



1 Defendant Dignity Health’s motion to stay, however, is premised on a motion to dismiss  
2 brought by a different defendant. Docket No. 73. Defendant Dignity Health did not join Defendant  
3 Jonathan Bernstein’s motion. *See* Docket. Thus, Defendant Jonathan Bernstein’s motion to dismiss  
4 cannot serve as a basis for staying discovery against Defendant Dignity Health. *C.C. Mexicano.U.S.*  
5 *LLC v. Aero II Aviation, Inc.*, 2014 U.S. Dist. LEXIS 97925, at \* 4 (D. Nev. July 18, 2014) (denying  
6 motion to stay discovery against one defendant where the motion to dismiss was filed by another  
7 defendant).<sup>2</sup> Accordingly, Defendant’s motion to stay is **DENIED**.

8 **III. Motion to Continue Discovery Deadlines**

9 Defendant’s motion to continue discovery violates the local rules. First, Local Rule 26-4  
10 states that motions to extend any date set by the discovery plan must “be supported by a showing of  
11 good cause for the extension.” “Good cause” to extend a deadline exists “if it cannot reasonably be  
12 met despite the diligence of the party seeking the extension.” *Johnson v. Mammoth Recreations,*  
13 *Inc.*, 975 F.2d 604, 609 (9th Cir. 2000). It is clear that the parties have not diligently conducted  
14 discovery. According to the motion, the only discovery completed to date is Defendants’ initial  
15 disclosure. Docket No. 144, at 7. Parties may not self-impose a stay of discovery absent a court  
16 order. *See Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011) (“The Federal Rules  
17 of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially  
18 dispositive motion is pending”).

19 Second, Local Rule 26-4 states that motions “to extend a deadline set forth in a discovery  
20 plan shall be received by the Court no later than twenty-one (21) days before the expiration of the  
21 subject deadline.” Here, the deadlines to amend parties and for initial expert disclosures is  
22 November 13, 2014, which will expire in less than twenty-one days. *Id.*, at 8. When a party fails  
23 to timely request an extension of the deadlines subject to their request, they must establish excusable  
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25 <sup>2</sup> The undersigned Magistrate Judge’s Report and Recommendation on Defendant Jonathan  
26 Bernstein’s motion to dismiss was issued on July 30, 2014. Docket No. 133. Thus, Defendant  
27 waited over three months to file the pending motion to stay and provided no explanation for the  
28 delay. Accordingly, the Court finds that the approaching deadlines are an emergency of Defendant’s  
own making. *See Mission Power Eng’g Co. v. Cont’l Cas. Co.*, 883 F. Supp. 488, 492 (C.D. Cal.  
1995) (“[I]t must be established that the moving party is without fault in creating the crisis that  
requires [emergency] relief, or that the crisis occurred as a result of excusable neglect.”).

1 neglect for the extension sought. *See e.g.*, Local Rule 26-4. Defendant fails to address (let alone  
2 establish) excusable neglect in the pending motion with respect to the above deadlines.

3 **IV. Conclusion**

4 Based on the foregoing,

5 Defendant Dignity Health's motion to stay (Docket No. 144) is hereby **DENIED**.

6 The Court hereby **ORDERS** the parties to meet and confer, regarding each party's position  
7 on the pending motion to continue discovery deadlines (Docket No. 144). The Court further  
8 **ORDERS** that counsel for Defendant Dignity Health shall file a notice of all the parties' positions  
9 on the pending motion to continue discovery deadlines no later than 5:00 p.m. on November 12,  
10 2014.

11 IT IS SO ORDERED.

12 DATED: November 7, 2014

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16 NANCY J. KOPPE  
17 United States Magistrate Judge  
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