

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

RUSSELL ZINTER, et al;

CIVIL ACTION NO: 5:18-CV-680

Plaintiffs,

VS.

CHIEF JOSEPH SALVAGGIO, et al;

Defendants.

PLAINTIFFS' MOTION TO RESCHEDULE THE TRO HEARING

NOW COME Plaintiffs, by and through their attorneys, and respectfully seek an Order from this Honorable Court rescheduling the TRO hearing currently scheduled for September 7, 2018, and extending the TRO until whatever the new hearing date is, in the event the herein request to reschedule is granted. Plaintiff relies on the accompanying Brief In Support.

Respectfully Submitted,

EXCOLO LAW, PLLC

/s/ Solomon M. Radner
SOLOMON M. RADNER
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DATED: August 31, 2018

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

RUSSELL ZINTER, et al;

CIVIL ACTION NO: 5:18-CV-680

Plaintiffs,

VS.

Chief Joseph Salvaggio, et al;

Defendants.

**PLAINTIFFS' BRIEF IN SUPPORT OF THEIR MOTION TO
RESCHEDULE THE TRO HEARING**

This Court entered an Order, ECF #25, scheduling the TRO, ECF #22, for a hearing to take place on September 7, 2018 at 10:30 AM, and extending the TRO until that date and time. Plaintiffs thank the Court for its attention to this, but respectfully request the Court to reschedule the hearing based upon the following:

1. Undersigned Counsel is Plaintiffs' lead counsel and should be the attorney appearing in court for this hearing. Unfortunately, the undersigned is scheduled to be far away from the courthouse on Sep 6 and 7, tending to a personal matter that was scheduled some months ago. Prior to filing the instant motion, Plaintiff's counsel emailed the Court's chambers and cc'ed defense counsel, advising the Court of this issue and requesting that it be rescheduled. Aware that this matter has some urgency, the undersigned requested the hearing to take place *earlier* on Sep 5, 2018. In response to that:
 - a. The court's clerk advised Plaintiffs that a motion would need to be filed,

- b. Defense counsel advised that he was unavailable on Sep 5, 2018,
 - c. The undersigned then stated that Plaintiffs' local counsel would appear
2. However, in reviewing the issues and the documents at hand, Plaintiffs are now seeking to have this matter rescheduled if at all possible so that the lead counsels for all parties could attend. Plaintiffs are requesting that this TRO be rescheduled for a hearing on one of the following dates: September 13, 17, 20 (only PM), 26 (only PM), or 27, 2018.
3. Further, since this upcoming Monday is a legal holiday, it is likely that some witnesses, who may need to be subpoenaed to testify, may be difficult to subpoena either because they are out of town, will be out of town, or are otherwise in a place where a process server may have trouble finding them.

WHEREFORE, Plaintiffs respectfully request that this Court:

- a. Reschedule the Hearing Date, and
- b. Extended the TRO until that date.

Respectfully Submitted,

/s/ Solomon M. Radner
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sradner@excololaw.com

DATED: August 31, 2018

PROOF OF SERVICE

On August 31, 2018, the undersigned served this notice on all known parties of record by efileing it on this Court's efileing system which will send notice to counsel of record for all parties, with the exception of the Doe defendants who have yet to be identified.

/s/ Solomon M. Radner