

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**

DESERT SALON SERVICES, INC., )  
 )  
 ) Plaintiff(s), )  
 )  
 ) vs. )  
 )  
 ) KAO USA INC., et al., )  
 )  
 )  
 ) Defendant(s). )  
 \_\_\_\_\_ )

Case No. 2:12-cv-01886-JCM-NJK  
ORDER DENYING DISCOVERY PLAN  
(Docket No. 18)

Pending before the Court is the parties' proposed discovery plan (Docket No. 18), which is hereby DENIED. The parties shall submit a revised discovery plan, no later than April 11, 2013, that includes the correct standard for requests for extension pursuant to Local Rule 26-4; namely, that requests to extend discovery deadlines must be filed at least 21 days before the expiration of the subject deadline sought to be extended. The pending proposed discovery plan incorrectly states that dates in the discovery plan and scheduling order may be modified up to 20 days before the discovery cut-off.

Although the Court is inclined to approve the deadlines set out in the parties' proposed discovery plan, the Court advises counsel that the filing of the discovery plan was untimely. Defendant filed a partial motion to dismiss for failure to state a claim on November 13, 2013. Docket No. 5. The filing of a motion to dismiss does not automatically stay discovery. *See, e.g., Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 600 (D. Nev. 2011). As such, absent an order granting a motion to stay discovery, the Rule 26(f) conference was required to be held within 30 days of the filing of the motion

1 to dismiss, and the stipulated discovery plan was due 14 days thereafter. *See* Local Rule 26-1(d). In  
2 the future, the Court expects counsel to comply with the deadlines set out in Local Rule 26-1(d) unless  
3 a stay of discovery is approved by the Court.

4 IT IS SO ORDERED.

5 DATED: April 9, 2013



7  
8 

---

NANCY J. KOPPE  
United States Magistrate Judge

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28