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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 ALISHA R SILBAUGH,

11 Plaintiff,

12 v.

13 ELAINE CHAO, Secretary of the  
14 Department of Transportation,

15 Defendant.  
16

Case No. C17-1759RSM

ORDER GRANTING DEFENDANT'S  
MOTION TO STAY DISCOVERY

17 This matter comes before the Court on Defendant Elaine Chao's Motion to Stay  
18 Discovery. Dkt. #18.<sup>1</sup> Defendant has filed a Motion to Dismiss under Rule 12(b)(1) based on  
19 Plaintiff Alisha R. Silbaugh's alleged failure to file this complaint naming the correct defendant  
20 within the applicable statutory time limit. Dkt. #17. If Defendant's procedural facts and  
21 arguments are correct, this case cannot proceed. The Motion to Dismiss is noted for  
22 consideration ten days from now, on June 1, 2018. Plaintiff's response brief is due on May 29,  
23 2018, seven days from now. Defendant now moves under Rule 26(c) to stay discovery pending  
24 the resolution of this Motion to Dismiss in order to save Defendant the burden and expense of  
25 unnecessary discovery. Dkt. #18.  
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<sup>1</sup> The Court has determined that it can rule on this Motion without needing a reply brief from Defendant.

1 In Response, Plaintiff states that the parties have already exchanged initial disclosures  
2 and that no other discovery requests have been served. Dkt. #19. Plaintiff argues that discovery  
3 should not be stayed because Plaintiff may be able to obtain discovery to aid her in responding  
4 to the pending Motion to Dismiss. *Id.* at 3. However, Plaintiff does not explain what facts or  
5 records she hopes to obtain in discovery. Her statement of facts appears complete and does not  
6 raise any questions that could be answered by further discovery. Plaintiff also argues that the  
7 request is overbroad and premature. *Id.* at 3–4.  
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9 District courts have broad discretion to stay discovery on a showing of “good cause.”  
10 Fed. R. Civ. P. 26(c). Defendant reasonably contends that discovery may be an unnecessary  
11 expense in this case. The Court is not convinced that a stay will prejudice Plaintiff. The issues  
12 raised in Defendant’s Motion to Dismiss concern facts that should already be available to  
13 Plaintiff, *e.g.* the procedural timeline of this case, who was named in the Complaint, etc. Plaintiff  
14 has not said what other facts she needs to obtain in discovery. Furthermore, Plaintiff has not  
15 explained how she would be able to propound discovery now that would aid her in time to  
16 respond to the pending Motion to Dismiss, when Defendant would have 30 days to respond to  
17 such discovery requests. Fed. R. Civ. P. 33(b)(2); Fed. R. Civ. P. 34(b)(2)(A). Plaintiff does not  
18 move for relief from the deadline to respond.  
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21 The Court finds this Motion is not premature. Defendant has raised a threshold question  
22 of subject matter jurisdiction that should be answered before proceeding with discovery. By  
23 moving now, Defendant may save both parties time and money. Plaintiff cites no basis to prevent  
24 a stay under these circumstances. *See* Dkt. #19 at 3( citing *Alaska Cargo Transp., Inc. v. Alaska*  
25 *R.R. Corp.*, 5 F.3d 378, 383 (9th Cir. 1993) (“There is no suggestion, however, that the discovery  
26 sought was relevant to whether or not the court has subject matter jurisdiction. Had that been the  
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1 case, the stay would have been improper.”)). Given all of the above, the Court finds that a stay  
2 of discovery is warranted in this case.

3 Accordingly, the Court hereby finds and ORDERS that Defendant’s Motion to Stay  
4 Discovery, Dkt. #18, is GRANTED. Discovery is stayed pending resolution of Defendant’s  
5 Motion to Dismiss, Dkt. #17.  
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8 DATED this 22 day of May 2018.

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11 RICARDO S. MARTINEZ  
12 CHIEF UNITED STATES DISTRICT JUDGE  
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