

1 CASE NO. 12 OC 000168 1B

2 DEPT. NO. I

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ALAN GLOVER
BY Alan Glover CLERK
DEPUTY

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6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY
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9 CITY OF FERNLEY, NEVADA, a Nevada
10 municipal corporation,

11 Plaintiff,

12 STATE OF NEVADA ex rel. THE
13 NEVADA DEPARTMENT OF
14 TAXATION; THE HONORABLE KATE
MARSHALL, in her official capacity as
TREASURER OF THE STATE OF
NEVADA; and DOES 1-20, inclusive.

15 Defendants.
16 _____ /

**ORDER GRANTING A
CONTINUANCE TO COMPLETE
DISCOVERY**

17 This matter is before this Court on Plaintiff's Motion for Continuance Pursuant to NRC
18 56(f) and Notice of Non-Opposition filed on August 20, 2012, as part of an Opposition to
19 Motion to Dismiss.

20 Initially, it should be pointed out that there was an Opposition filed against the Motion as
21 set forth in the Nevada Legislature's Reply in Support of Joinder in Motion to Dismiss filed on
22 October 8, 2012, on page 5, lines 5-8.

23 The Plaintiff submits that the Court's consideration of the Motions to Dismiss filed in
24 this matter should be considered as Motion for Summary Judgment; and, as such, that it should
25 be given a reasonable opportunity to complete discovery, and therefore have a chance to
26 demonstrate a genuine issue of material fact. Citing to *Aviation Ventures, Inc. v. Joan Morris,*
27 *Inc.*, 121 Nev. 113, 118-119, 110 P. 3rd 59 (2005).

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Therefore, good cause appearing,

IT IS HEREBY ORDERED that the Motions to Dismiss are DENIED at this time in order to allow the Plaintiff a period of time to complete discovery; and

IT IS HEREBY FURTHER ORDERED that the Defendants, upon completion of a reasonable discovery period, may renew their Motions to Dismiss which will then be duly considered by the Court.

DATED this 12 day of October, 2012.


JAMES T. RUSSELL
District Judge

