

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 DANIEL DEMISSIE,  
5 Plaintiff,  
6 v.

Case No. 2:25-cv-00504-JAD-EJY

**ORDER**

7 AARON D. FORD, LAS VEGAS  
8 METROPOLITAN POLICE DEPARTMENT,  
9 DETECTIVE GABRIEL LEA, DETECTIVE  
10 BROOKS WEST, CAESARS  
11 ENTERTAINMENT, INC., FLAMINGO LAS  
12 VEGAS OPERATING COMPANY, LLC, and  
JOHN DOE, FLAMINGO ASSISTANT  
SECURITY SHIFT MANAGER,  
Defendants.

13 Pending before the Court is “Plaintiff’s Emergency Motion for Protective Order Pursuant to  
14 FRCP 26(c)(1) to Preclude Deposition Noticed by Metro Defendants for October 8, 2025.” ECF  
15 No. 98. The Motion was filed on September 25, 2025. Thus, no response has yet been received.  
16 The Motion argues that Plaintiff’s deposition cannot proceed because Plaintiff has a pending Motion  
17 for Terminating Sanctions (ECF No. 71) alleging fraud on the Court based on the unrelenting theme  
18 that Las Vegas Metropolitan Police Department (“Metro”) produced fabricated body worn camera  
19 footage. *Id.* at 1. Plaintiff further contends Metro is withholding critical discovery including  
20 “Detective Lea’s ‘Order-Out Corridor’ recommendation to prosecutors”; “[s]pecifications and  
21 grounds for ... [his] placement on the ‘Order-Out Corridor’ list”; “[d]atabase logs showing  
22 agencies/officers who accessed ... [his] record”; and “[u]naltered, native BWC [body worn camera]  
23 footage from Officer West’s interactions with Flamingo employee.” *Id.* at 3-4. Plaintiff attacks the  
24 credibility of opposing counsel’s representations and states “he knows for a fact” that the already  
25 produced body worn footage is altered. *Id.* at 7. Plaintiff fears his “video- or audio-recorded  
26 deposition could likewise be manipulated to prejudice” him. *Id.* Plaintiff cites to his Reply in  
27 support of his Motion for Terminating Sanctions as demonstrating the misstatements of opposing  
28 counsel. *Id. citing* ECF No. 84.

1           It is worth noting that the Court’s review of Plaintiff’s Motion for Terminating Sanctions  
2 appears to be based on Plaintiff’s asserted “belief” that Metro has altered body worn camera;  
3 however, Plaintiff provides no reliable evidence that the camera footage contains deepfake edits or  
4 other alteration. Metro also notes that it has produced the native, original and unedited footage that  
5 was captured during Plaintiff’s June 17, 2023 apprehension and arrest (supported by evidence). ECF  
6 No. 77 at 8 (and citations therein). A declaration was offered by Metro’s Systems Administrator  
7 regarding how body worn camera footage is captured, stored, maintained, and produced. *Id.* Despite  
8 this and other evidence offered by Metro and counsel for Metro’s professional obligation of candor  
9 owed to the Court, the Court recognizes that it has not yet had an opportunity to fully evaluate  
10 Plaintiff’s Motion.

11           Further, Plaintiff has not cited any law holding he is entitled to have all documentation  
12 requested before he appears for deposition and the Court is not aware of any such rule applicable to  
13 the U.S. District Court for the District of Nevada. The Court notes it is unlikely that there is any  
14 body worn camera footage in Metro’s possession that Plaintiff does not have given Metro’s  
15 representation that it previously produced the native, original footage. As for the other requested  
16 documents, Plaintiff does not explain why these are critical or even necessary before he is deposed.  
17 Plaintiff instead argues that proceeding with his deposition “would not assist the Court in resolving  
18 ... [his contentions of alteration and fabrication] but would instead create substantial risk of  
19 prejudice by subjecting Plaintiff to further exploitation, harassment, and manipulation of his voice  
20 and image.” ECF No. 98 at 9.

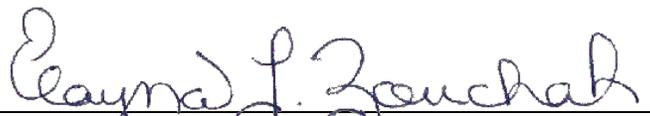
21           Plaintiff’s deposition will be recorded and or transcribed by a licensed court reporter who  
22 has independent obligations regarding accuracy. Plaintiff presents nothing to suggest that the firm  
23 or individual who will record his deposition would participate in altering his voice or image. With  
24 respect to “exploitation,” it is Plaintiff who brings his case against Metro (and others). Metro is  
25 entitled to take Plaintiff’s deposition even with dispositive motion practice pending. In the absence  
26 of a stay of discovery, which is not present here, Plaintiff cannot avoid participation in his deposition  
27 based solely on the pendency of a potentially dispositive motion.

1           Generally, a dispositive motion does not warrant a stay of discovery. *Tradebay, LLC v. eBay,*  
2 *Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). “The party seeking a stay . . . has the burden to show  
3 good cause by demonstrating harm or prejudice that will result from the discovery.” *Rosenstein v.*  
4 *Clark Cnty. Sch. Dist.*, Case No. 2:13-cv-1443-JCM-VCF, 2014 WL 2835074, at \*3 (D. Nev. June  
5 23, 2014), *citing* Fed. R. Civ. P. 26(c)(1) (internal quotation marks omitted). A party seeking a  
6 discovery stay carries the “heavy burden” of making a strong showing why the discovery process  
7 should be halted. *Turner Broad. Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997).  
8 When deciding whether to issue a stay, a court must take a “preliminary peek” at the merits of the  
9 dispositive motion pending in the case. *Buckwalter v. Nevada Bd. of Med. Exam’rs*, Case No. 2:10-  
10 cv-02034-KJD-GWF, 2011 WL 841391, at \*1 (D. Nev. Mar. 7, 2011). A stay of discovery is only  
11 appropriate where a court is convinced that all claims will be dismissed. *Tradebay*, 278 F.R.D. at  
12 602 (pending motion must be “potentially dispositive of the entire case or at least dispositive of the  
13 issue on which discovery is sought”); *see also Flynn v. Nevada*, 345 F.R.D. 338, 352 (D. Nev. 2024)  
14 (the court must take a “preliminary peek” at the merits of the potentially dispositive motion and find  
15 it “is convinced” that all claims will be dismissed). As mentioned above, the Court took a  
16 preliminary peek at the merits of Plaintiff’s Motion for Terminating Sanctions (ECF No. 71). While  
17 the Motion is potentially case dispositive, the Court is not convinced that all claims will be dismissed  
18 as the result of the Motion. For this reason, the Court finds a stay of Plaintiff’s deposition is not  
19 supported by the facts presented.

20           Accordingly, and based on the foregoing, IT IS HEREBY ORDERED that Plaintiff’s  
21 Motions seeking shortened time (ECF No. 99) and for Leave to Supplemental Declaration (ECF No.  
22 102) are GRANTED.

23           IT IS FURTHER ORDERED that Plaintiff’s Emergency Motion for Protective Order  
24 Pursuant to FRCP 26(c)(1) to Preclude Deposition Noticed by Metro Defendants for October 8, 2025  
25 (ECF No 98) is DENIED.

26           Dated this 7th day of October, 2025.

27             
28           ELAYNA J. YOUCHAH  
                  UNITED STATES MAGISTRATE JUDGE