

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**

DSD NETWORK OF AMERICA, INC., et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 DEWAYNE MCKOY, et al.,)
)
 Defendants.)
 _____)

Case No. 2:12-cv-00486-MMD-PAL

ORDER

(Mot Ext Discovery - Dkt. #36)

The court conducted a hearing on Plaintiff’s Motion to Extend Discovery Deadlines (First Request) (Dkt. #36) on February 5, 2013. Counsel for Plaintiff, Harold Gewerter, did not appear until after the case was called and did not notify the court that he would be delayed. David Matheny timely appeared on behalf of Defendant Corey Powell.

The Complaint (Dkt. #1) in this case was filed March 22, 2012. When the parties did not submit a proposed discovery plan and scheduling order as required by LR 26-1(e), the court entered a standard discovery plan on September 14, 2012, which established a December 12, 2012, discovery cutoff and other deadlines consistent with LR 26-1(e). Plaintiff filed this motion nearly a month after the discovery cutoff. Defendant Powell opposes the motion. The court considered Plaintiff’s Motion (Dkt. #36), Defendant Powell’s Opposition (Dkt. #37), Plaintiff’s Reply (Dkt. #38) and reviewed the docket in this case. There are a number of dispositive motions currently pending before the district judge.

Although the motion is styled a Motion to Extend the Discovery Deadlines, it is actually a Motion to Reopen Discovery as it was filed well after the discovery cutoff expired. As such, Plaintiff is required to show excusable neglect. Plaintiff did not initiate discovery before the discovery cutoff. As grounds for the request to reopen discovery Plaintiff states that the close of discovery date was

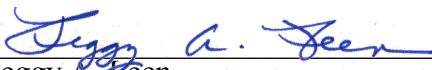
1 inadvertently left off counsel's calendar and the error was not discovered until after the holidays.
2 Additionally, because the court has not yet ruled on pending dispositive motions, counsel states that it is
3 difficult to craft appropriate discovery.

4 Having reviewed and considered the matter,

5 **IT IS ORDERED** that:

- 6 1. Plaintiff's Motion to Extend is **DENIED**.
- 7 2. The parties shall file a joint pretrial order which fully complies with LR 16-3, 16-4 and
8 26(e)(6) within 30 days of the last dispositive motion decided.

9 Dated this 6th day of February, 2013.

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