

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**

CHRISTINA TRUST,

Plaintiff(s),

vs.

SUNCREST HOMEOWNERS ASSOCIATION,
et al.,

Defendant(s).

Case No. 2:15-cv-00231-GMN-NJK

ORDER DENYING PROPOSED
DISCOVERY PLAN

(Docket No. 36)

Pending before the Court is a proposed first amended discovery plan (Docket No. 36) which, for the reasons set forth below, is **DENIED** without prejudice. First, the plan must state the date the first defendant answered or otherwise appeared. Local Rule 26-1(e)(1). The plan fails to do so. Second, Local Rule 26-1(e)(1) establishes 180 days, measured from the date the first defendant answers or otherwise appears, as a presumptively reasonable time to complete discovery. Where more than 180 days of discovery are sought, the proposed discovery plan must state on its face, "SPECIAL SCHEDULING REVIEW REQUESTED" and provide an explanation why the parties believe additional time is required. Local Rule 26-1(d). In this case, Defendant National Association Services, Inc. filed a motion to dismiss on June 24, 2015. Docket No. 23. However, the proposed discovery plan requests a longer discovery period than 180 days without complying with Local Rule 26-1.

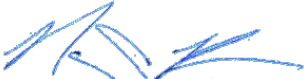
Third, the parties incorrectly calculate the number of days for discovery from the filing of the proposed discovery plan, when the period must be calculated from the date the first defendant answers or otherwise appears. See Local Rule 26-1(e)(1). Fourth, the proposed discovery plan misstates Local Rule

1 26-4, in that it provides that requests to extend deadlines in the scheduling order need only be filed 20 days
2 before the discovery cut-off. *See* Docket No. 36, at 3-4. Local Rule 26-4 requires that any request to
3 extend deadlines set forth in the scheduling order must be submitted at least 21 days before the subject
4 deadline. For example, any request to extend the deadline for initial expert disclosures must be filed at least
5 21 days before the expiration of that deadline. Such a request filed only 20 days before the discovery
6 cut-off would be untimely.

7 Accordingly, the proposed discovery plan (Docket No. 36) is hereby **DENIED** without prejudice.
8 The parties shall submit a revised discovery plan no later than August 19, 2015, that complies with the
9 Local Rules.

10 IT IS SO ORDERED.

11 DATED: August 12, 2015

12
13 
14 _____
15 NANCY J. KOPPE
16 United States Magistrate Judge
17
18
19
20
21
22
23
24
25
26
27
28