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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 RESPONSE TO
DEFENDANTS' MOTION TO
MODIFY THE SCHEDULING
ORDER (ECF 66)**

Plaintiff responds to Defendants' Motion to Modify the Scheduling Order (ECF No. 66). Defendants seek only a narrow extension of the discovery cut-off solely for Plaintiff's deposition to November 30, 2026, and of their own dispositive-motion deadline to 60 days thereafter, while leaving the general September 18, 2026 cut-off intact. That limited request is improper. It ignores Defendants' incomplete production—despite repeated meet-and-confer demands since April 2026—and would strand the remaining targeted depositions of the individual Defendants, their agents, and a Rule 30(b)(6) witness. Plaintiff has already filed a comprehensive

1 motion (ECF No. 67)¹ seeking a December 31, 2026 discovery cut-off. Plaintiff
 2 respectfully request that this Court deny this motion and grant the broader more
 3 equitable relief requested in ECF No. 67.

4 **I. DEFENDANTS’ LIMITED REQUEST IS IMPROPER BECAUSE THEIR**
 5 **INCOMPLETE PRODUCTION PREVENTS COMPLETION OF THE**
 6 **REMAINING DEPOSITIONS**

7 Defendants’ early written-discovery responses represented under oath that no
 8 responsive documents existed. Only on June 10 and 11, 2026, did Defendants admit
 9 that Kevin Hodge searched for the image “in Google’s incognito mode” and
 10 therefore has “no record of the search,” and produce for the first time the same-day
 11 notice that the photograph was “INCORRECT” and depicted “Pastor Steve
 12 Smothermon” (HODGE000136–000138). Native files with metadata, Google My
 13 Activity/Takeout data, and Meta platform logs still have not been produced, despite
 14 Plaintiff’s repeated meet-and-confer correspondence beginning April 21, 2026, and
 15 continuing through May, June, and July. *See* Westbrook Decl. (ECF No. 67-1) ¶¶ 3–
 16 4 & Ex. B.

17 Until that production is cured, Plaintiff cannot complete the limited, targeted
 18 depositions of the individual Defendants (focused on the incognito search,
 19 knowledge of Plaintiff, notice, and deletion of the Post), the depositions of agents
 20 Nathan Hughes and Kylie Howerton, or a Rule 30(b)(6) deposition of Hodgetwins,
 21 LLC on ESI systems, preservation practices, and agent authority. Defendants’
 22 narrow extension—limited solely to Plaintiff’s deposition—would leave these
 23 remaining depositions stranded under the September 18, 2026 cut-off.

24
 25 ¹ Plaintiff incorporates by reference the full Memorandum of Points and Authorities, the
 26 Declaration of Nicole A. Westbrook, and all exhibits filed in support of Plaintiff’s Motion to
 27 Modify the Scheduling Order (ECF No. 67). That motion supplies the complete showing of good
 cause under Fed. R. Civ. P. 16(b)(4) and LR 26-3, including the statements required by LR 26-
 3(a)–(d).

II. PLAINTIFF'S MEDICAL LIMITATION AND THE ABSENCE OF PREJUDICE SUPPORT BROADER RELIEF

Plaintiff underwent major lumbar spinal-fusion surgery on July 1, 2026. His treating physician has confirmed he remains on bed rest, cannot sit or concentrate, and is unable to participate in any deposition or proceeding (remote or otherwise) until approximately early November. Westbrook Decl. Ex. A (ECF No. 67-2). Defendants' offered accommodations do not alter that assessment.

No trial date has been set, and Defendants identify no concrete prejudice. Granting the broader relief in ECF No. 67 serves judicial economy by avoiding incomplete depositions or successive short extensions later.

III. CONCLUSION

Plaintiff respectfully requests that the Court deny the limited modification sought in Defendants' Motion (ECF No. 66) and instead grant the modification requested in Plaintiff's Motion (ECF No. 67), extending the discovery cut-off to December 31, 2026, with corresponding adjustments to the dispositive-motion and joint-pretrial-order deadlines. A proposed order was submitted with ECF No. 67.

Respectfully submitted this 20th day of August, 2026.

/s/ Nicole A. Westbrook

Nicole A. Westbrook

G. Michael Jackson Esq.

JONES, DAVIS & JACKSON, P.C.

Attorneys for Pastor Steve Smothermon

CERTIFICATE OF CONFERRAL

Pursuant to Local Rules IA 1-3(f) and 26-6, undersigned counsel certifies that Plaintiff conferred with counsel for Defendants regarding the relief requested. Defendants oppose the broader extension and filed their limited request instead.

/s/ Nicole A. Westbrook

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2026, I caused the foregoing document to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all counsel of record.

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