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

10 KAREN MCKAY,

11 Plaintiff,

12 vs.

13 C. R. BARD INC., a Foreign Corporation; BARD  
14 PERIPHERAL VASCULAR INC., an Arizona  
15 Corporation; MCKESSON CORPORATION, a  
16 Corporation,; and DOES 1 through 100, inclusive

Defendants.

CASE NO. 2:20-CV-01564-APG-BNW

**STIPULATION AND [PROPOSED]  
ORDER TO STAY DISCOVERY AND  
ALL PRETRIAL DEADLINES**

**(THIRD REQUEST)**

17 Pursuant to Federal Rule of Civil Procedure 26(c) and (d) and LR IA 6-2, Plaintiff Karen  
18 McKay in the above-titled action and Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.  
19 (collectively, “Bard”) (Plaintiff and Bard are collectively referred to herein as “the Parties”),  
20 respectfully request that this Court temporarily stay discovery and all pretrial deadlines until April  
21 12, 2021 while the Parties finalize settlement documents. In support thereof, the Parties state as  
22 follows:

23 1. This case is related to the Multi-District Litigation proceeding *In re Bard IVC Filters*  
24 *Products Liability Litigation*, MDL 2641 (D. Ariz.), pending before Senior Judge David Campbell in  
25 the United States District Court for the District of Arizona.

26 2. After four years, the completion of general issue discovery, and the trial of three  
27 bellwether cases to verdict, Judge Campbell ordered that certain MDL cases would no longer benefit  
28 from centralized proceedings and would be transferred to the appropriate jurisdictions around the

country for case-specific discovery and trial. (MDL 2641, ECF No. 19899, 20672, 21472.) While this action was not in the MDL and was not transferred with the remanded cases, the issues and causes of action are substantially similar.

3. Here, Plaintiff filed her complaint on June 9, 2020. Bard removed the case to the Northern District of Texas and that court transferred the case to the District of Nevada on August 21, 2020. Since that date, the Parties have engaged in further settlement discussions and have recently reached a settlement in principle.

4. Pursuant to Federal Rules of Civil Procedure 6(b) and 26, and the Court's inherent authority and discretion to manage its own docket, this Court has the authority to grant the requested stay. Fed. R. Civ. P. 6(b) ("When an act may or must be done within a specified time the court may, for good cause, extend the time..."); Fed. R. Civ. P. 26(a) ("A party or any person from whom discovery is sought may move for a protective order in the court where the action is pending . . . The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.").

5. This Court therefore has broad discretion to stay proceedings as incidental to its power to control its own docket – particularly where, as here, a stay would promote judicial economy and efficiency. *Bacon v. Reyes*, 2013 U.S. Dist. LEXIS 143300, at \*4 (D. Nev. Oct. 3, 2013) (citing, *Munoz-Santana v. U.S. I.N.S.*, 742 F.2d 561, 562 (9th Cir. 1984)) ("Whether to grant a stay is within the discretion of the court"); *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109 (9th Cir. 2005) ("A district court has discretionary power to stay proceedings in its own court."); *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) ("[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.").

6. Furthermore, Federal Rules of Civil Procedure 26(c) and 26(d) vest the Court with authority to limit the scope of discovery or control its sequence. *Crawford-El v. Britton*, 523 U.S. 574, 598 (1998) ("Rule 26 vests the trial judge with broad discretion to tailor discovery narrowly and to dictate the sequence of discovery.")

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1 In deciding whether to stay proceedings, courts weigh the competing interests of the parties  
2 and the court.

3 Among those competing interests are the possible damage which may result from  
4 the granting of a stay, the hardship or inequity which a party may suffer in being  
5 required to go forward, and the orderly course of justice measured in terms of the  
simplifying or complicating of issues, proof, and questions of law which could be  
expected to result from a stay.

6 *Lockyer*, 398 F.3d at 1110 (*citing Landis*, 299 U.S. at 255). Facilitating the efforts of parties to  
7 resolve their disputes weighs in favor of granting a stay. In *Coker v. Dowd*, 2:13-cv-0994-JCM-NJK,  
8 2013 U.S. Dist. LEXIS 201845, at \*2-3 (D. Nev. July 8, 2013), the parties requested a 60-day stay to  
9 facilitate ongoing settlement negotiations and permit them to mediate global settlement. The Court  
10 granted the stay, finding the parties would be prejudiced if required to move forward with discovery  
11 at that time and a stay would potentially prevent an unnecessary complication in the case. *Id.* at \*3.  
12 Here, the Parties have reached a settlement in principle.

13 7. Accordingly, the Parties jointly move this Court for an order staying discovery and  
14 pretrial deadlines until April 12, 2021.

15 8. The Parties agree that the relief sought herein is necessary to handle the case in the  
16 most economical fashion. The relief sought in this stipulation is not being requested for delay, but  
17 so that justice may be done.

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