

1 LYSSA S. ANDERSON
 Nevada Bar No. 5781
 2 RYAN W. DANIELS
 Nevada Bar No. 13094
 3 KAEMPFER CROWELL
 1980 Festival Plaza Drive, Suite 650
 4 Las Vegas, Nevada 89135
 Telephone: (702) 792-7000
 5 Fax: (702) 796-7181
landerson@kcnvlaw.com
radaniels@kcnvlaw.com

**Attorneys for Defendants
 Las Vegas Metropolitan Police
 Department, Kenneth Mead, and
 Michael Madland**

9 UNITED STATES DISTRICT COURT
 10 DISTRICT OF NEVADA

11 THOMAS BENSON,
 12 Plaintiff,
 vs.
 13 KENNETH MEAD in his individual capacity,
 14 MICHAEL MADLAND in his individual
 capacity, FOX 5 KVVU-TV,
 15 METROPOLITAN POLICE DEPARTMENT,
 CLARK COUNTY NEVADA, FEDERAL
 16 BUREAU OF INVESTIGATIONS, V.
 17 VANOOSBREE, in his/her individual capacity,
 S. JUNG, his/her individual capacity, CLARK
 18 COUNTY SHERRIFF, UNITED STATES
 DEPARTMENT OF TREASURY, DOES 1-30
 19 INCLUSIVE,
 20 Defendants.

Case No. 2:16-cv-01268-RFB-PAL

**STIPULATION AND ORDER TO STAY
 DISCOVERY PENDING RULING ON
 MOTIONS TO DISMISS
 AND
 CERTIFICATION OF MEET AND
 CONFER PURSUANT TO SCHEDULING
 ORDER
 [ECF NO. 47]**

21 IT IS HEREBY STIPULATED, AGREED AND REQUESTED by and between the
 22 parties, either in proper person or through their undersigned Counsel, that the current Scheduling
 23 Order entered on August 23, 2016 [ECF No. 47], be vacated and that all discovery in this matter
 24 be stayed pending a ruling on Defendant KVVU Broadcasting Corporation’s Motion to Dismiss

KAEMPFER CROWELL
 1980 Festival Plaza Drive
 Suite 650
 Las Vegas, Nevada 89135

1 [ECF No. 15], the Las Vegas Metropolitan Police Department Defendants' Motion to Dismiss
2 [ECF No. 21], Defendant Clark County Sheriff's Motion to Dismiss [ECF No. 24], and
3 Plaintiff's Motion to Amend First Amended Complaint [ECF No. 29].

4 Here, a stay of discovery is appropriate as it is sought based on pending motions to
5 dismiss Plaintiff's First Amended Complaint and Plaintiff's motion to amend his First Amended
6 Complaint. These motions are potentially dispositive of certain claims and may even dismiss
7 certain parties entirely from the litigation. In fact, KVVU's Motion to Dismiss raises
8 preliminary jurisdictional arguments which should be addressed prior to any discovery being
9 conducted. It would be burdensome, time-consuming and costly for the parties to engage in
10 discovery without knowing the parameters of the claims or parties that are being pursued.
11 Furthermore, issues of scope and proportionality would be difficult to determine and could
12 require further unnecessary cost and expense to try to resolve. Fed. R. Civ. Proc. 1 provides that
13 the rules should be "construed and administered to secure the just, speedy and *inexpensive*
14 determination of every action and proceeding." (Emphasis added.) Staying discovery in this
15 case is consistent with this intent.

16 Based upon the foregoing, and in accordance with this Court's scheduling order [ECF
17 No. 47], the parties conferred on August 26, 2016 and determined that it is in the best interests of
18 the parties that all matters concerning discovery be stayed. The parties request that the current
19 Scheduling Order be vacated and agree to submit a new proposed Discovery Plan and
20 Scheduling Order within fourteen (14) days of this Court's ruling on the last of the pending
21 motions [ECF Nos. 15, 21, 24, 29]. The parties are not submitting this stipulation for the
22 purpose of delay; rather, the parties are attempting to litigate this matter in an efficient manner

23 ...

24 ...

1 pursuant to the spirit and intent of the Federal Rules of Civil Procedure.

2 DATED this 2nd day of September, 2016.

3 THOMAS BENSON

KAEMPFER CROWELL

4 By: /s/ thomas benson

By: /s/ Ryan W. Daniels

5 THOMAS BENSON
6 c/o 9030 West Sahara Avenue, 617
7 Las Vegas, NV 89117
8 ***Pro Per Plaintiff***

LYSSA S. ANDERSON
(Nevada Bar No. 5781)
RYAN W. DANIELS
(Nevada Bar No. 13094)
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
Telephone: (702) 792-7000
Fax: (702) 796-7181
**Attorneys for Defendant Las Vegas
Metropolitan Police Department**

DICKINSON WRIGHT PLLC

12 By: /s/ Gabriel A. Blumberg

ERIC D. HONE
(Nevada Bar No. 8499)
GABRIEL A. BLUMBERG
(Nevada Bar No. 12332)
8363 West Sunset Road, Suite 200
Las Vegas, NV 89113-2210
**Attorneys for KVVU Broadcasting
Corporation**

19 **IT IS SO ORDERED.**

20 DATED this 15th day of September, 2016.

22 
23 UNITED STATES MAGISTRATE JUDGE