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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NATIONAL RAILROAD PASSENGER CORPORATION,)	3:11-cv-00461-HDM-VPC
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
JOHN DAVIS TRUCKING COMPANY, INC.,)	
)	
Defendant.)	
)	
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JOHN DAVIS TRUCKING COMPANY, INC.,)	
)	
Counterclaimant,)	
)	
vs.)	
)	
NATIONAL RAILROAD PASSENGER CORPORATION, UNION PACIFIC RAILROAD COMPANY, and DOES 1-5,)	
)	
Counterdefendants.)	
)	
<hr style="border: 0.5px solid black;"/>		
UNION PACIFIC RAILROAD COMPANY,)	
)	
Counterclaimant,)	
)	
vs.)	
)	
JOHN DAVIS TRUCKING COMPANY, INC.,)	
)	
Counterdefendant.)	

Before the court is John Davis Trucking Company's motion to strike Union Pacific's answer and counterclaim (#99) and motion to dismiss National Railroad Passenger Corporation's complaint (#97)

1 on the ground of spoliation of evidence. Discovery will not be
2 completed in this case until February 28, 2013. (See Doc. #94).
3 Issues that have been raised in the motions and the responses
4 thereto clearly relate to ongoing discovery. Accordingly, the
5 court concludes that the motion to strike Union Pacific's answer
6 and counterclaim (#99) and motion to dismiss National Railroad
7 Passenger Corporation's complaint (#97) are premature. They are
8 for that reason denied without prejudice, to renew after the close
9 of discovery and no later than the dispositive motions deadline.

10 IT IS SO ORDERED.

11 DATED: This 1st day of August, 2012.

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13 UNITED STATES DISTRICT JUDGE
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