



1           The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of  
2 discovery when a potentially dispositive motion is pending. See *Skellerup Indus. Ltd. V. City of*  
3 *L.A.*, 163 F.R.D. 598, 600-1 (C.D. Cal. 1995). Ordinarily, a dispositive motion does not warrant  
4 a stay of discovery. See *Twin City Fire Insurance v. Employers of Wausau*, 124 F.R.D. 652, 653  
5 (D. Nev. 1989). See also *Turner Broadcasting System, Inc. v. Tracinda Corp.*, 175 F.R.D. 554,  
6 556 (D. Nev. 1997). The moving party carries the heavy burden of making a strong showing of  
7 why discovery should be denied. *Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev.  
8 2013).

9           Courts have broad discretionary power to control discovery. See *Little v. City of Seattle*,  
10 863 F.2d 681, 685 (9th Cir.1988). When deciding whether to grant a stay of discovery, the Court  
11 is guided by the objectives of Fed. R. Civ. Pro. 1 that ensures a “just, speedy, and inexpensive  
12 determination of every action.” *Kor Media Group*, 294 F.R.D. at 581. The Court may grant a  
13 motion to stay discovery when “(1) the pending motion is potentially dispositive; (2) the  
14 potentially dispositive motion can be decided without additional discovery; and (3) the Court has  
15 taken a “preliminary peek” at the merits of the potentially dispositive motion and is convinced that  
16 the plaintiff will be unable to state a claim for relief.” *Kor Media Group*, 294 F.R.D. at 581.

17           After conducting its “preliminary peek” of Defendant’s motion for summary judgment, the  
18 Court finds that a stay of discovery is warranted. First, the pending motion for summary judgment,  
19 if granted, may resolve the primary issues raised in Plaintiff’s Complaint. Second, although  
20 Plaintiff argues that there are factual issues remaining regarding Defendant’s property interest, the  
21 Court finds that the motion for summary judgment can be decided without additional discovery.  
22 Defendant submitted business records and a sworn declaration of an employee of Freddie Mac  
23 confirming the date of its acquisition and interest in the subject loan at the time of the HOA sale.  
24 The remaining issues are questions of law regarding the court’s interpretation of the federal  
25 foreclosure bar and its preemptive effect on Nevada law. See *Bank of Am., N.A. v. Terraces at*  
26 *Rose Lake Homeowners Ass'n*, 2017 WL 7037740, at \*2 (D. Nev. Oct. 26, 2017). Finally, the

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Court is convinced that a stay of discovery is warranted based upon the merits of Defendant’s motion for summary judgment. Accordingly,

**IT IS HEREBY ORDERED** that Defendant Wells Fargo Bank, N.A. (“Wells Fargo”)’s Motion to Stay Discovery (ECF No. 142) is **granted**.

**IT IS FURTHER ORDERED** that the parties shall file a proposed discovery plan and scheduling order within 14 days of the court’s ruling on Defendant’s pending motion for summary judgment in the event any of the parties’ claims survive.

Dated this 17th day of July, 2018.

  
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GEORGE FOLEY, JR.  
UNITED STATES MAGISTRATE JUDGE