

1 can be decided without additional discovery. *Ministerio Roca Solida v. U.S. Dep't of Fish &*
2 *Wildlife*, 288 F.R.D. 500, 506 (D. Nev. 2013). Further, “a stay of discovery should only be ordered
3 if the court is convinced that a plaintiff will be unable to state a claim for relief.” *Tradebay LLC V.*
4 *eBay, Inc.*, 278 F.R.D. 597, 603 (D. Nev. 2011). This analysis requires the court to take a
5 “preliminary peek” at the merits of the pending dispositive motion. *Id.*

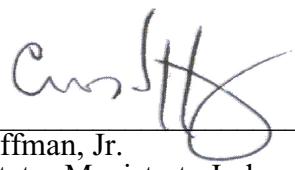
6 Here, both parties concede that the pending motion to dismiss would be dispositive of all
7 claims, and that the motion may be resolved without discovery. Therefore, the only factor to
8 consider is whether the motion is likely to succeed. The court took a “preliminary peek” at
9 Defendant’s renewed motion to dismiss and finds that it is likely to succeed on the merits.

10 IT IS THEREFORE ORDERED that Defendant’s motion (ECF No. 62) to stay discovery is
11 GRANTED.

12 IT IS FURTHER ORDERED THAT if the court denies the pending motion to dismiss (ECF
13 No. 53), the parties must meet and confer and file a proposed discovery plan and scheduling order
14 within 14 days from the date of the order denying the motion to dismiss. The proposed discovery
15 plan and scheduling order must comply with LR 26-1(e), with discovery deadlines measured from
16 the date of the order on the motion to dismiss.

17
18
19
20
21
22
23
24
25
26
27
28

DATED: October 20, 2016.



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