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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 V5 TECHNOLOGIES, LLC,  
11 Plaintiff(s),  
12 v.  
13 SWITCH, LTD., et al.,  
14 Defendant(s).  
15

Case No. 2:17-cv-02349-KJD-NJK

ORDER

(Docket No. 28)

16 Pending before the Court is Defendants' motion to stay discovery pending resolution of their  
17 motion to dismiss. Docket No. 28; *see also* Docket No. 26 (motion to dismiss). The parties dispute the  
18 proper schedule for briefing and resolving the motion to stay discovery. Defendants want the motion  
19 briefed and resolved on an emergency basis in light of their upcoming discovery obligations. *See* Docket  
20 No. 28-1 at ¶ 12.<sup>1</sup> Plaintiff wants the motion to be decided in the normal course, arguing that it must  
21 otherwise effectively brief its opposition to the motion to dismiss prior to the deadline set for that filing.  
22 *See* Docket No. 29 at 3.

23 The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*,  
24 863 F.2d 681, 685 (9th Cir.1988). Resolving a motion to stay discovery requires an evaluation of the  
25 arguments presented in the underlying motion to dismiss and subsequent briefing. *See, e.g., Kor Media*  
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27 <sup>1</sup> In particular, the deadline for initial disclosures is upcoming, as is the response deadline for the 92  
28 requests for production of documents that Plaintiff has served. *See id.* at ¶ 9.

1 *Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013) (addressing “preliminary peek”). As such,  
2 the Court generally prefers deferring ruling on a motion to stay discovery until the briefing on an  
3 underlying motion to dismiss has been completed.

4 The Court hereby enters an **INTERIM** stay of discovery pending resolution of the motion to stay  
5 discovery. The Court further **ORDERS** that Plaintiff’s response to the motion to stay discovery shall  
6 be filed concurrently with its response to the motion to dismiss, and that Defendants’ reply thereto shall  
7 be filed concurrently with their reply to the motion to dismiss.<sup>2</sup>

8 IT IS SO ORDERED.

9 DATED: October 23, 2017

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12 NANCY J. KORPE  
13 United States Magistrate Judge  
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27 <sup>2</sup> Although these briefs are to be filed concurrently, each must be filed as separate documents  
28 addressing the distinct issues and standards of a motion to dismiss and a motion to stay discovery. *See, e.g.*,  
Local Rule IC 2-2(b).