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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BANK OF AMERICA, N.A.,
Plaintiff(s),
vs.
SOMERSET PARK HOMEOWNERS
ASSOCIATION, et al.,
Defendant(s).

Case No. 2:17-cv-01625-RFB-NJK
ORDER

This is one of hundreds of cases arising out of HOA foreclosures. Plaintiff initiated this case on June 9, 2017. Docket No. 1. The parties now indicate that a discovery period of 50% beyond the presumptively reasonable period should be permitted. *Compare* Local Rule 26-1 with Docket No. 1 at 2. This request appears to be premised on two primary concerns: (1) that the litigation demands on counsel will be extensive given the volume of cases and (2) that Rule 30(b)(6) witnesses will have limited availability given the volume of cases. Docket No. 1 at 2. The parties have failed to explain, however, (1) why they have made the decision to litigate hundreds of cases without obtaining the number of attorneys needed to do so and (2) why they have made the decision to litigate hundreds of cases without ensuring deponents are reasonably available.¹

¹ The Court reminds the parties that a Rule 30(b)(6) deponent need not have personal knowledge of the underlying facts. *See, e.g., Great American Ins. Co. of N.Y. v. Vegas Const. Co.*, 251 F.R.D. 534, 538 (D. Nev. 2008).

1 The parties have also failed to explain whether they have considered various means of
2 streamlining proceedings, including using:

- 3 • the short-trial program;
- 4 • arbitration;²
- 5 • consolidated depositions;
- 6 • tolling agreements; and/or
- 7 • bellwether trials.

8 In short, it appears to the Court that the parties have chosen to undertake mass litigation without
9 the proper preparations for doing so, a problem not properly resolved by simply requesting more time
10 to complete discovery.³

11 The Court hereby **SETS** this matter for a case-management conference for 10:00 a.m. on August
12 18, 2017, in Courtroom 3B.

13 IT IS SO ORDERED.

14 DATED: July 25, 2017

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17 NANCY J. KOPPE
18 United States Magistrate Judge
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23 _____
24 ² By failing to certify that the short trial program and arbitration were considered by the parties, the
25 discovery plan does not comply with the local rules. *See* Local Rules 26-1(b)(7)-(8).

26 ³ Indeed, given the volume of cases at issue, the parties have failed to explain how they have any
27 confidence that they will be able to meet the discovery cutoff proposed, even given the additional time
28 requested. Absent significant assurances that this case will be properly staffed to ensure any extended
deadlines are met (both with respect to attorneys and potential Rule 30(b)(6) deponents), the Court is not
inclined to allow an extended discovery period only for additional extensions to be sought later based on the
same reason that there is a high volume of cases.