

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  
EASTERN DISTRICT OF CALIFORNIA

OMAR JAY ON, *et al.*,  
Plaintiffs,  
v.  
STEPHEN VANNUCCI, M.D., *et al.*,  
Defendants.

No. 2:14-cv-02714-TLN-CMK

**ORDER GRANTING STAY OF  
DISCOVERY**

This matter is before the Court on Defendants Stephen A. Vannucci, M.D., Inc. and North Valley Dermatology Center's (collectively, "Defendants") Motion to Stay Discovery. (ECF No. 29.) Plaintiffs Omar Jay On and Barbara On (collectively, "Plaintiffs") oppose Defendants' motion. (ECF No. 31.) Defendants filed a reply. (ECF No. 32) Plaintiffs have filed a Motion to Compel Disclosures and Answers to Interrogatories. (ECF No. 30.) Having reviewed the filings, and for the reasons set forth below, the Court hereby GRANTS Defendants' Motion to Stay Discovery (ECF No. 29) and DENIES Plaintiffs' Motion to Compel (ECF No. 30).

This suit arises from Plaintiff Omar Jay On's employment as a physician by Defendants' medical corporation and his termination of that employment relationship. (ECF No. 17 ¶¶ 7, 9, 10 & 18.) Plaintiffs assert 13 state and federal claims, including several violations of requirements for ERISA plans, several violations of California labor codes, and unfair competition. (ECF No. 17 at 1–2.) Defendants moved to dismiss, arguing all claims are covered

1 by an arbitration clause in the parties' employment contract, so the Court should dismiss the suit  
2 in favor of compulsory arbitration. (ECF No. 23 at 2-3.) Defendants move to stay discovery  
3 pending resolution of their motion to dismiss. (ECF No. 29 at 1.)

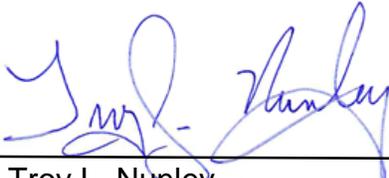
4 Defendants' motion to dismiss would dispose of the entire case and the Court will be able  
5 to resolve the pending, fully briefed motion without additional discovery. *Mlejnecky v. Olympus*  
6 *Imaging Am., Inc.*, No. 2:10-CV-02630-JAM-KJN, 2011 WL 489743, at \*6 (E.D. Cal. Feb. 7,  
7 2011) (articulating a two-part test district courts frequently use to evaluate motions to stay  
8 discovery pending resolution of a dispositive motion). A stay is prudent and will conserve the  
9 parties' resources pending determination of whether the matter will be sent to arbitration, where  
10 the arbitrator would define the bounds of discovery. *Steiner v. Apple Computer, Inc.*, No. C 07-  
11 4486 SBA, 2007 WL 4219388, at \*1 (N.D. Cal. Nov. 29, 2007).

12 For the reasons set forth above, Defendants' Motion for Stay is GRANTED (ECF No. 29)  
13 and Plaintiffs' Motion to Compel is DENIED (ECF No. 30).

14 IT IS SO ORDERED.

15  
16 Dated: August 16, 2017

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



---

Troy L. Nunley  
United States District Judge