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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TOLAVIUS TIMMONS,
Plaintiff(s),
v.
NAPHCARE, INC., et al.,
Defendant(s).

Case No.: 2:16-cv-02229-JCM-NJK

ORDER

[Docket No. 68]

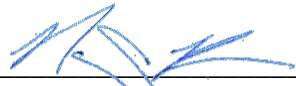
Pending before the Court is Defendants' filing of a motion to dismiss and a motion for summary judgment. Docket No. 68. The local rules require that separate requests must be made in separate filings. See Local Rule IC 2-2(b); see also *Bank of N.Y. Mellon v. SFR Ivs. Pool 1, LLC*, 2017 U.S. Dist. Lexis 132101 (D. Nev. Aug. 18, 2017) (Mahan, J.) (discussing the significance of this requirement). The instant filing violates this rule. Moreover, the motion to dismiss relies on Rule 41(b) of the Federal Rules of Civil Procedure, but is focused almost exclusively on alleged discovery violations. In such circumstances, it appears the analysis should instead be framed by the more specific rules regarding penalties for discovery violations as established in Rule 37 of the Federal Rules of Civil Procedure. See, e.g., *Societe Internationale Pour Participations Industrielles Et Commerciales, S.A. v. Rogers*, 357 U.S. 197, 207 (1958) (holding that Rule 37's specific penalties for discovery violations controlled over Rule 41(b)'s broader authority to issue sanctions for violations of court rules).

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Given the circumstances, the pending motions are **DENIED** without prejudice. No later than December 9, 2019, Defendants must file completely separate motions seeking discovery sanctions and summary judgment.

IT IS SO ORDERED.

Dated: November 27, 2019



Nancy J. Koppe
United States Magistrate Judge