

1
2
3
4
5
6
7
8
9
10
11
12

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALON NEIMAN, et al.,

Plaintiffs,

v.

GAVRIEL BARAZANI, et al.,

Defendants.

Case No. 2:21-cv-01824-JAD-NJK

Order

[Docket No. 12]

13 Pending before the Court is Defendants' motion to stay discovery pending resolution of
14 their motion to dismiss. Docket No. 12; *see also* Docket No. 6 (motion to dismiss). No response
15 was filed. *See* Docket. The motion to stay discovery is properly resolved without a hearing. *See*
16 Local Rule 78-1. For the reasons discussed below, the motion to stay discovery is **GRANTED**.

17 The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of*
18 *Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). "The Federal Rules of Civil Procedure do not provide
19 for automatic or blanket stays of discovery when a potentially dispositive motion is pending."
20 *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). Discovery should proceed
21 absent a "strong showing" to the contrary. *Turner Broadcasting Sys., Inc. v. Tracinda Corp.*, 175
22 F.R.D. 554, 556 (D. Nev. 1997). The case law in this District makes clear that requests to stay
23 discovery may be granted when: (1) the underlying motion is potentially dispositive in scope and
24 effect; (2) the underlying motion can be decided without additional discovery; and (3) the Court
25 has taken a "preliminary peek" at the merits of the underlying motion and is convinced that the
26 plaintiff will be unable to prevail. *Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev.
27 2013). The Court is guided in its analysis by the objectives in Rule 1 to secure a just, speedy, and
28 inexpensive determination of cases. *Tradebay*, 278 F.R.D. at 602.

1 Considering the governing standards, the Court finds that a stay of discovery is appropriate
2 in this case. As to the first two requirements, the motion to dismiss is potentially dispositive of
3 this case and it can be decided without discovery. As to the third requirement, the undersigned's
4 evaluation of the motion to dismiss reveals that it is sufficiently meritorious to justify a stay of
5 discovery.¹

6 Accordingly, Defendants' motion to stay discovery is **GRANTED**. Docket No. 12. In the
7 event resolution of Defendants' motion to dismiss does not result in the termination of this case, a
8 joint discovery plan must be filed within 14 days of the issuance of such order.

9 IT IS SO ORDERED.

10 Dated: January 11, 2022

11 
12 _____
13 Nancy J. Koppe
14 United States Magistrate Judge
15
16
17
18
19
20
21
22
23
24

25 ¹ Conducting the preliminary peek puts the undersigned in an awkward position because
26 the assigned district judge who will decide the motion to dismiss may have a different view of its
27 merits. *See Tradebay*, 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of
28 that motion is not intended to prejudice its outcome. *See id.* As a result, the undersigned will not
provide a lengthy discussion of the merits of the pending motion to dismiss in this instance.
Nonetheless, the undersigned has carefully reviewed the arguments presented in the motion to
dismiss and subsequent briefing.