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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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JUSTIN BAUM, Plaintiff, vs. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, Defendant.	2:15-cv-01917-APG-VCF **ORDER**

Before the court is Defendant's Emergency Motion to Compel Rule 35 Examination and Extend Discovery (#15).

Pursuant to Local Rule 7-5(d), "[w]ritten requests for judicial assistance in resolving an emergency dispute shall be entitled "Emergency Motion" and be accompanied by an affidavit setting forth: (1) The nature of the emergency; (2) The office addresses and telephone numbers of movant and all affected parties; and, (3) A statement of movant certifying that, after personal consultation and sincere effort to do so, movant has been unable to resolve the matter without Court action. The statement also must state when and how the other affected party was notified of the motion or, if the other party was not notified, why it was not practicable to do so. If the nature of the emergency precludes such consultation with the other party, the statement shall include a detailed description of the emergency, so that the Court can evaluate whether consultation truly was precluded. It shall be within the sole discretion of the Court to determine whether any such matter is, in fact, an emergency."

Here, after review of the motion and declaration, the Court finds that the instant motion is not an emergency and will not expedite the briefing schedule because discovery cut-off is July 25, 2016 and the last date for disclosure of experts is May 25, 2016. (#13). There is sufficient time to brief this motion in the ordinary course.

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Accordingly,

IT IS HEREBY ORDERED that a hearing on Defendant's Emergency Motion to Compel Rule 35 Examination and Extend Discovery (#15) is scheduled for 10:00 a.m., May 6, 2016, in courtroom 3D.

DATED this 15th day of March, 2016.

CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE