

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNION PACIFIC RAILROAD COMPANY, }
Plaintiff(s), }
v. }
ADVANCE POLYBAG (NEVADA), INC., }
Defendant(s). }
Case No. 2:17-cv-02077-RFB-NJK
ORDER
(Docket No. 34)

Pending before the Court is Defendant's motion to extend various deadlines in the scheduling order. Docket No. 34. Plaintiff filed a response in opposition, and Defendant filed a reply. Docket Nos. 36, 37. The motion is properly decided without a hearing. *See* Local Rule 78-1.

As an initial matter, the motion seeks to revive the deadline to amend the pleadings that expired months ago. Docket No. 34 at 8; *see also* Docket No. 21 at 4 (setting that deadline at January 12, 2018). Meaningful argument has not been presented as to why that deadline should be revived and, therefore, that aspect of the motion will be denied. *See, e.g., Kor Media Grp. LLC v. Green*, 294 F.R.D. 579, 582 n.3 (D. Nev. 2013).¹

¹ Nothing herein prevents either party from filing a motion seeking leave to amend notwithstanding the expiration of that deadline. Any such motion shall address both whether good cause exists for the late amendment (under Rule 16 of the Federal Rules of Civil Procedure), in addition to whether sufficient grounds exist for amendment (under Rule 15 of the Federal Rules of Civil Procedure). *See, e.g., Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607-09 (9th Cir. 1992). The Court expresses no opinion herein as to the merits of any such motion.

1 The motion also seeks a 78-day extension to the discovery cutoff and subsequent deadlines. A
2 request to extend those deadlines must be supported by a showing of good cause. *See, e.g.*, Local Rule
3 26-4. Defendant argues that an extension is needed based on, *inter alia*, late supplemental discovery
4 responses received. *See, e.g.*, Docket No. 37 at 2-3. Plaintiff argues that Defendant back-loaded its
5 discovery requests for the twilight of the discovery period, which undermines the required showing of
6 diligence. *See, e.g.*, Docket No. 36 at 5-6. There is some merit to each party's argument. Given the
7 circumstances, the Court finds good cause has been shown for a 45-day extension, and deadlines are
8 **EXTENDED** as follows:

9 • Discovery cutoff: May 29, 2018
10 • Dispositive motions: June 26, 2018
11 • Joint proposed pretrial order: July 26, 2018, or 30 days after resolution of dispositive
12 motions

13 **NO FURTHER EXTENSIONS WILL BE GRANTED.**

14 IT IS SO ORDERED.

15 DATED: April 12, 2018

16 
17 NANCY J. KOPPE
United States Magistrate Judge