

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CASS INC.,)	3:13-cv-00701-LRH-WGC
)	
Plaintiff,)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	June 23, 2015
)	
PRODUCTION PATTERN AND)	
FOUNDRY CO., INC.,)	
)	
Defendant.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden REPORTER: FTR

COUNSEL FOR PLAINTIFF: Anna Le May, Esq. and Ruben Castellon, Esq. (Telephonically)

COUNSEL FOR DEFENDANT: Kara Marie Hayes, Esq. (Telephonically)

MINUTES OF PROCEEDINGS: Motion Hearing

The court holds today’s hearing to address “Defendant’s Motion for Stay of Depositions, to Extend Scheduling Order Deadlines Pending Decision on Motion to Dismiss, and for Limitation of Discovery Based Upon FRCP 26(b)(2)(C) [Third Request]” (Doc. # 56). Plaintiff filed its opposition to Defendant’s motion (Doc. # 60).

The court first inquires what steps were taken by Plaintiff’s counsel to comply with the “meet and confer” requirements of LR 26-7. Plaintiff’s counsel Kara Hayes advises the court that an email was exchanged with opposing counsel to address CASS, Inc., position regarding discovery. The court expresses its displeasure at the apparent lack of a sincere effort to informally resolve a discovery dispute before engaging in motion practice with the court.

The court advises counsel that stays of discovery because of a pending motion to dismiss are generally disfavored. Nevertheless, the court hears argument with regard to Plaintiff’s motion (Doc. # 56).

After hearing from counsel, the court states it will not stay the depositions of Ray Switzer and Nicholas Drakos. Furthermore, the court will not quash the subpoena issued by CASS to

Custom Alloy Light Metals, Inc. (“CALM”), as those records may be relevant to the causes of action which have survived the motions to dismiss.

The court, however, does find it appropriate to extend the discovery deadlines. The discovery deadlines are revised as follows:

- Discovery Cut-Off: Wednesday, September 30, 2015;
- Rebuttal Expert Reports: Friday, July 31, 2015;
- Dispositive Motion(s): Friday, October 30, 2015; and
- Joint Pretrial Order: Monday, November 30, 2015, unless, in the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after decision of the dispositive motions or further order of the court.

Therefore, “Defendant’s Motion for Stay of Depositions, to Extend Scheduling Order Deadlines Pending Decision on Motion to Dismiss, and for Limitation of Discovery Based Upon FRCP 26(b)(2)(C) [Third Request]” (Doc. # 56) is **DENIED in part** and **GRANTED in part**, consistent with the court’s findings.

The court encourages counsel to consult with one another regarding the dates of the upcoming depositions and the production of the CALM materials.

Concluding today’s discussion, the court requests that counsel contact Ms. Ogden should counsel find that the anticipated ruling by District Judge Larry R. Hicks on “Defendant’s Motion to Dismiss Plaintiff’s Second Amended Complaint” (Doc. # 42) will impact discovery in this matter.

There being no additional matters to address at this time, court adjourns at 9:40 a.m.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____ /s/
Katie Lynn Ogden, Deputy Clerk