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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JACKIE GREENE,

Plaintiff(s),

vs.

WAL-MART STORES, INC.,

Defendant(s).

Case No. 2:15-cv-00677-JAD-NJK

ORDER

(Docket No. 13)

Pending before the Court is Defendant’s motion for dismissal sanctions. Docket No. 13. That motion is hereby **DENIED** without prejudice. Defendant is permitted to renew its motion, but any renewed motion must explain whether a finding of willfulness, fault, or bad faith is required for the relief sought. *See R&R Sails, Inc. v. Insurance Co. of Penn.*, 673 F.3d 1240, 1247 (9th Cir. 2012) (“because the sanction amounted to dismissal of a claim, the district court was required to consider whether the claimed noncompliance involved willfulness, fault, or bad faith”). If so, the renewed motion must explain why Defendant believes such a finding is proper in this case.

**IT IS SO ORDERED.**

DATED: October 15, 2015

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NANCY J. KOPPE  
United States Magistrate Judge