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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL G. VALENCIA,
Plaintiff,
v.
WINFRED KOKOR,
Defendant.

Case No. 1:13-cv-01391 LJO DLB PC
ORDER DENYING DEFENDANT KOKOR’S
MOTION TO STAY DISCOVERY
(Document 74)

Plaintiff Daniel G. Valencia (“Plaintiff”) is a California state prisoner proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983. The action is proceeding on Plaintiff’s Second Amended Complaint, which states a claim under the Eighth Amendment against Defendants Kokor and Sundaram.

Discovery opened as to Defendant Kokor on February 17, 2016. Defendant Sundaram’s February 16, 2016, motion to dismiss pursuant to Federal Rule 12(b)(6) is pending.

On February 17, 2016, Defendant Kokor filed a motion to stay discovery pending resolution of Defendant Sundaram’s motion to dismiss. The Court deems the motion suitable for decision without an opposition pursuant to Local Rule 230(1).

DISCUSSION

The Court is vested with broad discretion to manage discovery. Dichter–Mad Family Partners, LLP v. U.S., 709 F.3d 749, 751 (9th Cir. 2013); Hunt v. Cnty. of Orange, 672 F.3d 606,

1 616 (9th Cir. 2012). Pursuant to Rule 26(c)(1), the Court may, for good cause, issue a protective
2 order forbidding or limiting discovery. The avoidance of undue burden or expense is grounds for the
3 issuance of a protective order, Fed.R.Civ.P. 26(c), and a stay of discovery pending resolution of
4 potentially dispositive issues furthers the goal of efficiency for the courts and the litigants, Little v.
5 City of Seattle, 863 F.2d 681, 685 (9th Cir.1988) (stay of discovery pending resolution of immunity
6 issue).

7 Defendant Kokor requests that discovery be stayed to avoid duplication of costs and efforts.
8 He states, “the current posture of the case will send the litigation along two different tracks because
9 discovery will begin for Dr. Kokor long before it is known whether the claim against Dr. Sundaram
10 will survive. If discovery in this case proceeds at different paces, and at different times, for different
11 Defendants, it will burden the parties and result in duplicated efforts and increased costs.” ECF No.
12 74-1, at 3.

13 In certain situations, the Court will stay discovery to avoid undue burden or expense. In this
14 case, however, the action is proceeding against Defendant Kokor regardless of the outcome of the
15 motion to dismiss filed by Defendant Sundaram. Both Defendants have the same counsel, meaning
16 that if the case continues against Defendant Sundaram, counsel will know what discovery has
17 already been completed so as to avoid duplication of effort and costs. Moreover, given the similarity
18 of the claims, Defendant Sundaram, if he remains in this action, will benefit from discovery
19 conducted by Defendant Kokor.

20 For these reasons, the Court finds that a stay of discovery is not warranted. Defendant
21 Kokor’s motion is therefore DENIED.

22
23 IT IS SO ORDERED.

24 Dated: March 1, 2016

/s/ Dennis L. Beck
25 UNITED STATES MAGISTRATE JUDGE