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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 SUSAN VANNESS, an individual,
ALEXANDREA SLACK, an individual
9 MARTIN WALDMAN, an individual,
ROBERT BEADLES, an individual

10 Plaintiffs

11 Vs.

12 FRANCISCO V. AGUILAR, in his official
13 capacity as Nevada Secretary of State, JOSEPH
M. LOMBARDO, in his official capacity as
14 Governor of the State of Nevada, DOES I-X,
15 inclusive: ROE CORPORATIONS 11-20,
inclusive.

16 Defendants.

CASE NO.: 2:23-cv-01009-JCM-VCF

**STIPULATION TO STAY
DISCOVERY PLAN AND
SCHEDULING ORDER**

**(SPECIAL SCHEDULING REVIEW
REQUESTED)**

17 Plaintiffs SUSAN VANNESS ET AL (“Plaintiff”), and Defendants FRANCISCO V.
18 AGUILAR ET AL (“Defendants”), by and through their respective attorneys of record, hereby
19 stipulate and agree, pursuant to Civil Local Rules IA 6-1, IA 6-2 and 7-1, as follows:
20

21 1. The Parties stipulate that discovery in this matter be stayed until the Court issues a
22 ruling on Defendants’ Motion to Dismiss (ECF No. 15).

23 2. The Parties agree it is in the best interest of all Parties to await the Court’s ruling
24 on Defendants’ Motion to Dismiss (ECF No. 15) prior to setting discovery deadlines and
25

1 incurring the time and expense of written discovery and depositions, in the event the Court
2 dismisses the claims against Defendants in whole or in part.

3 3. As the Ninth Circuit has confirmed, “(t)he purpose of F.R.Civ.P. 12(b)(6) is to
4 enable defendants to challenge the legal sufficiency of complaints without subjecting themselves
5 to discovery.” *Rutman Wine Co. v. E. & J. Gallo Winery*, 829 F.2d 729, 738 (9th Cir. 1987).
6 Likewise, a district court has “wide discretion in controlling discovery.” *Little v. City of Seattle*,
7 863 F.2d 681, 685 (9th Cir. 1988); see also FRCP 26(d)(1) (describing the court’s ability to limit
8 the scope of discovery). Ultimately, when deciding whether to grant a stay of discovery, a court
9 is guided by the objectives of Federal Rule of Civil Procedure 1 that ensures a “just, speedy, and
10 inexpensive determination of every action.” *Schrader v. Wynn Las Vegas, LLC*, 2021 WL
11 4810324, *3 (D. Nev. Oct. 14, 2021) (quoting FRCP 1); see also *Tradebay, LLC v. eBay, Inc.*,
12 278 F.R.D. 597, 601 (D. Nev. 2011) (explaining that courts evaluating the propriety of a stay
13 have cautioned against the use of resources that may be rendered unnecessary, noting the simple,
14 but accurate principle: “Discovery is expensive”).

15
16 4. The Parties are in agreement that discovery is not required for the Court to decide
17 Defendants’ Motion to Dismiss. As the Court’s ruling could potentially result in dismissal of
18 some or all of the claims against District, it would be an inefficient use of resources to engage in
19 discovery prior to the Court’s ruling. *See Sibley v. U.S. Sup. Ct.*, 786 F. Supp. 2d 338, 346
20 (D.D.C. 2011) (“(I)t is well settled that discovery is generally considered inappropriate while a
21 motion that would be thoroughly dispositive of the claims in the Complaint is pending.”). As
22 such, it is within the Court’s power to grant a stay of discovery at this time.

23
24 5. Accordingly, the Parties, after consultation with one another, have determined it
25 would be in the best interest of all Parties to request that this Court grant a stay of discovery until

1 the Court renders a decision on Defendants' pending Motion to Dismiss. None of the Parties
2 believe this delay will cause harm to their ability to conduct discovery in this matter, nor will it
3 cause either side to be in a worse position.

4 6. The Parties believe that, by not expending more funds or time until the Motion to
5 Dismiss is resolved, the Parties have put themselves in the best position possible to preserve
6 resources and protect their respective funds. *See* FRCP 1 and LR 1-1. The interests of litigation
7 efficiency and judicial economy are also promoted by a stay of discovery.

8 7. The Parties further stipulate to delay submission of the stipulated discovery plan
9 and discovery order for thirty (30) days after this Court files its decision on Defendants' pending
10 Motion to Dismiss (ECF No. 15).

11
12 Respectfully submitted:

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Attorneys for Secretary Aguilar

IT IS SO ORDERED:

Dated this 15th day of September, 2023.

UNITED STATES MAGISTRATE JUDGE