

1 Michael J. McCue
 Nevada Bar No.: 6055
 2 Meng Zhong
 Nevada Bar No.: 12145
 3 Lewis Roca Rothgerber Christie LLP
 3993 Howard Hughes Pkwy., Suite 600
 4 Las Vegas, NV 89169
 Tel.: (702) 949-8200
 5 E-mail: mmccue@lrrc.com
 E-mail: mzhong@lrrc.com

6 Attorneys for Defendant SuccessfulMatch.com
 7 and Jason Du

8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 REFLEX MEDIA, INC., a Nevada
 11 corporation; and CLOVER8 INVESTMENTS
 PTD.LTD., a Singapore corporation,

Case No.: 2:18-cv-00259-GMN-GWF

12 Plaintiffs,
 13 v.

**STIPULATION AND ORDER TO
 STAY DISCOVERY PENDING
 RULING ON MOTION TO DISMISS**

14 SUCCESSFULMATCH.COM, a California
 corporation; JASON DU, an individual;
 15 DIANNE ELIZABETH MURRY, an
 individual; SONG DONGLIN, an individual;
 16 TOM FU, an individual; WANG YU, an
 individual; JESSICA ZHANG, an individual;
 17 PHOEBE WI, an individual; LUCY LIU, an
 individual; and DOE NO. 1,

18 Defendants.
 19

20 Plaintiffs REFLEX MEDIA, INC. and CLOVER8 INVESTMENTS PTD. LTD
 21 (“Plaintiffs”) and Defendants SUCCESSFULMATCH.COM and JASON DU (“Defendants”)
 22 state the following:

- 23 1. The Complaint was filed on February 12, 2018 (ECF No. 1);
- 24 2. Defendant SuccessfulMatch.com waived service of the Summons and Complaint
 25 on May 10, 2018 (ECF No. 18);
- 26 3. Defendant Jason Du waived service of the Summons and Complaint on May 10,
 27 2018 (ECF No. 17);

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3993 Howard Hughes Pkwy, Suite 600
 Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

1 4. Defendants filed their Motion to Dismiss on July 9, 2018 (ECF No. 23);

2 5. Plaintiffs filed their Opposition to Defendants’ Motion to Dismiss on August 6,
3 2018 (ECF No. 29);

4 6. Defendants submitted a reply in support of Defendants’ Motion to Dismiss on
5 August 13, 2018 (ECF No. 31);

6 7. The Motion to Dismiss is fully briefed and awaiting decision;

7 8. The Motion to Dismiss addresses certain threshold questions of law regarding
8 personal jurisdiction of this Court over SuccessfulMatch.com and Jason Du based on the
9 allegations in the Complaint;

10 9. The briefing for the Motion to Dismiss does not seek discovery to resolve any
11 factual issues;

12 10. The Parties wish to avoid spending their respective limited resources on
13 discovery pending the outcome of a motion addressing a threshold issue of law regarding
14 jurisdiction;

15 11. In the context of a pending motion to dismiss for lack of personal jurisdiction,
16 “courts are more inclined to stay discovery because it presents a critical preliminary question.”
17 Hologram USA, Inc. v. Pulse Evolution Corp., No. 2:14-CV-00772-GMN, 2015 WL 1600768, at
18 *1 (D. Nev. Apr. 8, 2015) (quotations and citations omitted); see also Edwards, 2017 WL
19 1822572, at *1 (“Typical situations in which staying discovery pending a ruling on a dispositive
20 motion are appropriate would be where the dispositive motion raises issues of jurisdiction,
21 venue, or immunity”); Turner Broadcasting System, Inc. v. Tracinda Corp., 175 F.R.D. 554, 556
22 (D. Nev. 1997) (stating that common situations in which a court may determine that staying
23 discovery is appropriate occur when dispositive motions raise issues of jurisdiction, venue, or
24 immunity); Liberty Media Holdings, LLC v. Letyagin, 2012 WL 3135671, at *5 (D. Nev. Aug. 1,
25 2012) (“A defendant should not be required to engage in expensive and burdensome discovery in
26 a court that has no jurisdiction over him.”); Grand Canyon Skywalk Dev. LLC v. Steele, No.
27 2:13-CV-00596-JAD, 2014 WL 60216, at *4 (D. Nev. Jan. 7, 2014) (Foley, J.) (“Motions to
28 dismiss based on lack of personal or subject matter jurisdiction, or immunity from suit raise

1 issues that call for a different standard as to whether discovery should be stayed. A defendant
2 should not be required to participate in burdensome and costly discovery in a forum that has no
3 jurisdiction over him...”); AMC Fabrication, Inc. v. KRD Trucking West, Inc., 2012 WL
4 4846152, at *2 (D. Nev. Oct. 10, 2012) (a motion challenging personal jurisdiction strongly
5 favors a stay);

6 12. Additionally, as noted in the submitted proposed scheduling plan, several other
7 foreign defendants are being served with process in China (ECF No. 41) and a stay would allow
8 more time to complete service of those defendants and have all the parties joined together to
9 conduct discovery at the same time, rather than piecemeal;

10 13. Based on the foregoing reasons, the Parties believe a temporary stay of discovery
11 until the Court resolves the pending Motion to Dismiss is warranted to resolve a preliminary
12 issue of jurisdiction and as it is more just to accomplish the inexpensive determination of the
13 case. See Tradebay, LLC v. eBay, Inc., 278 F.R.D. 597, 603 (D. Nev. 2011) (setting forth
14 standard to stay discovery pending dispositive motion);

15 14. Accordingly, the Parties request that the Court stay discovery pending ruling on
16 the Motion to Dismiss.

17 **IT IS SO AGREED AND STIPULATED:**

18 LEWIS ROCA
19 ROTHGERBER CHRISTIE LLP

SMITH WASHBURN, LLP

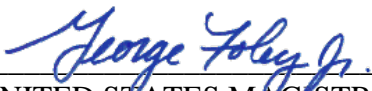
20 By: /s/ Meng Zhong _____
21 Michael J. McCue
22 Meng Zhong
3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
E-mail: mmccue@lrrc.com
E-mail: mzhong@lrrc.com

20 By: /s/ Jacob L. Fannesbeck _____
21 Jacob L. Fannesbeck
3960 Howard Hughes Pkwy., Suite 500
Las Vegas, NV 89169
E-mail: jfannesbeck@smithcorrell.com

Attorneys for Plaintiffs Reflex Media, Inc. and
Clover8 Investments Ptd. Ltd

24 Attorneys for Defendant SuffesfulMatch.com
25 and Jason Du

26 **IT IS SO ORDERED:**

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28 _____
UNITED STATES MAGISTRATE JUDGE
DATED: ___10/02/2018 _____