



1 a strong showing why discovery should be denied. *See, e.g., Turner Broadcasting Sys., Inc. v. Tracinda*  
2 *Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). The case law in this District makes clear that requests to  
3 stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the  
4 potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken  
5 a “preliminary peek” at the merits of the potentially dispositive motion and is convinced that the plaintiff  
6 will be unable to state a claim for relief. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D.  
7 Nev. 2013).<sup>2</sup>

8 The Court finds that a stay of discovery is not appropriate in this case. Most significantly, the  
9 Court has taken a preliminary peek at the motion for summary judgment and is not convinced that it will  
10 be granted.<sup>3</sup> It bears repeating that the filing of a non-frivolous dispositive motion, standing alone, is  
11 simply not enough to warrant staying discovery. *See, e.g., Tradebay*, 278 F.R.D. at 603. Instead, the  
12 Court must be “convinced” that the dispositive motion will be granted. *See, e.g., id.* “That standard is  
13 not easily met.” *Kor Media*, 294 F.R.D. at 583. “[T]here must be *no question* in the court’s mind that  
14 the dispositive motion will prevail, and therefore, discovery is a waste of effort.” *Id.* (quoting *Trazska*  
15 *v. Int’l Game Tech.*, 2011 WL 1233298, \*3 (D. Nev. Mar. 29, 2011)) (emphasis in original). The Court  
16 requires this robust showing that the dispositive motion will succeed because applying a lower standard  
17 would likely result in unnecessary delay in many cases. *Id.* (quoting *Trazska*, 2011 WL 1233298, at \*4).

18 The Court has carefully reviewed the arguments presented in the motion for summary judgment,  
19 as well as the arguments made in the briefing on the motion to stay discovery.<sup>4</sup> The Court is simply not  
20 convinced that the motion for summary judgment will be granted, such that conducting discovery will  
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22 <sup>2</sup> The pending motion is somewhat unusual in that it is the plaintiff seeking a stay of discovery  
23 pending resolution of its dispositive motion. As such, the Court modifies the applicable standards in that  
24 it is taking a preliminary peek to determine whether it is convinced that dispositive relief will be granted to  
25 Plaintiff vis-a-vis its motion for summary judgment.

26 <sup>3</sup> Conducting this preliminary peek puts the undersigned in an awkward position because the assigned  
27 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  
28 prejudice its outcome. *See id.*

<sup>4</sup> Briefing on the motion for summary judgment has not been completed.

1 be a waste of effort. *See, e.g., Bayview Loan Serv., LLC v. SFR Investments Pool 1, LLC*, 2017 WL  
2 1100955, at \*4-5 (D. Nev. Mar. 22, 2017) (rejecting arguments similar to those presented by Plaintiff  
3 here).

4 Accordingly, the Court **DENIES** Plaintiff's motion to stay discovery. Docket No. 16.

5 IT IS SO ORDERED.

6 DATED: May 2, 2017

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9 NANCY J. KOPPE  
10 United States Magistrate Judge  
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