

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

OPINION

Hu

PER CURIAM.

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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