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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

2:09-CV-626 JCM (PAL)

ALLIED PROPERTY AND  
CASUALTY INSURANCE  
COMPANY, a foreign corporation,  
individually and as subrogee for its  
insured Joseph M. Holohan,  
  
Plaintiff,  
  
v.  
  
BEAZER HOMES HOLDINGS CORP.,  
et al.,  
  
Defendants.

**ORDER**

Presently before the court are defendant Beazer Homes Holding Corp.’s three motions for summary judgment. (Doc. # 185, 186, 187). Defendant filed these motions four weeks before this matter is scheduled to go to trial.

Fed. R. Civ. P. 56(b) provides that “[u]nless a different time is set by local rule or the court orders otherwise, a party may file a motion for summary judgment at any time until 30 days after the close of all discovery.” Fed.R.Civ.P. 56(b).

The court issued a discovery and scheduling order that provided a discovery cutoff date and a deadline for dispositive motions. The dispositive motions deadline was set for November 19, 2009. (Doc. # 27). Then the court granted an extension of time to file dispositive motions to December 30, 2009. (Doc. # 56). The court has granted no further extensions.

...

James C. Mahan  
U.S. District Judge

1           The instant motions were filed more than two and half years after the deadline to file such  
2 motions had expired. Further, defendant did not seek leave of the court before filing these motions.  
3 Thus, defendant's motions violate this court's order and Fed. R. Civ. P. 56(b).

4           Based on the foregoing,

5           IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Beazer Homes  
6 Holding Corp.'s three motions for summary judgment (doc. # 185, 186, 187) be, and the same hereby  
7 are, DENIED.

8           DATED October 12, 2012.

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UNITED STATES DISTRICT JUDGE