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19 *John Van Camp and Julie Van Camp*

14  
15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 JOHN VAN CAMP, an individual, and  
18 JULIE VAN CAMP, an individual,

19 Plaintiffs,

20 vs.

21 YAMAHA MOTOR CO., LTD., a Japanese  
22 Corporation, YAMAHA MOTOR  
23 CORPORATION, USA, INC., a California  
24 Corporation, YAMAHA MOTOR  
25 MANUFACTURING CORPORATION OF  
26 AMERICA, a Georgia Corporation,  
27 RIDENOW, LLC a/k/a RIDENOW  
28 POWERSPORTS, a Nevada Limited Liability  
Company, and DOES I through 100, inclusive,

Defendants.

Case No.: 2:21-cv-01945-JCM-VCF

ORDER  TO STAY DISCOVERY  
AND ALL PRETRIAL DEADLINES  
PENDING RESOLUTION OF  
MOTIONS

1 Plaintiffs, JOHN VAN CAMP and JULIE VAN CAMP (collectively “Plaintiffs”) and  
 2 Defendants<sup>1</sup> YAMAHA MOTOR CORPORATION, U.S.A. (“YMUS”) (named erroneously as  
 3 YAMAHA MOTOR CORPORATION, USA, INC.) and YAMAHA MANUFACTURING  
 4 CORPORATION OF AMERICA (“YMMC”) (“Defendants” and collectively with Plaintiffs, the  
 5 “Parties”), pursuant to Fed. R. Civ. P. 16 and 26 and LR IA 6-2, respectfully request that this  
 6 Court temporarily stay discovery and all pretrial deadlines pending resolution of each of the three  
 7 dispositive Motions to Dismiss (ECF Nos. 13, 33, and 37) filed in this matter. In support thereof,  
 8 the Parties state as follows:

- 9 1. This is the first request to stay proceedings in this matter, and the present Stipulation is  
 10 not sought for purposes of delay.
- 11 2. The Parties respectfully request that this Court issue an order staying discovery and  
 12 pretrial deadlines until the pending dismissal motions are resolved by the Court.
- 13 3. The Motions pending before the Court are as follows:
  - 14 (1) Defendant Yamaha Motor Co., Ltd.’s Motion to Dismiss Plaintiffs’ Complaint,  
 15 or, Alternatively, Motion to Quash Attempted Service (ECF No. 13);
  - 16 (2) Yamaha Motor Corporation, U.S.A. and Yamaha Motor Manufacturing  
 17 Corporation of America’s Motion to Dismiss Plaintiffs’ Complaint (ECF No.  
 18 33); and
  - 19 (3) Plaintiffs’ Countermotion for Dismissal Without Prejudice Pursuant to Fed. R.  
 20 Civ. P. 41(a)(2) (ECF No. 37).
- 21 4. The Court’s decisions relating to the pending motions to dismiss will determine the  
 22 posture of the case and how the Parties may each proceed given the dispositive nature of  
 23 the Motions. This will prevent potential unnecessary expenditures of the Parties and  
 24 judicial resources. *See Nankivil v. Lockheed Martin Corp.*, 216 F.R.D. 689, 692 (M.D.  
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26 <sup>1</sup> Defendant, RIDENOW, LLC a/k/a RIDENOW POWERSPORTS was dismissed pursuant to a  
 27 Stipulation of Dismissal under Fed. R. Civ. P. 41(a)(1)(A)(ii) on January 28, 2022 (ECF No. 32).  
 28 Defendant YAMAHA MOTOR CO., LTD. has not answered Plaintiffs’ Complaint and was not  
 a filing party of the Stipulated Discovery Plan and Scheduling Order (ECF No. 25), as its sole  
 and limited appearance in this suit has been through its motion to dismiss. (ECF Nos. 13, 22).

1 Fla. 2003) (A stay may be appropriate if “resolution of a preliminary motion may dispose  
2 of the entire action.”); *Vivid Techs., Inc. v. Am. Scl. & Eng’g, Inc.*, 200 F.3d 795, 804  
3 (Fed. Cir. 1999) (“When a particular issue may be dispositive, the court may stay  
4 discovery concerning other issues until the critical issue is resolved.”); *Chavous v. D.C.*  
5 *Fin. Responsibility & Mgmt. Assistance Auth.*, 201 F.R.D. 1, 2 (D.D.C. 2005) (“A stay  
6 of discovery pending the determination of a dispositive motion is an eminently logical  
7 means to prevent wasting the time and effort of all concerned, and to make the most  
8 efficient use of judicial resources.” (Internal quotation omitted)).

9 5. With deadlines approaching relatively soon under the Discovery Plan and Scheduling  
10 Order (ECF No. 27), Amending the Pleadings and Adding Parties (July 5, 2022), Expert  
11 Disclosures (August 1, 2022) and the Discovery deadline of September 30, 2022, the  
12 Parties believe the requested stay is necessary.

13 6. The Parties agree that the relief sought herein is necessary to handle the case in the most  
14 economical and efficient fashion. Given that the Court’s decisions on the pending  
15 dispositive motions will determine whether this case will proceed in Nevada, there is  
16 good cause to stay deadlines set forth in the Discovery Plan and Scheduling Order (ECF  
17 No. 27).

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1                   **WHEREFORE**, the Parties respectfully request the Court's approval of this stipulation  
 2 to stay discovery and all pretrial deadlines until each of the pending motions to dismiss are  
 3 resolved.

4                   **IT IS SO STIPULATED**

5                   Respectfully submitted on: May 5, 2022.

<p>7                   <b>LAW OFFICE OF APRIL N. BONIFATTO</b></p> <p>8</p> <p>9                   By: <u>/s/ April N. Bonifatto</u>    10                  APRIL N. BONIFATTO, ESQ.  <a href="mailto:april@bonifattolaw.com">april@bonifattolaw.com</a>    11                  10845 Griffith Peak Drive, Ste. 200    Las Vegas, Nevada 89135  <i>Attorneys for Plaintiffs</i></p> <p>12                  <b>BOWMAN AND BROOKE LLP</b></p> <p>13</p> <p>14                  By: <u>/s/ Charles M. Seby</u>    15                  CHARLES M. SEBY, ESQ.  <a href="mailto:charles.seby@bowmanandbrooke.com">charles.seby@bowmanandbrooke.com</a>    16                  Suite 1600 Phoenix Plaza    2901 North Central Ave.    Phoenix, Arizona 85012-2761  <i>Attorneys for Defendants, Yamaha Motor</i>  <i>Corporation, U.S.A. and Yamaha Motor</i>  <i>Manufacturing Corporation of America.</i></p>	<p>7                   <b>DUNCAN LAW FIRM, P.C.</b></p> <p>8</p> <p>9                   By: <u>/s/ David T. Duncan</u>    10                  DAVID T. DUNCAN, ESQ.  <a href="mailto:duncan@dunclaw.com">duncan@dunclaw.com</a>    11                  6200 Stoneridge Mall Road, Ste. 300    Pleasanton, California, 94588  <i>Attorneys for Plaintiffs</i></p>
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21                   **IT IS SO ORDERED.**

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24                   **UNITED STATES MAGISTRATE JUDGE**

25                   05/05/2022

26                   DATED: \_\_\_\_\_