

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 GREGORY RAIFMAN, et al.,

No. C 11-2885 SBA (MEJ)

5 Plaintiffs,

**ORDER RE: REQUEST FOR STAY
OF DISCOVERY**

6 v.

7 WACHOVIA SECURITIES, LLC, et al.,

Re: Docket No. 64

8 Defendants.
_____ /

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10 The Court is in receipt of the parties' joint discovery dispute letter, regarding Defendants'
11 request to stay discovery pending ruling on their motion to dismiss. Dkt. No. 64. A two-pronged
12 test is used to determine whether a protective order should issue staying discovery. *Hall v. Tilton*,
13 2010 WL 539679, at *3 (N.D. Cal. Feb. 9, 2010) (citation omitted). First, a pending motion must be
14 potentially dispositive of the entire case, or at least dispositive on the issue at which discovery is
15 directed. *Id.* And second, the Court must determine whether the pending dispositive motion can be
16 decided absent discovery. *Id.*

17 As to the first issue, it appears that the pending motion is potentially dispositive of the entire
18 case. Jt. Ltr. at 2-3. As to the second issue, there is no indication that the pending motion can not be
19 decided absent discovery. The motion to dismiss is fully briefed, and the District Court advised the
20 parties on December 2, 2011 that it had taken the matter off calendar and under submission. Dkt.
21 No. 61. Thus, it appears that the District Court has concluded that it has all it needs in order to rule
22 on the merits. Further, at no time did Plaintiffs argue that they needed any particular discovery to
23 supplement the allegations of their Complaint. Accordingly, Defendants' request is GRANTED.

24 **IT IS SO ORDERED**

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26 Dated: March 28, 2012

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28 Maria-Elena James
Chief United States Magistrate Judge