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United States District Court
Northern District of California

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

WILLIAM CAIN ET AL, et al.,
Plaintiffs,
v.
PORCH.COM INC., et al.,
Defendants.

Case No. 20-cv-00697-BLF

**ORDER GRANTING UNOPPOSED
MOTION TO STAY DISCOVERY
THROUGH FEBRUARY 4, 2021**

[Re: ECF 88]

Before the Court is Defendants’ motion to temporarily stay discovery. See Mot, ECF 88. Because Plaintiffs did not respond, this motion is unopposed. The Court GRANTS Defendants’ motion and will stay discovery through February 4, 2021, the date Defendants’ motion to dismiss will be heard.

Defendants ask for a stay because they have a pending motion for transfer before the Judicial Panel on Multidistrict Litigation (“MDL Panel”). Mot. 1. Defendants ask that the stay be continued either until the MDL Panel decision or this Court rules on its pending motion to dismiss, which is set to be heard on February 4, 2021. Id. Defendants seek to avoid duplicative or unnecessary discovery and argue that a stay would not prejudice Plaintiffs, avoid hardship to Defendants, and serve judicial economy. Id.

District courts have the “discretionary power to stay proceedings.” *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109 (9th Cir. 2005) (citing *Landis v. No. American Co.*, 299 U.S. 248, 254 (1936)). This power is “incidental to the power inherent in every court to control the disposition of the cases on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis*, 299 U.S. at 254. “In considering whether a stay is appropriate, the Court weighs three factors: [1] the possible damage which may result from the granting of a stay, [2] the hardship or

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1 inequity which a party may suffer in being required to go forward, and [3] the orderly course of
2 justice measured in terms of the simplifying or complicating of issues, proof, and questions of law
3 which could be expected to result from a stay.” *Gustavson v. Mars, Inc.*, No. 13-cv-04537-LHK,
4 2014 WL 6986421, at *2 (N.D. Cal. Dec. 10, 2014) (internal quotation marks and citation omitted)
5 (brackets in original). These factors are drawn from the Supreme Court’s decision in *Landis v.*
6 *North American Co.*, 299 U.S. 248 (1936). *Id.*

7 While filing a motion before the MDL Panel alone does not result in an automatic stay of
8 proceedings in this Court, courts in this district do frequently grant stays pending a decision by the
9 MDL Panel. See, e.g., *Johnson v. Monterey Fish Co., Inc.*, No. 18-CV-01985-BLF, 2018 WL
10 2387849, at *1 (N.D. Cal. May 25, 2018). The Court finds that Defendants here have satisfied the
11 Landis factors. First, Plaintiffs, who chose not to oppose this motion, will not suffer any prejudice
12 from a stay of a duration of less than two months. Second, the Court does find that Defendants
13 would be forced to engage in duplicative discovery practice if this case were to proceed without a
14 stay while the MDL Panel’s decision is pending. And finally, a stay would promote judicial
15 economy and conserve the Court’s resources. “[I]t appears that a majority of courts have
16 concluded that it is often appropriate to stay preliminary pretrial proceedings while a motion to
17 transfer and consolidate is pending with the MDL Panel because of the judicial resources that are
18 conserved.” *Monterey Fish Co.*, 2018 WL 2387849, at *2 (quoting *Rivers v. Walt Disney Co.*, 980
19 F. Supp. 1358, 1360–62 (C.D. Cal. 1997)).

20 For the foregoing reasons, Defendants’ motion to stay is GRANTED, and discovery shall
21 be STAYED through February 4, 2021.

22 **IT IS SO ORDERED.**

23 Dated: November 20, 2020



24
25 BETH LABSON FREEMAN
26 United States District Judge