

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MELISSA MARIE MCINTOSH, et al., } Case No. 2:17-cv-00490-JAD-NJK
Plaintiff(s), }
v. } ORDER
CLARK COUNTY SCHOOL DISTRICT, et al., } (Docket No. 19)
Defendant(s). }

Pending before the Court is a stipulation to extend the stay of discovery that was previously entered pending resolution of Defendants' motion to dismiss, Docket No. 19, which is **DENIED**. As an initial matter, at least one claim in this case will proceed based on the order already issued by United States District Judge Jennifer A. Dorsey, denying in part the motion to dismiss. Docket No. 18 at 4 (holding that common law negligence claim was sufficiently pled). Accordingly, a stay of all discovery is not appropriate at this point. *Cf. Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 602 (D. Nev. 2011) (a stay pending resolution of a motion is appropriate only if the motion is "potentially dispositive of the entire case or at least dispositive on the issue on which discovery is sought"). Moreover, there is no pending motion to dismiss and Defendants acknowledge that they may file an answer, instead. Docket No. 19 at 2. It is premature to seek a stay of discovery pending resolution of a motion that has not been (and may never be) filed.

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Accordingly, the stipulation to extend the stay of discovery is **DENIED**. The deadline to file a joint proposed discovery plan expired on September 25, 2017. The parties are **ORDERED** to file a joint propose discovery plan by September 29, 2017.

IT IS SO ORDERED.

DATED: September 26, 2017


Nancy J. Koppe
United States Magistrate Judge