

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

CARINA DE CLERQ,

 Plaintiff,

 v.

ENCOMPASS INDEMNITY COMPANY,

 Defendant.

Case No. 2:17-cv-02665-JAD-CWH

ORDER

Presently before the court is plaintiff's motion to compel discovery and motion to extend (ECF Nos. 26, 27), filed on December 7, 2018. Defendant Encompass Indemnity Company filed a response (ECF No. 28) on December 21, 2018. Plaintiff filed a reply (ECF No. 29) on December 28, 2018.

Also before the court is defendant's motion for leave to file a sur-reply (ECF No. 30), filed on January 8, 2019.

I. MOTION TO COMPEL

Plaintiff now moves to compel the production of documents and for a finding that defendant is prohibited from using a protective order. (Mot. to Compel (ECF No. 26).) Plaintiff also moves to extend the expert disclosure discovery deadline. (Mot. for Extension (ECF No. 27).) In response, defendant concedes that a stipulated protective order is no longer necessary and states that counsel inadvertently failed to produce the requested manuals. (Resp. (ECF No. 28).) Defendant also responds that it submitted supplements to plaintiff's requests, and that defendant does not oppose extending discovery deadlines. (*Id.*) Plaintiff replies that defendant did indeed produce additional documents after the filing of this motion, and that plaintiff has not had an opportunity to review the files to determine if the production complies with her requests. (Reply (ECF No. 29).)

1 Having reviewed the briefs, the court is unable to determine which documents in the
2 motion to compel are still disputed. Plaintiff states that defendant has produced the additional
3 documents, but plaintiff has not indicated which discovery requests remain at issue following
4 defendant's production. Further, defendant concedes that a protective order is unnecessary. The
5 court will therefore deny plaintiff's motion to compel without prejudice.

6 **II. MOTION TO EXTEND**

7 Plaintiff also moves to extend discovery deadlines. (Mot. for Extension (ECF No. 27).)
8 However, on February 12, 2019, the court granted the parties' stipulation to modify the discovery
9 plan and scheduling order with dates nearly identical to those proposed in this motion. The court
10 will therefore deny the motion to extend as moot.

11 **III. CONCLUSION**

12 IT IS THEREFORE ORDERED that plaintiff's motion to compel discovery (ECF No. 26)
13 is DENIED without prejudice.

14 IT IS FURTHER ORDERED that plaintiff's motion to extend (ECF No. 27) is DENIED
15 as moot.

16 IT IS FURTHER ORDERED that defendant's motion for leave to file a sur-reply (ECF
17 No. 30) is DENIED.

18 DATED: February 26, 2019

19 
20 _____
21 C.W. HOFFMAN, JR.
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28