

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PRECEDENTIAL VALUE	unpublished district court order; generally nonprecedential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)

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