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24 **UNITED STATES DISTRICT COURT
25 DISTRICT OF NEVADA**

26 PHARMACEUTICAL RESEARCH AND
27 MANUFACTURERS OF AMERICA and
28 BIOTECHNOLOGY INNOVATION
ORGANIZATION,

Plaintiffs,

vs.

BRIAN SANDOVAL, in his official capacity
as Governor of the State of Nevada,
RICHARD WHITLEY, in his official
capacity as Director of the Nevada
Department for Health and Human
Services, and

NEVADA LEGISLATURE,
Defendants.

Case No.: 2:17-cv-02315-JCM-CWH

**STIPULATION AND (PROPOSED)
ORDER TO STAY DISCOVERY**

(First Request)

1 On September 1, 2017, a Complaint for Declaratory and Injunctive Relief was
2 filed by Plaintiffs Pharmaceutical Research and Manufacturers of America and
3 Biotechnology Innovation Organization (“PhRMA and BIO”). (ECF no. 1). On October
4 4, 2017, defendants Brian Sandoval and Richard Whitley (“the State Defendants”) filed
5 their Answer. (ECF no. 44). On October 5, 2017, Defendant Nevada Legislature
6 (“Legislature”) filed its Answer. (ECF no. 45). On that same day, Legislature filed its
7 Motion for Summary Judgment (“Motion”). (ECF no. 46). On October 26, 2017,
8 PhRMA and BIO opposed the Legislature’s Motion (ECF no. 65) and filed a
9 Countermotion for Summary Judgment (“Countermotion”). (ECF no. 66).

10 If granted, either the Motion or Countermotion would be case concluding. All
11 parties intend to fully brief the Motion and Countermotion. There currently exists no
12 scheduled hearing on the Motion or Countermotion, but the parties have requested an
13 oral hearing. Until the Court decides the Motion and Countermotion, the parties wish to
14 stay discovery, including the conference, discovery plan, and report required by Rule
15 26(f) of the Federal Rules of Civil Procedure (“FRCP”) and Rule 26-1 of the Local Rules
16 of Practice for the United States District Court for the District of Nevada (“LR”), and the
17 initial disclosures required by FRCP 26(a). As of the date of this Stipulation, the parties
18 have not completed any discovery, nor are there any outstanding discovery requests.

19 Good cause exists to stay discovery in this action because (a) the Motion and
20 Countermotion raise potentially dispositive issues for the above-captioned case and
21 present purely legal issues; (b) staying discovery until the Court decides the Motion
22 and Countermotion will prevent the parties from expending litigation resources; (c) all
23 named parties join in this request; (d) a stay encourages judicial economy by ensuring
24 the Court does not have to resolve discovery disputes between the parties before ruling
25 on the potentially dispositive Motion and Countermotion; and (e) there are no existing
26 counterclaims and/or cross-claims at this time that require additional factual discovery.

27 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and
28 among the parties, pursuant to FRCP 26 and LR IA 6-2, LR 7-1 and 26-4, that

1 discovery shall be stayed in this case until such time as the Court can rule on the
2 Motion and Countermotion;

3 **IT IS FURTHER STIPULATED AND AGREED THAT**, in the event the Court
4 denies either the Motion or Countermotion, and further proceedings are required, the
5 parties shall conduct the conference required by FRCP 26(f) (the "Rule 26(f)
6 Conference") by no later than thirty (30) days after the Court issues its written decision
7 on the Motion and Countermotion, and will submit the discovery plan and scheduling
8 order required by FRCP 26(f) and LR 26-1(d) by no later than fourteen (14) days after
9 the Rule 26(f) Conference; and

10 **IT IS FURTHER STIPULATED AND AGREED** that the parties execute this
11 Stipulation in good faith and not for the purposes of delay, and they do not intend to

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1 waive any substantive or procedural right. The parties have not previously requested
2 any extensions of the discovery deadlines.

3 DATED this 3rd day of November 2017.

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5 MCDONALD CARANO LLP

NEVADA LEGISLATIVE COUNSEL BUREAU
LEGAL DIVISION

6
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By: /s/ Kevin C. Powers

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25 **IT IS SO ORDERED:**

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UNITED STATES MAGISTRATE JUDGE

27 DATED: November 7, 2017
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