1 2 3 4 5 UNITED STATES DISTRICT COURT DISTRICT OF NEVADA 6 7 8 MONTGOMERY CARL AKERS, 9 Plaintiff, Case No. 2:07-cv-00572-JCM-GWF 10 **ORDER** VS. 11 JAMES KESZEI, et al., Motion to Reopen Discovery (#263) 12 Defendants. 13 14 This matter is before the Court on Plaintiff's Motion to Reopen the Discovery Process in Regard to 15 Defendant Nicholas Voulgaris and Defendant James Keszei (#263), filed October 21, 2010; Defendant 16 Keszei's Response to Plaintiff's Motion to Reopen Discovery (#267), filed October 22, 2010; and Plaintiff's 17 Reply (#268), filed November 9, 2010. 18 On December 1, 2010, Judge Mahan granted Plaintiff's motion to amend his complaint (#266) as to 19 Defendants James Keszei and Nicholas Voulgaris. (#272). Defendant Keszei had previously been dismissed 20 without prejudice from this action due to Plaintiff's failure to serve Keszei within the time limits established by 21 Fed.R.Civ.P. 4(m). (#168). As a result of the Court's granting of leave to file the amended complaint, 22 Defendant Keszei has once again been named as a defendant in this action. As a result, the Court will hold the 23 present motion to reopen discovery (#263) in abeyance until Defendant Keszei has been served with and has 24 responded to the amended complaint. The Court will allow Keszei time to file an amended response to the 25 present motion to reopen discovery. Accordingly, 26 27 28

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IT IS HEREBY ORDERED that Plaintiff's Motion to Reopen the Discovery Process in Regard to Defendant Nicholas Voulgaris and Defendant James Keszei (#263) is **stayed** until Defendant Keszei has been served with, and responded to, the amended complaint. Keszei shall have up to and including 10 days from the date Keszei files his response to the amended complaint to file an amended opposition to the present motion to reopen discovery (#263).

DATED this 14th day of December, 2010.

GEORGE FOLEY, JR.

UNITED STATES MAGISTRATE JUDGE