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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KAMBRA COOPER, as Heir of, and Special Representative of the Estate of, SHELDON COOPER, deceased, and as Parent and Guardian of JOSEPH RIDER COOPER, a Minor Child,

Plaintiff,

v.

SHOE SAFETY HELMET CORPORATION, a Foreign Corporation; SHOEI COMPANY, LTD, a Japanese Corporation; DOES 1 through 20; ROE CORPORATIONS 1 through 20; DOE PARTNERSHIPS 1 through 20; ROE GOVERNMENT ENTITIES 1 through 20, inclusive,

Defendants.

Case No. 2:17-CV-03129-JAD-EJY

ORDER

Before the Court is Plaintiff’s Proposed Discovery Plan and Scheduling Order (ECF No. 34). Prior to this filing, Defendant Shoei Safety Helmet Corporation moved to dismiss Plaintiff’s case based on a lack of personal jurisdiction. ECF No. 8. The Court granted that motion on October 29, 2018 (ECF No. 26).

Thereafter, the Court ordered Plaintiff to file a proof of service for Defendant Shoei Company, Ltd. within 14 days of the Court’s Order. ECF No. 27. On July 22, 2019, Shoei Company, Ltd. filed a Motion to Dismiss for Lack of Personal Jurisdiction. ECF No. 30. That motion was fully briefed as of August 12, 2019. Approximately three weeks later, Plaintiff filed the instant Proposed Discovery Plan and Scheduling Order. Defendant Shoei Company, Ltd. has not responded and not filed a motion to stay discovery pending the outcome of its Motion to Dismiss. Both parties appear to forget that they participated in and filed a Proposed Joint Discovery Plan and Scheduling Order on July 5, 2018 (ECF No. 23), which was granted and entered by the Court on July 16, 2018 (ECF No. 24).

1 In the Discovery Plan and Scheduling Order entered by the Court, the current parties agreed
2 that Plaintiff and “Defendant Shoei Company, Ltd.” would exchange initial disclosures, and Plaintiff
3 would provide a computation of damages “within 14 days after both of the following events . . .
4 occurred:” (a) the Court rules on Shoei Safety Helmet Corporation’s Amended Motion to Dismiss;
5 and (b) Shoei Company, Ltd. appears in this action by filing . . . a responsive Motion . . .” ECF No.
6 24 at 2:3-13. The events described in ECF No. 24 have occurred and neither party provides a reason
7 why the agreement granted in July 2018, as ordered by the Court, should not be honored.

8 Accordingly,

9 IT IS HEREBY ORDERED that Plaintiff’s Proposed Discovery Plan and Scheduling Order
10 is DENIED.

11 IT IS FURTHER ORDERED that the Discovery Plan and Scheduling Order entered on July
12 16, 2018 (ECF No. 24) shall be the operative Plan and Order in this case until such time as one of
13 the following occurs: (i) the parties agree to an alternative, which is granted by the Court; (ii)
14 Defendant Shoei Company, Ltd. moves to stay discovery and that motion is granted by the Court;
15 or (iii) Defendant Shoei Company, Ltd.’s Motion to Dismiss is granted by the Court.

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17 DATED: September 20, 2019

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21 ELAYNA J. YOUCHAK
22 UNITED STATES MAGISTRATE JUDGE
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