



1 dispositive motions deadlines lapses without a motion for summary judgment or any filed summary  
2 judgment motions are denied, it is not clear that there will be a trial in this case. Nor is it clear whether  
3 additional pertinent information may be derived through the discovery process. Hence, it is not clear  
4 that Plaintiff's motion seeking relief regarding trial should be decided at this time. *See, e.g., Swindell*  
5 *Dressler Int'l Co. v. Travelers Cas. & Sur. Co.*, 827 F. Supp. 2d 498, 508 (W.D. Penn. 2011) (denying  
6 as premature spoliation motion seeking adverse inference because case was still in discovery phase,  
7 motions for summary judgment had not been filed, and a pretrial order had not been issued); *see also*  
8 *Ingram v. Pacific Gas & Elec. Co.*, 690 Fed. Appx. 527, 530 (9th Cir. 2017) ("Since adverse inference  
9 instructions are provided to juries at the conclusion of trial, the district court did not abuse its discretion  
10 by denying Ingram's request for an adverse inference at the summary judgment stage of these  
11 proceedings").

12 The parties shall file, no later than March 23, 2018, statements no longer than three pages in  
13 length explaining whether Plaintiff's motion should be denied without prejudice to being renewed  
14 concurrently with the filing of the parties' joint proposed pretrial order (*i.e.*, after the summary judgment  
15 stage of litigation).

16 IT IS SO ORDERED.

17 DATED: March 16, 2018

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20 NANCY J. KOPPE  
21 United States Magistrate Judge  
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