

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Anthony Wallace v. PennyMac Loan Services, LLC; David A. Spector; Daniel S. Perotti

Wallace · No. 2:25-cv-02297-APG-EJY · Decided December 29, 2025

SUMMARY

The United States District Court for the District of Nevada denied Anthony Wallace’s motion for early discovery. The court held that Wallace had not shown good cause to obtain discovery before the Rule 26(f) conference, particularly because a motion to dismiss and a motion to stay discovery were pending and no imminent need for expedited discovery had been demonstrated.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Elayna J. Youchah
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 29, 2025
DOCKET	2:25-cv-02297-APG-EJY
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for early discovery before the Rule 26(f) conference while defendants' motion to dismiss was fully briefed and a motion to stay discovery was pending.
STANDARD OF REVIEW	The court applied the good-cause standard for permitting discovery before the Rule 26(f) conference, weighing the need for expedited discovery against prejudice to the responding party.
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status is unknown.
PARTIES	Anthony Wallace v. PennyMac Loan Services, LLC, David A. Spector, Daniel S. Perotti

TOPICS

- discovery dispute
- civil procedure
- motions to dismiss
- real estate

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff established good cause under Federal Rule of Civil Procedure 26(d)(1) to obtain discovery before the parties' Rule 26(f) conference.

HOLDINGS

1. Plaintiff did not establish good cause under Federal Rule of Civil Procedure 26(d)(1), so the court denied the motion for early discovery.

KEY QUOTATIONS

“To seek relief from Rule 26(d)(1), the plaintiff must show good cause.” (at 1)

“Good cause may be found “where the need for expedited discovery, in consideration of the administration of justice, outweighs the prejudice to the responding party.”” (at 1)

“Accordingly, IT IS HEREBY ORDERED that Plaintiff’s Motion for Early Discovery (ECF No. 14) is DENIED.” (at 2)

FACTUAL BACKGROUND

Plaintiff sought early discovery concerning alleged fraud, his RESPA claim, and defendants' authority to service his loan. The defendants had appeared, were actively defending the case, and had filed a fully briefed motion to dismiss arguing that Plaintiff could not state a claim as a matter of law. Plaintiff did not identify an imminent need for discovery, seek defendants' identities, pursue immediate injunctive relief, or address defendants' pending motion to stay discovery.

PROCEDURAL HISTORY

Plaintiff filed this federal action against PennyMac Loan Services, LLC, David A. Spector, and Daniel S. Perotti. Before the parties' Rule 26(f) conference, Plaintiff moved for early discovery, seeking documents and information concerning alleged fraud, a RESPA claim, and defendants' authority to service his loan. Defendants opposed the motion, had appeared and were actively defending the case, and had filed a fully briefed motion to dismiss and a motion to stay discovery. The court denied the motion for early discovery.

DISPOSITION

other

CASES CITED

- *Semitool, Inc. v. Tokyo Electron America, Inc.*, 208 F.R.D. 273, 276 (N.D. Cal. 2002)
- *Apple Inc. v. Samsung Electronics Co.*, 768 F. Supp. 2d 1040, 1044 (N.D. Cal. 2011)
- *Twitch Interactive, Inc. v. Johnston*, 2017 WL 1133520, at *2 (N.D. Cal. Mar. 27, 2017)

- Adobe Systems Inc. v. Bunhey, 2013 WL 12140304, at *1 (C.D. Cal. Oct. 29, 2013)
- Zavala v. Kruse-Western, Inc., 2019 WL 3219254, at *2 (E.D. Cal. July 17, 2019)
- Jones v. Micron Technology, Inc., 2019 WL 5406824, at *2 (N.D. Cal. Oct. 13, 2019)
- Contentguard Holdings, Inc. v. ZTE Corp., 2013 WL 12072533, at *2 (S.D. Cal. Jan. 16, 2013)
- Pink Lotus Entertainment, LLC v. Doe, 2012 WL 260441, at **2-3 (E.D. Cal. Jan. 23, 2012)

OPINION

Wallace

PER CURIAM.

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 * * * 4 ANTHONY WALLACE, Case No. 2:25-cv-02297-APG-EJY 5 Plaintiff,

ORDER

6 v. 7 PENNYMAC LOAN SERVICES, LLC; DAVID A. SPECTOR, CEO & CHAIRMAN;

8 DANIEL S. PEROTTI, CFO; 3043

Townsgate Road, Suite 200, Westlake 9 Village, CA 91361, 10 Defendants. 11 12 Pending before the Court is Plaintiff's Motion for Early Discovery (ECF No. 14). The Court 13 considered the Motion and Defendants' Response (ECF No. 18). The Court finds Plaintiff has not 14 met the burden he must to warrant the discovery he seeks. 15 With exceptions not relevant here, Federal Rule of Civil Procedure 26(d)(1) provides: "A 16 party may not seek discovery from any source before the parties have conferred as required by Rule 17 26(f), except ... by court order." Fed. R. Civ. P. 26(d)(1). To seek relief from Rule 26(d)(1), the 18 plaintiff must show good cause. Semitool, Inc. v. Tokyo Electron Am., Inc., 208 F.R.D. 273, 276 19 (N.D. Cal. 2002). Good cause may be found "where the need for expedited discovery, in 20 consideration of the administration of justice, outweighs the prejudice to the responding party." Id.; 21 see also Apple Inc. v. Samsung Elecs. Co., 768 F. Supp. 2d 1040, 1044 (N.D. Cal. 2011) ("Courts 22 within the Ninth Circuit generally use the 'good cause' standard to determine whether to permit 23 discovery prior to a Rule 26(f) conference.") (internal citations omitted). Moreover, "[g]ood cause 24 for expedited discovery is frequently found in cases involving claims of infringement and unfair 25 competition or in cases where the plaintiff seeks a preliminary injunction." Twitch Interactive, Inc. 26 v. Johnston, Case No. 16-cv-03404-BLF, 2017 WL 1133520, at *2 (N.D. Cal. Mar. 27, 2017) 27 (internal citations omitted). "Good cause may also exist in cases where a defendant has failed to 1 to establish damages." Id.; see also Adobe Sys. Inc. v. Bunhey, Case No. EDCV 13-1365-VAP-OPx, 2 2013 WL 12140304, at *1 (C.D. Cal. Oct. 29, 2013). Several courts have found that a plaintiff's 3 good cause for permitting early discovery is not met when a motion to dismiss is pending. See 4 Zavala v. Kruse-Western, Inc., Case No. 1:19-cv-00239-DAD-SKO, 2019 WL 3219254, at *2 (E.D. 5 Cal. July 17, 2019); Jones v. Micron Technology, Inc., Case Nos. 18-cv-02518-JSW (KAW), 18-cv- 6 3805-JSW (KAW), 2019 WL 5406824, at *2 (N.D. Cal. Oct. 13,

2019); Contentguard Holdings, 7 Inc. v. ZTE Corp., Case No. 12-cv-1226-CAB (MDD), 2013 WL 12072533, at *2 (S.D. Cal. Jan. 8 16, 2013). 9 Here, Plaintiff has not met the good cause standard. This case does not involve an 10 infringement of intellectual property rights or unfair competition, and Plaintiff does not seek 11 immediate injunctive relief nor demonstrate some other imminent need. Pink Lotus Entertainment, 12 LLC v. Doe, Case No. 2:11-cv-03073 WBS KJN, 2012 WL 260441, at **2-3 (E.D. Cal. Jan. 23, 13 2012). Further, Plaintiff is not seeking the identity of defendants. In fact, Defendants have appeared 14 and are actively defending this case, which is demonstrated through a Motion to Dismiss that is fully 15 briefed and argues that, as a matter of law, Plaintiff cannot state a claim. ECF No. 6. 16 A review of Plaintiff's Motion shows he seeks "document evidence" to support his claim of 17 fraud, information regarding his RESPA claim, and information relating to "Defendants' authority 18 to service" his loan. ECF No. 14 at 2; see also id. at 4 (in which Plaintiff provides a detailed 19 description of the discovery sought). Although these subjects may well end up to be appropriate for 20 discovery through interrogatories and document requests, Plaintiff does not establish a basis for 21 engaging in this discovery before a Rule 26 conference. Plaintiff also does not mention, let alone 22 address, that Defendants have filed a Motion to Stay Discovery (ECF No. 12) to which he has yet to 23 respond. In sum, Plaintiff presents nothing to the Court supporting, let alone suggesting that "in 24 consideration of the administration of justice" early discovery must be granted to ensure the fair 25 administration of justice in this case. 26 27 1 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Early Discovery (ECF

2 No. 14) is DENIED.

3 Dated this 29th day of December, 2025. 4 5

ELAYNA J. YOUGHAN

6 UNITED STATES MAGISTRATE JUDGE

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