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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PROTEINHOUSE FRANCHISING, LLC, et al.,

Plaintiffs,

v.

KEN B. GUTMAN, et al.,

Defendants.

Case No. 2:17-cv-02816-APG-PAL

ORDER

(Mot. for Stay – ECF No. 24)

Before the court is Defendant Ken B. Gutman’s Motion for Stay (ECF No. 24) and Plaintiffs Proteinhouse Franchising, LLC, LRAB, LLC, and Andrew F. Bick’s Proposed Discovery Plan and Scheduling Order (ECF No. 29). These matters are referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A) and LR IB 1-3 of the Local Rules of Practice.

On February 27, 2018, the court held a hearing on Gutman’s Motion and the Proposed Discovery Plan and Scheduling Order. Counsel for the parties were present. The court has considered the Motion, Plaintiffs’ Opposition (ECF No. 27) and the arguments of counsel at the hearing. Mr. Gutman did not file a reply and the deadline to do so has expired.

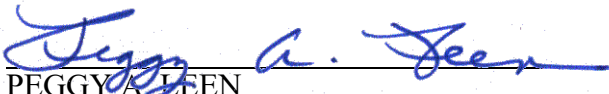
Mr. Gutman seeks a stay of discovery until after decision of his pending Motion to Dismiss (ECF No. 25), which argues this court lacks personal jurisdiction over him. It is clear Mr. Gutman has discoverable information and would be deposed in this case whether he is a party or a non-party witness. Having reviewed and considered the matter, the court denies the motion to stay and will enter a standard 180-day discovery plan and scheduling order. Although the court will not stay all discovery in this case while Mr. Gutman’s motion to dismiss is pending, Gutman will not be required to retain or disclose experts. Additionally, the court will consider any request to limit the scope of discovery sought from Mr. Gutman while his motion to dismiss is pending, provided

1 the parties first make a genuine good faith effort to resolve scope of discovery disputes without
2 the court's intervention.

3 **IT IS ORDERED:**

- 4 1. Defendant Ken B. Gutman's Motion for Stay (ECF No. 24) is **DENIED, without**
5 **prejudice** to filing a motion for protective order for discovery plaintiffs would not be
6 entitled to obtain from Mr. Gutman were he a non-party witness rather than a party.
7 2. The court will separately enter the discovery plan and scheduling order.

8 Dated this 27th day of February, 2018.

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11 PEGGY A. LEEN
12 UNITED STATES MAGISTRATE JUDGE
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