

1 Pamela A. McKay (SBN 7812)
 2 **McKAY LAW FIRM, Chtd.**
 3 3295 N. Fort Apache Road, Suite 150
 4 Las Vegas, NV 89129
 5 Phone: 702-835-6956
 6 Fax: 702- 835-6957
 7 pmckay@mckaylawfirmchtd.com

8 Attorneys for Plaintiff/Counter-Defendant
 9 USF INSURANCE COMPANY

10 UNITED STATES DISTRICT COURT
 11 SOUTHERN DISTRICT OF NEVADA

12 USF INSURANCE COMPANY,
 13 a Michigan corporation,

14 Plaintiff,

15 vs.

16 SMITH'S FOOD AND DRUG CENTER,
 17 INC., d/b/a SMITH'S FOOD AND DRUG
 18 CENTER, #377, an Ohio corporation; and J &
 19 I MAINTENANCE, a Utah corporation.

20 Defendants.

21) CASE NO. 2:10-cv-01513-RLH-LRL
 22)
 23) LR 26-3 INTERIM STATUS REPORT OF
 24) PLAINTIFF/COUNTERDEFENDANT
 25) USF INSURANCE COMPANY

26
 27 TO THIS HONORABLE COURT AND ALL PARTIES AND THEIR ATTORNEYS
 28 OF RECORD:

Plaintiff/counter defendant USF INSURANCE COMPANY (USFIC), by and through its attorney of record, the McKay Law Firm, Chtd., hereby submits an Interium Status Report pursuant to LR 26-3 regarding the above-referenced action.

I. LITIGATION STATUS

Pursuant to the Scheduling Order entered by the Court on December 23, 2010, the current discovery cut-off is May 9, 2011, and the deadline to file dispositive motions is June 8, 2011. (Docket # 13).

On April 8, 2011, USFIC filed and served a Motion to Modify the Scheduling Order (First Request) in order to complete discovery and obtain a ruling on a pending motion to

1 compel, which may result in the disclosure of additional documents and the need to conduct
2 discovery on the additional documents. (Docket # 18, which is incorporated by reference as if
3 fully discussed herein).

4 **II. REQUEST FOR CONTINUANCE OF INTERIUM STATUS REPORT**
5 **CONCERNING THE PARTICULARS REQUESTED IN LR 26-4.**

6 Based on USFIC's request for a 90 day continance of the deadline to complete discovery
7 and file dispositive motions, USFIC, respectfully, requests the Court continue the date to submit
8 an Interium Status Report to address the estimated time for trial, three possible trial dates, and
9 whether or not trial will be elimiated or its length affected by substantive motions.

10 Based on the significant extent of discovery on issues that remains to be conducted,
11 USFIC submits that estimating the time for trial, along with possible dates and the impact of
12 dispositive motions is premature. Significant discovery and law and motion remains before this
13 information may be submitted to the Court on a reliable basis.

14 **III. CONCLUSION**

15 Based on the foregoing, USFIC, respectfully, submits that the Court continue the date for
16 filing an Interim Status Report based on the requirements set forth in LR 26-4. Presently, a report
17 which would contain these dates is premature. USFIC further requests the Court continue the
18 date for an Interim Status Report according to USFIC's request to continue certain outstanding
19 deadlines in the current Scheduling Order.

20 RESPECTFULLY SUBMITTED this 8th day of April, 2011.

21 **McKAY LAW FIRM, CHTD.**

22 */s/ Pamela McKay*

23 By:

24 PAMELA A. McKAY (SBN 7812)
25 3295 N. Fort Apache Road, Suite 150
26 Las Vegas, NV 89129
27 T: (702) 835-6956
28 F: (702) 835-6957
Attorneys for Plaintiff/Counterdefendant
USF INSURANCE COMPANY

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE
DATED: _____ 4-15-11 _____