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7	UNITED STAT	ES DISTRICT COURT
8	DISTRICT OF NEVADA	
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10	GERALD HESTER,)
11	Plaintiff,	Case No. 2:09-cv-00117-RLH-NJK
12	VS.	 ORDER DENYING MOTION FOR SANCTIONS WITHOUT PREJUDICE
13	VISION AIRLINES, INC.,) (Docket No. 358)
14	Defendants.	
15		/
16	Pending before the Court is Plaintiffs'	motion for sanctions pursuant to Fed. R. Civ. P. 37(b).
17	Docket No. 358. That motion asserts that Def	endant failed to timely provide any discovery that was
18	ordered by the Court. See id. Defendant's res	ponse indicates that discovery was actually served by

Docket No. 358. That motion asserts that Defendant failed to timely provide any discovery that was ordered by the Court. *See id.* Defendant's response indicates that discovery was actually served by the deadline to do so. *See* Docket No. 360. In reply, Plaintiff asserts that, *inter alia*, the discovery responses were nonetheless inadequate. Docket No. 361. Because the arguments regarding the adequacy of the discovery responses are only developed in the reply, the Court does not have before it a proper record on which to rule on the motion. *Cf. Bazuaye v. I.N.S.*, 79 F.3d 118, 120 (9th Cir. 1996) (per curiam) (courts generally do not consider arguments raised for the first time in reply).¹ In

¹ The Court notes that the parties dispute whether a meet and confer was required prior to Plaintiffs' filing a Rule 37(b) motion for sanctions. A meet and confer was not required. *See, e.g., Allstate Ins. Co. v. Nassiri*, 2010 WL 5248111, *3 (D. Nev. Dec. 16, 2011); *Sille v. Parball Corp.*, 2010 WL 2505625, *2 (D. Nev. June 14, 2010). The Court otherwise expresses no opinion on the pending motion.

1	light of the circumstances, the Court finds the best course of action is to DENY without prejudice	
2	the motion for sanctions. Plaintiffs shall renew any motion for sanctions no later than February 4,	
3	2014. Any opposition must be filed no later than February 7, 2014, and any reply shall be filed no	
4	later than February 10, 2014. ²	
5	IT IS SO ORDERED.	
6	DATED: January 30, 2014	
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8	NANCY J. KOPPE	
9	United States Magistrate Judge	
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26	² Although it should already be clear to counsel, the Court notes that the briefing deadlines set out herein control notwithstanding any contrary deadlines that may be automatically generated by	
27	CM/ECF. See, e.g., Carrillo v. B&J Andrews Enters., LLC, 2013 U.S. Dist. Lexis 22010, *2 (D. Nev.	
	Feb. 19, 2013). The failure to comply with the deadlines established herein may result in the striking of	

28 the late-filed document and/or sanctions.