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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HIMONIC, LLC,)	
)	Case No. 2:17-cv-03023-MMD-NJK
Plaintiff(s),)	ORDER
vs.)	(Docket No. 12)
TING-PONG CHOW,)	
Defendant(s).)	

Pending before the Court is the parties’ stipulation to stay discovery pending resolution of Defendant’s motion to dismiss. Docket No. 12; *see also* Docket No. 8 (motion to dismiss). For the reasons discussed below, the stipulation to stay discovery is hereby **GRANTED**. Docket No. 12.

The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). “The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The party seeking a stay carries the heavy burden of making a strong showing why discovery should be denied. *See, e.g., Turner Broadcasting Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). 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 finds there is a sufficient

1 likelihood that the motion will be granted. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581
2 (D. Nev. 2013). Courts are more likely to stay discovery when the underlying motion raises critical
3 preliminary issues, such as jurisdiction. *See Kabo Tools Co. v. Porauto Industries Co.*, 2013 WL
4 5947138, *1-2 (D. Nev. Oct. 31, 2013); *see also Kidneigh v. Tournament One Corp.*, 2013 WL
5 1855764, at *2 (D. Nev. May 1, 2013) (finding that motion to dismiss raises issues of jurisdiction and
6 venue that should be resolved at “the earliest possible stage in litigation”).

7 Having reviewed these standards, the Court finds that a stay of discovery is appropriate.¹
8 Accordingly, the stipulation to stay discovery is **GRANTED**. Docket No. 12. In the event resolution
9 of the motion to dismiss does not result in termination of this case, the parties shall file a joint proposed
10 discovery plan no later than 14 days after the entry of the order on the motion to dismiss.

11 IT IS SO ORDERED.

12 Dated: March 16, 2018

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16 Nancy J. Koppe
17 United States Magistrate Judge
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27 ¹ Conducting the preliminary peek puts the undersigned in an awkward position because the
28 assigned district judge who will decide the motion to dismiss may have a different view of its merits.
See Tradebay, 278 F.R.D. at 603. The undersigned’s “preliminary peek” at the merits of that motion is
not intended to prejudice its outcome. *See id.*