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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

COLONEL ROBERT FRANK, et al., Plaintiffs, vs. CITY OF HENDERSON, et al., Defendants.	Case No. 2:12-cv-01988-GMN-NJK ORDER DENYING PROPOSED DISCOVERY PLAN (Docket No. 21)

Pending before the Court is the Proposed Discovery Plan and Scheduling Order (# 21), which is hereby **DENIED**. The proposed discovery plan is deficient in a number of respects. First, the Local Rules require proposed discovery plans to "state the date the first defendant answered or otherwise appeared." Local Rule 26-1(e)(1). The submitted discovery plan fails to do so. Second, the presumptive discovery period is 180 days from the date the first defendant answers or appears. Local Rule 26-1(e)(1). The proposed plan seeks additional time by calculating a 181-day period from February 12, 2013 despite the fact that the City of Henderson first appeared on January 2, 2013. *See* Proposed Discovery Plan and Scheduling Order at 2. The parties provide no explanation for this proposed delay.

Lastly, the Court notes that the parties request an Early Neutral Evaluation session be set if the matter is not resolved within 3 months. *See* Proposed Discovery Plan and Scheduling Order at 4. Early Neutral Evaluation sessions are held in employment discrimination cases. *See* Local Rule 16-6. It does not appear that this case would fall under those listed in Local Rule 16-6(a). Accordingly, the parties may instead request a settlement conference if they desire Court-assisted settlement discussions.

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Accordingly, the proposed discovery plan is **DENIED**. The parties are ordered, no later than February 21, 2013, to file another proposed discovery plan that complies with the Local Rules.

IT IS SO ORDERED.

DATED this 14th day of February, 2013.

NANCY J. KOPPE
United States Magistrate Judge