INTERNATIONAL UNION
OF NORTH AMERICA LOCAL NO. 872;
20 LABORERS INTERNATIONAL UNION
OF NORTH AMERICA LOCAL NO. 702;
21 TOMMY WHITE, an individual; DOES I
through X; and ROE ENTITIES I through
22 X,

23 Defendants.

CASE NO. 2:11-cv-00524-LDG-CWH

**DECLARATION OF BERNA L.
RHODES-FORD IN SUPPORT OF
PLAINTIFFS' MOTION TO CONTINUE
HEARING**

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25 Counsel for Plaintiffs, Berna L. Rhodes-Ford, submits this declaration in support of
26 Plaintiffs' Motion to Continue Hearing.

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1 STATE OF NEVADA)
) ss.
2 COUNTY OF CLARK)

3 I, BERNA L. RHODES-FORD, declare as follows:

4 1. I am an attorney licensed to practice law in the State of Nevada and am an
5 attorney at the law firm of Rhodes-Ford & Associates, P.C., representing Plaintiffs Gene
6 Collins, Six Star Cleaning & Carpet Service, Inc., Yolanda Woods, Floppy Mop, Inc., and Blue
7 Chip Enterprises, Inc. in the above-captioned matter.

8 2. I have personal knowledge of the facts stated in this declaration, except as
9 otherwise indicated, and I am competent to so testify. If called upon to testify, I could and
10 would competently testify to the facts set forth herein.

11 3. This declaration is submitted in support of Plaintiffs' Motion to Continue
12 Hearing.

13 4. There is a hearing scheduled for August 14, 2012 at 9:30 a.m.

14 5. I will be out of the country from August 12, 2012 through August 19, 2012 and,
15 therefore, cannot attend the hearing as currently scheduled.

16 6. Given prior client commitments, I am also not available for August 21 through
17 August 22 and August 28, 2012.

18 7. On August 6, 2012, I spoke to Roberta Perkins, who stated she was returning the
19 call that my office had placed to Kristina Hillman's office.

20 8. Ms. Perkins stated she did not have authority to agree to stipulate to a
21 continuance and that only Ms. Hillman or David Rosenfeld have such authority.

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9. Ms. Perkins provided dates that Kristina Hillman is available:
- August 23 through August 24
 - August 29 through August 31
 - September 5
 - September 11
 - September 13 through September 14.
10. This request for a continuance is not for the purpose of delay.

DATED August 7, 2012.

/s/ Berna L. Rhodes-Ford
Berna L. Rhodes-Ford

EXHIBIT B

1 Berna L. Rhodes-Ford, Esq.
Nevada Bar No. 7879
2 Melissa I. Bright, Esq.
Nevada Bar No. 12336
3 RHODES-FORD & ASSOCIATES, P.C.
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7 *Attorneys for Plaintiffs*
Gene Collins, Six Star Cleaning & Carpet Service, Inc., Yolanda
8 *Woods, Floppy Mop, Inc., Blue Chip Enterprises, Inc.*

9 UNITED STATES DISTRICT COURT

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21 TOMMY WHITE, an individual; DOES I
through X; and ROE ENTITIES I through
22 X,

23 Defendants.

CASE NO. 2:11-cv-00524-LDG-CWH

**DECLARATION OF MELISSA I.
BRIGHT IN SUPPORT OF PLAINTIFFS'
MOTION TO CONTINUE HEARING**

24
25 Counsel for Plaintiffs, Melissa I. Bright, submits this declaration in support of Plaintiffs'
26 Motion to Continue Hearing.

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1 STATE OF NEVADA)
) ss.
2 COUNTY OF CLARK)

3 I, MELISSA I. BRIGHT, declare as follows:

4 1. I am an attorney licensed to practice law in the State of Nevada and am an
5 attorney at the law firm of Rhodes-Ford & Associates, P.C., representing Plaintiffs Gene
6 Collins, Six Star Cleaning & Carpet Service, Inc., Yolanda Woods, Floppy Mop, Inc., and Blue
7 Chip Enterprises, Inc. in the above-captioned matter.

8 2. I have personal knowledge of the facts stated in this declaration, except as
9 otherwise indicated, and I am competent to so testify. If called upon to testify, I could and
10 would competently testify to the facts set forth herein.

11 3. This declaration is submitted in support of Plaintiffs' Motion to Continue
12 Hearing.

13 4. There is a hearing scheduled for August 14, 2012 at 9:30 a.m. Ms. Rhodes-Ford
14 is not available on that date.

15 5. On August 3, 2012, I called Kristina Hillman's office regarding continuing the
16 hearing. The assistant advised me that Ms. Hillman is out of the office until August 13, 2012,
17 and that she would e-mail Ms. Hillman with my message.

18 6. On August 3, 2012, Roberta Perkins returned my call to Kristina Hillman's
19 office. Ms. Perkins also stated she would email Ms. Hillman with our request to continue, but
20 she was not sure when or if Ms. Hillman would get back to her. Ms. Perkins also advised that I
21 could contact her in regards to the case until Ms. Hillman's returns on August 13, 2012.

22 7. I contacted Bryce Loveland, counsel for Southern Nevada Laborers Local 872
23 Trust Fund.

24 8. Mr. Loveland stated that he would stipulate to a continuance and informed me
25 that he is not available on August 20 through August 24, or August 31.

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9. Mr. Loveland informed me he is available on August 27 through August 30 and September 4 through September 7.

DATED August 7, 2012.

/s/ Melissa I. Bright
Melissa I. Bright

ORDER

Upon due consideration of the Plaintiffs' Motion to Continue Hearing and Good cause appearing,

IT IS HEREBY ORDERED that the new hearing date for Plaintiffs Motion to Laborers Joint Trust Funds' Compliance with Subpoena Duces Tecum (#67), Cross-Motion to Quash Subpoena (#69), Plaintiffs' Motion to Compel Discovery Responses (#71), First Plaintiffs' Motion for Sanctions in Response to Defendants' Spoliation of Evidence (#78), and Plaintiffs' Motion to Strike Evidence Used in Support of Defendants' Motion for Summary Judgment that Should Have Been Disclosed During Discovery (#85) is now the 30th day of August, 2012, at 1:00 p.m. in LV Courtroom 3C.


UNITED STATES MAGISTRATE JUDGE

DATED: August 8, 2012

Respectfully Submitted,

RHODES-FORD & ASSOCIATES, P.C.

/s/ Berna L. Rhodes-Ford
Berna L. Rhodes-Ford
Nevada Bar No. 7879
Melissa I. Bright
Nevada Bar No. 12336
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Attorney for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Rhodes-Ford & Associates, P.C., and that on this date, I served the foregoing **PLAINTIFFS' MOTION TO CONTINUE HEARING** by causing it to be served via the Court's CMECF system, addressed as follows:

Kristina L. Hillman
Law Offices of Kristina L. Hillman
729 Evans Avenue
Reno, NV 89512
Telephone (775) 770-4832
Facsimile (775) 324-5444
KHillman@unioncounsel.net

Bryce Loveland
Brownstein Hyatt Farber Schreck
100 North City Parkway, Suite 1600
Las Vegas, NV 89106
bcloveland@bhfs.com

Executed on August 7, 2012.

/s/ Melissa I. Bright

Melissa I. Bright