

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LILLY LE NGUYEN, as Special  
Administrator of the Estate of PHILLIP  
NGUYEN, Deceased,

Plaintiff(s),

vs.

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY, et al.,

Defendant(s).

Case No. 2:17-cv-01773-APG-NJK

ORDER

(Docket No. 10)

Pending before the Court is the parties' stipulation to stay discovery pending resolution of Defendant's motion to dismiss. Docket No. 10; *see also* Docket No. 8 (motion to dismiss).

The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a "preliminary peek" at the merits of the potentially dispositive motion and is convinced that the plaintiff will be unable to state a claim for relief. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).<sup>1</sup> The Court finds that each

---

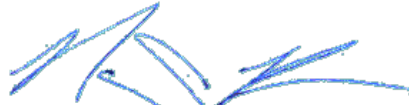
<sup>1</sup> Conducting the preliminary peek puts the undersigned in an awkward position because the assigned district judge who will decide the motion to dismiss may have a different view of its merits. *See Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 603 (D. Nev. 2011). The undersigned's "preliminary peek" at the merits of that motion is not intended to prejudice its outcome. *See id.*

1 of these requirements has been met here. Therefore, the Court concludes that discovery should be stayed  
2 pending resolution of the motion to dismiss.

3 For the reasons outlined above, the parties' stipulation to stay discovery is **GRANTED**. Docket  
4 No. 10. To the extent the motion to dismiss is not granted in full, the parties shall conduct a Fed. R. Civ.  
5 P. 26(f) conference and file a joint proposed discovery plan within 14 days of the issuance of the order  
6 resolving the motion to dismiss.

7 IT IS SO ORDERED.

8 DATED: September 7, 2017



9  
10 NANCY J. KOPPE  
United States Magistrate Judge