

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
DISTRICT OF NEVADA**

BRADLEY SMITH,)	
)	Case No. 2:13-cv-00039-RCJ-GWF
Plaintiff,)	
)	<u>ORDER</u>
vs.)	
)	Motion to Stay Discovery (#14)
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

This matter comes before the Court on Defendant United States of America’s (“Defendant”) Motion to Stay Discovery (#14), filed on July 11, 2013. Plaintiff’s claims in this case involve allegations of adverse disciplinary actions and a hostile work environment while he was employed by the Department of Veterans Affairs. Defendant filed a Motion to Dismiss (#8) for lack of jurisdiction on May 22, 2013, arguing that Plaintiff’s claims would properly have been brought before the Merit Systems Protection Board or the Equal Employment Opportunity Commission. The Motion to Dismiss (#8) has been fully briefed since July 1, 2013. *See Reply, Doc. #12.* Defendant now seeks to stay discovery in this case pending a decision on the Motion to Dismiss (#8). Under Local Rule 7-2(d), the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion. The time to oppose the instant Motion has expired, and no opposition has been filed. Accordingly,

IT IS HEREBY ORDERED that Defendant’s Motion to Stay Discovery (#14) is **granted**.
IT IS FURTHER ORDERED that discovery in this matter shall be stayed pending a decision on Defendant’s Motion to Dismiss (#8).

...

