

1 resolution is sought.” *Nevada Power v. Monsanto*, 151 F.R.D. 118, 120 (D. Nev. 1993). To meet this
2 obligation, parties must “treat the informal negotiation process as a substitute for, and not simply a
3 formalistic prerequisite to, judicial resolution of discovery disputes.” *Id.* This is done when the parties
4 “present to each other the merits of their respective positions with the same candor, specificity, and
5 support during the informal negotiations **as during the briefing of discovery motions.**” *Id.* (emphasis
6 added).

7 Given the robust requirements for a pre-filing conference, there should be no need for discovery
8 motions to be briefed pursuant to the default deadlines in the local rules in the vast majority of cases.
9 Quite simply, even before a discovery motion is filed, the parties must have developed their respective
10 arguments and must possess the relevant legal authority supporting those positions.¹ The Court
11 therefore **ORDERS** that, absent leave for an extension being granted, **the responses to a discovery**
12 **motion shall be filed within 4 days of the service of that motion and any reply shall be filed within**
13 **2 days of the service of the response.**²

15 ¹ Indeed, some courts require discovery disputes to be presented through a joint filing. *See, e.g.*,
16 C.D. Cal. Local Rule 37-2. While the Court will not require a joint statement, the parties may stipulate to
17 filing one. Any such joint statement must separately address each disputed discovery request, providing
18 the text of the request, the specific objection(s) to it, the arguments of the party opposing discovery
19 supporting each objection, and the discovering parties’ arguments opposing each objection. *Cf.* C.D. Cal.
20 Local Rule 37-2.1 (outlining similar procedure for presenting discovery disputes in the form of joint
21 stipulations). The parties must meaningfully develop their arguments; merely identifying an objection or
22 response thereto will not suffice. *Cf. Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 582 n.3 (D. Nev.
23 2013). The page limitations established in the local rules will not apply to joint statements, but counsel must
24 be as concise as possible. The joint statement must be complete in itself. The parties may not incorporate
25 by reference arguments made elsewhere. The joint statement shall attach any declarations or exhibits that
26 the parties wish to be considered. The joint statement shall be docketed as a “Stipulation for Order
27 Resolving Discovery Dispute.”

24 ² The normal rules regarding calculating deadlines apply. No extra days will be added when service
25 is completed electronically through CM/ECF, but three days will be added to the deadlines in cases in which
26 service is completed by means enumerated in Rule 6(d) of the Federal Rules of Civil Procedure. Intervening
27 weekend days and Court holidays count toward the deadline imposed. Fed. R. Civ. P. 6(a)(1)(B). To the
28 extent a deadline set herein falls on a weekend or Court holiday, the filing is due on the next day that is not
a Saturday, Sunday, or Court holiday. *See* Fed. R. Civ. P. 6(a)(1)(C). The Court reminds the parties that
the CM/ECF system may automatically generate deadlines that are inconsistent with this order and, in such
instances, this order controls. *See* Local Rule IC 3-1(d).

1 To the extent a more expedited briefing schedule is required under the circumstances or an order
2 resolving the dispute is required within a shortened time, the discovery motion shall be filed in
3 accordance with the requirements for emergency motions. *See, e.g., Cardoza*, 141 F. Supp. 3d at 1140-
4 43.³

5 In the event a discovery dispute involves a non-party, the party involved in that dispute must
6 provide the non-party with a copy of this order during the pre-filing conference and must certify that
7 fact with its own filing.

8 IT IS SO ORDERED.

9 DATED: March 6, 2018

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NANCY J. KOPPE
11 United States Magistrate Judge
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26 _____
27 ³ This order and the deadlines set out herein do not apply to motions seeking only discovery
28 sanctions, as the pre-filing conference requirements do not apply to such motions. *See, e.g., Nationstar
Mtg., LLC v. Flamingo Trails No. 7 Maintenance Assoc.*, 316 F.R.D. 327, 335-46 (D. Nev. 2016).