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3 4 5 UNITED STATES DISTRICT COURT 6 DISTRICT OF NEVADA 7 **** 8 BRANCH BANKING AND TRUST 9 Case No. 2:11-cv-01778-APG-VCF 9 Plaintiff, 10 v. 11 V. 12 D.M.S.I., L.L.C., et al., 13 Defendants. 14 On May 16, 2013, Magistrate Judge Cam Ferenbach entered his Report a 15 Recommendation [Dkt. #74] recommending that Defendants' Amended Motion to Extere 16 Deadline to Arnend Answer and For Leave to File Amended Answer and Counterclar 17 [Dkt. #54] be denied. On June 3, 2013, Defendants filed their Objection [Dkt. #79] 18 that Recommendation. On June 20, 2013, Plaintiff filed its Response [Dkt. #88] 19 Defendants' Objection. 21 Defendants' Objection is incorrectly based upon LR-IB 3-2. That Rule address 22 recommendations of a Magistrate Judge made pursuant to LR-IB 1-4, 1-5, 1-6, and 1 23 However, because Magistrate Judge Ferenbach's Recommendation is a determination 24 of a pretrial matter not specifically enumerated as an exception in 28 U.S.C. 256(b)(1)(A),	1			
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1	Recommendation is not "clearly erroneous or contrary to law," it is hereby affirmed. ¹ For		
2	the foregoing reasons, Defendants' Objection to the May 16, 2013 Report and		
3	Recommendation is hereby DENIED. The Report and Recommendation [Dkt. #74] is		
4	affirmed in its entirety.		
5	Dated: June 21, 2013		
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7	ANDREW P. GORDON UNITED STATES DISTRICT JUDGE		
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25	¹ Even if review of the Recommendation was made pursuant to LR-IB 3-2, a <i>de</i>		
26 27	novo determination of that Recommendation still would lead to the affirmation of the Recommendation. The facts and arguments set forth in Plaintiff's Response [Dkt. #88]		
27 28	are persuasive and would be adopted by the Court. Particularly, Defendants' primary excuse for missing the applicable deadline is that Defendants and their counsel were very busy. This does not constitute "good cause" pursuant to Fed. R. Civ. P. 16.		
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