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16	Attorneys for Plaintiff				
17	BARTECH SYSTEMS INTERNATIONAL, INC.				
18	UNITED STATES DISTRICT COURT				
19	DISTRICT OF NEVADA				
20	BARTECH SYSTEMS INTERNATIONAL,				
21	INC., a Delaware corporation,	Case No. 2:15-cv-02422-MMD-NJK			
22	Plaintiff/Counter-defendant, v.	UNOPPOSED MOTION TO SUSPEND LOCAL RULES FOR A LIMITED			
23	MOBILE SIMPLE SOLUTIONS, INC., a	PURPOSE			
24	Delaware corporation, MOBILE SIMPLE SOLUTIONS (IAS), INC., a Canadian				
25	corporation, VINCENT TESSIER, an individual, CHRISTELLE PIGEAT, an				
26	individual,				
27	Defendants/Counterclaimants.				
28					
Parsons					
BEHLE & LATIMER					

1	1 Pursuant to Local Rule IA 1-4, Plaintiff, Bar	tech Systems International, Inc. ("Bartech"), by	
2	its attorneys, moves this Court for a suspension of the Local Rules as effective May 1, 2016 (the "New		
3	Local Rules") in favor of the Local Rules as effective on August 1, 2011 in the interests of justice and		
4	judicial economy for the limited purpose of allowing Bartech to re-file its Motion for a Preliminary		
5 6	Injunction, Reply in support thereof, and supporting declarations and exhibits concurrently with its		
0 7	Renewed Motion to Seal pursuant to the Court's April 27, 2016 Order. See ECF Nos. 16, 17, 47, 67,		
8	68, 71, 72, 80. ¹ In particular, New Local Rules IA 7-3, IA 10-1, IA 10-3, IA 10-5, 7-3 each require		
9	Bartech to alter the contents of its Motion for a Preliminary Injunction, originally filed January 14,		
10	2016, and Reply in support thereof, originally filed February 16, 2016, as well as supporting		
11			
12	declarations and exhibits associated with these filings. ECF Nos. 16, 47. The Court has already held		
13	a two-day evidentiary hearing on Bartech's Motion for a Preliminary Injunction, thus a suspension of		
14	the New Local Rules would serve the interests of justice and judicial economy by enabling the Court		
15	to rule on the Motion for a Preliminary Injunction as briefed and argued before the Court. This Motion		
16	is based upon the following Memorandum of Points and Authorities.		
17	7 DATED: May 3, 2016 PARSON		
	DATED: May 5, 2010 PARSON	NS BEHLE & LATIMER	
18	8	NS BEHLE & LATIMER	
18 19	8 9	ichael R. Kealy R. Kealy, Nevada Bar No. 971	
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19	BATED. May 3, 2010 PARSON $\frac{/s/M}{Michael}$ $\frac{Ashley 0}{-and -}$	ichael R. Kealy R. Kealy, Nevada Bar No. 971 C. Nikkel, Nevada Bar No. 12838	
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19 20 21 22	BATED: May 3, 2010 PARSON $\frac{/s/Mi}{Michael}$ Ashley C - and - C = C = C = C = C = C = C = C = C = C =	ichael R. Kealy R. Kealy, Nevada Bar No. 971 C. Nikkel, Nevada Bar No. 12838 T. Lawrence, Esq. <i>d Pro Hac Vice</i>) Kushner, Esq. <i>d Pro Hac Vice</i>) ENN & LAWRENCE LLC	
19 20 21 22 23	BATED. May 3, 2010PARSON8 $\frac{/s/Mi}{Michael}$ 9Michael40Ashley 011- and -12Gregory13Kyle S. I14CONTI FI15Attorney	ichael R. Kealy R. Kealy, Nevada Bar No. 971 C. Nikkel, Nevada Bar No. 12838 T. Lawrence, Esq. <i>d Pro Hac Vice</i>) Kushner, Esq. <i>d Pro Hac Vice</i>)	
 19 20 21 22 23 24 	8 /s/_Mi 9 /s/_Mi 9	ichael R. Kealy R. Kealy, Nevada Bar No. 971 C. Nikkel, Nevada Bar No. 12838 T. Lawrence, Esq. <i>d Pro Hac Vice</i>) Kushner, Esq. <i>d Pro Hac Vice</i>) ENN & LAWRENCE LLC s for Plaintiff	
 19 20 21 22 23 24 25 	8	ichael R. Kealy R. Kealy, Nevada Bar No. 971 C. Nikkel, Nevada Bar No. 12838 T. Lawrence, Esq. <i>d Pro Hac Vice</i>) Kushner, Esq. <i>d Pro Hac Vice</i>) ENN & LAWRENCE LLC s for Plaintiff	
 19 20 21 22 23 24 25 26 	BATED: May 3, 2010 PARSON 8 /s/_Mi 9 Michael 9 Ashley 0 - and - - 10 - and - 11 Gregory 12 Gregory 13 Kyle S. I 14 CONTI FI 15 Attorney 16 BARTEO	ichael R. Kealy R. Kealy, Nevada Bar No. 971 C. Nikkel, Nevada Bar No. 12838 T. Lawrence, Esq. <i>d Pro Hac Vice</i>) Kushner, Esq. <i>d Pro Hac Vice</i>) ENN & LAWRENCE LLC s for Plaintiff	

MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND

Bartech originally filed its Motion for a Preliminary Injunction and certain supporting
exhibits and declarations under Seal on January 14, 2016. ECF No. 16. Bartech filed its Reply in
support thereof and supporting declarations and exhibits under Seal on February 16, 2016. ECF
No. 47. Bartech, of course, moved for leave to file these documents under Seal. *See* ECF Nos. 15,
46.

On April 7, 2016, the Court issued an Order denying without prejudice, *inter alia*, Bartech's 10 Motions to Seal its Motion for a Preliminary Injunction, Reply, and certain supporting declarations 11 and exhibits for failure to comply with the Ninth Circuit's recent opinion in Center for Auto Safety 12 13 v. Chrysler Group, LLC. 809 F.3d 1092 (9th Cir. 2016); ECF No. 58; see ECF Nos. 15, 16, 46, 47. 14 On April 15, 2016, Bartech and Defendants Mobile Simple Solutions, Inc., Mobile Simple 15 Solutions (IAS), Inc., Vincent Tessier, and Christelle Pigeat filed a Joint Motion to Seal Bartech's 16 Motion for a Preliminary Injunction, Defendants' Opposition thereto, and Bartech's Reply in 17 Support thereof, as well as certain supporting declarations and exhibits attendant to these filings. 18 ECF Nos. 66-72. 19

On April 18 and 19, 2016, the Court held an evidentiary hearing on Bartech's Motion for a
Preliminary Injunction. *See* ECF No. 16, 73, 74, 77, 78.

On April 27, 2016, the Court issued an Order denying without prejudice the parties' Joint
Motion to Seal for failure to comply with the *Center for Auto Safety* opinion. ECF Nos. 66, 80. In
the Order, the Court directed the parties to file renewed Motions to Seal and redacted filings by
May 4, 2016. ECF No. 80.

On May 1, 2016, revised Local Rules took effect (the "New Local Rules").

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LEGAL ARGUMENT

Bartech respectfully moves this Court to suspend the New Local Rules for the limited purpose of allowing it to file its Motion for a Preliminary Injunction, Reply in support thereof, and supporting declarations and exhibits concurrently with its renewed Motion to Seal, as directed by the Court's April 27, 2016 Order. *See* ECF Nos. 16, 17, 47, 67, 68, 71, 72, 80.

In particular, New Local Rules IA 7-3, IA 10-1, IA 10-3, IA 10-5, 7-3 each require Bartech to 7 8 alter the content of the above filings. For example, Bartech originally filed its thirty (30) page Motion 9 for a Preliminary Injunction in compliance with the prior version of the Local Rules. The New Local 10 Rules reduced the page limit applicable to Bartech's Motion for a Preliminary Injunction from the 11 prior limit of thirty (30) pages to the new limit of twenty-four (24) pages. L.R. 7-3. Moreover, Bartech 12 attached relevant excerpts of deposition transcripts to its Motion for a Preliminary Injunction and 13 referenced the original pagination of same in its Memorandum of Points and Authorities. See, e.g., 14 ECF No. 16 at 7 & Exs. 4, 5. New Local Rule IA 10-1(a)(5) requires all filed documents to be 15 16 numbered consecutively, which, if applied, would cause confusion because the excerpts attached by 17 Bartech contain four (4) pages of testimony per one (1) page of each exhibit.²

Applying the New Local Rules to Bartech's Motion for a Preliminary Injunction, Reply in support thereof, and supporting declarations and exhibits would thus require substantial revision of a fully briefed and argued motion that has already been the subject of a two-day evidentiary hearing before the Court. Therefore, the interests of justice and judicial economy are best served by a suspension of the New Local Rules to enable Bartech to re-file its Motion for a Preliminary Injunction and Reply in support thereof, as well as attendant supporting declarations and exhibits, without altering the contents of these documents.

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 $[\]frac{2}{28} \begin{bmatrix} 2 & \text{The prior iteration of New Local Rule IA 10-1(a)(5), then labeled Local Rule 10-1, excepted exhibits from the consecutive pagination requirement.}$

1	For the foregoing reasons, Bartech respectfully requests that this Court grant its Unopposed		
2	Motion to Suspend the Local Rules for a Limited Purpose.		
3	DATED: May 3, 2016	PARSONS BEHLE & LATIMER	
4			
5		/s/ Michael R. Kealy	
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12		Kyle S. Kushner, Esq.	
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16		kyle@lawcfl.com	
17		Attorneys for Plaintiff	
18		BARTECH SYSTEMS INTERNATIONAL, INC.	
19			
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21		IT IS SO ORDERED:	
22			
23		UNITED STATES MAGISTRATE JUDGE	
24		May 4, 2016	
25		DATED:	
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PARSONS BEHLE &		5	
LATIMER		J	

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1	<u>CERTIFICATE OF SERVICE</u>		
2	I hereby certify that I am an employee of the law firm of Parsons Behle & Latimer and that		
3 4	on the 3 rd day of May, 2016, I filed a true and correct copy of the foregoing UNOPPOSEI		
5	MOTION TO SUSPEND LOCAL RULES FOR A LIMITED PURPOSE with the Clerk of the		
	Court through the Court's CM/ECF system, which sent electronic notification to the following:		
	Patrick G. Byrne, Esq. Michael D. Stein, Esq. Sherry Ly, Esq. Snell & Wilmer L.L.P.		
	3883 Howard Hughes Parkway, Suite 1100 Las Vegas NV 89169 <u>pbyrne@swlaw.com</u>		
	mstein@swlaw.com sly@swlaw.com		
	/s/ Tracy L. Brown		
	Employee of Parsons Behle & Latimer		
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