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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**PASTOR STEVE
SMOTHERMON,**

Plaintiff,

v.

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

Defendants.

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

**PLAINTIFF’S OPPOSITION TO
DEFENDANTS’ EMERGENCY
MOTION TO CONTINUE
HEARING ON PLAINTIFF’S
MOTION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT**

Plaintiff Pastor Steve Smothermon (“Plaintiff”) opposes Defendants’ Emergency Motion to Continue Hearing (ECF No. 55) (the “Motion”). Defendants ask the Court to move the August 3, 2026, hearing on Plaintiff’s Motion for Leave to File First Amended Complaint (ECF No. 52) back more than two weeks, to August 18, 2026. ECF No. 55 at 1. The Motion should be denied. It manufactures an “emergency” out of ordinary scheduling, it is refuted by the Court’s own provision for remote appearances, and the two-week delay it seeks is irreconcilable with Defendants’ repeated insistence that any delay in this case prejudices them.

I. This Is Not an Emergency.

Local Rule 7-4 confines emergency motions to genuine emergencies. It provides that emergency motions should be rare, that “[a] party or attorney’s failure to effectively manage deadlines, discovery, trial, or any other aspect of litigation does not constitute an emergency,” and that its provisions “are not intended for requests for procedural relief, e.g., a motion to extend time to file a brief.” NV R USDCT LR 7-4. The Court “may determine whether any matter submitted as an ‘emergency’ is, in fact, an emergency,” and noncompliance “may result in denial of the motion.” *Id.*

Defendants’ request is the paradigm of what Local Rule 7-4 excludes. The asserted grounds are three attorneys’ out-of-state personal and travel commitments: Mr. Randazza’s plan to be with his son for a birthday, Mr. Green’s trip to Massachusetts, and Mr. Shepard’s travel to Olympia, Washington. ECF No. 55-2 at 2. Those are pre-planned calendar conflicts, not an emergency. Rescheduling a hearing for counsel’s convenience is precisely the “procedural relief” the Rule states the emergency procedure is “not intended for.” NV R USDCT LR 7-4. The Motion should be denied on this basis alone.

II. The Court Has Already Provided for Remote Appearance, Which Defeats the Stated Basis for the Motion.

Even taken on their own terms, counsel’s travel plans provide no reason to delay the hearing. The Court’s minute order setting the hearing expressly authorized remote appearances, directing that “[t]o appear remotely, parties are kindly directed to contact courtroom administrator Elvia Garcia . . . no later than noon on the day prior to the hearing and no sooner than one week prior to the hearing.” ECF No. 54. Counsel may therefore appear from wherever they are on August 3.

Three attorneys of the Randazza Legal Group have appeared for Defendants, and the Motion does not assert that any of them is unable to appear remotely on

1 August 3 — only that each will be out of state. ECF No. 55-2 at 2. With a remote
 2 option available and three attorneys on the file, Defendants have not shown that
 3 counsel’s travel prevents their appearance at all.

4 **III. The Requested Delay Contradicts Defendants’ Own Position That Delay**
 5 **Prejudices Them.**

6 Defendants’ request for a two-week continuance cannot be squared with the
 7 position they have taken in opposing the underlying motion. In their Opposition to
 8 Plaintiff’s Motion for Leave to File First Amended Complaint (ECF No. 53),
 9 Defendants argued that “[a]llowing Plaintiff to amend now would prejudice
 10 Defendants,” and that “[g]iven how silly this entire litigation is, it should not be
 11 prolonged.” ECF No. 53 at 9-10. They devoted an entire section to the contention
 12 that amendment will “[p]rejudice [d]efendants and [c]ause [u]ndue [d]elay.” ECF
 13 No. 53 at 11.

14 Defendants cannot have it both ways. Having told the Court that delay in this
 15 matter prejudices them and that the litigation “should not be prolonged,” they now
 16 ask the Court to prolong it by continuing the very hearing that will decide the
 17 amendment question. ECF No. 53 at 10. Plaintiff does not concede that any delay
 18 prejudices Defendants. But Defendants’ own filings foreclose the notion that a
 19 continuance serves anyone’s interest, and their about-face confirms that the
 20 requested delay is unnecessary. Plaintiff is prepared to proceed on August 3 and
 21 confirmed as much to defense counsel before the Motion was filed. ECF No. 55-1
 22 (which specifically does not say Plaintiff is concerned about prejudice to
 23 Defendants: “We object to this unnecessary and extensive delay. It of course flies in
 24 the face of your response to our motion suggesting how prejudiced your clients are
 25 by any delay.”); *cf.* ECF No. 55 at 1, 2 (wrongly stating that the basis for opposing
 26 the relief requested is that undersigned counsel “is concerned it will prejudice
 27 *Defendants.*”) (emphasis in original).

1 **CONCLUSION**

2 For the foregoing reasons, Plaintiff respectfully requests that the Court deny
3 Defendants' Emergency Motion to Continue Hearing and conduct the hearing on
4 Plaintiff's Motion for Leave to File First Amended Complaint as scheduled on
5 August 3, 2026, with any party permitted to appear remotely.

6 Respectfully submitted this 22nd day of July, 2026.

7
8 /s/ Nicole A. Westbrook

9 Nicole A. Westbrook

10 G. Michael Jackson Esq.

11 **JONES, DAVIS & JACKSON, P.C.**

12 *Attorneys for Pastor Steve*

13 *Smothermon*

14 **CERTIFICATE OF SERVICE**

15
16 I HEREBY CERTIFY that on July 22, 2026, I caused the foregoing
17 document to be electronically filed with the Clerk of the Court using CM/ECF. I
18 further certify that a true and correct copy of the foregoing document was served
19 on all counsel of record via transmission of Notices of Electronic Filing generated
20 by CM/ECF.

21 Marc J. Randazza, NV Bar No. 12265

22 Ronald D. Green, NV Bar No. 7360

23 Alex J. Shepard, NV Bar No. 13582

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/s/ Nicole A. Westbrook