

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NATIONAL UNION FIRE INSURANCE CO OF)
PITTSBURGH, PA,)
)
Plaintiff,)
)
vs.)
)
BART MONROE, *et al.*,)
)
Defendants.)

Case No. 2:10-cv-00385-GMN-PAL

ORDER

Before the court is Plaintiff's Ex Parte Application for: (1) Brief Extension of Time to Permit Filing of a Motion for Service by Publication as to Defendant Bart Monroe, and (2) Order Addressing Motion for Extension of Dates Set Forth in Scheduling Order (Dkt. #42).

The Complaint (Dkt. #1) was filed March 19, 2010. The Plaintiff has requested and received two extensions of time to serve unserved Defendants. Defendants Nevada SWPPP Control, Christopher Sichta, Gregory Shapiro and Daniel Pietrafeso have been served and recently entered an appearance. In an Order (Dkt. #26) entered October 28, 2010, the court granted Plaintiff's Motion for Extension of Time and gave the Plaintiff an extension until January 15, 2011, in which to serve summons and complaint on the unserved Defendants. Plaintiff filed a Motion (Dkt. #32) regarding the Discovery Plan and Scheduling Order Deadlines. The court set the motion for hearing January 20, 2011, anticipating Plaintiff would effectuate service on the remaining unserved Defendants before the January 15, 2011 extended deadline.

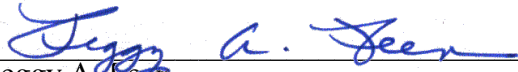
In the current motion Plaintiff states that, despite its diligent and extensive efforts, it has been unable to effectuate service on Defendant Bart Monroe. Plaintiff intends to file a Motion for Service by Publication. Very little discovery has been conducted because several of the Defendants only recently appeared, and Monroe still has not been found and served. The existing Discovery Plan and Scheduling

1 Order deadlines establishes a January 17, 2011 discovery cutoff. Plaintiff's motion was filed to insure
2 Plaintiff would not be prejudiced by the expiration of the current Discovery Plan and Scheduling Order
3 deadlines before the January 20, 2011 hearing.

4 Having reviewed and considered the matter, the parties are advised that the court will address
5 and adjust the existing Discovery Plan and Scheduling Order deadlines given the procedural posture of
6 this case at the January 20, 2011 hearing.

7 **IT IS ORDERED** Plaintiff's Ex Parte Motion (Dkt. #42) is set for hearing on **January 20,**
8 **2011, at 1:45 p.m. in Courtroom 3B.**

9 Dated this 18th day of January, 2011.

10
11 
12 _____
13 Peggy A. Lee
14 United States Magistrate Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28