UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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TARA O'GRADY-SULLIVAN, an individual,

Plaintiff,

v.

THE STATE OF NEVADA, et al.,

Defendants.

Case No. 2:11-cv-00839-MMD-CWH

ORDER

(Defs.' Motion for Reconsideration – dkt. no. 113)

Before the Court is the Nye County Defendants' Motion for Reconsideration of Orders #101 and/or #111 denying their Motions for Summary Judgment. (Dkt. no. 113.) The State Defendants have filed a joinder to the Nye County Defendants' Motion. (Dkt. no. 114.) For the reasons set forth below, the Motion is denied.

In seeking reconsideration of the Court's Orders, Defendants suggest that they are placed in the predicament of having to defend claims at trial that could have been disposed of in summary judgment. They argue that they are in this predicament because of the timing of the motions, orders and the Court's Standing Order, which required the parties to participate in the settlement conference. However, as the Court noted in Order #111, Defendants permitted several deadlines to expire. First, between the time when the initial motions for summary judgment were filed and when they were decided by the Court, the discovery deadline was extended to November 2, 2012, and the deadline for summary judgment motions to be filed extended to December 3, 2012.

(*See* dkt. no. 88.) Yet, Defendants did not file any additional motions or offer any additional notice that they intended to supplement their original summary judgment motions before the December 3 deadline. Second, after the Court's denial of the summary judgment motions, the parties waited approximately a month before filing a joint stipulation proposing to extend the discovery deadline and the dispositive motion deadline.[1] (*See* dkt. no. 102.) Finally, after the Magistrate Judge denied their stipulation, ruling that they failed to demonstrate excusable neglect as required by Local Rule 6-1(b), (dkt. no. 103), Defendants did not object or seek reconsideration but waited another two months before filing their motions for summary judgment (dkt. nos. 104 and 105).

Defendants argue that the Court should decide the claims on their merits and suggest that the Court avoided doing so by denying their initial set of motions and their second set of motions. However, the need to decide claims on their merits and streamline issues for trial does not outweigh the need for parties to comply with procedural rules that are in place to secure the "just, speedy and inexpensive determination of every action." *See* Fed. R. Civ. P. 1. Defendants engaged in inexcusable delay before seeking to extend the dispositive motion deadline, and after the Magistrate Judge denied the request to extend this deadline, Defendants disregarded the Magistrate Judge's Order, waited two months and then filed their second motions for summary judgment. Under these circumstances, the Court does not find any reason to justify reconsideration under Rule 60(b).

IT IS THEREFORE ORDERED that the Nye County Defendants' Motion for Reconsideration of Orders #101 and/or #111 (dkt. no. 113) is DENIED.

DATED THIS 16th day of August 2013.

MIRANDA M. DU
UNITED STATES DISTRICT JUDGE

[1]This stipulation was filed over four months after the dispositive motion deadline passed.