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United States District Court

District of Nevada

Notice of Electronic Filing

The following transaction was entered on 7/23/2026 at 2:23 PM PDT and filed on 7/23/2026

Case Name: Smothermon v. Hodge et al

Case Number: [2:25-cv-01858-APG-BNW](#)

Filer:

Document Number: 59 (No document attached)

Docket Text:

MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Brenda Weksler on 7/23/2026.

Before this Court is Defendants' emergency motion to continue hearing. ECF No. [55]. The filing of emergency motions is disfavored and "properly confined to only the most limited circumstances." *Cardoza v. Bloomin' Brands, Inc.*, 141 F. Supp. 3d 1137, 1141 (D. Nev. 2015); *see also* LR 7-4(b). It is within the sole discretion of the court to determine whether an emergency exists to warrant such a motion. *Id.* at 1142; *see also* LR 7-4(c).

Emergency motions are only proper when "the movant has shown (1) that it will be irreparably prejudiced if the Court resolves the motion pursuant to the normal briefing schedule and (2) that the movant is without fault in creating the crisis that requires emergency relief, or at the very least that the crisis occurred because of excusable neglect." *Cardoza*, 141 F. Supp. 3d at 1142.

Here, Defendants filed an emergency motion to continue the hearing which was recently set for 8/3/2026. ECF No. 55; *see also* ECF No. 54. Defendants note that all three of their attorneys will be out of state during the scheduled hearing due to pre-existing commitments. *Id.* at 2. As Plaintiff points out, however, Defendants fail to address the seemingly viable alternative of appearing remotely. ECF No. 56 at 2-3. Considering the factors above, Defendants fail to show irreparable prejudice, and they fail to show any crisis requiring emergency relief. Accordingly, this Court DENIES the motion at ECF No. 55.

The hearing on 8/3/2026 will take place as originally ordered. ECF No. 54. Defendants may refer to that minute order for instructions on remote appearance.

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2:25-cv-01858-APG-BNW Notice has been electronically mailed to:

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