

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Jian Hu v. Aria Resort & Casino LLC, et al.

Hu · No. 2:25-cv-00320-MMD-NJK · Decided January 6, 2026

SUMMARY

The United States District Court for the District of Nevada denies Plaintiff Jian Hu’s request construed as a motion for reconsideration of an order staying discovery and denying discovery-related motions without prejudice. The Court concludes that Plaintiff has not shown newly discovered evidence, clear error, manifest injustice, or an intervening change in controlling law. It also declines to permit discovery or consideration of alleged spoliation sanctions before resolution of Defendants’ pending motion to dismiss.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Nancy J. Koppe
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 6, 2026
DOCKET	2:25-cv-00320-MMD-NJK
DISPOSITION	other
PROCEDURAL POSTURE	The court construed Plaintiff's notice and request for limited procedural correction as a motion for reconsideration of an interlocutory order staying discovery and denying without prejudice pending discovery-related motions.
STANDARD OF REVIEW	Reconsideration of an interlocutory order is an extraordinary remedy and may be appropriate upon newly discovered evidence, clear error or manifest injustice, or an intervening change in controlling law; motions for reconsideration may not rehash arguments previously presented.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- motion for reconsideration
- discovery dispute
- motions to dismiss
- sanctions
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff established grounds for reconsideration of the order staying discovery and denying without prejudice discovery-related motions.
2. Whether Plaintiff was entitled to conduct discovery before resolution of Defendants' motion to dismiss.
3. Whether the court was required to resolve Plaintiff's alleged-spoliation sanctions requests before ruling on the motion to dismiss.

HOLDINGS

1. Reconsideration was not warranted because Plaintiff did not establish newly discovered evidence, clear error or manifest injustice, or an intervening change in controlling law, and the motion merely rehashed prior arguments.
2. Plaintiff was not entitled to proceed with discovery before resolution of Defendants' motion to dismiss because the pleadings had not yet satisfied the applicable pleading requirements and the motion to dismiss could be resolved without discovery.
3. Plaintiff was not entitled to resolution of her alleged-spoliation sanctions requests before resolution of Defendants' motion to dismiss.

KEY QUOTATIONS

“*“Motions for reconsideration are disfavored.”*” (at 1)

“*“Reconsideration is an extraordinary remedy, to be used sparingly.”*” (at 1)

“*“[P]laintiffs must satisfy the pleading requirements of Rule 8 before the discovery stage, not after it.”*” (at 2)

FACTUAL BACKGROUND

Plaintiff's amended complaint was subject to Defendants' second motion to dismiss. The court had stayed discovery because the motion to dismiss appeared sufficiently meritorious and could be resolved without discovery. Plaintiff also sought sanctions based on alleged spoliation and argued that discovery and the sanctions request should be addressed before the pleading-sufficiency motion.

PROCEDURAL HISTORY

Judge Miranda M. Du previously granted Defendants' first motion to dismiss. Defendants then moved to dismiss Plaintiff's amended complaint. Magistrate Judge Nancy J. Koppe stayed discovery and denied without prejudice discovery-related motions because the second motion to dismiss was sufficiently meritorious and did not require discovery for resolution. Plaintiff sought reconsideration, arguing that discovery and sanctions proceedings should occur before the motion to dismiss was resolved; the court denied reconsideration.

DISPOSITION

other

CASES CITED

- Koninklijke Philips Elecs. N.V. v. KXD Tech., Inc., 245 F.R.D. 470, 472 (D. Nev. 2007)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Mujica v. AirScan, Inc., 771 F.3d 580, 593 (9th Cir. 2014)
- Kor Media Group, LLC v. Green, 294 F.R.D. 579, 581 (D. Nev. 2013)
- Enlow v. Tishomingo Cnty., Miss., 962 F.2d 501, 507 (5th Cir. 1992)
- PlayUp, Inc. v. Mintas, 2024 WL 967904, at *1 (D. Nev. Feb. 6, 2024)

OPINION

Hu

PER CURIAM.

1 2

3 UNITED STATES DISTRICT COURT

4 DISTRICT OF NEVADA

5 6 Jian Hu, Case No. 2:25-cv-00320-MMD-NJK 7 Plaintiff(s), Order 8 v. [Docket No. 133] 9
Aria Resort & Casino LLC, et al., 10 Defendant(s). 11 Pending before the Court is Plaintiff's
notice and request for limited procedural correction. 12 Docket No. 133.1 Although not entirely
clear, the Court construes this filing as seeking 13 reconsideration of the undersigned's order
granting Defendants' motion to stay discovery and 14 denying without prejudice the pending
discovery-related motions. See, e.g., Docket No. 133 at 2 15 (referencing the undersigned's order
at Docket No. 130).2 The Court does not require a response 16 or a hearing. See Local Rule 79-1.
17 "Motions for reconsideration are disfavored." Local Rule 59-1(b). "Reconsideration is an 18
extraordinary remedy, to be used sparingly." Koninklijke Philips Elecs. N.V. v. KXD Tech., Inc.,
19 245 F.R.D. 470, 472 (D. Nev. 2007) (citation and internal quotations omitted). The local rules
20 establish the applicable standards in addressing whether the Court should reconsider an 21
interlocutory order, indicating that reconsideration may be appropriate if (1) there is newly 22
discovered evidence that was not available when the original motion or response was filed, (2) the
23 Court committed clear error or the initial decision was manifestly unjust, or (3) there is an 24
25 1 The Court liberally construes the filings of pro se litigants. Erickson v. Pardus, 551 U.S. 26
89, 94 (2007). 27 2 To the extent Plaintiff seeks relief different or beyond reconsideration from the
undersigned, such request is denied without prejudice. See, e.g., Local Rule IC 2-2(b) (requiring
28 separate filing for separate requests). 1 intervening change in controlling law. Local Rule 59-
1(a). A motion for reconsideration is not a 2 vehicle to rehash the arguments already presented.
Local Rule 59-1(b). 3 Plaintiff has not established a basis for reconsideration. The gist of

Plaintiff's motion is 4 that she must be permitted discovery prior to resolution of the pending motion to dismiss and, 5 relatedly, that the Court must consider her request for sanctions for alleged spoliation prior to 6 resolution of the pending motion to dismiss. The Court is not persuaded. The Federal Rules of 7 Civil Procedure "do[] not unlock the doors of discovery for a plaintiff armed with nothing more 8 than conclusions." *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009). "[P]laintiffs must satisfy the 9 pleading requirements of Rule 8 before the discovery stage, not after it." *Mujica v. AirScan, Inc.*, 10 771 F.3d 580, 593 (9th Cir. 2014) (emphasis in original). At this stage, United States District 11 Judge Miranda M. Du granted Defendants' first motion to dismiss, Docket No. 95, Defendants 12 filed a motion to dismiss Plaintiff's amended complaint, Docket No. 108, and the undersigned has 13 found that Defendants' second motion to dismiss does not require discovery for its resolution and 14 is sufficiently meritorious to warrant a stay of discovery pending its resolution, Docket No. 130 15 (citing *Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013)). Plaintiff is not 16 entitled to proceed with discovery given these circumstances. 17 Plaintiff has also not persuaded the Court that it must consider a sanctions motion before 18 the Court has ruled on a motion to dismiss challenging the sufficiency of Plaintiff's pleadings. 19 "[Q]uestions of the timing and sequence of motions" are matters entrusted to the district court's 20 broad discretion. *Enlow v. Tishomingo Cnty., Miss.*, 962 F.2d 501, 507 (5th Cir. 1992); see also, 21 e.g., *PlayUp, Inc. v. Mintas*, 2024 WL 967904, at *1 (D. Nev. Feb. 6, 2024) (deferring ruling on 22 spoliation motion). As Plaintiff's motion acknowledges, Judge Du has already indicated that the 23 sufficiency of Plaintiff's pleadings is properly decided before addressing her requests for 24 sanctions. See Docket No. 133 at 2 (noting order at Docket No. 94, which denied multiple 25 sanctions motions while discovery was stayed pending resolution of the then-pending motion to 26 dismiss). Plaintiff is not entitled to resolution of her requests for sanctions before resolution of 27 Defendants' motion to dismiss. 28 1 Accordingly, the Court DENIES Plaintiff's motion for reconsideration. 2 IT IS SO ORDERED. 3 Dated: January 6, 2026 4 4 A <— Nancy J. K 5 United States Magistrate Judge 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28