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

10 RUSSELL ROAD FOOD AND
11 BEVERAGE, LLC,

12 Plaintiff(s),

13 vs.

14 MIKE GALAM, et al.,

15 Defendant(s).

)
) Case No. 2:13-cv-00776-RFB-NJK
)

) ORDER DENYING MOTION FOR
) CLARIFICATION
)

) (Docket No. 175)
)
)

16 Pending before the Court is Plaintiff's "emergency" motion for clarification. Docket No.
17 175. This motion is purportedly brought in lieu of a motion to compel as a means to "avoid motion
18 practice." *See id.* at 4. Moreover, the motion is brought on an emergency basis in light of Plaintiff's
19 indication that it would like resolution of the issue prior to August 29, 2014, which Plaintiff asserts
20 is the general deadline for filing motions to compel. *See id.* at 6.¹ In short, Plaintiff seeks an order
21 indicating that Defendants must respond to certain interrogatories, but believes that it may bypass the
22 normal procedures for seeking such relief by captioning its motion as one for "clarification" of the
23 Court's earlier order. To the extent Plaintiff wants to compel answers to interrogatories, it should
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25 ¹ The Court expresses no opinion herein as to the "deadline" for filing such a motion to compel.
26 The Court is mindful that it approved the parties' prior stipulation that motions to compel *related to*
27 *enumerated depositions* may be filed up to August 29, 2014, *see* Docket No. 166 at 4, but that stipulation
28 did not establish a deadline for any other types of motions to compel. Moreover, that stipulation
extended the discovery period only as to depositions, *see id.* at 3, so the discovery period with respect to
interrogatories appears to have expired almost three months ago, on May 31, 2014, *see id.* at 2.

1 file a proper motion to compel in compliance with the required procedures, including a proper meet
2 and confer. Attempting to obtain the same relief through the pending “emergency motion for
3 clarification” neither avoids motion practice nor establishes the basis for deciding the issue on an
4 expedited basis. Accordingly, the Court finds the pending motion improper and **DENIES** it without
5 prejudice.

6 IT IS SO ORDERED.

7 DATED: August 25, 2014

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NANCY J. KOPPE
United States Magistrate Judge
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