

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LORI L. THOMAS:

Plaintiff,

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THOMAS ZACHRY; MARNA ZACHRY;
JOHN HARPER; and STOREY COUNTY
and its BOARD OF COMISSIONERS.

Defendants.

Case No. 3:17-cv-0219-LRH-(WGC)

ORDER

17 Before the court is defendants Thomas Zachry, Marna Zachry, and John Harper's
18 ("homeowner defendants") motion for summary judgment. ECF No. 27. Plaintiff Lori L. Thomas
19 ("Thomas") filed an opposition (ECF No. 36) to which homeowner defendants did not reply.

20 This case has an extensive factual and procedural background,¹ but in short, this case
21 involves a dispute over a dirt road in Storey County, Nevada, commonly known as “Sutro
22 Springs Road” which runs across Thomas’ real property. Thomas brought suit against defendants
23 for declaratory relief and to quiet title to the roadway along her property. See ECF No. 1. In
24 response, homeowner defendants filed the present motion for summary judgment which was
25 filed prior to any discovery by the parties. ECF No. 27. Thomas then filed an opposition
26 contending that the motion was premature as no discovery had taken place (ECF No. 36) and

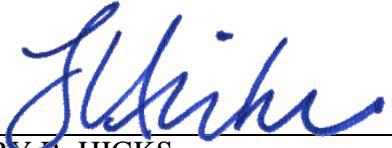
²⁸ For a more complete history of the factual and procedural history in this action, see the court's order on Thomas's motion for preliminary injunction (ECF No. 41).

1 homeowner defendants did not respond to Thomas's opposition. However, homeowner
2 defendants have since stipulated to a discovery and scheduling order with Thomas which
3 governs discovery in this action and sets the date for filing of dispositive motions in early 2018.
4 See ECF No. 54. Therefore, based on the homeowner defendants' recognition that discovery in
5 this action should be undertaken, their failure to respond to Thomas's opposition to the motion,
6 and the concrete date for the filing of dispositive motions, the court shall deny the present motion
7 for summary judgment without prejudice.

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9 IT IS THEREFORE ORDERED that defendants' motion for summary judgment
10 (ECF No. 27) is DENIED without prejudice.

11 DATED this 13th day of September, 2017.

12 
13 LARRY R. HICKS
14 UNITED STATES DISTRICT JUDGE

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