

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 LHF Productions, Inc.,
5 Plaintiff
6 v.
7 Brian Kabala, et al.,
8 Defendants

2:16-cv-02028-JAD-NJK

Order Re: Brian Kabala's Requests
[ECF Nos. 92, 93, 94]

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10 In a lengthy order on October 23, 2017, I gave defendant/counterclaimant
11 Brian Kabala until November 14, 2017, to file an amended counterclaim.¹ Kabala,
12 who has been participating in this case in a pro se capacity, has retained counsel.
13 Counsel now asks for an extension of that deadline, alternatively asks for the
14 ability to file an amended counterclaim on the deadline but amend again once
15 counsel gets up to speed, and also asks the court to stay the discovery deadlines
16 until the parties can negotiate new ones.²

17 I find good cause to extend the deadline and excusable neglect for the delay in
18 asking for the extension, so I grant the request to extend the November 14, 2017,
19 deadline. Kabala did file a placeholder amended counterclaim on yesterday's
20 deadline. To keep the record cleaner, I strike that amended counterclaim [ECF No.
21 96] and deny the alternative request for permission to file a second amended
22 counterclaim [ECF No. 93]. Kabala has until January 20, 2018, to file a counseled
23 first amended counterclaim.

24 The issue of the discovery stay is more appropriately addressed to the
25 magistrate judge. But because the defendant packaged all three of these requests

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27 ¹ ECF No. 90.

28 ² ECF Nos. 92–94.

1 into a single document (*see* LR IC 2-2(b)(“For each type of relief requested or
2 purpose of the document, a separate document must be filed . . .”)), the request to
3 stay discovery could not be cleanly referred to the magistrate judge. Accordingly, I
4 deny this request to stay discovery without prejudice to the defendant’s ability to
5 file a separate motion with this singular request for the magistrate judge to rule on.

6 IT IS THEREFORE ORDERED that:

- 7 • The Motion to Extend Time [ECF No. 92] is **GRANTED**; defendant
8 Kabala’s **deadline to file an amended counterclaim is extended to**
9 **January 20, 2018**, and the Clerk of Court is directed to **STRIKE**
10 **Kabala’s Amended Counterclaim [ECF No. 96]**;
- 11 • The Motion for Leave to File Second Amended Counterclaim [ECF No.
12 **93]** is **DENIED** as moot; and
- 13 • The Motion to Stay Discovery [ECF No. 94] is **DENIED** without
14 prejudice to the filing of a single motion to stay discovery.

15 DATED: November 15, 2017

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19 U.S. District Judge Jennifer A. Dorsey
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