

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ALLSTATE INSURANCE COMPANY, et al.,
Plaintiffs,
vs.
PETER MARIO BALLE D.C., et al.,
Defendants.

Case No. 2:10-cv-02205-APG-NJK

ORDER RE: MOTION TO
COMPEL

(Docket No. 296)

Pending before the Court is Defendants Accident Injury Medical Inc. and Sebastian Balle, M.D.'s Motion to Compel Deposition Testimony, Proper Discovery Responses and For Sanctions filed by on September 3, 2013. Docket No. 296. Defendants have requested emergency status for their motion so that they can obtain the requested discovery as soon as possible. Defendants note that close of discovery is September 16, 2013.

Whether a motion is truly an “emergency” is a matter left to the Court’s discretion. Local Rule 7-5(d)(3). The Defendants’ papers make clear that the discovery responses they take issue with were provided as early as June 13, 2013, and no later than August 8, 2013. *See* Docket No. 296, Exhibits 1, 4, 5, 17, and 19. Defendants fail to explain why they waited almost three months to raise this dispute. In these circumstances, the Court exercises its discretion to find that the Motion to Compel does not constitute an emergency. *See, e.g., Picard v. Wal-Mart Stores, Inc.*, 12-cv-1907 (D.Nev. June 13, 2013) (order finding protective order filed nearly three weeks after dispute arose was not an emergency); citing *Tzvetanova v. Wal-Mart Stores, Inc.*, 12-cv-2069-RCJ-CWH, Docket

1 No. 29 (D. Nev. Apr. 30, 2013) (minute order finding that Wal-Mart's motion for protective order
2 filed one day before scheduled Rule 30(b)(6) deposition would not be considered an emergency).

3 The Court will, however, in the interest of allowing discovery in this case to end as
4 scheduled, shorten the normal briefing schedule set forth in Local Rule 7-2(b)-(c).

5 IT IS HEREBY ORDERED that any response to the motion shall be due no later than
6 September 10, 2013 and any reply shall be due by September 12, 2013.

7 IT IS FURTHER ORDERED that a Motion Hearing is set for September 13, 2013, at 2:00
8 PM in LV Courtroom 3B before Magistrate Judge Nancy J. Koppe, in the event the Court determines
9 that a hearing is necessary. See LR 78-2.

10 IT IS SO ORDERED.

11 DATED: September 4, 2013

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15 NANCY J. KOPPE
16 United States Magistrate Judge
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