



## Russell Road Food and Beverage

2013 | Cited 0 times | D. Nevada | May 10, 2013

### ORDER

Presently before the court is defendant Industrial Road 2440-2497, LLC's ex parte application to continue response and hearing dates by 14 days. (Doc. # 24). Plaintiff Russell Road Food and Beverage, LLC has not responded.

On May 2, 2013, plaintiff filed a complaint alleging trademark infringement (doc. # 1), along with a motion for a temporary restraining order ("TRO") (doc. # 3), and a motion for preliminary injunction (doc. # 4). On May 3, 2013, this court denied plaintiff's motion for a TRO and set an expedited briefing schedule for the motion for preliminary injunction. (Doc. # 22).

Plaintiff operates a gentlemen's club under the name "Crazy Horse III" and alleges that defendants' use of the name "Crazy Horse Too" to operate its gentlemen's club constitutes trademark infringement. Plaintiff alleges that defendants' gentlemen's club is to open June 1, 2013. (Doc. # 3). Based on this information the court gave defendants up to, and including, May 13, 2013, to file a response; plaintiff up to, and including, May 17, 2013, to file a reply; and set a hearing on the matter for May 22, 2013. (Doc. # 22).

On May 9, 2013, defendant Industrial Road 2440-2497, LLC filed the instant motion seeking a 14-day continuance of both its response date and the hearing date. Defendant represents that it needs additional time to locate and submit evidence of early use of the "Crazy Horse Too" trademark going back to the early 1980s. Further, defendant represents that it, along with some of the other named defendants, have retained out-of-state counsel to represent them in this matter. Defendant contends that out-of-state counsel needs additional time to file their pro hac vice applications with the court.

Because the purported harm is to occur June 1, 2013, the court does not find a two-week continuance sensitive to the expedited nature of this matter. The original deadline for defendants to file a response was May 19, 2013, the court finds this date to be a fair deadline.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants shall have up to, and including, May 20, 2013, to file a response.<sup>1</sup>

IT IS FURTHER ORDERED that plaintiff shall have up to and including May 24, 2013, to file a reply.



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IT IS FURTHER ORDERED that the preliminary injunction hearing set for May 22, 2013, is VACATED.

IT IS FURTHER ORDERED that the preliminary injunction hearing be set for May 30, 2013, at 10:00 a.m. in courtroom 6A.

UNITED STATES DISTRICT JUDGE

1. May 19, 2013, falls on a Sunday, therefore defendants would have up to, and including May 20, 2013, to file a response.

