



1 (Pls.' Mem. at 2 (Docket No. 115-1).) Defendants do not deny  
2 that Valenti worked at Porter Scott, and further concede that  
3 Valenti worked specifically on the National Grange's case while  
4 at Porter Scott. (See McFarland's Opp'n at 3 n.3 (Docket No.  
5 117).) Defendants dispute whether disqualification of the Ellis  
6 Law Group is necessary in light of Valenti's alleged non-  
7 participation in this case. (Id. at 4.) Plaintiffs' motion to  
8 disqualify the Ellis Law Group is currently set for hearing on  
9 May 1, 2017.

10 Before the court now is plaintiffs' ex parte  
11 application to stay discovery in this case until resolution of  
12 their motion to disqualify. (Docket No. 115.) Defendants have  
13 each filed an opposition to plaintiffs' application. (Docket  
14 Nos. 116-117.)

15 The court has inherent authority to manage the cases  
16 before it. Landis v. N. Am. Co., 299 U.S. 248, 254-255 (1936)  
17 ("[T]he power to stay proceedings is incidental to the power  
18 inherent in every court to control the disposition of the causes  
19 on its docket with economy of time and effort for itself, for  
20 counsel, and for litigants."). It "may, for good cause, issue an  
21 order to protect a party or person from annoyance, embarrassment,  
22 oppression, or undue burden or expense," including "specifying  
23 [the] time and place . . . for . . . discovery." Fed. R. Civ. P.  
24 26(c)(1). "The burden is upon the party seeking the [protective]  
25 order to show good cause by demonstrating harm or prejudice that  
26 will result from the discovery." Rivera v. NIBCO, Inc., 364 F.3d  
27 1057, 1063 (9th Cir. 2004). Stays of discovery are committed to  
28 the discretion of the court. See Little v. City of Seattle, 863

1 F.2d 681, 685 (9th Cir. 1988) (noting that a district court's  
2 stay of discovery "will not be overturned unless there is a clear  
3 abuse of discretion"); Jarvis v. Regan, 833 F.2d 149, 155 (9th  
4 Cir. 1987) (reviewing district court's stay of discovery for  
5 abuse of discretion).

6 Plaintiffs argue that requiring them to proceed with  
7 discovery while their motion to disqualify is pending poses the  
8 risk that they will be prejudiced by the Ellis Law Group's use of  
9 privileged information obtained by Valenti in conducting such  
10 discovery. (Pls.' Mem. at 3.) So long as their motion is  
11 pending, plaintiffs represent, there will likely be "substantial  
12 disputes" between the parties as to how discovery should be  
13 conducted. (Id.) Such disputes, according to plaintiffs, would  
14 make it "likely impossible for the parties to [engage in any]  
15 meaningful discovery." (Id.)

16 The court finds that plaintiffs have shown good cause  
17 to stay discovery until resolution of their motion to disqualify.  
18 There is evidence before the court indicating that Valenti worked  
19 on a case involving the National Grange while at Porter Scott,  
20 (see Decl. of Mark Ellis ¶ 11 (Docket No. 117-1)), and that he  
21 was, at one point, counsel of record for defendant McFarland in  
22 this case, (see Docket No. 112 (referring to Valenti as  
23 "attorney[] of record for Defendant Robert McFarland")). Such  
24 evidence suggests that the Ellis Law Group may have used Valenti  
25 in a conflicting fashion in this case, and there is a risk  
26 plaintiffs will be prejudiced by the Ellis Law Group's continued  
27 involvement in this case. Staying discovery will help avoid that  
28 risk. The court is not aware of any prejudice that would result

1 to defendants from granting plaintiffs' requested stay, which is  
2 not likely to last longer than one month.<sup>1</sup> To the extent the  
3 stay makes it difficult for defendants to complete discovery  
4 prior to the discovery deadline in this case,<sup>2</sup> defendants may  
5 seek leave of court to extend that deadline.

6 IT IS THEREFORE ORDERED that plaintiffs' ex parte  
7 application to stay discovery until the resolution of their  
8 motion to disqualify the Ellis Law Group be, and the same hereby  
9 is, GRANTED.

10 Dated: April 3, 2017



11 **WILLIAM B. SHUBB**  
12 **UNITED STATES DISTRICT JUDGE**

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24 <sup>1</sup> Defendants note that they recently propounded discovery  
25 on plaintiffs which plaintiffs have yet to respond to. (Cal.  
26 Guild's Opp'n at 3 (Docket No. 116).) Defendants provide no  
27 explanation, however, as to why a delay in plaintiffs' response  
28 to such discovery would result in detriment to them.

<sup>2</sup> The discovery deadline in this case is currently set  
for May 29, 2017. (Dec. 13, 2016 Order at 2 (Docket No. 111).)