

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

\* \* \*

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

MATTHEW WADE BEASLEY, et al.,

Defendants.

Case No. 2:22-cv-00612-CDS-EJY

**ORDER**

Pending before the Court is the Motion to Extend Discovery Schedule (First Request) filed by the Security and Exchange Commission (the “SEC”). ECF No. 539. The Court considered the Motion, the Response filed by Richard R. Madsen (ECF No. 548), and the Reply filed by the SEC (ECF No. 551). The Court notes no other defendant responded to the SEC’s Motion.

The SEC explains while the multitude of parties in this matter have discussed the possibility of settlement without the need for a trial, the SEC cannot reach a final settlement agreement with any defendant absent a forensic accounting. The SEC further states “that because of the significant scope of entities and financial records” at issue, the Receiver will be unable to complete his accounting until at least January 2024. ECF No. 439 at 2. The SEC submits the significant amounts of expert work required, which will be expensive and time consuming, can be avoided if the SEC “use[s] the Receiver’s accounting analysis as an aide to resolving this action.” *Id.* at 3. The avoidance of these expenses is the primary reason for the SEC’s requested extension.

Mr. Madsen’s response mischaracterizes the SEC reasons for seeking an extension by suggesting the reasons are really a delay tactic to allow the Receive to prepare a forensic accounting at investor’s expense. ECF No. 548 at 1-2. Mr. Madsen also says the SEC does not need a forensic accounting and the SEC should conduct its own accounting using its staff and financial experts already assigned to this case. *Id.* at 2-9. The SEC responds the Receiver is conducting a forensic accounting the SEC seeks not to duplicate. ECF No. 551.

1 The Court finds that granting (or denying) an extension of discovery falls within its broad  
2 discretionary powers. See *Herbert v. Lando*, 441 U.S. 153, 177 (1979) (“The [Supreme] Court has  
3 more than once declared that the deposition-discovery rules are to be accorded a broad and liberal  
4 treatment to effect their purpose of adequately informing the litigants in civil trials.”); *Goehring v.*  
5 *Brophy*, 94 F.3d 1294, 1305 (9th Cir.1996) (“Broad discretion is vested in the trial court to permit  
6 or deny discovery”); *Hubbard v. Thompson*, Case No. 2:11-cv-1568-JAM-AC-P, 2013 U.S. Dist.  
7 LEXIS 91150, at \*6-7 (E.D. Cal. June 27, 2013) (referencing the Court’s “broad discretion to  
8 manage discovery”). Here, the Court finds SEC’s Motion is timely and sets forth good cause for the  
9 extension request made.

10 Accordingly, IT IS HEREBY ORDERED that the Motion to Extend Discovery Schedule  
11 (ECF No. 539) is GRANTED.

12 IT IS FURTHER ORDERED that:

- 13 • The last day to conduct discovery is **September 9, 2024**;
- 14 • Initial expert disclosures are due no later than **May 9, 2024**;
- 15 • Rebuttal expert disclosures are due no later than **June 10, 2024**;
- 16 • The last day to amend pleadings and add parties is **June 11, 2024**;
- 17 • The dispositive motion deadline is **October 9, 2024**; and
- 18 • The proposed joint pretrial order is due **November 8, 2024**; provided, however, if  
19 dispositive motions are pending on this date the proposed joint pretrial order due date is  
20 automatically advanced to thirty (30) days after the Court rules on dispositive motions.

21 Dated this 25th day of July, 2023.

22   
23 \_\_\_\_\_  
24 ELAYNA J. YOUCHAK  
25 UNITED STATES MAGISTRATE JUDGE  
26  
27  
28