FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a Maryland corporation,

Plaintiff,

Defendants.

BIG TOWN MECHANICAL, LLC, etc., et al.,

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This matter is before the Court on Plaintiff's Motion to Reopen Limited Discovery (ECF No. 276), filed on September 5, 2017. Defendant Travelers Casualty and Surety Company of American ("Travelers") filed its Response (ECF No. 282) on September 19, 2017. Third-Party Defendant Controlco filed its Response (ECF No. 283) on September 19, 2017 and Plaintiff filed its Reply (ECF No. 284) on September 21, 2017.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Case No. 2:13-cv-00380-JAD-GWF

ORDER

On April 14, 2017, Third-Party Defendant Controlco filed its emergency motion to extend discovery deadlines. ECF No. 167. On April 26, 2017, the Court granted the motion to extend discovery deadlines setting September 7, 2017 as the discovery cut-off deadline and October 9. 2017 as the dispositive motion deadline. ECF No. 192. On May 31, 2017, the Court granted Plaintiff's motion to compel Travelers to produce documents previously withheld as privileged and instructed Defendant to produce documents responsive to Plaintiff's document requests, that were previously withheld on grounds of privilege, within 30 days unless an objection to the order is filed. See ECF No. 227. On June 14, 2017, Defendant filed an objection to the motion to compel order. ECF No. 230.

Plaintiff requests an additional 90 day extension of discovery from the date Defendant

produces documents responsive to Plaintiff's document requests that were previously withheld on grounds of privilege. Defendant Travelers argues that Plaintiff failed to demonstrate good cause and failed to request an extension in a timely manner. Third-Party Defendant requests a stay of the dispositive motion deadline pending a ruling on Plaintiff's underlying motion.

The Court does not find good cause to grant Plaintiff's request for a 90 day extension of discovery at this time. However, if the Court's order granting Plaintiff's motion to compel Travelers to produce documents previously withheld as privileged is upheld upon objection and if additional discovery is necessary, then Plaintiff may seek to reopen discovery. The Court, therefore, denies Plaintiff's request to reopen discovery without prejudice and subject to a ruling on Defendant's objection upholding the Court's motion to compel order. Further, the Court will stay the dispositive motion deadline pending a ruling on Defendant's objection (ECF No. 230). Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Reopen Limited Discovery (ECF No. 276) is **denied**, without prejudice, in accordance with the foregoing.

IT IS FURTHER ORDERED that the October 9, 2017 dispositive motion deadline is hereby stayed pending a ruling on Defendant's objection (ECF No. 230). The parties shall file proposed scheduling orders regarding the dispositive motion deadline and joint pretrial order deadline no later than fourteen (14) days following issuance of an order on Defendant's objection (ECF No. 230).

DATED this 3rd day of October, 2017.

GEORGE FOLEY, JR. United States Magistrate Judge