

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 FELICITAS ZAMBRANO,)
4)
5 Plaintiff,)
6 vs.)
7 CARDENAS MARKETS, INC.,)
8 Defendant.)

Case No.: 2:16-cv-1659-GMN-NJK

ORDER

9
10 Pending before the Court is Plaintiff Felicitas Zambrano’s (“Plaintiff’s”) Objection
11 (ECF No. 21) to Magistrate Judge Nancy J. Koppe’s Order (ECF No. 18) denying the parties’
12 Stipulation to Extend Discovery (“Stipulation”) (ECF No. 17).

13 “A district judge may reconsider any pretrial matter referred to a magistrate judge in a
14 civil . . . case . . . where it has been shown that the magistrate judge’s ruling is clearly erroneous
15 or contrary to law.” D. Nev. LR IB 3-1. The Court may overturn the magistrate judge’s
16 decision if, upon review, the Court is left with a definite and firm conviction that a mistake has
17 been made. *See David H. Tedder & Assocs. v. United States*, 77 F.3d 1166, 1169–70 (9th Cir.
18 1996).

19 Here, Judge Koppe denied the parties’ Stipulation because their requested schedule did
20 “not make sense” and “without explanation, the parties seek a 60-day period between the expert
21 deadlines, rather than the presumptively reasonable 30-day period.” (Order 1:19–21, ECF No.
22 18). Judge Koppe’s denial of the Stipulation was without prejudice, thereby allowing the
23 parties to file another stipulation.
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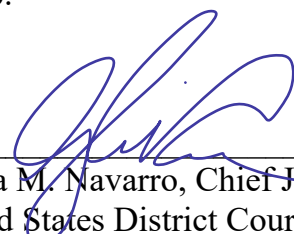
1 In the instant Objection, Plaintiff asserts that Judge Koppe erred by “misinterpret[ing]
2 the extension date time frames” and “prejudice[ing] Plaintiff’s ability to give her liability expert
3 the tools needed to prepare a thorough report.” (Obj. 3:13–14, 5:18–19, ECF No. 21).

4 In their Stipulation, the parties proposed two new discovery deadlines: Expert
5 Disclosures on December 27, 2016, and Rebuttal Expert Disclosures on February 23, 2017.
6 (Stipulation 2:11–13, ECF No. 17). However, Plaintiff’s Objection discusses “add[ing] 45 days
7 to the date of Discovery Closure: from January 9, 2017 to February 23, 2017.” (Obj. 3:27–4:1).
8 The close of discovery was not addressed in the Stipulation. Further, Plaintiff’s Objection
9 states that “the parties agreed to add 30 days to the deadline for Rebuttal Expert Disclosures:
10 from December 12, 2016 to January 26, 2017.” (*Id.* 4:1–4). This statement provides a different
11 date than the parties’ Stipulation provided. (*Compare* Obj. 4:1–4 *with* Stipulation 2:11–13).

12 Accordingly, the Court finds that Judge Koppe’s Order was not clearly erroneous in
13 denying the parties’ Stipulation.¹ The Court notes that Judge Koppe denied the Stipulation
14 without prejudice; as such, the parties may file a new stipulation to extend discovery deadlines
15 to include the dates that the parties originally intended.

16 **IT IS HEREBY ORDERED** that Plaintiff’s Objection (ECF No. 21) is
17 **OVERRULED.**

18 **DATED** this 9 day of November, 2016.

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23 Gloria M. Navarro, Chief Judge
24 United States District Court
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¹ Indeed, it appears that Plaintiff is confused as to which dates were originally provided in the Stipulation.