

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Hamzeh v. Pharmavite LLC

Hamzeh · No. 24-cv-00472-HSG · Decided July 8, 2025

SUMMARY

The United States District Court for the Northern District of California denied Pharmavite LLC and Nature Made Nutritional Products’ motion to stay the proceedings and discovery pending resolution of an appeal in Bowler v. Nestlé Health Science, U.S., LLC. Applying the Landis factors, the court concluded that the early and uncertain stage of the appeal and the risk of further prolonging the case weighed against a stay.

CASE DETAILS

COURT	United States District Court for the Northern District of California
JURISDICTION	United States District Court for the Northern District of California
DECIDED	July 8, 2025
DOCKET	24-cv-00472-HSG
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to stay the proceedings and to obtain a protective order staying discovery pending resolution of an appeal in Bowler v. Nestlé Health Science, U.S., LLC. The district court denied the motion.
STANDARD OF REVIEW	A Landis stay is committed to the district court's discretion.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is not stated.

TOPICS

- civil procedure
- discovery dispute
- appellate procedure
- standard of review

PRACTICE AREAS

- civil procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the court should exercise its inherent authority under Landis to stay the proceedings and discovery pending resolution of the Bowler appeal.

HOLDINGS

1. The court denied the requested stay because the uncertain timing and possible limited precedential effect of the Bowler appeal, together with the risk of further prolonging the case, weighed against a stay.

KEY QUOTATIONS

“A district court’s “power to stay proceedings 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 1)

““[I]f there is even a fair possibility that the stay for which [the requesting party] prays will work damage to [someone] else,” then the party seeking a stay “must make out a clear case of hardship or inequity in being required to go forward.”” (at 1)

FACTUAL BACKGROUND

Defendants sought to halt the proceedings and discovery until the Ninth Circuit resolved the Bowler appeal. The Bowler appeal was in its early stages: briefing was set, but oral argument had not been scheduled and the timing or substance of a decision was uncertain. The court determined that waiting for Bowler could further protract this matter and that the parties could assess the effect of any later decision when it issued.

PROCEDURAL HISTORY

The action was pending in the Northern District of California when Defendants Pharmavite LLC and Nature Made Nutritional Products sought a stay pending the Ninth Circuit's resolution of the Bowler appeal. The court concluded that the possibility of prolonging the matter counseled against a stay and denied the motion.

DISPOSITION

other

CASES CITED

- Landis v. N. Am. Co., 299 U.S. 248, 254-55 (1936)
- CMAX, Inc. v. Hall, 300 F.2d 265, 268 (9th Cir. 1962)
- Dependable Highway Express, Inc. v. Navigators Ins. Co., 498 F.3d 1059, 1066 (9th Cir. 2007)
- Bowler v. Nestlé Health Science, U.S., LLC
- Lathrop v. Uber Techs., Inc., No. 14-cv-05678-JST, 2016 WL 97511, at *4 (N.D. Cal. Jan. 8, 2016)
- Vance v. Google LLC, No. 5:20-CV-04696-BLF, 2021 WL 534363, at *6 (N.D. Cal. Feb. 12, 2021)
- Edwards v. Oportun, Inc., 193 F. Supp. 3d 1096, 1101 (N.D. Cal. 2016)
- Johnson v. Starbucks Corp., No. 18-CV-01134-MEJ, 2018 WL 2938548, at *1 (N.D. Cal. June 12, 2018)

- Gabriella v. Recology Inc., No. 21-cv-08460-HSG, 2022 WL 6271866, at *5 (N.D. Cal. Sept. 9, 2022)

OPINION

Hamzeh v. Pharmavite LLC

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 GUILTY HAMZEH, Case No. 24-cv-00472-HSG 8 Plaintiff, ORDER DENYING
DEFENDANTS’

MOTION TO STAY

9 v. Re: Dkt. No. 74 10 PHARMAVITE LLC, et al., 11 Defendants. 12 13 Pending before the
Court is Defendants Pharmavite LLC and Nature Made Nutritional 14 Products’ (collectively,
“Pharmavite”) motion to stay the proceedings and issue a protective order 15 staying discovery
until the appeal in Bowler v. Nestlé Health Science, U.S., LLC is resolved by the 16 Ninth
Circuit.¹ Dkt. No. 74 (“Mot.”). For the reasons discussed below, the Court DENIES 17
Defendants’ motion.

18 I. LEGAL STANDARD

19 A district court’s “power to stay proceedings is incidental to the power inherent in every 20
court to control the disposition of the causes on its docket with economy of time and effort for 21
itself, for counsel, and for litigants.” Landis v. N. Am. Co., 299 U.S. 248, 254 (1936). To 22
determine whether a Landis stay is warranted, courts consider: (1) “the possible damage which 23
may result from the granting of a stay,” (2) “the hardship or inequity which a party may suffer in
24 being required to go forward,” and (3) “the orderly course of justice measured in terms of the
25 simplifying or complicating of issues, proof, and questions of law which could be expected to
26 result from a stay.” CMAX, Inc. v. Hall, 300 F.2d 265, 268 (9th Cir. 1962). “[I]f there is even a
27 1 fair possibility that the stay for which [the requesting party] prays will work damage to
[someone] 2 else,” then the party seeking a stay “must make out a clear case of hardship or
inequity in being 3 required to go forward.” Landis, 299 U.S. at 255. The decision whether to
grant a Landis stay is 4 ultimately within the Court’s discretion. See Dependable Highway
Express, Inc. v. Navigators 5 Ins. Co., 498 F.3d 1059, 1066 (9th Cir. 2007).

6 II. DISCUSSION

7 The Court declines to exercise its discretion to stay this matter. As Pharmavite notes, 8
“proceedings before the Ninth Circuit [in Bowler] are in early stages.” Mot. at 13. “[W]hile the 9
briefing schedule is set in the case, oral argument has not yet been scheduled and neither the 10
parties . . . nor the Court can forecast when the . . . Circuit will ultimately issue a decision.” 11
Lathrop v. Uber Techs., Inc., No. 14-cv-05678-JST, 2016 WL 97511 at *4 (N.D. Cal. Jan. 8, 12
2016). Moreover, there is no guarantee that the Ninth Circuit will issue a controlling decision in 13

Bowler, given the possibility of a memorandum disposition. “Judicial economy . . . is the primary
14 basis courts consider when ruling on motions to stay.” *Vance v. Google LLC*, No. 5:20-CV- 15
04696-BLF, 2021 WL 534363, at *6 (N.D. Cal. Feb 12, 2021). And here, the possibility of further
16 protracting this matter counsels against a stay. See *Edwards v. Oportun, Inc.*, 193 F. Supp. 3d
17 1096, 1101 (N.D. Cal. June 14, 2016); *Johnson v. Starbucks Corp.*, No. 18-CV-01134-MEJ,
2018 18 WL 2938548, at *1 (N.D. Cal. June 12, 2018) (“[A] stay . . . is appropriate when it serves
the 19 interests of judicial economy and efficiency.”). Because this factor is dispositive, the Court
does 20 not address Defendant’s other arguments. See *Gabriella v. Recology Inc.*, No. 21-cv-
08460-HSG, 21 2022 WL 6271866, at *5 (N.D. Cal. Sept. 9, 2022). Accordingly, the Court denies
Pharmavite’s 22 request.² The parties and the Court can assess the ramifications of any decision in
Bowler once the 23 Ninth Circuit rules. 24 // 25 // 26 // 27

1 WL. CONCLUSION

2 Pharmavite’s motion to stay proceedings pending resolution of the Bowler appeal, Dkt. No. 3 ||
□□□ □□ DENIED. 4 IT IS SO ORDERED. 5 Dated: 7/8/2025 | | 6 . ° HAYWOOD S. GILLIAM,
JR. 7 United States District Judge 8 9 10 11 12 15 QO 16 17 Z 18 19 20 21 22 23 24 25 26 27 28