

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

UBS FINANCIAL SERVICES, INC.,)
)
 Plaintiff,)
)
 vs.)
)
 CAROLYN GARRETT, et al.,)
)
 Defendants.)
 _____)

3:14-cv-00141-LRH-WGC
ORDER
re: Doc. # 21

Before the court is Interpleader Plaintiff UBS Financial Services, Inc.'s Motion to Enlarge Time to File Proposed Discovery Plan and Proposed Scheduling Order. (Doc. # 21.)¹ Plaintiff states it was "notified electronically that a proposed discovery plan and a proposed scheduling order should be filed with the court by May 25, 2014." (*Id.* at 1.) Plaintiff is presumably referring to a Notice of Electronic Filing (NEF) dated April 10, 2014, which provided those directions. According to Local Rule 26-1(f), the standard terms and provisions of Local Rule 26-1(d) and (e) do not apply to interpleader actions. Instead, scheduling in interpleader actions is governed by Local Rules 22-1 and 22-2. Therefore, the NEF was erroneously issued by the CM/ECF system. The deadline imposed by the April 10, 2014 NEF is **VACATED** and Plaintiff's motion (Doc. # 21) is **DENIED AS MOOT**.

However, the Plaintiff in an interpleader action still has certain scheduling responsibilities as are imposed by Local Rule 22-2, which reads as follows:

In all interpleader actions, the plaintiff must file a motion requesting that the Court set a scheduling conference. The motion must be filed within thirty (30) days after the first defendant answers or otherwise appears. At the scheduling conference, the plaintiff will advise the Court as to the

¹ Refers to court's docket number.

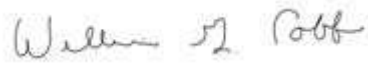
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

status of service on all defendants who have not appeared. In addition, the Court and parties will develop a briefing schedule or discovery plan and scheduling order for resolving the parties' competing claims. If the Plaintiff fails to prosecute the interpleader action by failing to file the motion required by this Local Rule, the Court may dismiss the action.

Although Plaintiff has not filed a motion requesting the court to set a scheduling conference, the court directs the Courtroom Administrator to coordinate a scheduling conference with the parties. Not later than one week before the conference, the parties shall file a joint scheduling conference report containing the information required to be provided under Local Rule 22-2, to include a briefing schedule and/or discovery plan and scheduling order.

IT IS SO ORDERED.

DATED: June 2, 2014.



WILLIAM G. COBB
UNITED STATES MAGISTRATE JUDGE