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8 *d/b/a T-Energy*

9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 William Tsumpes, an Individual d/b/a
12 T-Energy,

13 Plaintiff,

14 vs.

15 T3 Motion, Inc., a Delaware Corporation,

16 Defendant.

Case No. 2:17-CV-00393-APG-CWH

STIPULATION AND ORDER
[PROPOSED] TO STAY DISCOVERY
PENDING RESOLUTION OF
DEFENDANT'S MOTION TO DISMISS

17 Plaintiff William Tsumpes, an Individual d/b/a T-Energy (“Tsumpes”) and Defendant T3
18 Motion, Inc. (“T3”), by and through the undersigned counsel, hereby stipulate as follows:

19 WHEREAS, on March 17, 2017, T3 filed a Motion to Dismiss or, Alternatively, to
20 Transfer [ECF No. 9], based on improper venue, the first to file rule, and/or forum non
21 conveniens;

22 WHEREAS, on April 27, 2017, counsel for the parties met via telephone in accordance
23 with Rule 26(f), during which the parties agreed to stay discovery pending resolution of
24 Defendant’s Motion to Dismiss or, Alternatively, to Transfer [ECF No. 9];

25 WHEREAS, on April 28, 2017, Tsumpes filed his Opposition to the Motion to Dismiss
26 [ECF No. 17];

27 WHEREAS good cause exists for the requested stay because (1) the discovery stay would
28 promote judicial economy, allow the parties to avoid potentially unnecessary discovery, and

1 reduce the parties’ costs. *Johnson v. Cheryl*, No. 2:11-CV-00291-JCM-CWH, 2013 WL 129383,
2 at *4 (D. Nev. 2013); *Aguirre v. S. Nevada Health Dist.*, No. 2:13-CV-01409-LDG-CWH, 2013
3 WL 6865710, at *2 (D. Nev. Dec. 30, 2013) (quoting *Wagh v. Metris Direct, Inc.*, 363 F.3d 821,
4 829 (9th Cir. 2003)); and (2) when a pending motion raises a threshold legal issue that “do[es]
5 not require further discovery and [is] potentially dispositive of the entire case,” this Court has not
6 hesitated to approve a stay of discovery [Yung Lo, 2014 WL 794205, at *3; Aguirre, 2013 WL
7 6865710, at *2; *Thrash v. Towbin Motor Cars*, No. 2:13-CV-01216-MMD-CWH, 2013 WL
8 5969829, at *2 (D. Nev. Nov. 7, 2013); *Kidneigh v. Tournament One Corp.*, No. 2:12-CV-02209-
9 APG-CWH, 2013 WL 1855764, at *2 (D. Nev. May 1, 2013)];

10 WHEREAS this request is not made for purposes of delay and is supported by good cause;
11 WHEREAS, if the Court denies the requested discovery stay, the parties will submit a
12 Joint Report, including a proposed Discovery Plan, pursuant to Rule 26(f).

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1 NOW, THEREFORE, in consideration of the foregoing, and for good cause, IT IS
2 HEREBY STIPULATED AND AGREED, by and between the Parties, as follows:

3 Discovery in this matter shall be stayed pending this Court's resolution of T3's Motion to
4 Dismiss [ECF No. 9].

5 Dated this 8th day of May, 2017.

Dated this 8th day of May, 2017.

6 SNELL & WILMER L.L.P.

ALLISON R. SCHMIDT ESQ. LLC

7
8 /s/ John S. Delikanakis
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11 *Attorneys for Plaintiff William Tsumpes*
12 *d/b/a T-Energy*

Attorney for Defendant T3 Motion, Inc.

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14 IT IS SO ORDERED.

15 IT IS FURTHER ORDERED that if the motion to dismiss or, alternatively, to transfer
16 (ECF No. 9) is denied, the parties must meet and confer and file a stipulated discovery
17 plan within 21 days of the date of the order on the motion.

18 
UNITED STATES MAGISTRATE JUDGE

19
20 May 10, 2017

DATED: _____

21 Respectfully submitted by:
22 SNELL & WILMER L.L.P.

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