UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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VICTOR TAGLE.

EMPLOYEES, et al.,

Plaintiff,

Defendants.

STATE OF NEVADA, NDOC, NDOC'S

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VS.

VCF.

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2:15-cv-01402-JAD-VCF

DISCOVERY PLAN AND SCHEDULING ORDER

Before the Court is the Victor Tagle v. State of Nevada, et al., case number 2:15-cv-01402-JAD-

On January 4, 2018, this case was stayed pending resolution of the state case with the 7th Judicial District Court. (ECF NO. 153). The Court held a status hearing on July 3, 2018, and heard representations from the parties. Defendants state that they have supplemented the record of the state action and may file a motion to dismiss in that matter.

Pursuant to Local Rule 16-1(b), "in actions by or on behalf of inmates under 42 U.S.C. § 1983 ...no discovery plan is required," rather "a scheduling order [is] entered within thirty (30) days after the first defendant answers or otherwise appears." This is an action brought under 42 U.S.C. § 1983 and Defendants have appeared.

The court finds that discovery must commence. Plaintiff is advised that discovery must be focused only on the issues raised in this case.

Accordingly,

IT IS HEREBY ORDERED that the following discovery deadlines apply:

- 1. DISCOVERY: Pursuant to LR 16-1(b), discovery in this action shall be completed on or before **November 5, 2018**.
- 2. Amendments to pleadings as provided for under Fed. R. Civ. P. 15, if the same are allowed without leave of court, or motions for leave to amend, shall comply with LR 15-1 and shall be filed and served not later than **August 7, 2018**.
- 3. Expert disclosures shall be made on or before <u>September 6, 2018</u>, and the disclosures of rebuttal experts shall be made on or before <u>October 9, 2018</u>.
 - 5. Dispositive Motions shall be filed and served no later than **December 5, 2018**.
- 6. The Joint Pretrial Order is due by <u>January 4, 2019</u>. If dispositive motions are filed, the joint pretrial order is due thirty (30) days from the entry of the court's rulings on the motions or by further order of the court.
 - 7. The Interim Status Report must be filed or before **September 6, 2018**.
- 8. EXTENSIONS OF DISCOVERY: Pursuant to LR 26-4, a motion or stipulation to extend any date set by the discovery plan, scheduling order, or other order must, in addition to satisfying the requirements of LR IA 6-1, be supported by a showing of good cause for the extension. A motion or stipulation to extend a deadline set forth in a discovery plan must be received by the court no later than 21 days before the expiration of the subject deadline. A request made within 21 days of the subject deadline must be supported by a showing of good cause. A request made after the expiration of the subject deadline will not be granted unless the movant also demonstrates that the failure to act was the result of excusable neglect. A motion or stipulation to extend a discovery deadline or to reopen discovery must include:
 - (a) A statement specifying the discovery completed;
 - (b) A specific description of the discovery that remains to be completed;
 - (c) The reasons why the deadline was not satisfied or the remaining discovery was not completed within the time limits set by the discovery plan; and

1	(d) A proposed schedule for completing all remaining discovery.
2	IT IS FURTHER ORDERED that the stay is lifted.
3	IT IS FURTHER ORDERED that appearing defendants must file an answer or response to the
4	complaint, on or before July 18, 2018.
5	DATED this 3rd day of July, 2018.
6	CAM FERENBACH
7	UNITED STATES MAGISTRATE JUDGE
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