

1 plaintiff will be unable to state a claim for relief. *See Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597,
2 603 (D. Nev. 2011); *see also Wood v. McEwen*, 644 F.2d 797, 801 (9th Cir. 1981) (*per curiam*).
3 Ultimately, the party seeking the stay “carries the heavy burden of making a ‘strong showing’ why
4 discovery should be denied.” *Id.* (citing *Blankenship v. Hearst Corp.*, 519 F.2d 418, 429 (9th
5 Cir.1975)). Moreover, a court should not grant a stay absent a showing of hardship if “there is even
6 a fair possibility that the stay . . . will work damage to someone else.” *Dependable Highway*
7 *Express, Inc. v. Navigators Insurance Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007). Therefore, the
8 court must balance the competing interests affected by a stay such as, the “hardship or inequity
9 which a party may suffer in being required to go forward.” *Lockyer v. State of California*, 398 F.3d
10 1098, 1110 (9th Cir. 2005).

11 The Court finds that the Defendant has made the strong showing necessary to support the
12 continuation of the stay previously imposed until September 2, 2014. He asserts that the criminal
13 investigation is still ongoing and a stay is necessary to protect his Fifth Amendment privilege
14 against self-incrimination. The Court finds that a stay of discovery is warranted to promote
15 efficiency and justice. Plaintiff is not prejudiced because he will have an opportunity to conduct
16 discovery after the stay. Additionally, there are no pending motions or trial date in this matter.
17 Further, the delay of time is not substantial given that there is a parallel criminal proceeding.
18 Additionally, the Court will require the parties to submit a new joint proposed discovery plan and
19 scheduling order after the stay is lifted.

20 Based on the foregoing and good cause appearing therefore,

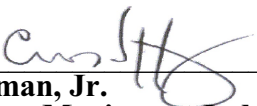
21 **IT IS HEREBY ORDERED** that Defendant Steve Williams’ Motion to Continue Stay
22 (#51) is **granted**.

23 **IT IS FURTHER ORDERED** that discovery shall be stayed until the earlier of November
24 6, 2014 or the criminal proceedings against Defendant Steve Williams are complete.

25 **IT IS FURTHER ORDERED** that the parties shall file a joint status report on **October**
26 **30, 2014** regarding the status of the criminal proceedings and necessity of the stay.

27 **IT IS FURTHER ORDERED** that the parties shall file a joint proposed discovery plan
28 and scheduling order within 10 days after the stay expires.

DATED this 8th day of August, 2014.



C.W. Hoffman, Jr.
United States Magistrate Judge

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