

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

STEVEN FLOYD VOSS,

Plaintiff,

3:14-cv-00066-RCJ-WGC

**ORDER**

v.

ISIDRO BACA, et. al.,

Defendants.

Before the court is Plaintiff's Motion to Strike Defendants' Motion for Summary Judgment Regarding Counts III and IV of Civil Rights Complaint. (Doc. # 120.)<sup>1</sup>

Plaintiff filed a partial motion for summary judgment. (Doc. # 39.) On October 27, 2014, Defendants filed a response as well as a cross-motion to dismiss Counts I and II, Plaintiff's claims brought under the Americans with Disabilities Act (ADA) and the Rehabilitation Act (RA) and a First Amendment retaliation claim. (Docs. # 73/74.) Plaintiff filed a reply in support of his motion (Doc. # 83), as well as a response to Defendants' motion to dismiss (Doc. # 85). Defendants filed a reply in support of their cross-motion to dismiss. (Doc. # 89.)

An amended scheduling order was entered on December 9, 2014, and provided that dispositive motions were due by May 4, 2015. (Doc. # 99.) On May 4, 2015, Defendants filed a motion for summary judgment as to Counts III and IV of Plaintiff's complaint. (Doc. # 117.)

In his motion to strike, Plaintiff essentially argues that Defendants' were not entitled to bring a successive dispositive motion and should have raised the issues as to Counts III and IV in their motion addressing Counts I and II. (Doc. # 120.)

Nothing in Federal Rule of Civil Procedure 56 precludes the filing of successive motions for summary judgment. Notably, the amended scheduling order was entered after Plaintiff's filed

---

<sup>1</sup> Refers to court's docket number.

1 their cross-motion to dismiss, and expressly contemplated the filing of further dispositive  
2 motions, if done so by the May 4, 2015 deadline. Moreover, if a claim is capable of being  
3 determined by way of a motion for summary judgment, rather than trial, it is in the interests of  
4 judicial economy to resolve the claim by way of a dispositive motion. Defendants timely filed  
5 their motion as to Counts III and IV pursuant to the scheduling order and the court will consider  
6 it in due course. Plaintiff's motion to strike (Doc. # 120) is **DENIED**. Plaintiff shall file and  
7 serve a response to the motion for summary judgment as to Counts III and IV on or before  
8 **June 9, 2015**. Defendants shall file a reply on or before **June 23, 2015**.

9 It is the court's intention to address all of the dispositive motions pending in this action  
10 together, within the time parameters of the current reporting period of the Civil Justice Reform  
11 Act. Therefore, **THERE WILL BE NO FURTHER EXTENSIONS** relative to briefing on  
12 Defendants' motion for summary judgment.

13 **IT IS SO ORDERED.**

14 Dated: May 19, 2015.

15   
16 WILLIAM G. COBB  
17 UNITED STATES MAGISTRATE JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28