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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DONALD RICHARD CHILDS, II,)	
)	
Plaintiff,)	CASE NO: 2:18-cv-316-GMN-VCF
)	
vs.)	
)	
BOYD GAMING CORPORATION,)	
)	
Defendant.)	
_____)	

STIPULATION AND ORDER TO STAY DISCOVERY
(First Request)

The parties herein, Defendant by and through its counsel of record, THOMAS D.

DILLARD, JR., ESQ., of the law offices of Olson, Cannon, Gormley, Angulo & Stoberski and

Plaintiff DONALD RICHARD CHILDS, II, hereby stipulate that discovery in this matter be

stayed until a ruling on Defendants' Federal Rule of Civil Procedure 12(b)(6) Motion to

Dismiss has been obtained.

The parties further acknowledge and agree that this is their first request for an extension,

and that this stipulation is made in good faith and not for purposes of delay.

On February 26, 2018, Defendant filed a Motion to Dismiss which was global in its

nature as it affected the instant litigation. If granted, it is entirely dispositive of the case and

renders the entirety of the litigation moot. That Motion to Dismiss has received an Opposition

from Plaintiff and a Reply and the parties are presently awaiting the decision of the Court.

Pursuant to Federal Rule of Civil Procedure 26(c), this Court may make any order which

justice requires "to protect a party or person from annoyance, embarrassment, or oppression, or

undue burden or expense . . . ." A stay of discovery pending the resolution of a motion to

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dismiss is proper when discovery does not impact or impair a decision on the merits of the motion. <u>Little v. City of Seattle</u>, 863 F.2d 681, 685 (9th Cir. 1988).

In this case, this is precisely the issue before the Court. The pending Motion to Dismiss, if granted, will dispose of the entirety of the litigation. Therefore, in the interest of justice and to try to maintain the litigation as inexpensive a posture as possible. Accordingly, the parties, after consultation with one another, have determined it would be in the best interest of each respective side to ask this Court to grant a stay until the Court renders a decision on the pending Motion to Dismiss.[1]

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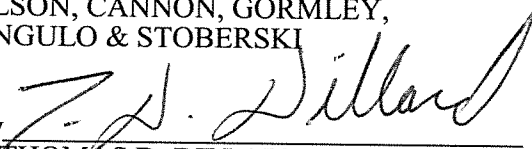[1] Plaintiff raised the issue of document preservation, to which the Defendant does not believe that this minor delay will cause harm.

It is respectfully submitted neither side believes this minor delay will cause harm to their ability to do discovery in the matter nor will it cause either side to be in a worse position financially, emotionally, or in any other definable manner. Defendant believes that, by not expending more funds or time until this matter is resolved, the parties have set themselves in the best position possible to preserve their assets and protect the funds with which they are entrusted. Plaintiff agrees to this stipulation, as a concession in the interests of litigation efficiency.

DATED this ____9____ day of April, 2018.

OLSON, CANNON, GORMLEY,
ANGULO & STOBERSKI

By_____
THOMAS D. DILLARD, JR., ESQ.
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By_____   4/5/18
DONALD CHILDS, II
9360 W. Flamingo Rd., Ste. 110
PMB #173
Las Vegas, Nevada 89147
Plaintiff in Proper Person

ORDER

IT IS SO ORDERED, pursuant to the Stipulation, discovery in this matter is stayed until the Court rules on Defendant's Motion to Dismiss [Doc. #6].

DATED this ____10th____ day of ____April____, 2018.

_____
UNITED STATES MAGISTRATE JUDGE

Page 3 of 3