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Attorneys for Defendants
 Keith Hodge, Kevin Hodge, and Hodgetwins, LLC

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

Case No. 2:25-cv-01858-APG-BNW

PASTOR STEVE SMOTHERMON,
 Plaintiff,

v.

KEITH HODGE, an individual; KEVIN
 HODGE, an individual; HODGETWINS, LLC,
 a limited liability company,
 Defendants.

**MOTION FOR LEAVE
 TO SUPPLEMENT OPPOSITION
 TO MOTION TO MODIFY THE
 SCHEDULING ORDER**

Defendants Keith Hodge, Kevin Hodge, and Hodgetwins, LLC (“Defendants”) respectfully request that this Court grant Defendants leave to supplement their Opposition to Plaintiff’s Motion to Modify the Scheduling Order (ECF No. 70).

Good cause exists to grant leave to file a Supplement to Defendants’ Opposition. Plaintiff’s Motion (ECF No. 67) made significant misrepresentations to the Court regarding Plaintiff’s capacity to participate in this litigation. Defendant just became aware of these misrepresentations this morning. This information came to Defendants’ attention at approximately 9:30 AM today.

These misrepresentations are material and demonstrate that Plaintiff’s request for a discovery extension was made in bad faith. The Court should be aware of the information contained in the attached Supplement, and Defendants respectfully request that the Court consider the Supplement attached hereto as **Exhibit 1**.

1 Dated: September 8, 2026.

Respectfully submitted,

2 RANDAZZA LEGAL GROUP, PLLC

3 /s/ Marc J. Randazza

4 Marc J. Randazza, NV Bar No. 12265

5 Ronald D. Green, NV Bar No. 7360

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7 *Attorneys for Defendants,*

8 *Keith Hodge, Kevin Hodge,*

9 *and Hodgetwins, LLC.*

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Case No. 2:25-cv-01858-APG-BNW

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 8, 2026, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document is being served via transmission of Notices of Electronic Filing generated by CM/ECF.

Respectfully submitted,

/s/ Marc J. Randazza

Marc J. Randazza

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Exhibit 1

Supplement to Defendants' Opposition
to Motion to Modify Scheduling Order

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**SUPPLEMENT TO DEFENDANTS'
 OPPOSITION TO MOTION TO MODIFY
 THE SCHEDULING ORDER**

[ECF NO. 70]

Defendants Keith Hodge, Kevin Hodge, and Hodgetwins, LLC (“Defendants”) hereby supplement their Opposition to Motion to Modify the Scheduling Order (ECF No. 70). That Opposition was filed on August 24, 2026, and Defendants learned of new information on September 8, 2026, proving that Plaintiff misrepresented his incapacity and his inability to participate in this case. This information did not come to Defendants’ attention until this morning, and thus this could not have been filed any sooner.

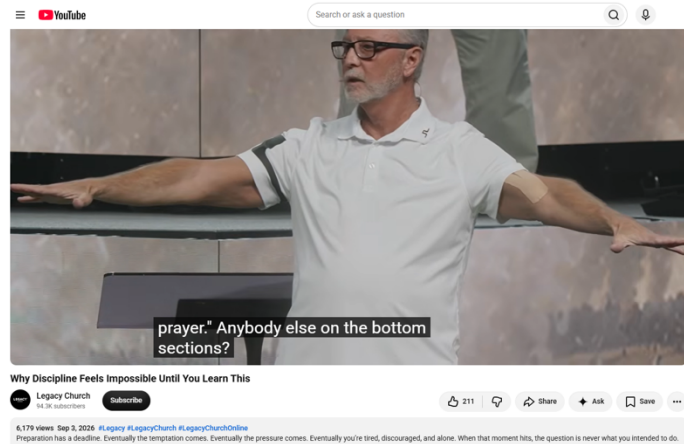
In his Motion to Modify the Scheduling Order (ECF No. 67), Plaintiff claimed that recovery from surgery rendered him incapable of sitting for deposition or participating in this case. *See* ECF No. 67 at 2. His counsel claimed that “Plaintiff is on bed rest and pain medication, cannot sit or concentrate, and cannot participate in any proceeding – in person or by video – with the soonest date for renewed activity being early November 2026.” *Id.* at 2-3.

1 This was a lie.

2 It was not just an insignificant lie, but it was a material lie placed before the Court in order
3 to gain a litigation advantage. It was the central focus of several motions and oppositions.

4 Smothermon filed a motion for protective order because he was too bedridden to even *think*
5 about the case. *See* ECF No. 79. He claimed that he could not even certify his discovery responses
6 because he was too bedridden. *See generally* ECF No. 78. He claimed that discovery had to be
7 extended, because he could not sit for a
8 deposition until November. *See* ECF 67 at
9 2-3; 3-4, and ECF 79 at 2.

10 But on September 2, the *day before*
11 he made that material misrepresentation to
12 the Court in a motion for a protective
13 order, Smothermon had the capacity to
14 prepare a 45-minute sermon, climb the



Smothermon Giving a Sermon on Sept. 2

15 steps to a stage, and deliver that fiery and animated sermon in front of a megachurch full of people.
16 *See* YouTube Video “*Why Discipline Feels Impossible Until You Learn This*”;¹ Legacy Church
17 “Past Sermons” Page.² He published that video the same day he told the Court that he could not
18 do so much as *speak to his counsel* about the case. In the video, Smothermon is standing behind
19 the pulpit in no apparent distress for nearly an hour. *See id.*

20 On September 3, 2026, one day after he stood at a pulpit for a fiery 45-minute sermon, he
21 filed a Motion for Protective Order (ECF No. 79) misrepresenting to the Court that he was confined
22 “to bed rest, cannot sit, concentrate, or remain awake, should not endure any added stress, and
23 cannot participate in any interview or be interviewed for any reason until early November 2026 at
24 the earliest.” ECF No. 79 at 2.

25
26 ¹ Available at <https://www.youtube.com/watch?v=v5ciBu0fekK> (last accessed Sept. 8, 2026).

27 ² Available at <https://www.legacychurch.com/sermon-archive?sapurl=LysxOWE4L2xiL2xpLyt2cjljanZkP2VtYmVkpXRydWUmcMvJZW50Um91dGU9YXBwLndiYi1hcHAubGlicmFyeS5saXN0JnJIY2VudFJvdXRIU2x1Zz0lMkJ2cjljanZk> (last accessed Sept. 8, 2026).

1 If Plaintiff Smothermon is capable of delivering a 45-minute sermon to his congregation,
2 while standing, he is capable of participating in a lawsuit that he filed. He is capable of standing
3 on stage, *yelling*, fully animated, with full range of motion. Yet the day after he gave that sermon,
4 he lied and represented to the Court that he remained confined to bed rest. This is bad faith, and
5 requests for extensions of time should only “be granted in the absence of bad faith on the part of
6 the party seeking relief.” *Burch v. HCA Healthcare, Inc.*, Case No. 2:25-cv-01408-JAD-MDC,
7 2025 U.S. Dist. LEXIS 183027, at *2 (D. Nev. Sept. 18, 2025), *quoting Ahanchian v. Xenon*
8 *Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010). Plaintiff has lied to Defendants and to this
9 Court about his incapacity and ability to participate in this lawsuit. Plaintiff’s Motion for a
10 discovery extension should be denied. And if candor to the court means anything, he and his
11 counsel should be sanctioned for lying to the court to try and gain a litigation advantage.

12 Discovery should end for Mr. Smothermon on September 18, and he should have to pay
13 all fees associated with responding to motions and oppositions filed that were based on his material
14 misrepresentations to the court.

15
16 Dated: September 8, 2026.

Respectfully submitted,

17 RANDAZZA LEGAL GROUP, PLLC
18 /s/ Marc J. Randazza

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