Collins v.	AutoZo	he, Inc. Case 2:22-cv-00316-CDS-BNW Docume	ont 73 Eiled 00/25/23 Page 1 of 6	Doc. 73	
		Case 2.22-CV-00310-CDS-BINW DUCUIN	ent 75 Filed 09/25/25 Page 1 01 0		
R EEVES LLP	1 2 3 4 5 6 7 8 9 10	TRACY E. KERN PETER J. LEE JONES WALKER LLP 201 St. Charles Ave., Ste. 5100 New Orleans, LA 70170 Tel: (504) 582-8000/ Fax: (504) 589-8603 tkern@joneswalker.com mgussman@joneswalker.com JONATHAN B. OWENS, ESQ. Nevada Bar No. 7118 MESSNER REEVES LLP 8945 West Russell Road, Suite 300 Las Vegas, Nevada 89148 Telephone: (702) 363-5100 Facsimile: (702) 363-5101 E-mail: jowens@messner.com Attorneys for Defendant, Autozoners, LLC			
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SSNER	15	ERIC COLLINS,	Civil Action No: 2:22-cv-00316-CDS-BNW		
MESS	16	Plaintiffs,	DEFENDANT, AUTOZONERS, LLC'S		
	17	VS.	MOTION TO CONTINUE THE DATE OF THE EVIDENTIARY HEARING ON		
	18	AUTOZONE, INC., a Nevada corporation; DOES I through X, inclusive; and ROE	PLAINTIFF'S MOTION FOR SANCTIONS		
	19	BUSINESS ENTITIES, I through X, inclusive,			
	20	Defendants.	DATE OF HEARING: 10/5/2023 TIME OF HEARING: 10:00 AM		
	21	Defendant, Autozoners, LLC, hereby moves this Court for a continuance of the October 5,			
	22	2023, Evidentiary Hearing on Plaintiff's Motion for Sanctions based upon the unavailability of counsel and witnesses on the date currently set for the hearing. This motion is made and based upon ////			
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	28	Page 1 of 6 2:22-cv-00316-CDS-E		BNW	

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the memorandum of points and authorities below, as well as the declaration of Jonathan B. Owens, Esq., and any argument permitted by the Court on the hearing of this motion.

DATED this 19th day of September, 2023.

Π DATED uns 17 day of September, 2023.					
	JONES WALKER LLP				
	By: /s/ Peter J. Kee , Esq. TRACY E. KERN PETER J. KEE JONES WALKER LLP 201 St. Charles Ave., Suite 5100 New Orleans, LA 70170 Tel: (504) 582-8000 Fax: (504) 589-8603 tkern@joneswalker.com mgussman@joneswalker.com				
	MESSNER REEVES LLP				
	By: /s/ Jonathan B. Owens, Esq. JONATHAN B. OWENS Nevada Bar No. 7118 8945 West Russell Road, Suite 300 Las Vegas, Nevada 89148 Email: jowens@messner.com Attorneys for Defendant, Autozoners, LLC				
MEMORANDUM OF POIN	TS AND AUTHORITIES				
DECLARATION OF JONATHAN B. OWENS, ESQ., IN SUPPORT OF DEFENDANT'S MOTION TO CONTINUE					
JONATHAN B. OWENS, ESQ., declares and states as follows:					
1. I am a partner at the law firm of Mes	ssner Reeves LLP licensed to practice law before				
all courts in the State of Nevada and am local counsel of record for Defendant AUTOZONERS, LLC.					
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2. Attorneys Tracey E. Kern, Esq., and Peter J. Kee, Esq., of the firm JONES WALKER LLP, have been admitted to practice in this matter and are acting as lead counsel for Defendant 3 AUTOZONERS, LLC.

I have personal knowledge of the facts referred to in this declaration and could 3. competently testify to these facts if called upon to do so in a court of law.

4. The evidentiary hearing on Plaintiff's Motion for Sanctions is currently set for October 5, 2023, at 10:00 a.m., and the Court requires in person appearances of both counsel and witnesses.

9 5. Attorneys Tracey E. Kern, Esq., and Peter J. Kee, Esq., are currently scheduled for a 10 multi-week trial in Chicago starting October 9, 2023, and will be in Chicago on October 5, 2023, for trial preparation.

Defendant's primary witness for the evidentiary hearing, Lori Casson, has relocated 6. to Memphis, TN and is also not available on October 5th. Specifically, Ms. Casson has another trial scheduled in California commencing on October 9, 2023, and will be in trial preparation from October 16 2nd through 6th. In that trial, Ms. Casson is the central corporate witness and will be the corporate 17 representative.

18 7. Based on the foregoing, it is Defendant's position that good cause exists to continue 19 the October 5, 2023, evidentiary hearing. Further, based upon conversations between Mr. Kee and 20 Plaintiff's counsel, Plaintiff does not object to the hearing being rescheduled and has represented to 21 22 Mr. Kee that Plaintiff will file a Notice of No Opposition to the instant motion.

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8. Pursuant to NRS § 53.045, I declare under penalty of perjury that the foregoing is true 1 and correct to the best of my knowledge. 2

Dated this 19th day of September 2023.

/s/ Jonathan B. Owens, Esq. Jonathan B. Owens, Esq.

ARGUMENT

As noted above, both lead counsel and the primary witness for Defendant are not available on 8 9 the date currently set for the evidentiary hearing on Plaintiff's Motion for Sanctions. Further, based 10 upon discussions with counsel for Plaintiff, Plaintiff does not have an objection to a continuance of the evidentiary hearing. Accordingly, Defendant requests that the Court continue the October 5, 2023, 12 evidentiary hearing on Plaintiff's Motion for Sanctions to a date in November 2023. Undersigned '/// 14 15 /// 16 | | | | 17 /// 18 20 | | | | 22 | | | | 23 24 26 '/// 27 Page 4 of 6 28

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counsel has confirmed that Ms. Casson is available from November 6-17, 2023, as are Defendant's counsel.

DATED this 19th day of September, 2023. 3 4 JONES WALKER LLP 5 6 By: /s/ Peter J. Kee, Esq. TRACY E. KERN 7 PETER J. KEE JONES WALKER LLP 201 St. Charles Ave., Suite 5100 New Orleans, LA 70170 Tel: (504) 582-8000 10 Fax: (504) 589-8603 tkern@joneswalker.com mgussman@joneswalker.com 12 MESSNER REEVES LLP 14 15 By: /s/ Jonathan B. Owens, Esq. JONATHAN B. OWENS 16 Nevada Bar No. 7118 8945 West Russell Road, Suite 300 17 Las Vegas, Nevada 89148 18 Email: jowens@messner.com Attorneys for Defendant, 19 Autozoners, LLC Having read and considered the Defendant's Motion to Continue the Evidentiary 20 Hearing ECF No. 69 on Plaintiff's Motion for Sanctions due to Spoliation ECF No. 50 and Plaintiff's notice of non-opposition, the motion (ECF No. 69) is GRANTED. The hearing currently schedule for 10/5/2023 is VACATED and continued to November 7, 2023 at 10:00 a.m. **IT IS SO ORDERED DATED:** 10:48 am, September 25, 2023 24 25 26 **BRENDA WEKSLER** 27 UNITED STATES MAGISTRATE JUDGE Page 5 of 6 28

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	CEDTIELCATE VIA CM/ECE				
1	<u>CERTIFICATE VIA CM/ECF</u>				
2	Pursuant to FRCP 5, I hereby certify that I am an employee of MESSNER REEVES LLP and				
3	that on the 19 th day of September, 2023, I caused to be served via CM/ECF a true and correct copy				
4	of the document described herein.				
5	Document Served: DEFENDANT, AUTOZONERS, LLC'S MOTION TO				
6	CONTINUE THE DATE OF THE EVIDENTIARY HEARING ON PLAINTIFF'S MOTIO FOR SANCTIONS				
7 8	Jill Garcia, Esq. NV Bar No. 7805				
° 9	Amy L. Howard, NV Bar No. 13946 HONE LAW				
10	701 N. Green Valley Parkway, Suite 200				
11	Las Vegas, NV 89074 Phone: 702-608-3720				
12	Fax: 702-608-3726 jgarcia@hone.law				
13	ahoward@hone.law				
14	/s/ Erin Donaldson				
15	An employee of MESSNER REEVES LLP				
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