

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

**Robert Clark, individually and on behalf of all others similarly
situated v. Whitepages, Inc., a Delaware Corporation**

Clark v. Whitepages · No. 2:25-cv-00810-TL · Decided January 14, 2026

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF
WASHINGTON 9 AT SEATTLE 10 11 ROBERT CLARK, individually and on CASE NO. 2:25-
cv-00810-TL behalf of all others similarly situated, 12 Plaintiff, ORDER ON MOTION TO STAY
13 v. DISCOVERY 14 WHITEPAGES, INC., a Delaware Corporation, 15 Defendant. 16 17 This
matter is before the Court on Defendant Whitepages, Inc.’s Motion to Stay 18 Discovery (Dkt.

No. 33). Having considered the motion, Plaintiff Robert Clark’s response (Dkt. 19 No. 35), and
Defendant’s reply (Dkt. No. 36), the Court DENIES the motion. 20 I. BACKGROUND 21 This is
a putative class action brought by Plaintiff on behalf of himself and a proposed 22 class of
Colorado residents whose personal cell phone numbers Defendant Whitepages, Inc. 23 allegedly
listed in its paid directory at whitepages.com without their consent.

Dkt. No. 26 (First 24 Amended Complaint) ¶¶ 11–12, 41. Plaintiff asserts a claim under the
Prevention of 1 Telemarketing Fraud Act, Colo. Rev. Stat. § 6-1-304(4)(a)(I). Id. at 16. 2 On May
2, 2025, Defendant timey removed this case from King County Superior Court, 3 citing this
Court’s jurisdiction under the Class Action Fairness Act, codified in pertinent part at 4 28 U.S.C. §
1332(d)(2).

Dkt. No. 1 at 3. Plaintiff filed the operative complaint on June 18, 2025. 5 Dkt. No. 26. On July
16, 2025, Defendant filed a Motion to Strike Class Allegations (Dkt. 6 No. 32), a Motion to
Dismiss for Failure to State a Claim (Dkt. No. 31), and a Special Motion for 7 Expedited Relief
seeking dismissal pursuant to Washington’s Uniform Public Expression 8 Protection Act
(“UPEPA”), RCW 4.105.010, et seq.

(Dkt. No. 30) (“UPEPA Motion”). 9 Defendant concurrently filed the instant Motion to Stay
Discovery. 10 II. LEGAL STANDARD 11 “[D]istrict courts have the inherent authority to manage
their dockets and courtrooms 12 with a view toward the efficient and expedient resolution of
cases.” Dietz v. Bouldin, 579 U.S. 13 40, 47 (2016) (collecting cases).

For example, district courts have wide discretion in controlling 14 discovery, including by staying
discovery. See Little v. City of Seattle, 863 F.2d 681, 685 (9th 15 Cir. 1988). Federal Rule of Civil
Procedure 26(c) also permits parties to seek a protective order 16 to limit discovery for good

cause, “to protect a party or person from annoyance, embarrassment, 17 oppression, or undue burden or expense....” “Although a court may relieve a party from the 18 burdens of discovery while a dispositive motion is pending, this is the exception and not the 19 rule.” *Id.* (quoting *White v. Skagit Bonded Collectors, LLC*, No. C21-697, 2022 WL 508825, at 20 *1 (W.D.

Wash. Jan. 24, 2022)). 21 III. DISCUSSION 22 Defendant cites two bases for its stay request: first, a provision within UPEPA providing 23 for an automatic stay of “[a]ll other proceedings between the moving party and responding party, 24 including discovery and a pending hearing or motion,” upon the filing of a UPEPA motion, and, 1 second, the Court’s inherent authority to stay discovery as a matter of discretion.

Dkt. No. 33 2 at 2. The Court addresses these arguments in turn. 3 A. Applicability of UPEPA’s Automatic Stay Provision 4 Defendant appears to suggest that this case is (or may be) subject to an UPEPA’s 5 automatic stay provision, RCW 4.105.040. Dkt. No. 33 at 2. UPEPA is what is generally known 6 as an “anti-SLAPP statute,” where “SLAPP” stands for “Strategic Litigation Against Public 7 Participation.” Dkt.

No. 30 at 8. Anti-SLAPP statutes are intended to provide expedited relief to 8 defendants whose protected speech is challenged by a meritless lawsuit. *Id.* Consistent with this 9 purpose, UPEPA provides a mechanism by which defendants can stay and seek review of a 10 lawsuit that may be covered by the statute. See RCW 105.030.

The relevant provision directs that 11 “on... giving of notice and of intent to file under RCW 4.105.020(1)... [a]ll proceedings 12 between the moving and responding party... are stayed.” RCW 4.105.030(1)(a). Under this 13 provision, in Washington state courts, the filing of a UPEPA motion automatically stays 14 proceedings, with limited exceptions, until the UPEPA motion is resolved.

See *Jha v. Khan*, 24 15 Wn. App. 2d 377, 404, 520 P.3d 470–71 (2022) (discussing RCW 4.105.030(7)). 16 But this is a federal district court. Defendant presents no legal basis that an automatic 17 UPEPA stay must, should, or even could apply in this Court.

The entirety of Defendant’s 18 argument in support of a UPEPA-related stay is as follows: 19 It’s not clear whether this applies in federal court — the issue has not been squarely addressed since UPEPA was enacted in 2021. 20 But at least one decision seems to suggest that the automatic stay might apply.

In *M.G. v. Bainbridge Island School District #303*, 21 [C22-1418,] 2023 WL 2931473, *2 (W.D. Wash. April 13, 2023), the court invoked UPEPA’s good cause exemption rather than find 22 a UPEPA automatic stay inapplicable in federal court. 23 Dkt. No. 33 at 2. 24 1 The decision in *M.G. v. Bainbridge Island School District* is not illuminating.

As Plaintiff 2 rightly notes, the court in that case did not invoke the automatic stay. See Dkt. No. 35 at 1–2. 3 Rather, in an order denying a defendant’s UPEPA motion, the court succinctly rejected a 4 defendant’s assertion that a UPEPA motion automatically stayed consideration of other motions, 5 relying on a state court holding (which in turn relied on the plain language of RCW 4.105.030(7) 6 itself) that the filing of a UPEPA motion does not stay “[m]otions that are not related to the 7 UPEPA motion... if there is good cause to address them.” 2023 WL 2931473, at *2 (citing Jha, 8 24 Wn.

App. 2d at 405. Whether the automatic stay could ever apply in federal court is a 9 question that was not presented to the M.G. court and that it did not address. In reply, Defendant 10 reiterates that because the M.G. court did not rule that the automatic stay provision did not apply 11 in federal court—an issue that, again, was not presented to it—the provision “might apply.” Dkt.

12 No. 36 at 2. 13 Whether a federal court sitting in diversity applies state or federal law is a question 14 governed by *Erie Railroad Co. v. Tompkins*, 304 U.S. 64 (1938). “Under the Erie doctrine, 15 federal courts sitting in diversity apply state substantive law and federal procedural law.” *In re 16 Cnty. of Orange*, 784 F.3d 520, 523–24 (9th Cir. 2015) (quoting *Gasperini v. Ctr. for 17 Humanities, Inc.*, 518 U.S. 415, 427 (1996).

18 As Plaintiff points out, the Ninth Circuit has already held that automatic stay provisions 19 in anti-SLAPP statutes are procedural rules that conflict with the Federal Rules of Civil 20 Procedure. Dkt. No. 35 at 2 (citing *Planned Parenthood Fed’n of Am., Inc. v. Ctr. for Med. 21 Progress*, 890 F.3d 828, 833 (9th Cir.)). Specifically, because this type of provisions “limits 22 discovery and makes further discovery an exception, rather than the rule,” it conflicts with 23 Federal Rule of Civil Procedure 56, which “does not limit discovery,” but rather “ensures that 24 adequate discovery will occur before summary judgment is considered.” *Metabolife Int’l, Inc. v. 1 Wornick*, 264 F.3d 832, 846 (9th Cir.

2001) (quoting *Rogers v. Home Shopping Network, Inc.*, 57 2 F. Supp. 2d 973, 982 (C.D. Cal. 1999)). Because of this conflict, such “discovery-limiting 3 aspects” of an anti-SLAPP statute “cannot apply in federal court.” *Id.* (*Rogers*, 57 F. Supp. 2d at 4 983); see also *Hanna v. Plumer*, 380 U.S. 460, 473–74 (1965) (a Federal Rule of Civil 5 Procedure, if valid, takes precedence in federal court over a conflicting state law or policy).

6 When faced with this contrary precedent, Defendant replies only that “[t]he cases cited by 7 Clark relate to California’s anti-SLAPP statute—no reported federal decision has addressed 8 whether UPEPA’s stay provision should apply in federal court.” Dkt. No. 36 at 2. But the Court 9 is aware of no reason that UPEPA’s automatic stay provision would be distinguishable from the 10 provision addressed by the Ninth Circuit in *Metabolife*, 264 F.3d 832, nor does Defendant 11 suggest one.¹ On the record before it, and with no substantive argument presented by Defendant,

12 the Court presumes for the purposes of this motion that the Ninth Circuit's decision in 13 *Metabolife* controls and UPEPA's automatic stay provision does not apply in federal court.

14 B. Stay Pursuant to Court's Inherent Authority 15 Defendant also asserts that the Court should exercise its inherent authority to stay 16 discovery "in light of the UPEPA Motion, Motion to Dismiss, and Motion to Strike" and 17 because, at the time the instant motion was filed, the Colorado Attorney General ha[d] 60 18 days... to intervene" and "[i]t makes little sense for discovery to proceed before the Court 19 knows whether the Colorado Attorney General intends to intervene." Dkt.

No. 2 at 2.2 20 Defendant notes, correctly, that this Court and others in this District have sometimes 21 stayed discovery pending resolution of a dispositive motion. Dkt. No. 33 at 3 (citing *In re* 22 1 In its UPEPA motion, Defendant relies on *Planned Parenthood*, 890 F.3d 828, and two other cases involving 23 California's anti-SLAPP statute, in support of the proposition that UPEPA applies in federal court.

See Dkt. No. 30 at 13. 24 2 The deadline for the Attorney General of Colorado to intervene passed on October 6, 2025, so this particular justification is now moot. See Dkt. No. 30 at 2; Fed. R. Civ. P. 5.1(c). 1 *Amazon Serv. Fee Litig.* 2022 WL 22877300, *1 (W.D. Wash. Dec. 23, 2022) (Lin, J.); 3 2 *Magassa v. Wolf*, C19-2036, 2020 WL 2307477, *2 (W.D. Wash. May 8, 2020) (Martinez, C.J.); 3 *Lloyd v. Fitzwater*, C17-5627, 2020 WL 1890591, *2 (W.D.

Wash. Apr. 15, 2020) (Fricke, Mag. 4 J.). However, Plaintiff notes this Court has also denied such motions. Dkt. No. 35 at 4 (citing 5 *HUB Int'l Nw. LLC v. Larson*, C22-1418, 2023 WL 2527150 (W.D. Wash. Mar. 15, 2023) (Lin, 6 J.)). Defendant's attempt to distinguish this case from HUB because HUB "involved ongoing 7 harm... and an upcoming deadline for joinder of parties and amended pleadings" is unavailing 8 for a number of reasons: (1) the allegation of ongoing harm was only one of a number of reasons 9 the Court denied the stay, see *HUB Int'l Nw.*

LLC, 2023 WL 2527150, at *4; (2) the joinder and 10 amendment deadlines was not part of the Court's analysis at all, see generally *id.*, and (3) the 11 allegations in this case do involve ongoing harm resulting from continuing violations of 12 Colorado law. See generally Dkt. No. 26 (Amended Complaint). 13 The Court's decision in *HUB* is more recent than its decision in *In re Amazon Service Fee* 14 Litigation and offers more guidance on how the Court decides whether to exercise its discretion 15 to stay discovery pending resolution of a dispositive motion.

Compare *HUB Int'l Nw. LLC*, 2023 16 WL 2527150, at *2–4, with *In re Amazon Serv. Fee Litig.*, 2022 WL 22877300. In the newer 17 Order, while acknowledging that "[t]he Ninth Circuit does not appear to have set forth any rules 18 or standards governing such stays of discovery," the Court looked to persuasive authority related 19 to motions to stay discovery, motions to limit discovery under Federal Rule of Procedure 26(c), 20 and motions to stay proceedings entirely.

Id. The Court found the following factors relevant to its 21 analysis: 22 (1) whether the complaint appears to be frivolous (id. at 3 (citing, *inter alia*, *Turner* 23 3 Defendant also cites this Court’s order in *Mayes v. International Markets Live*, 2023 WL 6196951, (W.D. Wash. Sept. 22, 2023), but *Mayes* is easily distinguishable. That order granted a 30-day stay of all proceedings, with no 24 mention of discovery, while the Court considered a motion to compel arbitration, and where there was a need to “stem[] the tide” of filings by a prolific pro se plaintiff.

Id. at *1. Those circumstances are not present here. 1 *Broad. Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 555 (D. Nev. 1997)); 2 (2) whether the pending motion could dispose of the entire case (id. at *3 (citing 3 *Travelers Prop. Cas. Co. of Am. v. H.D. Fowler Co.*, No. C19-1050, 2020 WL 4 832888, at *1 (W.D. Wash. Feb. 20, 2020))); 5 (3) whether the pending motion involves pure questions of law that can be decided 6 without additional discovery (id. at *3 (citing, *inter alia*, *Little v. City of Seattle*, 7 863 F.2d 681, 685 (9th Cir.

1988); *Travelers Prop. Cas. Co. of Am. v. H.D. 8 Fowler Co.*, No. C19-1050, 2020 WL 832888, at *1 (W.D. Wash. Feb. 20, 9 2020))); 10 (4) whether the case requires prohibitive and large amounts of discovery (id. at *4 11 (citing *Rutman Wine Co. v. E. & J. Winery*, 829 F.2d 729, 738 (9th Cir. 1987))); 12 (5) “the possible damage which may result from the granting of a stay” (id. at *3 13 (quoting *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir.

2005)); 14 (6) “the hardship or inequity which a party may suffer in being required to go 15 forward” (id. (quoting *Lockyer*, 398 F.3d at 1110)); 16 (7) and “the orderly course of justice measured in terms of the simplifying or 17 complicating of issues, proof, and questions of law which could be expected to 18 result from a stay” (id. (quoting *Lockyer*, 398 F.3d at 1110)).

19 “Taking all this and the facts here into account,” the Court in HUB found that, “while a stay of 20 discovery can be prudent when a motion that could dispose of the case is pending, Defendant has 21 not shown good cause for a stay of discovery here.” Id. at *3.

Here, the Court easily reaches the 22 same conclusion, because Defendant’s motion addresses none of these factors nor identifies any 23 good cause beyond a generic mention of “efficiency” for the Court to stay discovery as an 24 1 exercise of its inherent authority. See generally Dkt. No. 33.4 Although a court may stay 2 discovery pending resolution of a dispositive motion—and although such a stay would often 3 serve the interest of efficiency—many courts of this Circuit have emphasized that the 4 mere existence of a dispositive motion does not warrant a stay of discovery.

See, e.g., *Rosario v. 5 Starbucks Corp.*, No. C16-1951, 2017 WL 4122569, at *1 (W.D. Wash. Sept. 18, 2017); (finding 6 arguments “that a stay would free the parties from the burden and expense of unnecessary 7 discovery,” with “no other reason why discovery should be delayed,”

were insufficient to 8 demonstrate good cause for a protective order staying discovery where the court was not 9 “convinced” that the pending motion would succeed); see also *Skellerup Indus.*

Ltd. v. City of Los Angeles, 163 F.R.D. 598, 600–01 (C.D. Cal. 1995) (stating that if the Federal Rules 11 contemplated a motion to dismiss under Rule 12(b)(6) would stay discovery, the Rules would 12 contain such a provision, and finding that a stay of discovery is directly at odds with the need for 13 expeditious resolution of litigation). 14 Therefore, the Court does not find good cause meriting a stay of discovery.

15 IV. CONCLUSION 16 Accordingly, the Motion to Stay Discovery (Dkt. No. 33) is DENIED. 17 Dated this 14th day of January, 2026. 18 A 19 Tana Lin United States District Judge 20 21 22 23 4 The Court does not consider the four-factor analysis Defendant presents for the first time in its reply (see Dkt. 24 No. 36 at *2–4), to which Plaintiff had no opportunity to respond.

See *Zamani v. Carnes*, 491 F.3d 990, 997 (9th Cir. 2007) (“The district court need not consider arguments raised for the first time in a reply brief.”)