

1 Joel E. Tasca, Esq.
 Nevada Bar No. 14124
 2 Madeleine Coles
 Nevada Bar No. 16216
 3 BALLARD SPAHR LLP
 1980 Festival Plaza Drive, Suite 900
 4 Las Vegas, Nevada 89135
 Telephone: 702.471.7000
 5 Facsimile: 702.471.7070
 tasca@ballardspahr.com
 6 colesm@ballardspahr.com

7 *Attorneys for Defendant JPMorgan Chase Bank, N.A.*

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 JAMES DUFFY, a.k.a. JIM DUFFY, an
 11 individual,

12 Plaintiff,

13 v.

14 JPMORGAN CHASE BANK, NATIONAL
 ASSOCIATION

15 Defendants.
 16

CASE NO. 2:22-cv-01988-APG-BNW
 [PROPOSED] PROTECTIVE ORDER

BALLARD SPAHR LLP
 1980 Festival Plaza Drive, Suite 900
 Las Vegas, Nevada 89135
 702.471.7000 FAX 702.471.7070

17 Defendant JPMorgan Chase Bank, N.A. (“Defendant”) filed a motion to
 18 dismiss Plaintiff James Duffy’s (“Plaintiff”) First Amended Complaint on February
 19 22, 2023. Concurrently therewith, Defendant filed a motion to stay discovery
 20 pending resolution of the motion to dismiss, which Plaintiff opposed. On April 6,
 21 2023, the Court heard oral argument on the motion to stay. The Court denied the
 22 motion but indicated that it would enter a protective order limiting discovery to
 23 certain requests as articulated and agreed to by Plaintiff during the hearing.

24 The Court hereby enters this Protective Order pursuant to the Court’s
 25 authority under FRCP 26(c).

26 **IT IS HEREBY ORDERED:**

27 Until this Court decides Defendant’s motion to dismiss, the Parties shall not
 28 engage in discovery in any form except as follows:

1 (1) Plaintiff may request that Defendant produce opening statements
2 related to the Markowitz Attorney Trust Account;

3 (2) Plaintiff may request that Defendant produce reports made to the State
4 Bar of Nevada and/or the State Bar of New York related to the Markowitz Attorney
5 Trust Account;

6 (3) Plaintiff may request that Defendant produce documents evidencing
7 complaints from any person who deposited funds into the Markowitz Attorney Trust
8 Account;

9 (4) Plaintiff may request that Defendant produce its internal policies and
10 procedures in effect in February 2009 (the month the Markowitz Attorney Trust
11 Account was opened) relating to bar verification of attorneys seeking to open an
12 attorney trust account and the handling of attorneys barred outside of the state in
13 which they seek to open an attorney trust account.

14 Defendant shall conduct a reasonable records search and produce documents
15 responsive to each of the above described categories to the extent that any such
16 documents exist. Defendant shall also reserve the right to make any good faith
17 objections to Plaintiff's requests.

18 Dated: April __, 2023.

19 IT IS SO ORDERED:

20 
21 _____
22 UNITED STATES MAGISTRATE JUDGE

23 DATED: April 25, 2023

24 Submitted by:

25 BALLARD SPAHR LLP

26 By: /s/ Madeleine Coles
27 Madeleine Coles, Esq.
28 Nevada Bar No. 16216
Joel E. Tasca, Esq.
Nevada Bar No. 14124

BALLARD SPAHR LLP
1980 Festival Plaza Drive, Suite 900
Las Vegas, Nevada 89135
702.471.7000 FAX 702.471.7070

1 1980 Festival Plaza Drive, Suite 900
2 Las Vegas, Nevada 89135

3 *Attorneys for Defendant JPMorgan Chase Bank, N.A.*
4
5
6
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BALLARD SPAHR LLP
1980 Festival Plaza Drive, Suite 900
Las Vegas, Nevada 89135
702.471.7000 FAX 702.471.7070

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Exhibit 1

Ballard Spahr LLP

One Summerlin
1980 Festival Plaza Drive, Suite 900
Las Vegas, NV 89135-2958
TEL 702.471.7000
FAX 702.471.7070
www.ballardspahr.com

Joel E. Tasca
Madeleine Coles
Tel: 702.868.7511
Fax: 702.471.7070
tasca@ballardspahr.com
colesm@ballardspahr.com

April 21, 2023

U.S. Magistrate Judge Brenda Weksler
U.S. District of Nevada
333 Las Vegas Blvd. South
Las Vegas, Nevada 89101

Re: Duffy v. JPMorgan Chase Bank, N.A. – 2:22-cv-01988-APG-BNW

Dear Judge Weksler:

Attached for your review please find a proposed order regarding discovery in this matter pursuant to your oral ruling during the hearing on Chase's motion to stay discovery held April 6, 2023. The proposed order was submitted to counsel for Plaintiff James Duffy, and the Parties met and conferred in good faith, but were unable to agree on the substance of the order. At the April 6 hearing, Plaintiff unambiguously agreed to limit all discovery in this case, pending this Court's ruling on Chase's motion to dismiss, to the specific discovery described during the hearing. *See* Tr. Of Apr. 6, 2023 Hrg. at 14:2-9 (attached as Exhibit 2 hereto). The only discovery discussed during the hearing was (1) the account's opening statements, (2) reporting on the account to the State Bar of New York and the State Bar of Nevada, (3) complaints received by Chase from other persons who had deposited funds into the account, and (4) policies and procedures for determining the bar status of an attorney opening an attorney trust account. *Id.* at 8:15; 8:17-9:6; 10:5-9; 12:3-17. However, in discussing the terms of a proposed order, Plaintiff demanded broad, vague discovery in excess of what had been agreed to during the hearing. While there is no reason any discovery is needed immediately, Chase attempted to negotiate in good faith with Plaintiffs regarding the scope of discovery, but was unsuccessful. Everything Plaintiff demands can be sought in the unlikely event his complaint survives Chase's motion to dismiss. Chase's proposed order accurately reflects the agreement made by Plaintiffs with this Court regarding the discovery that will be sought before any ruling on the motion to dismiss. Therefore, Chase respectfully submits that this Court should enter its proposed order.

Very truly yours,

BALLARD SPAHR LLP

/s/ Joel E. Tasca

Joel E. Tasca
Madeleine Coles

Exhibit 2

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

JAMES DUFFY,)	CASE NO. 2:22-cv-01988-APG-BNW
)	
Plaintiff,)	Las Vegas, Nevada
)	Thursday, April 6, 2023
vs.)	Courtroom 3B
)	
JP MORGAN CHASE BANK, NATIONAL ASSOCIATION,)	Recording Method: Liberty/CRD
)	1:03 p.m. - 1:25 p.m.
)	MOTION HEARING
Defendant.)	
<hr/>		C E R T I F I E D C O P Y

TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE BRENDA N. WEKSLER,
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

APPEARANCES: (See next page)

Recorded by: Jeff Miller

Transcribed by: PAIGE M. CHRISTIAN, RPR, CRR, CCR #955
United States District Court
333 Las Vegas Boulevard South
Las Vegas, Nevada 89101

Proceedings recorded by electronic sound recording.
Transcript produced by mechanical stenography and computer.

1 **APPEARANCES:**

2

3 For Plaintiff James Duffy:

4 **JONATHAN D. BLUM, ESQ.**
5 *WILEY PETERSEN*
6 1050 Indigo Drive
7 Suite 200B
8 Las Vegas, NV 89145
9 (702) 910-3329
10 E-mail: jblum@wileypetersenlaw.com

11 --AND--

12 **KENNETH J. CATANZARITE, ESQ. (Pro Hac Vice)**
13 *CATANZARITE LAW CORPORATION*
14 C/O Jennifer Weaver
15 2331 W. Lincoln Avenue
16 Anaheim, CA 92801
17 (714) 520-5544
18 E-mail: kcatanzarite@catanzarite.com

19 For Defendant JP Morgan Chase Bank, National Association:

20 **JOEL EDWARD TASCA, ESQ.**
21 *BALLARD SPAHR LLP*
22 1980 Festival Plaza Drive
23 Suite 900
24 Las Vegas, NV 89135
25 (702) 471-7000
E-mail: tasca@ballardspahr.com

--AND--

MADELEINE COLES, ESQ.
BALLARD SPAHR LLP
1980 Festival Plaza Drive
Suite 900
Las Vegas, NV 89135
(702) 379-1157
E-mail: colesm@ballardspahr.com

1 LAS VEGAS, NEVADA; THURSDAY, APRIL 6, 2023; 1:03 P.M.

2 --o0o--

3 P R O C E E D I N G S

4 **COURTROOM ADMINISTRATOR:** Your Honor, good afternoon.
5 We are now calling James Duffy vs. JP Morgan Chase Bank, National
6 Association. The case number is 2:22-CV-01988-APG-BNW.

7 Beginning with plaintiff's counsel, will all counsel
8 please state your names for the record.

9 **MR. BLUM:** Good afternoon, Your Honor. John Blum on
10 behalf of plaintiff.

11 **THE COURT:** Good afternoon, Mr. Blum.

12 **MR. CATANZARITE:** Good afternoon, Your Honor. Ken
13 Catanzarite appearing also for the plaintiff pro hac vice.

14 **THE COURT:** Good afternoon.

15 **MR. TASCA:** Good afternoon, Your Honor. Joel Tasca
16 for defendant JP Morgan Chase.

17 **THE COURT:** Good afternoon, Mr. Tasca.

18 **MS. COLES:** Good afternoon, Your Honor. This is
19 Madeline Coles also for the defendant, JP Morgan Chase.

20 **THE COURT:** All right. So we are here on defendant's
21 motion to stay discovery. This is at Document 22. Plaintiff
22 opposed at Document 29. And the defense replied at Document 31.

23 I set this case for argument, so let me go ahead and
24 hear, starting with the defendants.

25 Is it going to be Mr. Tasca or Ms. Coles?

1 **MR. TASCA:** It will be me, Mr. Tasca.

2 **THE COURT:** All right. Go ahead, Mr. Tasca.

3 **MR. TASCA:** Thank you, Your Honor.

4 So as cases go, as lawsuits go, our view of this case
5 is that the plaintiff has asserted some claims that really push
6 the balance of plausibility. Basically, what we're trying to do
7 is (indiscernible) responsible for fraud committed by others just
8 because those others used an account at the bank to commit that
9 fraud. So there's no allegation that -- that Chase was actively
10 involved in any of the alleged fraud that happened to Mr. Duffy.

11 All that Chase did was it held the bank account. And
12 I have to give credit to the plaintiff's lawyers. They've come
13 up with a very, sort of, creative way to get this -- that
14 Mr. Duffy believed that Mr. Markowitz, who is the accountholder
15 at the bank, was barred in Nevada, and it's that, that led him
16 astray and made him deposit money. And, you know, it's a
17 creative theory, but it just doesn't withstand the legal
18 scrutiny.

19 And we do have pending motions to dismiss, which Your
20 Honor may or may not have gotten to look at. But there are a
21 number of claims asserted, four claims, in the amended complaint
22 (indiscernible) second crack at trying to allege claims because
23 it is the amended complaint.

24 All the claims, in our view, can be dismissed without
25 discovery because we have legal defenses to those claims. And

1 it's a negligent misrepresentation claim. That's the first one.
2 That fails as a matter of law because there's no allegation that
3 Chase ever made any misrepresentation or -- or even made a
4 representation -- forget about misrepresentation -- to Mr. Duffy
5 about anything.

6 All Chase did was it had an account where the funds
7 supposedly were deposited that -- that were allegedly then
8 dissipated fraudulently. Chase didn't do anything else. No
9 direct communication is alleged, and then (indiscernible) second
10 crack at trying to allege this.

11 So that -- that's the principal reason the negligent
12 misrepresentation claim fails. There are other reasons. Those
13 were in our papers. But I don't want to belabor the discussion.

14 There was a second claim for fraudulent transfer, and
15 I understand that that claim has been abandoned by the plaintiffs
16 in -- in their opposition brief --

17 **THE COURT:** So let me -- let me just interrupt you
18 here a moment.

19 **MR. TASCA:** Sure.

20 **THE COURT:** I think that -- I mean, it seems to me
21 that your -- your arguments are catered towards the preliminary
22 peek test, which are not particularly helpful to the moving
23 party, just because it requires that I can be convinced that the
24 motion to dismiss is going to be granted, right?

25 So it seems to me that you're better off arguing good

1 cause as to why this case should be stayed. So I'd rather hear
2 your arguments on that.

3 **MR. TASCA:** Of course, Your Honor. And we did
4 recognize that -- that Your Honor does follow a different
5 standard from the preliminary peek standard. I think, you know,
6 in drafting the papers, a lot of these things sort of merged
7 together. They move around. So I think that, you know, looking
8 at this from the -- from the good cause perspective, I think, you
9 know, our -- our view of this is that the claims are very weak.
10 Again, it kind of merges back as the preliminary peek.

11 But, you know, if they were to go forward, they are
12 not (indiscernible) complicated claims. There is a claim of
13 negligence against Chase. There's no law that informs the
14 negligence standard because there is no duty here, as we argue in
15 our papers. But even if the Court were to say, Well, but let's
16 see if they can establish a duty in discovery, we're going to
17 need to do expert discovery to explain what the duty is that a
18 bank has in this situation and what would be a breach of that
19 duty. So there's going to be expert discovery necessary.

20 There is going to be complicated fact discovery.
21 There is an aiding and abetting breach of fiduciary duty claim
22 that's been asserted against Chase. That claim necessarily
23 requires that the plaintiffs prove that Chase knowingly
24 participated -- or knowingly substantially assisted in the fraud.
25 And -- and, of course, knowledge is something that rarely can be

1 proven with direct evidence. There would need to be indirect
2 evidence involving discovery of the relationships between Chase
3 and the two alleged fraudsters. We already know that there's one
4 other incident involving Mr. Duffy and (indiscernible) two
5 alleged fraudsters. So there's going to be discovery on those
6 things, as well.

7 We're also talking about an attorney trust account.
8 And so, if they're going to get discovery related to the account,
9 there are going to be what we believe are supporting issues of
10 attorney-client privilege that we're going to have to waive.

11 They are seeking -- we know already they are seeking
12 policy and procedure documents, which Chase are very sensitive
13 about. So there's going to have to be either compromised or
14 motion practice on that subject because Chase will seek a
15 protective order.

16 So this is just, kind of, a sampling of the
17 types -- this is not a car accident. This is a complicated novel
18 creative theory by the plaintiffs, and so, if they were to get
19 past the motion to dismiss, this case is going to be very
20 involved. And our position is simply that that discovery should
21 not start now, and instead, it should await a determination as to
22 whether any of these claims are either plausible, which we
23 respectfully submit they are not, and this -- this case is either
24 going to be dismissed or, at a minimum, significantly
25 (indiscernible).

1 **THE COURT:** Thank you so much.

2 All right. For the plaintiff, is it going to be
3 Mr. Blum or Mr. Cat- -- say that one more time for me.

4 **MR. CATANZARITE:** Catanzarite.

5 **THE COURT:** Catanzarite.

6 Is it going to be you, sir?

7 **MR. CATANZARITE:** (Indiscernible).

8 **THE COURT:** All right. Go ahead.

9 **MR. CATANZARITE:** Yeah. (Indiscernible). If you
10 will.

11 In focusing on what we've asked for in terms of
12 discovery, I -- I, frankly, don't agree that it is -- that it
13 involves all of the, shall we say, argument -- nature of the
14 argument that my colleague has raised. For example, the account
15 opening statements would be something that should be freely
16 available. That -- that's not privileged.

17 Reports on this account to the State of Nevada, State
18 Bar of Nevada, Supreme Court with respect to this account being a
19 Nevada IOLTA account would certainly not be privileged.

20 One of the arguments advanced in opposition to the
21 motion to dismiss by my colleagues are that, hey, look, this is
22 equivalent of a New York IOLTA account, which is a significant
23 argument that they make. And therefore, we've asked, Do you,
24 Chase, with respect to this account, have any recording with
25 regard to this account to the State of New York?

1 I will tell you that the State of New York indicates
2 there's none. And that's the reason they've denied any claim by
3 Mr. Duffy with respect to the New York clients' security fund
4 because there's no trust account properly -- or properly set up
5 for this account out of state to New York, which precludes Duffy
6 from making his claim.

7 So I do -- I do not agree that at least that scope of
8 discovery would be so difficult to provide. Those are either
9 things they did or did not do. I think they may have done
10 something with respect to Nevada, but I don't believe they did
11 anything with respect to New York.

12 Moreover, the question of the 14 years of account
13 history, I'll tell you what our interest is. Our interest is,
14 did Chase receive other objections by victims with respect to the
15 processing of that account? In other words, did they receive
16 warnings? Were they on notice, red flagged, that this
17 account -- was there someone like Ms. Choy (phonetic) or somebody
18 else who's reported, Hey, Chase, these guys took my money
19 improperly. I -- you should not allow this to happen?

20 That should have caused some red flags to go up in
21 Chase's account. So I don't need all of the -- I can -- at this
22 stage, we could agree to limit that aspect to any, shall we say,
23 other complaints about the management of the account by persons
24 who deposited money to the account. That would be one way of
25 narrowing the scope of the discovery.

1 With respect to --

2 **THE COURT:** I'm sorry. Your suggestion is to narrow
3 it how, specifically, so that I can go back to the defense and
4 ask them?

5 **MR. CATANZARITE:** Sure. We would simply ask with
6 respect to the history at this point, were there any other
7 persons who deposited money to that Markowitz account who then
8 complained to Chase about the account? So we would -- we would
9 agree at this first pass to limit it to that.

10 **THE COURT:** And this is, what, 14 years?

11 **MR. CATANZARITE:** 14 years, yes. And we'll see.
12 Maybe there's only two or three, if there's any, that would be
13 significant to us.

14 Next, policies and procedures. I -- I can appreciate
15 the defense is concerned about policies and procedures. But I
16 question, do the policies and procedures set forth a set of
17 requirements where Chase is supposed to confirm when they're
18 opening a Nevada IOLTA account that the lawyer's licensed in
19 Nevada? If not, what's the next step?

20 Do they have a trigger or, shall we say, a policy and
21 procedure that there could be lawyers from Nevada opening
22 out-of-state trust accounts? If so, were they then obligated
23 under their internal policies and procedures to contact the state
24 to see if an out-of-state account could be maintained?

25 Had they done that here, then Duffy would have a

1 claim against the New York IOLTA fund, but he doesn't because the
2 account wasn't set up that way.

3 Did there -- did they violate their own internal
4 policies and procedures that would have protected those within a
5 class of persons to whom there could be an anticipated, shall we
6 say, duty or relationship where these -- where persons were
7 induced to put money into this account and then defrauded again,
8 but the proper New York account was never set up?

9 Those are -- I think we could limit. I'd be happy to
10 limit this initial wave of discovery.

11 We already have an expert on board on this, and
12 that's been their suggestion of what they'd like to see. I don't
13 think I need to see all the ins and outs of the account. I do
14 agree with Mr. Tasca that our Request No. 2 was brought in that
15 regard. But frankly, we did not anticipate, at the time we wrote
16 the discovery, that there was 14 years of this account
17 relationship.

18 So -- and we would be interested in that right
19 now --

20 **THE COURT:** So that I'm clear, you're suggesting to
21 narrow the history of the account of 14 years to any individuals
22 who had deposited money and who have subsequently complained,
23 correct?

24 **MR. CATANZARITE:** Yes.

25 **THE COURT:** And with regard to the policies and

1 procedures, how, specifically, are you willing to narrow this?
2 Policies and procedures regarding what?

3 **MR. CATANZARITE:** Okay. I'd like to see their
4 policies and procedures -- first of all, I'd like to see
5 the -- if I can see, the table of contents, because I find in
6 litigation that a table of contents may describe something
7 differently than what I thought it -- how I think it might be
8 defined.

9 But what we're looking for is what policies and
10 procedures are there for determining the -- the attorney opening
11 the trust account is a Nevada barred attorney, and if not a
12 Nevada barred attorney presenting in Nevada, what, if they -- do
13 they then have to inquire where are you barred? And if barred,
14 then in New York, Chase -- the nature of the bank as broad a bank
15 as it is, does it have New York-related policies and procedures
16 that would then have to have been followed to open the New York
17 compliant trust account?

18 **THE COURT:** And with regards to the attorney-client
19 privilege, you're suggesting that there is no attorney-client
20 privilege you would be claiming?

21 **MR. CATANZARITE:** Well, we have an attorney -- we
22 have a privilege -- attorney-client privilege that they would be
23 claiming. I -- I don't see that we need to get into that, unless
24 the Court views the complaints by the persons who deposited money
25 into the trust account as being attorney-client privilege, in

1 which case, we'd be agreeable that they can redact that at this
2 point. We're simply looking at what notice was given, redact the
3 name of the complaining party.

4 **THE COURT:** All right. Mr. Tasca.

5 **MR. TASCA:** Thank you, Your Honor.

6 So, you know, what I heard being articulated is -- is
7 really only going to be a first step, I'm sure. I'm sure they're
8 going to ask for what -- what they just said, and then they're
9 going to want to go deeper. And then they're going to want to
10 take depositions. We're going to need a protective order --

11 **THE COURT:** Well, I guess, my question is this: I
12 mean, what if I were to enter an order where I only allow the
13 plaintiffs to go after this discovery that's been described
14 today? How would you feel about that?

15 **MR. TASCA:** Well, Your Honor, we'd obviously prefer
16 you grant our motion in its entirety. (Indiscernible). I mean,
17 that would be better than -- better than nothing.

18 We would ask that, you know, if we have to provide
19 that, that maybe at this point, there be no depositions, at
20 least, taken or -- or further discovery requests, at least until
21 the motion to dismiss is decided. But this would give the
22 plaintiffs (indiscernible) something they can sink their teeth
23 into and keep going on it. I -- yeah. I mean, that -- that is
24 not an unreasonable compromise.

25 **THE COURT:** All right. So, I mean, I would be

1 willing to, sort of, split the baby here. I mean, so long as the
2 plaintiffs would be in agreement not to go after any other
3 discovery, other than what we've described here today, so there
4 will be no deposition at this stage of the game or any other
5 discovery other than what's been discussed until the motion to
6 dismiss has been decided.

7 So I'll hear from you, sir.

8 **MR. CATANZARITE:** We'd agree to that, Your Honor.
9 I -- I think that's a reasonable compromise at this stage.

10 **THE COURT:** All right. So, I guess, then, I mean,
11 the posture of this motion is as a motion to stay discovery. So
12 I suppose I'll go ahead and give you my order denying the motion
13 to stay discovery, but I will go ahead and enter a protective
14 order allowing the parties only to enter into the specific
15 discovery that we went ahead and talked about today.

16 So would it make more sense for the parties to go
17 ahead and draft something for my approval jointly?

18 **MR. TASCA:** I was going to suggest that, Your Honor,
19 just so we're, you know, all on the same page as to what,
20 exactly, they want and what we're (indiscernible). And so, I
21 think we can work with plaintiff's counsel or agreeable to do
22 that (indiscernible).

23 **THE COURT:** All right. So let me go ahead and read
24 you my order, then.

25 I'll deny the motion to stay discovery, but again,

1 the reason why I'm denying the motion to stay discovery is
2 because of this agreement that the parties have reached in court
3 today to limit the discovery in the ways that were discussed in
4 court today.

5 All right. So the parties are familiar with the
6 facts of this case and the related arbitration. Accordingly, the
7 Court will only repeat them here as necessary.

8 Defendants move to stay discovery as it recently
9 filed a motion to dismiss plaintiff's amended complaint.
10 Defendant's motion to dismiss seeks to dismiss all of plaintiff's
11 claims under Rule 12(b)(6) for failure to state a claim.

12 Defendant argues that discovery should be stayed and
13 under the preliminary peek test because -- because its motion to
14 dismiss will be dispositive and no additional discovery is needed
15 to decide it.

16 Defendant also argues that discovery should be stayed
17 under the good cause test as discovery is already proving to be
18 unduly burdensome and will likely continue in this matter.

19 Plaintiff disagrees, arguing that discovery should
20 not be stayed. Plaintiff argues that defendant has not met its
21 heavy burden under the preliminary peek test to convince this
22 Court that plaintiff will be unable to proceed on any claim.

23 Plaintiff also argues that good cause does not exist
24 to stay discovery as the case is not complex and discovery will
25 not be overly burdensome.

1 Finally, plaintiff argues that he will be prejudiced
2 if discovery is stayed because he is over 80 years old.

3 The federal rules do not provide for an automatic
4 stay or blanket stays of discovery because of potentially
5 dispositive motions. However, courts may stay discovery in
6 certain circumstances.

7 As mentioned before, there are two main tasks. One
8 is the preliminary peek test under *Kor Media*. The other one is
9 the good cause test as explained in *Schrader v. Wynn*.

10 Here, defendant argues that discovery should be
11 stayed under both tests and plaintiff disagrees. The Court here
12 agrees with plaintiff that a discovery stay is not appropriate in
13 this case under either test given what we discussed here today.

14 Under the preliminary peek test, a discovery stay is
15 not appropriate. The Court is not convinced that defendant will
16 succeed on its motion to dismiss on all claims. That does not
17 mean that you won't succeed. I'm just not convinced at this
18 stage. I have written at length about how difficult it is for a
19 court in my situation to be able to be convinced of anything
20 based on a preliminary peek.

21 However, I will not go in any depth regarding the
22 motion to dismiss as it's the court's -- the district court's
23 rule to evaluate the propriety of the motion to dismiss.

24 Accordingly, the Court will not stay discovery under
25 the preliminary peek test, and under the good cause test, I find

1 that even though defendant argues that discovery is proving to be
2 unduly, unduly burdensome, based on the broad discovery requests
3 and it could potentially complicate facts and expert
4 required -- discovery, I find that the middle ground that we were
5 able to strike today takes care of the concerns that the defense
6 may have, and the defense seems to also agree that that is a good
7 compromise.

8 The Court is unpersuaded by the arguments made in the
9 defense -- by the defense and, as a result, finds that no good
10 cause has been shown.

11 So I will go ahead and allow you to prepare a joint
12 protective order that delineates in detail the discovery that we
13 discussed in court today. And I'm going to ask you to make sure
14 that we get that no later than next Friday.

15 So what is today? Is today the 7th?

16 **COURTROOM ADMINISTRATOR:** Today's the 6th, Your
17 Honor, and the date for next Friday, Your Honor, would be April
18 the 14th.

19 **THE COURT:** All right. Does that work for
20 plaintiffs?

21 **MR. CATANZARITE:** It does, Your Honor.

22 **THE COURT:** Defense.

23 **MR. TASCA:** It works for us, as well, Your Honor. I
24 guess I would just ask while we're all here, if plaintiff's
25 counsel could send us, sort of, you know, a list of what they

1 described today, and we could take a look at it. That could be a
2 good way to start.

3 **THE COURT:** All right. Sounds wonderful. So I'll be
4 looking for the joint protective order by Friday, the 14th. If
5 you need additional time to put that together, just let me know,
6 and I'm happy to grant additional time. Okay?

7 **MR. CATANZARITE:** Thank you, Your Honor.

8 **THE COURT:** All right --

9 **MR. TASCA:** Thank you, Your Honor.

10 **THE COURT:** -- wonderful. Have a good weekend,
11 everyone.

12 **MR. TASCA:** You, too.

13 **MS. COLES:** Thank you, Your Honor.

14 *(Proceedings adjourned at 1:45 p.m.)*

15 --o0o--

16 I, Paige M. Christian, a court-appointed transcriber,
17 certify that the foregoing is a correct transcript transcribed
18 from the official electronic sound recording of the proceedings
19 in the above-entitled matter.

20

21 Date: April 13, 2023

22 /s/ Paige M. Christian

23 Paige M. Christian, RPR, CRR, CCR #955
24 Official Court Reporter
25 United States District Court
District of Nevada