

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**

RASHEDA S. BAILEY,)	
)	
Plaintiff(s),)	Case No. 2:12-cv-02096-APG-NJK
)	
vs.)	ORDER DENYING PROPOSED
)	DISCOVERY PLAN
DESERT AUTO TRADER, LLC,)	
)	(Docket No. 22)
Defendant(s).)	

This matter is before the Court on Defendant’s Proposed Discovery Plan and Scheduling Order. Docket No. 22. Because the discovery plan is deficient on several matters, it is hereby DENIED without prejudice.

First, the parties are required to submit a *stipulated* proposed discovery plan. See Local Rule 26-1(d). The pending discovery plan was submitted only by Defendant and provides no explanation why it was not submitted jointly by the parties.

Second, the proposed discovery plan misstates Local Rule 26-4, in that it provides that requests to extend any deadlines in the scheduling order need only be filed 20 days before the discovery cut-off. See Docket No. 22 at 3. Local Rule 26-4 requires that any request to extend deadlines set forth in the scheduling order must be submitted at least 21 days before the subject deadline. For example, any request to extend the deadline for initial expert disclosures must be filed at least 21 days before the expiration of that deadline. Such a request filed only 20 days before the discovery cut-off would be untimely.

1 Third, the discovery plan purports to calculate the presumptively reasonable 180-day
2 discovery period from December 6, 2011, which Defendant asserts is “the date the Court ordered
3 Early Neutral Evaluation in this case.” *See* Docket No. 22 at 2. The Court is unclear where
4 Defendant derived this date, as there is no such order in this case. The discovery period must be
5 calculated from the date of Defendant’s first appearance, *see* Local Rule 26-1(e)(1), which in this
6 case was the filing of a motion to dismiss on January 18, 2014, *see* Docket No. 13.

7 In an effort to ensure future compliance and complete understanding of the Local Rules, the
8 Court hereby ORDERS Ryan Alexander to file a certification with the Court no later than March 25,
9 2014, indicating that he has read and comprehends Local Rules 26-4 and 26-1. Moreover, the Court
10 hereby ORDERS Mr. Alexander to promptly confer with Plaintiff, and ORDERS the parties to
11 submit a stipulated proposed discovery plan no later than March 25, 2014.

12 IT IS SO ORDERED.

13 DATED: March 18, 2014

14
15 
16 _____
17 NANCY J. KOPPE
18 United States Magistrate Judge
19
20
21
22
23
24
25
26
27