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 9 Medical Center, LLC, including its Board of
 Trustees, Susan Reisinger, M.D. and Katherine
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11 UNITED STATES DISTRICT COURT
 12 DISTRICT OF NEVADA

13 NAVNEET SHARDA, M.D., an Individual,
 14
 Plaintiff,
 15
 vs.

Case No. 2:16-cv-02233-JCM-GWF

**STIPULATION AND ORDER TO STAY
 DISCOVERY**

16 SUNRISE HOSPITAL AND MEDICAL
 17 CENTER, LLC, a foreign limited liability
 company; THE BOARD OF TRUSTEES OF
 18 SUNRISE HOSPITAL; SUSAN REISINGER, an
 individual; DIPAK DESAI, an individual;
 19 NEVADA STATE BOARD OF MEDICAL
 EXAMINERS; KATHERINE KEELEY, an
 20 individual; DOE Individuals I through X; and
 ROE CORPORATIONS and
 21 ORGANIZATIONS I through X, inclusive,
 22
 Defendants.

23
 24 Pursuant to LR IA 6-1, LR 7-1, and Federal Rule of Civil Procedure 26(d), Plaintiff Navneet
 25 Sharda, M.D. (“Plaintiff”) and Defendants Sunrise Hospital and Medical Center, LLC, including its
 26 Board of Trustees (“Sunrise Hospital”), Susan Reisinger, M.D. (“Dr. Reisinger”), and Katherine
 27 Kelley, M.D., D.D.S. (“Dr. Keeley”) (collectively, the “Sunrise Defendants”), through their
 28

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1 respective undersigned counsel, hereby submit this proposed Stipulation and Order to Stay

2 Discovery:

3 1. A “district court has wide discretion in controlling discovery.” *Little v. City of Seattle*,
4 863 F.2d 681, 685 (9th Cir. 1988).

5 2. Pursuant to Federal Rule of Civil Procedure 26(c), the Court “may, for good cause,”
6 issue a protective order to stay discovery. A court also has discretion to stay or limit discovery
7 during the pendency of a motion that is likely to dispose of a case. *Tradebay, LLC v. eBay, Inc.*, 278
8 F.R.D. 597, 601 (D. Nev. 2011).

9 3. The goal of Rule 1 of the Federal Rules of Civil Procedure is paramount in evaluating
10 whether a stay is warranted. Rule 1 provides that the Rules of Civil Procedure shall “be construed
11 and administered to secure the just, speedy, and inexpensive determination of every action.” *Id.* at
12 602 (internal quotation marks omitted); *accord Ashcroft v. Iqbal*, 556 U.S. 662, 678–79 (2009)
13 (“Rule 8 marks a notable and generous departure from the hyper-technical, code-pleading regime of
14 a prior era, but it does not unlock the doors of discovery for a plaintiff armed with nothing more than
15 conclusions.”).

16 4. In evaluating whether to stay discovery pending a dispositive motion, Courts
17 consider: (1) whether the pending motion is “potentially dispositive of the entire case or at least
18 dispositive of the issue on which discovery is sought;” and (2) whether the pending “motion can be
19 decided without additional discovery.” *See Tradebay, LLC*, 278 F.R.D. at 602.

20 5. On December 30, 2016, the Sunrise Defendants filed a Motion to Dismiss (See ECF
21 No. 35) (the “Motion”) pursuant to Federal Rule of Civil Procedure 12(b)(6). The Motion, if granted
22 in its entirety, would be dispositive of the case.

23 6. Briefing on the Motion is complete and the Parties await a decision from the Court.

24 7. The Parties believe that *good cause exists* to stay discovery pending a decision on the
25 Motion because:

26 (a) While the Parties have differing views on the merits of the Motion, the Parties
27 agree that the Motion is “potentially dispositive of the entire case” or that the Court’s ruling
28 on the Motion could narrow the scope of discovery. *See Tradebay, LLC*, 278 F.R.D. at 602.

1 In other words, the Motion would make discovery unnecessary if granted in its entirety or
2 would have a substantial impact on the scope of discovery if granted in part. For example,
3 antitrust claims require significant discovery unique to such claims. If discovery is not
4 stayed, the parties would be required to engage in such unique discovery before knowing
5 whether such discovery is necessary.

6 (b) The Parties agree that discovery is unnecessary to decide the Motion. *See id.*

7 (c) The Parties agree that a stay of discovery will promote the goals of Rule 1 “to
8 secure the just, speedy, and inexpensive determination of every action.” Fed. R. Civ. P. 1

9 (d) Given that the decision on the Motion could make discovery unnecessary or
10 have a substantial impact on the scope of discovery, the parties agree that good cause exists
11 to stay discovery pending a ruling on the Motion. *See Tradebay, LLC*, 278 F.R.D. at 602.

12 8. Therefore, based upon the above reasons, which the Parties submit constitute good
13 cause, the Parties hereby stipulate to stay the commencement of discovery pending a ruling on the
14 Motion.

15 9. The Parties will file a Supplemental Stipulated Discovery Plan and Scheduling Order,
16 if necessary, within fourteen (14) days after the Court’s ruling on the Motion.

17 Dated this 14th Day of March, 2017

Dated this 14th Day of March, 2017

18 BAILEY ❖ KENNEDY

LAW OFFICES OF P. STERLING KERR

19 By: /s/ Paul C. Williams

By: /s/ P. Sterling Kerr

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ORDER

IT IS SO ORDERED:

Based on the foregoing finding of good cause, the commencement of discovery shall be stayed pending a ruling on the Sunrise Defendants’ Motion to Dismiss. The parties will submit a Supplemental Proposed Discovery Plan and Scheduling Order, if necessary, within fourteen (14) days of the Court’s ruling on the Sunrise Defendants’ Motion to Dismiss.



GEORGE FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE

Dated: March 27, 2017

Respectfully Submitted by:

BAILEY ❖ KENNEDY

By: /s/ Paul C. Williams
JOHN R. BAILEY
JOSHUA M. DICKEY
PAUL C. WILLIAMS

Attorneys for Defendants Sunrise Hospital and Medical Center, LLC, including its Board of Trustees, Susan Reisinger, M.D. and Katherine Keeley, M.D., D.D.S.