

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

* * *

CHARTIS SPECIALTY INSURANCE
COMPANY f/k/a AMERICAN
INTERNATIONAL SPECIALY LINES
INSURANCE COMPANY,

Plaintiff,

v.

APCO CONSTRUCITON, *et al.*,

Defendants.

Case No. 2:13-cv-00361-APG-NJK

**Order Denying Emergency Motion for
Relief**

On July 10, 2013, defendant M&H Enterprises, Inc. dba Martin-Harris Construction ("Martin-Harris") filed the present emergency motion (Dkt. #61) requesting a stay or postponement of the briefing on the motion for partial summary judgment filed by Plaintiff Chartis Specialty Insurance Company ("Chartis") (Dkt. #58). In essence, Martin-Harris seeks to avoid filing an opposition to Chartis' motion for partial summary judgment. The reasons set forth in the emergency motion do not justify staying the briefing schedule.

No rule prohibits Chartis from filing a motion for summary judgment (partial or total) in the early stages of this case. To the extent Martin-Harris believes the arguments asserted in its own pending motions to dismiss will defeat Chartis' claims, then those arguments can be asserted in opposition to Chartis' motion for partial summary judgment. If Martin-Harris believes it needs to conduct discovery in order to respond to Chartis' motion, it can seek relief under Fed.R.Civ.P. 56(d), either in its response to the

1 motion or by separate motion. But such a request must include "specified reasons" why
2 it cannot otherwise present facts that are essential to its response to the motion. Martin-
3 Harris' present emergency motion does not contain such specificity; nor does it contain
4 an affidavit or declaration that complies with Rule 56(d).

5 Accordingly, Martin-Harris' emergency motion (Dkt. #61) is denied.

6 Dated: July 12, 2013

7 

8 _____
9 ANDREW P. GORDON
10 UNITED STATES DISTRICT JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28