

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VOLVO CONSTRUCTION
EQUIPMENT RENTS, INC.,

Plaintiff,

v.

NRL RENTALS, LLC, et al.,

Defendants.

2:09-CV-32 JCM (LRL)

ORDER

Presently before the court is plaintiff Volvo Construction Equipment Rents, Inc.'s motion for enlargement of time to respond to defendant Jefferson Bank's "motion to re-urge" the motion to dismiss. (Doc. #394).

On January 5, 2011, this court granted plaintiff's motion for the district judge to reconsider the order on the motion to dismiss. (Doc. #391). At that time, the court vacated the December 2, 2010, order (doc. #372), insofar as it granted defendant Jefferson Bank's motion to dismiss, and provided an opportunity for the plaintiff to respond to the substance of the motion.

The plaintiff thereafter filed a response, requesting that it be given leave to amend its pleading (doc. #374), but again failing to respond to the substance of defendant's motion. Accordingly, defendant Jefferson Bank filed a motion re-urging its motion to dismiss. (Doc. #394). Plaintiff did not file a response to that motion within the deadline set by the court.

The court has since denied plaintiff's motion to amend its complaint (doc. #374) for failure to comply with Local Rule 15-1(a), which requires that a moving party attach a proposed amended

1 complaint to a motion to amend. The court also granted defendant's motion re-urging the motion to
2 dismiss (doc. #394), because plaintiff has continually failed to respond to the substance of the motion
3 within the deadlines set by the court. The court agrees with Jefferson Bank's contention that, despite
4 having had in excess of four months to file a substantive response, the plaintiff has continually failed
5 to provide any additional information or argument to the court as to how the facts alleged in the
6 complaint state a plausible claim for relief. Accordingly, the court sees no reason to again delay the
7 proceedings and provide the plaintiff with yet another extension of time.

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion for
10 enlargement of time (doc. #394) is DENIED as moot.

11 DATED this 4th day of February, 2011.

12
13
14 
15 UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28