

United States District Court
Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HOOPES VINEYARD LLC, et al.,
Plaintiffs,
v.
COUNTY OF NAPA,
Defendant.

Case No. 24-cv-06256-CRB

**ORDER DENYING MOTION FOR A
PROTECTIVE ORDER TO STAY
DISCOVERY**

Defendant Napa County seeks a protective order to stay discovery pending the resolution of its soon-to-be-filed motion attacking Plaintiffs’ first amended complaint. Mot. (dkt. 42). The court finds this matter suitable for resolution without a hearing pursuant to Local Civil Rule 7-1(b) and **DENIES** Napa County’s motion.

The filing (or anticipated filing) of a motion to dismiss does not automatically stay discovery. Tradebay, LLC v. eBay, Inc., 278 F.R.D. 597, 600 (D. Nev. 2011). Rather, stays of discovery are governed by Federal Rule of Civil Procedure 26(c)(1), which provides that a court may issue a protective order limiting discovery “for good cause ... to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.” The “party seeking a stay of discovery carries the heavy burden of making a ‘strong showing’ why discovery should be denied.” Gray v. First Winthrop Corp., 133 F.R.D. 39, 40 (N.D. Cal. 1990) (citing Blankenship v. Hearst Corp., 519 F.2d 418, 429 (9th Cir. 1975)). This requires that party to “show a particular and specific need for the protective order, as opposed to making stereotyped or conclusory statements.” Id.

Where a party seeks a stay pending the resolution of a motion, two factors must be present for a court to issue a stay. First, the “pending motion must be potentially


1 dispositive of the entire case, or at least dispositive on the issue at which discovery is
2 directed.” Smith v. Levine Leichtman Cap. Partners, Inc., No. C 10-00010 JSW, 2011 WL
3 13153189, at *1 (N.D. Cal. Feb. 11, 2011). Second, the court must be able to decide the
4 pending motion without additional discovery. Id. The presence of these two factors
5 permits, but does not require, the court to stay discovery until the pending motion is
6 resolved. See id. (“If the two above questions are answered affirmatively, the court may
7 issue a protective order.” (emphasis in original)).

8 The parties spend significant time debating the likely merits of Napa County’s as-
9 yet unfiled motion to dismiss Plaintiffs’ first amended complaint. But Plaintiffs’
10 allegations and Napa County’s potential defenses are complex and not suited for
11 abbreviated briefing in a motion to stay. See id. at *2 (“a stay of the type requested by
12 defendants, where a party asserts that dismissal is likely, ... would circumvent the
13 procedures for resolution of [a motion to dismiss]”). Certainly the Court is unable to say
14 that it is “convinced that the plaintiff will be unable to state a claim for relief.” See
15 Werger v. Monroe, 282 F.3d 1068, 1077 (9th Cir. 2022) (emphasis added) (citation
16 omitted). Moreover, Napa County fails to identify a particular or specific need for a
17 protective order, asserting only that a stay will promote efficiency for the Court and the
18 parties and conserve the parties’ resources. Mot. at 9–10. Such blanket concerns, which
19 are true in the mine run of litigation, do not establish good cause for a protective order.
20 See Smith, 2011 WL 13153189, at *2 (“The expense of discovery alone does not amount
21 to good cause to stay discovery based on Defendants’ argument that they are likely to
22 succeed on the pending motions and could therefore avoid unnecessary expenses.”).

23 The Court therefore finds that a stay of discovery would not be proper at this
24 juncture. Napa County’s motion is **DENIED**.

25 **IT IS SO ORDERED.**

26 Dated: January 6, 2025



CHARLES R. BREYER
United States District Judge

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