



1 granted when: (1) the pending motion is potentially dispositive; (2) the potentially dispositive motion  
2 can be decided without additional discovery; and (3) the Court has taken a “preliminary peek” at the  
3 merits of the potentially dispositive motion to evaluate the likelihood of dismissal. *See Kor Media*  
4 *Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013). A party seeking to stay discovery pending  
5 resolution of a potentially dispositive motion bears the burden of establishing that discovery should be  
6 stayed. *See Kabo Tools Co. v. Porauto Indus. Co., Ltd.*, 2013 U.S. Dist. Lexis 156928, \*1 (D. Nev. Oct.  
7 31, 2013) (citing *Holiday Sys., Int’l of Nev. v. Vivarelli, Scharwz, and Assocs.*, 2012 U.S. Dist. Lexis  
8 125542, \*5 (D. Nev. Sept. 5, 2012)).

9 Defendant BAO seeks dismissal for lack of personal jurisdiction. Docket No. 18. Generally  
10 speaking, a pending motion challenging personal jurisdiction “strongly favors a stay, or at a minimum,  
11 limitations on discovery until the question of jurisdiction is resolved” because such a motion presents  
12 a “critical preliminary question.” *Hologram USA, Inc. v. Pulse Evolution Corp.*, 2015 U.S. Dist. Lexis  
13 45940, at \*3 (D. Nev. Apr. 8, 2015) (collecting cases). In determining whether a stay is appropriate, the  
14 Court is mindful that “how the undersigned sees the jurisdictional picture may be very different from  
15 how the assigned district judge will see the jurisdictional picture.” *Id.* at \*3 (quoting *AMC Fabrication,*  
16 *Inc. v. KRD Trucking West, Inc.*, 2012 U.S. Dist Lexis 146270, \*10 (D. Nev. Oct. 10, 2012)).  
17 Nonetheless, the filing of a motion challenging personal jurisdiction does not mandate a stay of  
18 discovery and the Court retains discretion to require discovery to go forward. *Kabo Tools*, 2013 U.S.  
19 Dist. Lexis 156928, at \*2.

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 Applying these standards with respect to Defendant BAO's personal jurisdiction challenge, the  
2 Court finds that sufficient cause exists to **GRANT** the motion to extend discovery stay as to all parties  
3 pending resolution of Defendant BAO's and Defendant Ace Welding's motions to dismiss. In the event  
4 the resolution of the motions to dismiss do not result in the dismissal of the action against any party, the  
5 parties remaining in the case shall file a joint proposed discovery plan no later than 14 days after the  
6 entry of the order regarding either motion to dismiss.

7 IT IS SO ORDERED.

8 DATED: September 14, 2017

9   
\_\_\_\_\_  
NANCY J. KOPPE  
United States Magistrate Judge

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28