

1 ADAM PAUL LAXALT
 Attorney General
 2 BENJAMIN R. JOHNSON
 Deputy Attorney General
 3 Nevada Bar No. 10632
 Bureau of Litigation
 4 Public Safety Division
 100 N. Carson Street
 5 Carson City, NV 89701-4717
 Tel: (775) 684-1254
 6 E-mail: BJohnson@ag.nv.gov

7 *Attorneys for Defendants*
Colette Ball, Bruce Bannister, Giovanni
 8 *Capra, James "Greg" Cox, Jon Garner,*
Dawn Jones, and Joon Lee
 9

10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

12 MICHAEL TODD SANZO,

13 Plaintiff,

14 vs.

15 JAMES G. COX, et al.,

16 Defendants.

Case No. 3:14-cv-00030-RCJ-WGC

MOTION TO CONTINUE TRIAL

17 Defendants, Colette Ball, Bruce Bannister, Giovanni Capra, James "Greg" Cox, Jon
 18 Garner, Dawn Jones, and Joon Lee, by and through counsel, Adam Paul Laxalt, Attorney
 19 General of the State of Nevada, and Benjamin R. Johnson, Deputy Attorney General, hereby
 20 move to continue the trial date set for this matter. This Motion is brought pursuant to LR 6-1
 21 and is based upon the following Memorandum of Points and Authorities and all papers and
 22 pleadings on file herein.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **I. INTRODUCTION**

25 Defendants seek a continuance of the trial date in this matter, as Defendants have filed a
 26 motion for summary judgment that has not yet been fully briefed by the parties or submitted to
 27 the Court for consideration and decision. The Court issued an order setting trial to begin on June
 28 29, 2015, at 9:00 a.m. and set a calendar call for June 22, 2015. (#36).

1 **II. LEGAL STANDARD AND ARGUMENT**

2 District courts have inherent power to control their dockets. *Hamilton Copper & Steel*
3 *Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d
4 272, 273 (9th Cir. 1992).

5 Defendants request this trial continuance based upon the outstanding motion for
6 summary judgment filed by Defendants on May 8, 2015. It is unlikely that the motion for
7 summary judgment will be fully briefed before the date set for trial. It would be in the best
8 interest of judicial economy to continue the trial until the motion has been ruled upon because
9 it has the potential to narrow the legal issues and/or eliminate some of the defendants from
10 the case. Furthermore, the parties cannot prepare a Joint Pretrial Order until the Court
11 determines whether to grant judgment to any of the Defendants.

12 Defendants would respectfully request that the Court set this matter for a trial date and
13 a trial schedule after the Magistrate Judge has issued a Report and Recommendation on
14 Defendants' Motion for Summary Judgment and the Court enters an order adopting or
15 rejecting that recommendation.

16 Defendants assert that this motion is brought in good faith and not for the purpose of
17 delaying this matter.

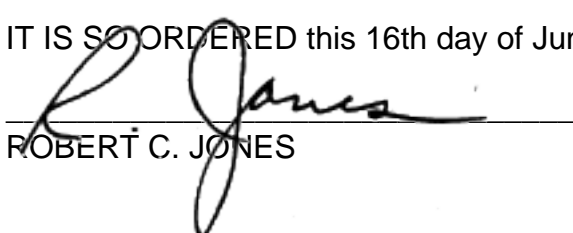
18 **III. CONCLUSION**

19 Based upon the foregoing, Defendants respectfully request that the Court continue the
20 trial currently set for June 29, 2015.

21 **ORDER**

22 IT IS HEREBY ORDERED that the Motion to Continue Trial (ECF #62) is GRANTED.
23 IT IS FURTHER ORDERED that the Calendar Call is set for 10:00 A.M., Tuesday,
24 October 13, 2015 and the Jury Trial is set for 8:30 A.M., Monday, October 26, 2015.


25 IT IS SO ORDERED this 16th day of June, 2015.

26 
27 ROBERT C. JONES

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 19th day of May, 2015 I caused to be served a copy of the foregoing **MOTION TO CONTINUE TRIAL**, by U.S. District Court CM/ECF Electronic Filing to:

Luke Busby, Attorney for Plaintiff
Luke Andrew Busby, Ltd.
216 East Liberty Street
Reno, NV 89501
luke@lukeandrewbusbyltd.com



An employee of the
Office of the Attorney General