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 6 CORRECTIONS CORPORATION OF AMERICA
 dba NEVADA SOUTHERN DETENTION CENTER

8 UNITED STATES DISTRICT COURT
 9 DISTRICT OF NEVADA

11 LEEANN E. ARCHULETA; and
 12 MICHAEL B. DICKENS,
 13 Plaintiffs,
 14 vs.
 15 CORRECTIONS CORPORATION OF
 AMERICA, a Maryland corporation, doing
 16 business as NEVADA SOUTHERN
 DETENTION CENTER,
 17 Defendant.

Case No. 2:15-cv-01608-MMD-VCF

~~PROPOSED~~ STIPULATION AND
 ORDER TO STAY DISCOVERY

19 Defendant CORRECTIONS CORPORATION OF AMERICA dba NEVADA
 20 SOUTHERN DETENTION CENTER and Plaintiffs LEEANN E. ARCHULETA and MICHAEL
 21 B. DICKENS, by and through their respective attorneys, stipulate and agree to stay discovery until
 22 the Court has ruled on Defendant’s Motion to Dismiss Plaintiff’s Complaint in its entirety (Doc.
 23 10).

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1 Counsel for Plaintiffs and Defendant held a Rule 26(f) conference on December 21, 2015. In
2 the Rule 26(f) conference, it was discussed and agreed that a stay of discovery was warranted in this
3 matter, pending a ruling on Defendant’s Motion to Dismiss.¹

4 In assessing a request to stay discovery, the Court decides whether it is necessary to speed
5 the parties along in discovery or whether it is more appropriate to delay discovery and spare the
6 parties the associated expense. *Tradebay, LLC, v. Ebay, Inc.*, 278 F.R.D. 597, 603 (D. Nev. 2011).
7 To make this assessment, the court takes a “preliminary peek” at the merits of the purportedly
8 dispositive motion, though, importantly, this “preliminary peek” does not prejudge the outcome of
9 the motion, it merely evaluates whether an order staying discovery is warranted. *Id.* The merits of
10 the pending motion will ultimately be determined by the district judge, who may have a different
11 view than the magistrate judge. *Id.*

12 Defendant’s Motion is of the type warranting a stay in discovery. First, Defendant contends
13 that Plaintiffs’ negligence claims are not only deficient as plead under *Iqbal* and *Twombly*, but are
14 also barred by the exclusive remedy provision of the Nevada Industrial Insurance Act. As such,
15 Defendant contends these claims must be dismissed with prejudice. Accordingly, requiring the
16 parties to conduct discovery on claims that may not be curable by amendment would cause an
17 unnecessary expense on the parties and could potentially clog the Court’s docket with discovery
18 disputes related to these claims. Second, Defendant also contends that Plaintiff’s other claims must
19 be dismissed for failure to state a valid claim for relief. Defendant anticipates many of these claims
20 also cannot be cured by amendment. Third, because Defendant has moved to dismiss the entire case,
21 Plaintiffs have not been apprised of which factual allegations Defendant intends to admit, and which
22 Defendant intends to deny. Nor have Plaintiffs been apprised of the defenses Defendant intends to
23 assert. Plaintiffs believe this would severely limit their opportunity to conduct full discovery while
24 the motion is pending.

27 ¹ The parties agreed that the discovery stay will include initial disclosures, however the parties agreed
28 to exchange informal initial disclosures prior to the ENE, to include a damages computation and disclosure of
any relevant insurance information.

1 Plaintiff disputes the legal arguments made in Defendant's Motion to Dismiss, however, the
2 parties agree that the motion is of the type warranting a stay of discovery and that discovery is not
3 necessary while the Court resolves the legal issues raised by the motion. Moreover, counsel for
4 Plaintiff has scheduling conflicts for much of January and February, 2016. Therefore, the parties
5 jointly request the Court to stay discovery while the motion to dismiss is pending.

6 Accordingly, the parties request discovery be stayed until the Court has ruled on Defendant's
7 Motion to Dismiss (Doc. 10). If the complaint is not dismissed in its entirety, the parties will submit
8 a stipulated discovery plan and scheduling order within 14 days of the Court's ruling on Defendant's
9 Motion.

10 Dated: December 22, 2015

Dated: December 22, 2015

11 Respectfully submitted,

Respectfully submitted,

13 /s/ Robert P. Spretnak

/s/ Amy L. Baker

14 ROBERT P. SPRETNAK, ESQ.
LAW OFFICES OF ROBERT P.
15 SPRETNAK

ROGER L. GRANDGENETT II, ESQ.
AMY L. BAKER, ESQ.
LITTLER MENDELSON, P.C.

16 Attorney for Plaintiffs
LEEANN E. ARCHULETA and
17 MICHAEL B. DICKENS

Attorneys for Defendant
CORRECTIONS CORPORATION OF
AMERICA *dba* NEVADA SOUTHERN
18 DETENTION CENTER

19 **ORDER**

20 **IT IS SO ORDERED.**

21 Dated: December 28, 2015.

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24 **UNITED STATES MAGISTRATE JUDGE**

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26 IT IS FURTHER ORDERED that a status conference is scheduled for
27 1:00 p.m., June 6, 2016, in courtroom 3D.

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