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Attorney for Plaintiffs  
 MARC J. RANDAZZA, JENNIFER RANDAZZA, and NATALIA RANDAZZA

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MARC J. RANDAZZA, an individual,	)	Case No. 2:12-cv-02040-GMN-PAL
JENNIFER RANDAZZA, an individual, and	)	
NATALIA RANDAZZA, a minor,	)	<b>PLAINTIFF'S MOTION TO VACATE</b>
	)	<b>ORDER ON CASE MANAGEMENT</b>
Plaintiffs,	)	<b>CONFERENCE (ECF 140)</b>
	)	
vs.	)	
	)	
CRYSTAL COX, an individual, and ELIOT	)	
BERNSTEIN, an individual,	)	
	)	
Defendants.	)	

Plaintiffs Marc J. Randazza, Jennifer Randazza, and Natalia Randazza, through counsel, hereby submit their Motion to Vacate the Court's Order on the Motion for Case Management Conference (ECF 140).

Plaintiffs respectfully request this Court vacate its order setting a discovery plan (ECF 140) pending the Court's ruling upon Plaintiffs' Motion for Default Judgment Against Defendant Eliot Bernstein (ECF 65) and Motion for Summary Judgment (ECF 75). While Plaintiffs do not object to the dates setting hearings and reports, because of the pending Motion for Summary Judgment, discovery is unnecessary at this time.

Once a motion for summary judgment has been filed, the court makes a ruling based on the materials in the record or by showing that the materials cited do not establish the presence of a

1 genuine dispute. Fed. R. Civ. P. 56(c), (d). Defendant Cox has not filed the appropriate motion  
2 with the Court to continue discovery. Therefore, discovery is neither necessary nor appropriate at  
3 this time.

4 Accordingly, Plaintiffs respectfully request the Court vacate its order setting deadlines for  
5 discovery and rule on the motions for summary judgment and default judgment.

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7 Dated: June 20, 2013

Respectfully submitted,

8 /s/Ronald D. Green

9 Ronald D. Green, NV Bar #7360

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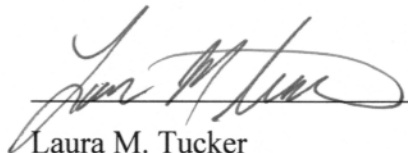
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1 **CERTIFICATE OF SERVICE**

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3 Pursuant to the Federal Rules of Civil Procedure 5(b), I hereby certify that the foregoing  
4 document was filed using this Court's CM/ECF system on June 20, 2013.

5 Dated: June 20, 2013

Respectfully Submitted,

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8 Laura M. Tucker  
9 Law Clerk  
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