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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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STEVEN MALCOLM,

Plaintiff,

v.

ACRYLIC TANK MANUFACTURING OF
NEVADA,

Defendant.

Case No. 2:17-cv-01108-JCM-PAL

ORDER

This matter is before the court on the parties' Stipulation and Joint Motion to Stay Discovery and Extend Discovery Deadlines [Third Request to Extend Discovery] (ECF No. 77), and the parties' Joint Status Report (ECF No. 80).

The parties request a stay of this case to conduct and conclude mediation. They also ask for a 60-day extension of the discovery plan and scheduling order deadlines should the case not resolve through mediation. The parties propose a 60-day extension to complete discovery measured from the date of an unsuccessful mediation which has not yet been scheduled. The parties hope to set the mediation in July or August 2018. If the mediation is not successful, 32 depositions in Nevada, Colorado and Scotland will need to be taken. Finally, the parties seek an indeterminate stay until a motion to intervene in a related District of Colorado case which has not yet been filed by defendant ATM is decided.

The court will not grant an open-ended stay premised on an intention to mediate when the mediator has not yet been selected, and a date for mediation had not yet been scheduled. The court will grant a 30-day stay to enable the parties to select a mediator and obtain a firm date certain for the mediation.

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IT IS ORDERED that:

1. The parties' Stipulation and Joint Motion to Stay Discovery and Extend Discovery Deadlines (ECF No. 77) is **DENIED**. However, the court will **GRANT** a 30-day stay of discovery.
2. A Status Conference is set for **9:30 a.m. July 24, 2018**, in Courtroom 3B. The parties shall file a Joint Status Report with the court no later than **July 19, 2018**.
3. Counsel may appear telephonically. Those wishing to appear telephonically are instructed to contact Jeff Miller, Courtroom Deputy, at (702) 464-5570 before 4:00 p.m. **July 19, 2018**, to indicate the name of counsel participating and a telephone number where counsel may be reached for the hearing. The courtroom deputy will initiate the call for the hearing.

DATED this 18th day of June, 2018.


PEGGY A. GREEN
UNITED STATES MAGISTRATE JUDGE