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BGC Real Estate of Nevada LLC

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

NEWMARK GROUP INC., G&E  
ACQUISITION COMPANY LLC, and  
BGC REAL ESTATE OF NEVADA LLC,

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

**PLAINTIFFS' MOTION FOR LEAVE  
TO PARTICIPATE BY CELLULAR  
PHONE AT THE APRIL 6, 2020,  
HEARING**

**(Emergency Motion)**

Plaintiffs Newmark Group Inc., G&E Acquisition Company LLC, and BGC Real Estate  
of Nevada LLC (together, "Plaintiffs"), through their counsel, move this Court under LR 7-4 for

1 the entry of an order allowing them to participate by cellular phone at the April 6, 2020,  
2 telephonic hearing in this matter. In support of this motion, Plaintiffs submit the following  
3 memorandum of points and authorities:

4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5  
6 On March 23, 2020, the Court entered an order setting an April 6 telephonic hearing on  
7 two of Plaintiffs' motions to compel. (ECF No. 318.) The order states: "The use of a cell phone or  
8 speaker phone during the call is prohibited. The call must be made using a land line." (Id.)

9 On March 25, 2020, Defendants filed an emergency motion seeking leave for two of their  
10 attorneys to appear telephonically by cellular phone at the April 6 hearing. (ECF No. 319.) On  
11 March 26, 2020, the Court granted Defendants' motion. (ECF No. 323.)

12 Plaintiffs likewise seek leave for their counsel to participate telephonically by cellular  
13 phone at the April 6 hearing. Tina Solis and Seth Horvath, who are admitted pro hac vice in this  
14 matter, live and work in the Chicago area. As a result of the COVID-19 outbreak, Illinois  
15 residents are subject to the travel restrictions set forth in Executive Order 2020-10, issued by the  
16 Governor of Illinois on March 20, 2020. See Exec. Order 2020-10 <https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-10.aspx> (Mar. 20, 2020). Obtaining access to a land line  
17 for purposes of the April 6 hearing would require travel to and from the offices of Nixon Peabody  
18 LLP, Plaintiffs' counsel's law firm. (See Ex. 1, Solis Decl., ¶¶ 8–12.)

19  
20 To avoid unnecessary travel under the current circumstances, Plaintiffs request leave for  
21 their counsel to participate telephonically by cellular phone, rather than by land line, at the April  
22 6 hearing. The court has the inherent authority to grant this request. See *United States v. Urena*,  
23 659 F.3d 903, 908 (9th Cir. 2011). Plaintiffs' counsel will take all reasonable measures within  
24 their control to ensure that their cellular-phone connections remain clear and uninterrupted during  
25 the course of the hearing.  
26  
27  
28

1 This motion qualifies as an emergency since it involves compliance with the Court's  
2 March 23 order, it cannot be addressed within the standard briefing schedule in LR 7-2(b), and it  
3 arises from COVID-19 travel restrictions.

4 Plaintiffs' counsel have conferred with Defendants' counsel about the relief requested in  
5 this motion. Defendants' counsel have no objection. (Id., ¶ 16.)  
6

7 **CONCLUSION**

8 **FOR THESE REASONS**, Plaintiffs respectfully request the entry of an order allowing  
9 their counsel to participate by cellular phone at the April 6 telephonic hearing in this matter.

10 Dated: March 27, 2020

Respectfully submitted,

11 /s/ Tina B. Solis

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21 IT IS SO ORDERED.

22   
23 Dayna J. Zouchak  
24 UNITED STATES MAGISTRATE JUDGE

25 Dated: March 30, 2020  
26  
27  
28

Attorneys for Plaintiffs Newmark Group Inc.,  
G&E Acquisition Company LLC, and  
BGC Real Estate of Nevada LLC