

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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3 NATHANIEL M. WILLIAMS, an
4 individual

Case No. 2:20-cv-02022-KJD-DJA

5 Plaintiff,

6 v.

7 VEGAS VENTURE I LLC, MATTHEW
8 FRESINSKI, HAROLD NORRIS, JOSE
9 LEVIN, RICARDO RAMIREZ, CARLOS
DOMINGUEZ, SHERMARIO JONES c/o
CAFÉ AMERICANO RESTAURANT,

10 Defendants.

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ORDER

Pending before the Court is All Defending Parties' Motion to Continue/Stay the Early Neutral Evaluation (ECF No. 18). The Defending parties' quote Local Rule 16-6(d), which states: "unless good cause is shown, the early neutral evaluation [“ENE”] session must be held by the court not later than 90 days after the first responding party appears in the case." The "good cause" Defending parties offer is that a Motion to Dismiss is pending before the Court and that proceeding with the ENE before this Motion is decided would be a potential "waste [of] judicial resources." *Id.* at 2. Defending parties also state that continuing the ENE would "promote judicial economy." *Id.* These arguments do not constitute good cause. If they did, then every time a party filed a motion to dismiss, the ENE could appropriately be delayed until that motion was decided. The Local Rule provides for no such exception to the ENE process. Indeed, it is not infrequent that a Motion to Dismiss is pending at the time an ENE is held.

The above said, the Court is not unsympathetic to the desire to have the Motion to Dismiss decided before an ENE is held. Thus, in an effort to provide the parties with an opportunity to conduct some discovery and potentially have the pending Motion to Dismiss decided before the ENE is held, the Court will continue the ENE, on this one occasion only, from May 18 to July 23, 2021. No additional continuances of the ENE will be granted absent extraordinary and unforeseen circumstances.

1 Accordingly, IT IS HEREBY ORDERED that All Defending Parties' Motion to
2 Continue/Stay the Early Neutral Evaluation (ECF No. 18) is GRANTED in part and DENIED in
3 part.

4 IT IS FURTHER ORDERED that the ENE is continued from May 18, 2021 to July 23, 2021.

5 IT IS FURTHER ORDERED that no additional requests to continue the ENE in this case
6 will be granted absent extraordinary and unforeseen circumstances.

7 IT IS FURTHER ORDERED that the Order entered on March 5, 2021, ECF No. 17, shall
8 apply; provided, however, that the **written evaluation statement, with exhibits, not to exceed 50**
9 **pages, must be delivered electronically to Emily_Santiago@nvd.uscourts.gov on Friday, July**
10 **16, 2021.**

11 || Dated this 26th day of April, 2021.

Elayna J. Youschah
ELAYNA J. YOUSCHAH
UNITED STATES MAGISTRATE JUDGE