

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PRECEDENTIAL VALUE	nonprecedential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)

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