

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LEONARD FLORES,

Plaintiff(s),

vs.

WELLS FARGO, N.A., et al.,

Defendant(s).

Case No. 2:16-cv-01676-RFB-NJK

ORDER

(Docket No. 29)

Pending before the Court is Defendant Wells Fargo's motion to stay discovery pending resolution of its motion to dismiss. *See* Docket No. 29; *see also* Docket No. 17 (motion to dismiss); Docket No. 20 (Defendant Ten-X's joinder in motion to dismiss); Docket No. 35 (Defendant National Default Servicing's joinder in motion to dismiss); Docket No. 30 (Defendant Ten-X's joinder in motion to stay). To date, no response has been filed. For the reasons discussed below, the motion to stay is hereby **GRANTED**.

The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). "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 party seeking a stay carries the heavy burden of making a strong showing why discovery should be denied. *See, e.g., Turner Broadcasting Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). 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

1 potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken
2 a “preliminary peek” at the merits of the potentially dispositive motion and is convinced that the plaintiff
3 will be unable to state a claim for relief. *Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D.
4 Nev. 2013).¹

5 The Court finds these standards met in this case, and therefore **STAYS** discovery pending
6 resolution of the motion to dismiss at Docket No. 17. In the event the order resolving the motion to
7 dismiss does not result in the disposition of this case, the parties shall file within 14 days thereof a joint
8 status report regarding whether discovery should proceed and, if so, a schedule for discovery.

9 IT IS SO ORDERED.

10 DATED: November 10, 2016

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NANCY J. KOPPE
United States Magistrate Judge

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27 ¹ Conducting this preliminary peek puts the undersigned in an awkward position because the assigned
28 district judge who will decide the motion to dismiss may have a different view of its merits. *See Tradebay*,
278 F.R.D. at 603. The undersigned’s “preliminary peek” at the merits of that motion is not intended to
prejudice its outcome. *See id.*