

1 (3) the Court has taken a “preliminary peek” at the merits of the potentially dispositive motion to
2 evaluate the likelihood of dismissal. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D.
3 Nev. 2013). A party seeking to stay discovery pending resolution of a potentially dispositive motion
4 bears the burden of establishing that discovery should be stayed. *See Kabo Tools Co. v. Porauto*
5 *Indus. Co., Ltd.*, 2013 U.S. Dist. Lexis 156928, *1 (D. Nev. Oct. 31, 2013) (citing *Holiday Sys., Int’l*
6 *of Nev. v. Vivarelli, Scharwz, and Assocs.*, 2012 U.S. Dist. Lexis 125542, *5 (D. Nev. Sept. 5,
7 2012)).

8 As an initial matter, the parties ask the Court to issue a stay, in part, because of a pending
9 motion to dismiss; however, the pending motion to dismiss was filed by MRT Assets, LLC, a former
10 defendant that was voluntarily dismissed by Plaintiff on April 18, 2017. Docket Nos. 13 (motion to
11 dismiss), 20 (notice of voluntary dismissal).¹ None of the remaining Defendants filed a motion to
12 join MRT Assets, LLC’s motion to dismiss and, therefore, the parties cannot request a stay of
13 discovery based on, in part, MRT Assets, LLC’s motion to dismiss. *See White v. American Tobacco*
14 *Co.*, 125 F.R.D. 508, 509 (D. Nev. July 18, 1997) (denying a defendant’s motion to stay discovery
15 based on a motion to dismiss that was filed by another defendant and no joinder was filed).

16 Moreover, the parties’ stipulation is devoid of points and authorities as to why discovery in
17 this case should be stayed until the Court issues a ruling on the pending motion to consolidate.
18 Docket No. 26. Therefore, the Court **DENIES** without prejudice the stipulation to stay discovery.
19 Docket No. 60.

20 IT IS SO ORDERED.

21 DATED: October 18, 2017

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23 _____
24 NANCY J. KOPPE
25 United States Magistrate Judge

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27 ¹ On April 19, 2017, Plaintiff asked the Court to deny the motion to dismiss as moot since MRT
28 Assets, LLC has already been dismissed from the instant case. Docket No. 25 at 2.