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17 **Attorneys for Defendants**
18 **Avison Young (Canada) Inc.; Avison Young**
19 **(USA) Inc.; Avison Young-Nevada, LLC;**
20 **Mark Rose, Joseph Kupiec, John Pinjuv and**
21 **The Nevada Commercial Group, LLC**

22 **UNITED STATES DISTRICT COURT**
23 **FOR THE DISTRICT OF NEVADA**

24 NEWMARK GROUP, INC., G&E ACQUISITION)
25 COMPANY, LLC, and BGC REAL ESTATE OF)
26 NEVADA, LLC,)
27)
28 Plaintiffs,)
vs.)
AVISON YOUNG (CANADA) INC.; AVISON)
YOUNG (USA) INC.; AVISON YOUNG -)
NEVADA, LLC, MARK ROSE, THE NEVADA)
COMMERCIAL GROUP, JOHN PINJUV, and)
JOSEPH KUPIEC; DOES 1 through 5; and ROE)
BUSINESS ENTITIES 6 through 10 ,)
Defendants.)

CASE NO.: 2:15-cv-00531-RFB-EJY
**DEFENDANTS' MOTION FOR
LEAVE TO APPEAR
TELEPHONICALLY BY
CELLULAR PHONE AT APRIL 6,
2020 HEARING**
(Emergency Motion)

29 Defendants respectfully request that Defendants' out-of-state counsel Nathaniel Kritzer
30 and Jeremy Goldkind be permitted to attend the April 6, 2020 hearing telephonically by cellular

1 phone. Local counsel Robert S. Larsen intends to appear telephonically through a landline. This
2 request is made pursuant to LR 7-4 and the following Memorandum of Points and Authorities.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 This Court has set a hearing for April 6, 2020 on Plaintiffs' Motion to Compel Directed
5 to the AY Defendants and the NCG Defendants. See ECF No. 318. The Court permits the
6 parties to appear telephonically but prohibits the use of a cell phone. Id. Given the
7 extraordinarily unusual circumstances with the COVID-19 outbreak, and the current lockdown in
8 New York and Chicago where Mr. Kritzer and Mr. Goldkind reside respectively, Defendants
9 request that counsel be permitted to attend the hearing through the use of cell phones.

10 The governors of New York and Illinois have issued directives prohibiting residents from
11 traveling and requiring residents to stay at home, with exceptions not applicable here. See New
12 York Exec. Order No. 202.6 (March 18, 2020), [https://www.governor.ny.gov/news/no-2026-](https://www.governor.ny.gov/news/no-2026-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency)
13 [continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency](https://www.governor.ny.gov/news/no-2026-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency); Ill. Exec.
14 Order No. 2020-10 (March 20, 2020), [https://www2.illinois.gov/Pages/Executive-](https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-10.aspx)
15 [Orders/ExecutiveOrder2020-10.aspx](https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-10.aspx). Under those two states' directives, law firms are not
16 considered "essential businesses" and attorneys are prohibited from entering the work premises
17 to conduct "non-essential business." Mr. Kritzer is the lead counsel for Defendants. Both Mr.
18 Kritzer and Mr. Goldkind do not have access to a landline at their respective residences. See Ex.
19 1, Decl. of Nathaniel Kritzer at ¶¶ 7-8. They anticipate that they will not be able to travel to or
20 enter their respective offices where landline access is available to attend the April 6 hearing. Id.

21 This Court has inherent power and discretion to manage its courtroom. U.S. v. W.R.
22 Grace, 526 F.3d 499, 509 (9th Cir. 2008) ("[a]ll federal courts are vested with inherent powers
23 enabling them to manage their cases and courtrooms effectively"). Allowing telephonic
24 appearances by cell phone would not prejudice Plaintiffs. Counsel will take steps to ensure that
25 the cell phone connection will be as clear and with as few interruption as practicable within their
26 control. Local counsel Mr. Larsen intends to appear with the use of a landline.

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For these reasons, Defendants respectfully request that counsel be permitted to appear telephonically through the use of cell phones.

Dated: March 24, 2020

Respectfully submitted,

/s/ Robert S. Larsen
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Group, and John Pinjuv**

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

Dated: March 26, 2020