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 11 *Autozoners, LLC*

12 **UNITED STATES DISTRICT COURT**
 13 **DISTRICT OF NEVADA**

15 ERIC COLLINS,
 16
 16 Plaintiffs,
 17 vs.
 18 AUTOZONE, INC., a Nevada corporation;
 18 DOES I through X, inclusive; and ROE
 19 BUSINESS ENTITIES, I through X, inclusive,
 20
 20 Defendants.

Civil Action No: 2:22-cv-00316-CDS-BNW
**DEFENDANT, AUTOZONERS, LLC'S
 MOTION TO CONTINUE THE DATE
 OF THE EVIDENTIARY HEARING ON
 PLAINTIFF'S MOTION FOR
 SANCTIONS**
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
 23 counsel and witnesses on the date currently set for the hearing. This motion is made and based upon

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

3 DATED this 19th day of September, 2023.

4 JONES WALKER LLP

5 By: /s/ Peter J. Kee, Esq.

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16 By: /s/ Jonathan B. Owens, Esq.

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24 **MEMORANDUM OF POINTS AND AUTHORITIES**

25 **DECLARATION OF JONATHAN B. OWENS, ESQ., IN SUPPORT OF DEFENDANT’S**
26 **MOTION TO CONTINUE**

27 JONATHAN B. OWENS, ESQ., declares and states as follows:

- 28 1. I am a partner at the law firm of Messner Reeves LLP licensed to practice law before
all courts in the State of Nevada and am local counsel of record for Defendant AUTOZONERS, LLC.

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

3 Dated this 19th day of September 2023.

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

6 **ARGUMENT**

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8 As noted above, both lead counsel and the primary witness for Defendant are not available on
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
11 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

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

3 DATED this 19th day of September, 2023.

4 JONES WALKER LLP

5
6 By: /s/ Peter J. Kee, Esq.

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23 *Attorneys for Defendant,*
24 *Autozoners, LLC*

25 Having read and considered the Defendant's Motion to Continue the Evidentiary
26 Hearing ECF No. 69 on Plaintiff's Motion for Sanctions due to Spoliation ECF
27 No. 50 and Plaintiff's notice of non-opposition, the motion (ECF No. 69) is
28 **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



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE VIA CM/ECF

Pursuant to FRCP 5, I hereby certify that I am an employee of MESSNER REEVES LLP and that on the 19th day of September, 2023, I caused to be served via CM/ECF a true and correct copy of the document described herein.

Document Served: DEFENDANT, AUTOZONERS, LLC’S MOTION TO CONTINUE THE DATE OF THE EVIDENTIARY HEARING ON PLAINTIFF’S MOTION FOR SANCTIONS

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/s/ Erin Donaldson
An employee of MESSNER REEVES LLP

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