UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JUDY DONATELL, Plaintiff, vs. CITY OF LAS VEGAS, et al., Defendants.	Case No. 2:15-cv-02334-RFB-NJK **ORDER** (Docket No. 30)

Pending before the Court is the parties' stipulated joint proposed discovery plan. Docket No. 30. The parties represent that they request a discovery period of 270 days. *See* Docket No. 30 at 3. However, the parties fail to "measure[] from the date the first defendant appear[ed]." Local Rule 26-1(e)(1). Instead, the parties err by calculating the discovery period using the date of the Rule 26(f) conference, January 28, 2016. Docket No. 30 at 3. Because Defendant Correct Care Solutions first appeared on December 17, 2015, and the parties seek to set the discovery deadline on October 28, 2016, the parties actually request a discovery period of approximately 318 days. *See id.* The presumptively reasonable discovery period is 180 days. Local Rule 26-1(e)(1).

The parties seek additional time because "not all individual defendants have appeared" and "Plaintiff intends to dismiss those Defendants that are not culpable." Docket No. 30 at 5. The Court finds that these reasons do not warrant such an extended discovery period. A pending motion dispositive motion is an inadequate basis to stay or extend discovery. *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011) ("The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of

discovery when a potentially dispositive motion is pending.") Similarly, Plaintiff's representation that she intends to dismiss non-culpable defendants is an inadequate basis to warrant such an extended discovery period.

Accordingly, the proposed discovery plan is hereby DENIED without prejudice. The parties must file a new joint proposed discovery plan that complies in full with Local Rule 26-1, no later than February 11, 2016.

IT IS SO ORDERED.

DATED: February 4, 2016

NANCY J. KOPPE
United States Magistrate Judge