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LAS VEGAS METROPOLITAN POLICE
 8 **DEPARTMENT and OFFICER JASON EVANS**

9 UNITED STATES DISTRICT COURT
 10 DISTRICT OF NEVADA

11 ANTOINE HODGES, and ANNETTE
 12 HODGES, husband and wife,
 13 Plaintiffs,
 14 vs.

Case No.: 2:13-cv-02014-JCM-NJK
 Order granting
DEFENDANTS' MOTION TO EXTEND
DISPOSITIVE MOTION DEADLINE
 (1st Request)

15 LAS VEGAS METROPOLITAN POLICE
 DEPARTMENT, a political subdivision of the
 State of Nevada; SHERIFF DOUGLAS
 16 GILLESPIE, individually and as policy maker
 of Las Vegas Metropolitan Police Department;
 17 OFFICER JASON EVANS, individually; and
 DOE OFFICERS 1 through 10, inclusive;
 18 Defendants.

19
 20 Defendants, LAS VEGAS METROPOLITAN POLICE DEPARTMENT and OFFICER
 21 JASON EVANS (collectively "Defendants"), by and through their counsel, Kaempfer Crowell,
 22 hereby move for an Order extending the current dispositive motion deadline in this matter. This
 23 Motion is based on Federal Rule of Civil Procedure 26 and Local Rule 26-4, the pleadings and
 24

KAEMPFER CROWELL REINSHAW
 GRONAUER & FIORENTINO
 1980 Festival Plaza Drive
 Suite 650
 Las Vegas, Nevada 89135

1 papers on file herein, the following Memorandum of Points and Authorities and any such oral
2 argument as may be set.

3 DATED this 5th day of January, 2016.

4 KAEMPFER CROWELL

5
6 By: 

7 LYSSA S. ANDERSON (Nevada Bar No. 5781)

8 RYAN DANIELS (Nevada Bar No. 13094)

9 1980 Festival Plaza Drive, Suite 650

10 Las Vegas, Nevada 89135

11 **Attorneys for Defendants**

12 **LAS VEGAS METROPOLITAN POLICE**

13 **DEPARTMENT and OFFICER JASON EVANS**

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MEMORANDUM OF POINTS AND AUTHORITIES

I. PROCEDURAL HISTORY

Plaintiffs Antoine and Annette Hodges ("Plaintiffs") initially filed suit through attorneys Cal Potter ("Potter") and Joseph Reiff ("Reiff") on November 1, 2013. [Docket No. 1.] Plaintiffs alleged various § 1983 and excessive force claims against Defendants related to the shooting of Plaintiff Antoine Hodges by Defendant Officer Jason Evans. On April 1, 2014, this Court stayed discovery pending the Clark County District Attorney's determination related to the shooting. [Docket No. 19.] On May 23, 2014, discovery in this matter re-commenced. [Docket No. 21.] On June 9, 2014, Defendant Sheriff Douglas Gillespie was dismissed. [Docket No. 22.]

On July 8, 2015, Potter filed a Motion to Withdraw as Plaintiffs' Counsel. [Docket No. 35.] The Motion was granted. [Docket No. 36.] Thereafter, on July 28, 2015, Reiff also sought to withdraw as Plaintiffs' attorney. [Docket No. 38.] On August 10, 2015, a hearing was held on

1 Reiff's Motion to Withdraw. The Court granted the Motion and directed that Plaintiffs must
2 notify the Court of their retention of new counsel, or of their intent to proceed in Proper Person
3 by September 9, 2015. [Docket No. 42.] In light of the foregoing, Defendants filed a Motion to
4 Extend Discovery (5th Request). [Docket No. 43.] The Motion was granted and the new
5 Scheduling Order provided for expert disclosures by October 26, 2015, all discovery would be
6 completed by December 28, 2015, and the current dispositive motion deadline of January 27,
7 2016. [Docket No. 44.]

8 On September 10, 2015, this Court issued a Minute Order pertaining to a September 9,
9 2015 letter by Annette Hodges to the Court. [Docket No. 45.] The letter requested additional
10 time to attempt to retain counsel. The Minute Order provided that the letter was not a Motion in
11 proper format. [Docket No. 45.] No motion was filed on this issue by Plaintiffs. As such, on
12 October 26, 2015, Defendants disclosed their expert reports. Additionally, prior to the close of
13 discovery, Defendants conducted the depositions of both Plaintiffs and a witness.

14 On December 30, 2015, Plaintiffs filed a Motion to Reconsider this Court's Order
15 allowing Plaintiffs' prior counsel to withdraw. [Docket No. 47.] On January 4, 2016, this Court
16 denied the Motion and instructed Plaintiffs to retain new Counsel or proceed by January 26,
17 2016. [Docket No. 48.]

18 **II. AN EXTENSION IS WARRANTED**

19 Good cause is shown for this extension due to the Procedural History. As detailed in the
20 Procedural History above and as represented in various letters/pleadings filed by Plaintiffs, the
21 Plaintiffs in this matter are currently not represented by an attorney and have not been able to
22 retain a new attorney. Pursuant to this Court's prior Order, [Docket No. 42], Defendants sought
23 an extension of discovery in this matter to provide Plaintiffs time to either retain new counsel or
24 proceed with prosecuting their claims in proper person. Plaintiffs did neither. As such,

1 Defendants chose to proceed with discovery to preserve their defenses. After discovery closed,
2 Plaintiffs asked this Court to reconsider its order allowing Plaintiffs' prior counsel to withdraw.
3 While the Motion was denied by the Court, it has provided Plaintiffs additional time to retain
4 new Counsel or proceed in proper person. Dispositive Motions are currently due January 27,
5 2016, one day after the Court's deadline for Plaintiffs to advise if they will be retaining new
6 Counsel. As such, Defendants request that this deadline be extended an additional thirty (30)
7 days to see if Plaintiffs are able to retain new counsel. This instant request is timely pursuant to
8 LR 26-4 and is being made more than twenty-one (21) days prior to the current deadline.
9 Defendants are not attempting to delay this matter but rather are contemplating this Court's Order
10 which allows Plaintiffs an additional opportunity to attempt to retain new Counsel.

11 **A. DISCOVERY.**

12 **1. Discovery Completed To Date.**

13 As stated above, all discovery in this matter has been completed and discovery closed on
14 December 28, 2015.

15 **2. Discovery To Be Completed.**

16 No further discovery is necessary.

17 **3. Reasons Why Discovery Incomplete.**

18 Defendants were diligent in their efforts concerning discovery and have completed all
19 discovery. Defendants simply request the deadline to file dispositive motions be extended an
20 additional thirty (30) days to see if Plaintiffs retain new Counsel in accord with the deadlines
21 imposed by this Court.

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4. **Proposed Dates.**

Defendants request that the Scheduling Order be amended to reflect the following:¹

<u>Activity</u>	<u>Current Date</u>	<u>Proposed Date</u>
Dispositive Motions	January 27, 2016	February 26, 2016
Proposed Joint Pretrial Order	February 26, 2016	March 29, 2016

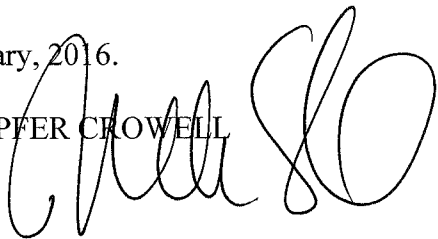
III. CONCLUSION

Based upon the foregoing, Defendants request the Court extend the current dispositive motion deadline for an additional thirty (30) days.

DATED this 5th day of January, 2016.

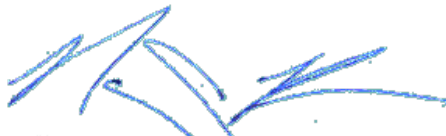
KAEMPFER CROWELL

BY:


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 RYAN DANIELS (Nevada Bar No. 13094)
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 Las Vegas, Nevada 89135
Attorneys for Defendants
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT and OFFICER JASON EVANS

IT IS SO ORDERED.

Dated: January 6, 2015



NANCY J. KOPPE
 United States Magistrate Judge

¹ Defendants are requesting an extension of the dispositive motion deadline, only, by thirty (30) days.

1 CERTIFICATE OF SERVICE

2 I hereby certify that the foregoing **DEFENDANTS' MOTION TO EXTEND**
3 **DISPOSITIVE MOTION DEADLINE (1st Request)** was served via first class mail to each of
4 the following:

5 Annette Hodges
6 1915 Trilly Lane
7 Las Vegas, NV 89156
8 **Plaintiff in Proper Person**

9 Antoine Hodges
10 #1142260
11 High Desert State Prison
12 P.O. Box 650
13 Indian Springs, NV 89070
14 **Plaintiff in Proper Person**

15 DATED this 5th day of January, 2016.

16 *Bucky Hildebrand*

17 _____
18 an employee of Kaempfer Crowell