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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

VALLEY HEALTH SYSTEM LLC, et al., Plaintiff(s), vs. AETNA HEALTH, INC., et al., Defendant(s).	)	Case No. 2:15-cv-01457-JCM-NJK ORDER

Pending before the Court is Plaintiff's motion to compel. Docket No. 69, 70 (under seal). Defendants filed a response in opposition. Docket No. 84. The reply brief is due on October 13, 2016.

The Federal Rules of Civil Procedure (including Rule 26) were amended in 2015. The Court finds that the briefing filed to date fails to sufficiently explain whether and how those amendments impact (1) the inquiry to be undertaken by the Court in resolving motions to compel and (2) the burdens of persuasion applicable to motions to compel. By way of example, Plaintiff's standards section (Docket No. 70 at 8-9) relies exclusively on pre-2015 legal authority, at least some of which appears to have been abrogated by the 2015 amendments. *Compare Surfivor Media, Inc. v. Survivor Prods.*, 406 F.3d 625, 635 (9th Cir. 2005) (relevance includes information "reasonably calculated to lead to the discovery of admissible evidence") *with In re Bard IVC Filters Prod. Liab. Litig.*, __ F.R.D. ___, 2016 WL 4943393, at *1-2 (D. Ariz. Sept. 16, 2016) (finding that standard no longer applicable and cases like *Surfivor* abrogated by the 2015 amendments).

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Accordingly, the parties shall file, no later than October 13, 2016, supplemental briefs regarding the inquiry to be undertaken by the Court to resolve motions to compel pursuant to the amended rules and the impact (if any) of the amendments on the burdens of persuasion. These supplemental briefs shall be limited to 10 pages. These supplemental briefs are in addition to Plaintiff's reply brief.

IT IS SO ORDERED.

DATED: October 7, 2016

NANCY J. KOPPE
United States Magistrate Judge