

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

HONGBO SHAO, *et al.*,

Plaintiffs,

v.

SEROFIM MUROFF, *et al.*,

Defendant.

Case No. 1:18-cv-00295-BLW

ORDER GRANTING STIPULATED
EXTENSIONS

INTRODUCTION

Before the Court are two separate stipulations in which the parties seek to extend briefing deadlines on pending motions. *See Stipulations*, Dkts. 69 & 70. The Court will approve the stipulations with some modifications as noted below.

DISCUSSION

1. The Stipulation Related to the Getty Defendants' Motion for Summary Judgment

The first stipulation relates to the Getty Defendants' pending motion for summary judgment. *See* Dkt. 69. The motion for summary judgment was filed December 2, 2018. The parties agree, however, that there are factual disputes, and they also point out that discovery has not yet commenced. They ask the Court to defer ruling on the motion for summary judgment while they conduct some limited discovery for roughly 90 days. They also ask the court to reschedule the deadlines, such that the response would be filed on

March 23, 2019, and the optional reply brief would be filed on April 8, 2019.

In accordance with Federal Rule of Civil Procedure 56(d), the Court will allow the parties to complete the discovery discussed in the stipulation, and will therefore approve the parties' stipulation, but with one change: Rather than allowing the December 2, 2018 motion for summary judgment to simply linger on the docket while the parties conduct discovery, the Court will instead deny the motion without prejudice at this time. *See Fed. R. Civ. P. 56(d)*. If, after further discovery is conducted, defendants still wish to pursue the motion, they may renew it. The Court will establish the following deadlines for any such renewed motion:

(1) March 1, 2019: Deadline to renew the summary judgment motion

(2) March 25, 2019¹: Deadline to respond

(3) April 8, 2019: Deadline to file optional reply

2. The Stipulation Related to the Blackhawk Defendants' Motion to Dismiss

The second stipulation relates to the Blackhawk Defendants' pending motion to dismiss the third amended complaint. *See Stipulation*, Dkt. 70. Here, the parties seek a shorter extension. Plaintiffs' response to this motion was due January 4, 2019. The parties ask that the deadline be extended to February 1, 2019, which would mean that the optional reply would be due on February 15, 2019. The parties say only that "additional

¹ The parties stipulated to a deadline of March 23, 2019, which is a Saturday. The Court thus moved it to the following Monday.

time to respond may resolve some of the factual or legal issues raised in the Blackhawk Defendants' Motion." *Stip.*, Dkt. 70, at 2. The parties further report that their request to modify the briefing schedule will not affect the case schedule.

The Court will grant this extension but will caution the parties that it will not be inclined to grant extensions so readily in the future – particularly if the requests begin to impact the case management order in this case.

ORDER

IT IS ORDERED that:

1. The parties' stipulation (Dkt. 70) to modify the briefing schedule related to the Blackhawk Defendants' pending motion to dismiss is **APPROVED**.
2. The Court **APPROVES**, in part, the parties' stipulation (Dkt. 69) related to the Getty Defendants' pending motion for summary judgment.
3. The Getty Defendants' Motion for Summary Judgment (Dkt. 65) is **DENIED WITHOUT PREJUDICE**.



DATED: January 14, 2019

B. Lynn Winmill
U.S. District Court Judge