

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Franz Wakefield v. Aria Resort & Casino, LLC, Aria Resort & Casino Holdings, LLC, MGM Resorts International, Does 1 through 20, inclusive, and Roe Legal Entities I through XX, inclusive

Wakefield · No. 2:25-cv-01761-GMN-MDC · Decided December 16, 2025

SUMMARY

This document is a stipulation and order staying discovery in Franz Wakefield v. Aria Resort & Casino, LLC, et al., pending resolution of defendants’ motion to dismiss. The parties agreed that discovery should be stayed because the motion could dispose of the case without factual discovery. The court entered the order on December 16, 2025, requiring a discovery plan and proposed scheduling order within 30 days if the motion does not fully resolve the matter.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Maximiliano D. Couvillier III
DECIDED	December 16, 2025
DOCKET	2:25-cv-01761-GMN-MDC
DISPOSITION	other
PROCEDURAL POSTURE	The parties stipulated to a stay of discovery while the defendants' pending motion to dismiss was under submission. The court entered the stipulated order.
PRECEDENTIAL VALUE	Unknown; stipulated interlocutory district-court order
PARTIES	Franz Wakefield v. Aria Resort & Casino, LLC, Aria Resort & Casino Holdings, LLC, MGM Resorts International

TOPICS

- discovery dispute
- motions to dismiss
- subject matter jurisdiction
- civil procedure
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation
- subject matter jurisdiction

QUESTIONS PRESENTED

1. Whether discovery should be stayed pending resolution of defendants' motion to dismiss.
2. Whether the parties should be required to submit a discovery plan and proposed scheduling order if the motion to dismiss does not fully resolve the action.

HOLDINGS

1. Discovery is stayed pending the court's ruling on defendants' motion to dismiss.
2. If the court's ruling on the motion to dismiss does not fully dispose of the matter, the parties must file a stipulated discovery plan and proposed scheduling order within 30 days of that ruling.

KEY QUOTATIONS

“Discovery is stayed pending the Court’s ruling on Defendants’ Motion to Dismiss.” (Order at 1)

“pragmatic approach permits stay of discovery “(1) if the dispositive motion can be decided without further discovery; and (2) good cause exists to stay discovery.”” (Stipulation ¶ 5)

FACTUAL BACKGROUND

The action concerns a complaint filed by Franz Wakefield against Aria Resort & Casino, LLC, Aria Resort & Casino Holdings, LLC, and MGM Resorts International. Defendants moved to dismiss for lack of subject matter jurisdiction. The parties represented that resolving the motion did not require fact discovery and that a stay would avoid unnecessary fees and costs.

PROCEDURAL HISTORY

Plaintiff filed the complaint on September 17, 2025. Defendants moved to dismiss on November 7, 2025, asserting lack of subject matter jurisdiction; plaintiff opposed the motion, and defendants filed a reply. On December 16, 2025, the court approved the parties' stipulation and stayed discovery pending a ruling on the motion to dismiss.

DISPOSITION

other

CASES CITED

- Schrader v. Wynn Las Vegas, LLC, No. 2:19-cv-02159-JCM-BNW, 2021 WL 4810324, at *4 (D. Nev. Oct. 14, 2021)
- Aristocrat Techs., Inc. v. Light & Wonder, Inc., No. 2:24-cv-00382-GMN-MDC, 2024 WL 2302151, at *3 (D. Nev. May 21, 2024)

OPINION

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Attorneys for Defendants Aria Resort & Casino, 7 LLC; Aria Resort & Casino Holdings, LLC; and 8 MGM Resorts International 9 THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 10 11 FRANZ WAKEFIELD, Case No.: 2:25-cv-01761-GMN-MDC 12 Plaintiff, STIPULATION AND ORDER TO STAY 13 DISCOVERY v. 14 ARIA RESORT & CASINO, LLC, a Nevada 15 Limited Liability Company; ARIA RESORT & CASINO HOLDINGS, LLC, a Nevada 16 Limited Liability Company; MGM RESORTS 17 INTERNATIONAL, a Delaware Corporation; DOES 1 through 20, inclusive; and ROE 18 LEGAL ENTITIES I through XX, inclusive, 19 Defendants.

20 21 Plaintiff Franz Wakefield (“Plaintiff”) and Defendants Aria Resort & Casino, LLC, Aria 22 Resort & Casino Holdings, LLC, and MGM Resorts International (“Defendants”) (collectively, 23 “the Parties”) by and through their respective counsel of record, hereby agree and stipulate as 24 follows: 25 1.

On September 17, 2025, Plaintiff filed his Complaint (ECF No. 1). 26 2. On November 7, 2025, Defendants filed their Motion to Dismiss Plaintiff’s 27 Complaint (ECF No. 13). 1 3. On November 21, 2025, Plaintiff filed his Opposition to Defendants’ Motion to Dismiss. (ECF No. 14). 3 4.

On December 1, 2025, Defendants filed their Reply in Support of their Motion to 4|| Dismiss. (ECF No. 15). 5 5. In the interests of judicial economy and to avoid the potential incurrence of unnecessary attorneys’ fees and costs, the Parties agree that discovery should be stayed pending the Court’s ruling on the aforementioned Motion to Dismiss. Good cause exists for a stay of 8|| discovery.

First, Defendants seek dismissal of Plaintiff’s Complaint for lack of subject matter jurisdiction, which if granted, would wholly eliminate the need for any discovery. Second, no fact discovery is needed to resolve the motion seeking the complete dismissal of Plaintiff’s Complaint. 11|| See Schrader v. Wynn Las Vegas, LLC, No. 2:19-cv-02159-JCM-BNW, 2021 WL 4810324, at *4 (D.

Nev. Oct. 14, 2021); Aristocrat Techs., Inc. v. Light & Wonder, Inc., No. 2:24-cv-00382-GMN-MDC, 2024 WL 2302151, at *3 (D. Nev. May 21, 2024) (pragmatic approach permits stay of 14|| discovery “(1) if the dispositive motion can be decided without further discovery; and (2) good 15|| cause exists to stay discovery.”); see also Fed. R. Civ. P. 1 (goal to secure the just, speedy and 16|| inexpensive resolution of cases”).

17 6. To the extent that the Court’s decision on the Motion to Dismiss does not fully 18|| dispose of this matter, the Parties agree that a discovery plan and proposed scheduling order shall be due within thirty (30) days of the Court’s decision on the Motion to Dismiss. 20 IT IS SO STIPULATED 21} DATED: December 11, 2025 22 23 Lather Law MGM RESORTS INTERNATIONAL 24 25|| —/s/ Jason F. Lather ___/s/ Andrew W. Hazlett Jason F. Lather, Esq.

Scott R. Pettitt, NV Bar # 11682 Nevada Bar No. 12607 Andrew W. Hazlett, NV Bar # 17079 4484 S. Pecos Rd., Suite 171 Attorneys for Defendants Aria Resort & 27|| Las Vegas, NV 89121 Casino, LLC; Aria Resort & Casino Holdings, 28 Attorney for Plaintiff LLC; and MGM Resorts International ORDER 1 Pursuant to the Parties' stipulation, IT IS SO ORDERED. Discovery is stayed pending the Court's ruling on Defendants' Motion to Dismiss.

To the extent that the Court's decision on the Motion to Dismiss does not fully dispose of this matter, the Parties shall file a 4|| stipulated discovery plan and proposed scheduling order within thirty (30) days of the Court's 5|| decision on the Motion to Dismiss.. "p,.. 6 DATED: 12-16-25 4, he Hon. Maxiiiw6 D. Coturilier, III 7 Fe nag ot RATE JUPGE "4 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28