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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 WESTGATE LVH, LLC,
11 Plaintiff(s),

12 v.

13 TRUSTEES OF THE NEVADA RESORT
14 ASSOCIATION, et al.,
15 Defendant(s).

Case No.: 2:17-cv-01731-RFB-NJK

ORDER

[Docket Nos. 48, 51, 55, 56]

16 Pending before the Court is the parties' joint request to grant Plaintiff's motion for leave
17 to amend and extend discovery and dispositive motion deadlines. Docket Nos. 55, 56. The parties
18 submit that granting the motion for leave to amend (Docket No. 48) and to extend discovery would
19 provide the most efficient method to proceed and would permit the parties to continue with the
20 case while seeking resolution. Docket Nos. 55 at 2-3, 56 at 2-3.

21 **I. MOTION TO AMEND COMPLAINT**

22 When a party moves to amend the pleadings after the expiration of the deadline established in
23 the scheduling order, courts review the motion through a two-step process. First, courts treat the
24 motion as seeking to amend the scheduling order, which is governed by the "good cause" standard
25 outlined in Rule 16(b) of the Federal Rules of Civil Procedure. See, e.g., Johnson v. Mammoth
26 Recreations, Inc., 975 F.2d 604, 608 (9th Cir. 1992). When "good cause" has been established
27 under Rule 16(b), courts will then examine whether amendment is proper under the standards
28 outlined in Rule 15(a). Rule 15(a) provides that "[t]he court should freely give leave [to amend]

1 when justice so requires,” and that there is a strong public policy in favor of permitting amendment.
2 Bowles v. Reade, 198 F.3d 752, 757 (9th Cir. 1999).

3 The Court finds that good cause exists to amend the complaint under Rule 16(b) and Rule
4 15(a). See Docket Nos. 48, 51, 55, 56. The Court therefore **GRANTS** Plaintiff’s motion for leave
5 to amend at Docket No. 48, and further **GRANTS** the parties’ request to grant Plaintiff’s motion.
6 Docket No. 55, 56. No later than September 14, 2018, Plaintiff shall file its amended complaint
7 on the docket. As a result, Defendant has agreed to **WITHDRAW** its motion to dismiss at Docket
8 No. 51. See Docket No. 55 at 6, 56 at 6.

9 **II. MOTION TO EXTEND DISCOVERY**

10 The Court finds good cause exists for an extension of the requested discovery deadlines by
11 ninety days. See Local Rule 26-4. Accordingly, the joint motion to extend discovery at Docket
12 No. 56 is **GRANTED** and the Court **SETS** deadlines as follows:

- 13 • Discovery cutoff: November 12, 2018
- 14 • Dispositive motions: December 11, 2018
- 15 • Joint proposed pretrial order: January 10, 2019 or 30 days after resolution of
16 dispositive motions

17 **IT IS SO ORDERED.**

18 Dated: September 11, 2018

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21 Nancy J. Koppe
22 United States Magistrate Judge
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