



1 **II. ANALYSIS**

2 The Federal Rules of Civil Procedure do not provide for automatic stays of discovery  
3 when a potentially dispositive motion is pending. *Skellercup Indus. Ltd. v. City of L.A.*, 163  
4 F.R.D. 598, 600-01 (C.D. Cal 1995) (stating that a stay of discovery is directly at odds with the  
5 need for expeditious resolution of litigation). Thus, the fact that a dispositive motion is pending  
6 is not “a situation that in and of itself would warrant a stay of discovery.” *Turner Broad. Sys.,*  
7 *Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997) (quotation omitted). Nor does the  
8 fact that “discovery may involve some inconvenience and expense” automatically warrant a stay  
9 of discovery. *Id.* Rather, the court weighs Rule 1’s directive that the Federal Rules of Civil  
10 Procedure must “be construed and administered to secure the just, speedy, and inexpensive  
11 determination of every action” against “the underlying principle that a stay of discovery should  
12 only be ordered if the court is convinced that a plaintiff will be unable to state a claim for relief.”  
13 *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 603 (D. Nev. 2011). The party seeking the stay  
14 “carries the heavy burden of making a ‘strong showing’ why discovery should be denied.”  
15 *Turner Broad. Sys., Inc.*, 175 F.R.D. at 556.

16 In determining whether to stay discovery, the court considers whether (1) the pending  
17 motion is potentially dispositive of the entire case or at least dispositive of the issue on which  
18 discovery is sought, and (2) the pending potential dispositive motion can be decided without  
19 additional discovery. *Ministerio Roca Solida v. U.S. Dep’t of Fish & Wildlife*, 288 F.R.D. 500,  
20 506 (D. Nev. 2013). This analysis requires the court to take a “preliminary peek” at the merits of  
21 the pending dispositive motion. *Tradebay*, 278 F.R.D. 597 at 603. It is within the court’s broad  
22 discretion to control discovery to determine whether a stay of discovery is appropriate. *Little v.*  
23 *City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988).

24 Here, the court took a “preliminary peek” at the motion to compel arbitration and finds  
25 that Uber made the strong showing necessary to support the requested stay of discovery. If the  
26 motion to compel arbitration is granted, it will be dispositive of the pending claims in this case.  
27 Additional discovery is not required for the court to determine whether the parties agreed to  
28 submit this dispute to arbitration. If this case is subject to arbitration, the discovery likely would

1 be less expensive and more efficient, which promotes Rule 1's directives that cases be determined  
2 in a just, speedy, and inexpensive manner. The court in its discretion therefore will grant Uber's  
3 motion to stay discovery.

4 **III. CONCLUSION**

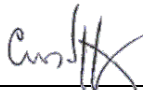
5 IT IS THEREFORE ORDERED that Uber's motion to stay discovery (ECF No. 31) is  
6 GRANTED.

7 IT IS FURTHER ORDERED that discovery is temporary stayed pending the court's  
8 decision on Uber's motion to compel arbitration (ECF No. 10). If the motion to compel  
9 arbitration is denied, the parties must meet and confer and file a proposed discovery plan and  
10 scheduling order with 21 days of the court's order.

11 IT IS FURTHER ORDERED that Uber's motion to extend discovery (ECF No. 32) is  
12 DENIED as moot.

13 IT IS FURTHER ORDERED that the parties' stipulation to extend discovery (ECF No.  
14 35) is DENIED as moot.

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16 DATED: December 4, 2018

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21 C.W. HOREMAN, JR.  
22 UNITED STATES MAGISTRATE JUDGE  
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