

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Armin Dirk Van Damme v. Tiffany & Bosco, P.A.

No. 2:25-cv-00785-RFB-MDC, United States District Court for the District of Nevada (January 20, 2026)

SUMMARY

The United States District Court for the District of Nevada grants Tiffany & Bosco, P.A.'s motion to stay discovery pending resolution of its motion to dismiss. The court denies the plaintiff's motion to strike and denies the parties' proposed discovery plan as moot, directing the parties to submit an amended plan if the motion to dismiss is denied.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Maximiliano D. Couvillier III
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 20, 2026
DOCKET	2:25-cv-00785-RFB-MDC
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to stay discovery while their motion to dismiss was pending. Plaintiff moved to strike the motion to stay and requested remand. The court granted the stay, denied the motion to strike, and denied the proposed discovery plan as moot.
STANDARD OF REVIEW	Abuse-of-discretion principles govern the district court's control of discovery and its decision whether to stay discovery; the court applied its inherent authority and the pragmatic two-part approach for staying discovery pending a dispositive motion.
PRECEDENTIAL VALUE	unpublished district court order; generally nonprecedential

TOPICS

discovery dispute

motions to dismiss

civil procedure

PRACTICE AREAS

civil procedure

commercial litigation

QUESTIONS PRESENTED

1. Whether discovery should be stayed while defendants' motion to dismiss was pending.
2. Whether plaintiff's motion to strike defendants' motion to stay discovery should be granted because the motion was filed before the Rule 26(f) conference.
3. Whether the parties' proposed discovery plan should be denied as moot after discovery was stayed.

HOLDINGS

1. Discovery should be stayed because defendants' motion to dismiss could be decided without further discovery and good cause existed for a stay.
2. The motion to strike was denied because the court granted the motion to stay discovery and found no basis to strike the motion based on its filing before the Rule 26(f) conference.

KEY QUOTATIONS

“Federal courts have the “power to stay proceedings [it] is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”” (at 2)

“The pragmatic approach considers only the following two elements: (1) if the dispositive motion can be decided without further discovery; and (2) good cause exists to stay discovery.” (at 2)

FACTUAL BACKGROUND

Defendants argued in a pending motion to dismiss that plaintiff had failed to state any viable claims and that the claims had previously been dismissed with prejudice, making them subject to claim and issue preclusion. Plaintiff stated that discovery was not justified and should be stayed pending resolution of jurisdictional issues, although he also opposed defendants' motion to stay and sought remand. The court determined that the motion to dismiss could be resolved without further discovery and that commencing discovery would prejudice defendants by increasing litigation expense and potentially undermining their failure-to-state-a-claim argument.

PROCEDURAL HISTORY

Defendants filed a motion to dismiss asserting that plaintiff failed to state viable claims and that the claims were barred by claim and issue preclusion. Before the Rule 26(f) conference, defendants moved to stay discovery. The magistrate judge concluded that the motion to dismiss could be decided without discovery and that good cause supported a stay pending resolution of that motion.

DISPOSITION

other

CASES CITED

- Landis v. North American Co., 299 U.S. 248, 254 (1936)
- Tradebay, LLC v. eBay, Inc., 278 F.R.D. 597, 601-602 (D. Nev. 2011)

- Little v. City of Seattle, 863 F.2d 681, 685 (9th Cir. 1988)
- Aristocrat Technologies, Inc. v. Light & Wonder, Inc., No. 2:24-CV-00382-GMN-MDC, 2024 WL 2302151, at *2 (D. Nev. May 21, 2024)
- Thomas v. Arn, 474 U.S. 140, 142 (1985)
- Martinez v. Ylst, 951 F.2d 1153, 1157 (9th Cir. 1991)
- Britt v. Simi Valley United School District, 708 F.2d 452, 454 (9th Cir. 1983)

OPINION

UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 4 Armin Dirk Van Damme, 5 Case No. 2:25-cv-00785-RFB-MDC 6 Plaintiff(s), ORDER vs. 7 Tiffany & Bosco, P.A., 8 Defendant(s). 9 10 The defendants filed a Motion to Stay Discovery (ECF No. 34) and a proposed Discovery Plan 11 and Scheduling Order (ECF No. 40) pursuant to the Court's Order (ECF No. 33). Pro se plaintiff Armin 12 Dirk Van Damme filed a Motion to Strike (ECF No. 38) the defendant's Motion to Stay Discovery.

13 Since the Court GRANTS the defendant's Motion to Stay Discovery (ECF No. 34) the Court DENIES 14 the parties' discovery plan as MOOT. The Court also DENIES plaintiff's Motion to Strike (ECF No. 15 38). 16 DISCUSSION 17 The Court finds staying discovery is appropriate in this case. Federal courts have the "power to 18 stay proceedings [it] is incidental to the power inherent in every court to control the disposition of the 19 20 causes on its docket with economy of time and effort for itself, for counsel, and for litigants." Landis v. 21 N. Am.

Co., 299 U.S. 248, 254 (1936). "The district court has wide discretion in controlling 22 discovery[.]" Tradebay, LLC v. eBay, Inc., 278 F.R.D. 597, 601 (D. Nev. 2011) (citing Little v. City of 23 Seattle, 863 F.2d 681, 685 (9th Cir. 1988)). When considering a motion to stay discovery while a 24 dispositive motion is pending, "this court considers the goal of Rule 1 of the Federal Rules of Civil 25 Procedure which directs that the Rules shall 'be construed and administered to secure the just, speedy, and inexpensive determination of every action.'" Tradebay, 278 F.R.D. at 602 (quoting Fed.

R. Civ. P. 1 1). The Court may consider staying discovery pursuant to its inherent powers and discretion, together 2 with the goals pronounced by Rule 1. The undersigned Magistrate Judge previously adopted the 3 4 pragmatic approach when considering motions to stay discovery because a dispositive motion is 5 pending. Aristocrat Techs., Inc. v. Light & Wonder, Inc., No. 2:24-CV-00382-GMN-MDC, 2024 WL 6 2302151, at *2 (D.

Nev. May 21, 2024). The pragmatic approach considers only the following two 7 elements: (1) if the dispositive motion can be decided without further discovery; and (2) good cause 8 exists to stay discovery. Id. 9 The defendants filed a motion to dismiss, in which they argue that plaintiff has failed to state any 10 viable claims. ECF No. 4.

The defendants argue that plaintiff has attempted to litigate these claims in the 11 past and his claims have been dismissed with prejudice. Id. at 10. The defendants argue that his claims 12 are barred by claim and issue preclusion. Id. Plaintiff's response is difficult to follow, but he appears to 13 agree that "discovery is not justified" because he does not think that this case should have been removed 14 to federal court.

ECF No. 35 at 5. Plaintiff also says that "[d]iscovery is improper and should be denied 15 or stayed pending jurisdictional resolution." Id. Plaintiff does ask, however, that defendant's Motion to 16 17 Stay Discovery be denied and that this case be remanded. Id. Plaintiff argues in his Motion to Strike that 18 the defendant's Motion to Stay Discovery should be stricken procedurally because the defendant filed it 19 before the parties had their required Rule 26(f) meet-and-confer.

ECF No. 38. 20 Reviewing the Motion in the light most favorable to the plaintiff, the Court finds that the plaintiff 21 will not be prejudiced by a short stay of discovery, as no discovery is needed to determine whether the 22 plaintiff has stated a claim and plaintiff apparently agrees that discovery should be stayed. 23 The defendant, on the other hand, would be prejudiced if discovery commenced now because it would 24 effectively deny them of their argument that plaintiffs failed to state a claim.

Allowing the case to move 25 forward would also prejudice the defendants given that plaintiff's claims, and discovery, may at least be 5 narrowed which would decrease the expense of litigation. The Court finds that the motion to dismiss can 3 || be decided without further discovery.

The Court also finds good cause to stay discovery until the Court 4 || resolves the issues the defendant raises in the motion to dismiss. Since a stay of discovery will benefit 5 || both parties, the Court denies plaintiff's Motion to Strike and denies the discovery plan as moot. 6 IT IS ORDERED that: 7 1. Defendant's Motion to Stay Discovery (ECF No. 34) is GRANTED.

8 2. Plaintiff's Motion to Strike (ECF No. 38) is DENIED. 9 3. The parties' proposed Discovery Plan and Scheduling Order (ECF No. 40) is DENIED as 10 moot. 11 4. If defendant's motion to dismiss (ECF No. 4) is denied, the parties shall meet and confer and 12 submit an amended stipulated discovery plan and scheduling order within two (2) weeks of 13 4 the entry of the order denying defendant's motion to dismiss.

15 IT IS SO ORDERED. ff "7 — fff a 16 Dated January 20, 2026 i. Pn, i 17 fp ff \, Spon. MaximiliaworD. Colvillier 18 L United States faistratepind 19 NOTICE 20 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to offers and reports and 39 || fecommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk 23 || of the Court within fourteen days.

LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal 24 || may determine that an appeal has been waived due to the failure to file objections within the specified 25 time. Thomas v.

Arn, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file 1 objections within the specified time and (2) failure to properly address and brief the objectionable issues 2 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the 3 4 District Court.

Martinez v. Ylst, 951 F.2d 1153, 1157 (9th Cir. 1991); Britt v. Simi Valley United Sch. 5 Dist., 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file 6 written notification with the court of any change of address.

The notification must include proof of 7 service upon each opposing party's attorney, or upon the opposing party if the party is unrepresented by 8 counsel. Failure to comply with this rule may result in dismissal of the action. 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25