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8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 ***

12 DANIEL SMALL, CAROLYN SMALL,
13 WILLIAM CURTIN, DAVID COHEN,
14 LANETTE LAWRENCE, and LOUISE
COLLARD, Individually, and on Behalf of All
Other Persons Similarly Situated,

15 Plaintiff,

16 vs.

17 UNIVERSITY MEDICAL CENTER OF
SOUTHERN NEVADA;

18 Defendant.
19

CASE NO. 2-13-cv-0298-APG - PAL

**DEFENDANT'S MOTION FOR LEAVE
TO FILE A REPLY IN SUPPORT OF
DEFENDANT'S OBJECTION TO THE
REPORT AND RECOMMENDATION
AND FINAL FINDINGS OF FACT AND
CONCLUSION OF LAW OF SPECIAL
MASTER DANIEL B. GARRIE**

20 COMES NOW Defendant UNIVERSITY MEDICAL CENTER OF SOUTHERN
21 NEVADA ("Defendant" or "UMC"), by and through its attorneys, Robert W. Freeman, Esq.,
22 Margaret G. Foley, Esq., and Cayla Witty, Esq., and Lewis Brisbois Bisgaard & Smith LLP, and
23 hereby respectfully move this Court for leave to file a Reply in Support of the Objection (Dkt. No.
24 207, the "Objection") filed by UMC to the Findings of Fact and Conclusions of Law of Special
25 Master Daniel B. Garrie (Dkt. No. 189, the "R&R"). This Motion is made pursuant to LR IA 3-1,
26 which provides that the Court may "waive any of these rules if the interests of justice so require."

27 Neither the Federal Rules of Civil Procedure nor the Local Rules for the District of
28 Nevada appear to specifically provide, as a right, for the filing of a response or a reply to a

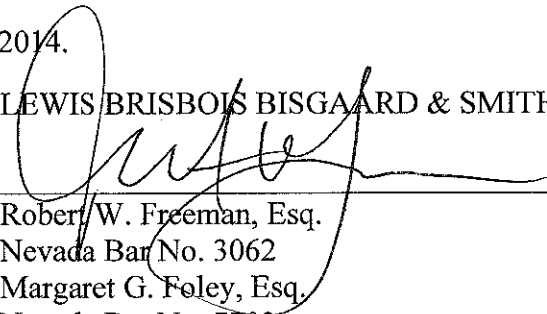
1 response to a party's objection to a Special Master's final report and recommendation.
2 Fed.R.Civ.P. 53(f) governs objecting to a Special Master's order, but it does not specifically set
3 forth procedures for responding to any such objection, or for replying to any such response.
4 Local Rule IB 3-1, meanwhile, provides for the filing of an opposition to an objection to a
5 magistrate judge's order, but it does not specifically include objections to a special master's order.

6 As this Court granted Plaintiffs' request for leave to file a Response to UMC's Objection
7 to Special Master Garrie's R&R (Doc. No. 211), UMC respectfully requests the same leave of
8 this Court to file a Reply in support of its Objection. UMC respectfully submits that such leave to
9 file a Reply in support of UMC's Objection to the R&R is justified and necessary in the interests
10 of justice so it may show this Court that Plaintiffs' Response fails to achieve its goal of defending
11 an R&R that itself is factually and legally unsound, but which calls for sanctions that would
12 effectively end this case before reaching its merits.

13 Accordingly, Defendant respectfully request leave to file, not later than fourteen (14) days
14 after the filing of Plaintiffs' Response to Defendant's Objection (or September 26, 2014), a Reply
15 of not more than 40 pages in length.¹

16 DATED this 26th day of September, 2014.

17 LEWIS BRISBOIS BISGAARD & SMITH LLP

18 
19 Robert W. Freeman, Esq.
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21 Margaret G. Foley, Esq.
22 Nevada Bar No. 7703
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26 Las Vegas, Nevada 89118

17 **IT IS SO ORDERED this 2nd day**
18 **of October, 2014.**

19 
20 Peggy A. Leen
21 United States Magistrate Judge

22 *Attorney for Defendant*
23 *University Medical Center of Southern Nevada*

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25
26 ¹ Local Rule 7-4 provided that "unless otherwise ordered by the Court," pre-trial briefs shall be limited to 30 pages.
27 UMC respectfully submits that more than 30 pages are necessary, and hereby requests leave to file a Reply of no more
28 than 40 pages. UMC makes this request concurrently with its request to extend Local Rule 7-4's page limitation of 30
pages.

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on the 26th day of September, 2014, I electronically filed the **DEFENDANT'S MOTION FOR LEAVE TO FILE A REPLY IN SUPPORT OF DEFENDANT'S OBJECTION TO THE REPORT AND RECOMMENDATION AND FINAL FINDINGS OF FACT AND CONCLUSION OF LAW OF SPECIAL MASTER DANIEL B. GARRIE** with the Clerk of the Court through Case Management/Electronic Filing System.

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