KMI Zeolite,	nc. v. United States Department of the Interior, et al.

1	UNITED STATES DISTRICT COURT			
2	DISTRICT OF NEVADA			
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6	KMI ZEOLITE, INC.,			
7	Plaintiff, 2	:15-cv-02038-MMD-VCF		
8	vs. <u>O</u> UNITED STATES DEPARTMENT OF THE <u>O</u>	DRDER		
9	INTERIOR, et al.,			
10	Defendants.			
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12	Before the Court is Plaintiff ABC Recycling Industries, LLC's Motion to Extend Time to File			
13	Objection to Report and Recommendations (ECF NO. 104).			
14	On December 11, 2017, Judge Ferenbach issued a Report and Recommendation that ABC be			
15	defaulted. (ECF No. 90). Any objections were due by December 26, 2017. No objections were filed.			
16	ABC retained new counsel on February 16, 2018. On February 28, 2018, ABC filed the instant motion			
17	seeking an extension to file an objection to the Report and Recommendation. ABC states that Mr. Ford			
18	(ABC's representative) obtained new counsel after realizing that his former counsel failed to file a notice			
10	of appearance for ABC, which lead to the recommendation for default of ABC in this matter. (ECF No.			
20	104). ABC claims that Mr. Ford has acted in good faith and that ABC's negligence in its failure to timely			
20	file an objection to the Report and Recommendation is excusable neglect. Id.			
	The Federal Defendants have filed an opposition to ABC's motion to extend time to object (ECF			
22	No. 105). The Federal Defendants argue that Harker's (ABC's former counsel) failure to act was not			
23 24	excusable neglect and they would be prejudice if ABC continues to be a party, since they will need to			
24	respond to ABC's quiet-title action. Id.			

ABC filed a reply in support of the its motion and addressed the Federal Defendants' argument. (ECF No. 109).

Under LR IB 3-1(a) and 3-2(a), the parties are entitled to file an objection to the magistrate judge's findings and the deadline to file any objections is 14 days after the service of the report and recommendations. The report and recommendation (ECF No. 90) is currently pending. There has been change in counsel for ABC. Given the severity of the recommendation of default of ABC, the court finds that allowing ABC an opportunity to file an objection to the Report and Recommendation is appropriate and this action will not prejudice the Federal Defendants.

Accordingly, and for good cause shown,

IT IS HEREBY ORDERED that Plaintiff ABC Recycling Industries, LLC's Motion to Extend Time to File Objection to Report and Recommendations (ECF NO. 104) is GRANTED. Any objections are due by April 13, 2018.

DATED this 30th day of March, 2018.

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CAM FERENBACH UNITED STATES MAGISTRATE JUDGE