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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PHILLIP J. LYONS,)	Case No. 2:14-cv-00046-RFB-NJK
)	
Plaintiff(s),)	ORDER
vs.)	
)	(Docket No. 50)
JAMES G. COX, et al.,)	
)	
Defendant(s).)	

Pending before the Court is the unopposed motion to stay discovery filed by Defendants United States and United States Marshal Christopher Hoye. Docket No. 50. In particular, Defendants seek a stay of discovery pending resolution of their motion to dismiss. *See* Docket No. 41 (motion to dismiss). The Court finds the matter properly resolved without oral argument. *See* Local Rule 78-2. For the reasons discussed below, the motion to stay is hereby **GRANTED**.

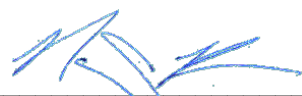
“The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a “preliminary peek” at the merits of the potentially dispositive motion and is convinced that the plaintiff will be unable to state a claim for relief. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).¹

¹ 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*

1 Having reviewed the underlying motion to dismiss, the Court finds that these elements are
2 present in this case and **GRANTS** the motion to stay discovery. If the motion to dismiss is not granted
3 in full, the parties shall file a proposed discovery plan within seven days of the issuance of the order
4 resolving the motion to dismiss.

5 IT IS SO ORDERED.

6 DATED: August 12, 2015



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9 NANCY J. KOPPE
10 United States Magistrate Judge

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27 *Tradebay*, 278 F.R.D. at 603. The undersigned’s “preliminary peek” at the merits of that motion is not
28 intended to prejudice its outcome. *See id.*