



1 The Court finds these factors are present here. First, Defendant Western United's motion for  
2 summary judgment is potentially case-dispositive.<sup>1</sup> Second, the motion for summary judgment can be  
3 decided without additional discovery. Third, the Court has taken a preliminary peek at the merits of the  
4 motion for summary judgment<sup>2</sup> and believes Plaintiffs will be unable to state a claim for relief against  
5 Defendant Western United.<sup>3</sup>

6 Accordingly, Defendant Western United's emergency motion to stay discovery is hereby  
7 **GRANTED**. In the event that the motion for summary judgment is not granted in full, the parties shall  
8 submit a joint status report to the undersigned within 14 days of the issuance of the order resolving the  
9 motion for summary judgment. That status report shall indicate what discovery needs to be completed  
10 and shall provide a proposed plan for completing it.

11 IT IS SO ORDERED.

12 DATED: December 26, 2013.

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15 NANCY J. KOPPE  
16 United States Magistrate Judge

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18 The Court previously expressed concerns about staying discovery in this case because of the  
19 ongoing case between Plaintiffs and Defendant Liberty Mutual Fire Insurance Company ("Liberty  
20 Mutual"). See Docket No. 42, at 2. During a hearing before the Court on December 13, 2013, however,  
21 counsel for Defendant Liberty Mutual informed the Court that it has reached a settlement with Plaintiffs  
22 on this case, and that a Stipulation of Dismissal will be filed with the Court once the parties had signed  
23 an agreement. Docket No. 45.

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25 The Court notes that Defendant Western United has now filed two motions for summary  
26 judgment in this case. See Docket Nos. 30, 53. As Docket No. 30 is the only motion to which Plaintiffs  
27 have had the opportunity to respond thus far, the Court has limited its preliminary peek to that motion  
28 for summary judgment.

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Conducting this preliminary peek puts the undersigned in an awkward position because the  
assigned district judge who will decide the motion to dismiss may have a different view of its merits.  
See *Tradebay*, 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of that motion  
is not intended to prejudice its outcome. See *id.*