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2 CLARK COUNTY SCHOOL DISTRICT
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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 JILL LEFF, CLAUDIA KRAUSE,
12 KRISTA SHIELDS, CHRISTOPHER
13 STEWART, NEKISHA SIMPSON,
14 CARRIE CHAPPELL, CAROLYN
15 DOYEL, KODZO ATTILA, JOSEPH
16 PORTILLA, AMANDA LA FORTE,
17 PATRICIA WEBB, MARY RICE,
18 BARBARA GAMMAGE, FRANCIS
19 SIMONE BOJAR, GLEN ROWLEY, and
20 CLARK COUNTY EDUCATION
21 ASSOCIATION, an employee
22 organization,

23 Plaintiffs,

24 v.

25 CLARK COUNTY SCHOOL DISTRICT,
26 a county school district,

27 Defendants.

CASE NO.:
2:15-CV-01155-RFB-GWF

**STIPULATION AND ORDER FOR STAY
OF DISCOVERY PENDING MOTION TO
DISMISS**

28 COME NOW the parties, by and through their counsel of record,
and hereby stipulate and agree to stay discovery in this matter
until the Court rules on the pending motion to dismiss (Docket No.
9). The Nevada legislature enacted AB 225 in 2011 which provided
post-probationary teachers receiving unsatisfactory evaluations in
consecutive years revert to probationary status. The individual
Plaintiffs are former Clark County School District teachers to whom
the District applied AB 225 and were non-renewed at the end of the
2013-14 school year. The Clark County Education Association, the
recognized bargaining representative for District teachers, is also

1 a Plaintiff. The lawsuit challenges applying AB 225 to teachers
2 that were post-probationary prior to the law's passage.
3 Specifically, the lawsuit alleges that the District violated
4 Plaintiff teachers' rights under the Contract Clause and Due
5 Process Clause of the Fourteenth Amendment to the United States
6 Constitution.

7 Defendant filed a motion to dismiss asserting Plaintiffs have
8 failed to state a claim. The response and reply briefs have been
9 filed. Docket Nos. 9, 12 and 16. District courts have "wide
10 discretion in controlling discovery" which includes granting a
11 stay. Little v. City of Seattle, 863 F.2d 681, 685 (9th Cir. 1988).
12 A district court may properly stay discovery during the
13 consideration of a dispositive motion when discovery is not
14 pertinent to the issues in the dispositive motion. Rae v. Union
15 Bank, 725 F.2d 478, 481 (9th Cir. 1984); White v. American Tobacco,
16 125 FRD 508, 510 (D. Nev. 1989). The pending motion to dismiss
17 raises issues that the Court will resolve as a matter of law.

18 The parties do not wish to needlessly expend resources while
19 the motion to dismiss is pending given that the motion revolves
20 around issues that will be resolved as a matter of law. With the
21 number of Plaintiffs, considerable discovery will be required. For
22 example, Defendant anticipates deposing each individual Plaintiff
23 teacher and propounding written discovery to each if the case is
24 not resolved as a matter of law. A stay will permit the parties to
25 delay incurring the costs of discovery until a ruling is issued on
26 the dispositive motion which may dispose of the matter.

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1 Therefore, the parties respectfully request that the Court
2 stay discovery, including Rule 26 requirements to meet and file a
3 proposed discovery plan and initial disclosures, until a ruling on
4 the pending motion to dismiss is issued.

5 DATED this 23rd day of October, 2015.

6
7 DYER, LAWRENCE, FLAHERTY
8 DONALDSON & PRUNTY


CLARK COUNTY SCHOOL DISTRICT
OFFICE OF THE GENERAL COUNSEL

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15 **IT IS SO ORDERED:**

16
17 Date: November 3, 2015



GEORGE FOLEY, JR.
United States Magistrate Judge