



Maxum Casualty Insurance Company v. Taylor et al

2019 | Cited 0 times | D. Nevada | February 13, 2019

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

*** MAXUM CASUALTY INSURANCE COMPANY,

Plaintiff, v. STEVEN T. TAYLOR, et al.,

Defendants.

Case No. 2:18-cv-01866-JCM-CWH

ORDER

Presently before the court is defendants Steven T. Taylor and Mary A. Taylor's ("the Taylor defendants") motion to stay (ECF No. 24), filed on January 15, 2019. Plaintiff Maxum Casualty Insurance Company filed a response (ECF No. 26) on January 29, 2019. The Taylor defendants filed a reply (ECF No. 27) on February 6, 2019. Defendant Robert J. Kilroy filed a motion for joinder (ECF No. 28), on February 12, 2019.

The Taylor defendants move to stay discovery pending the outcome of their motion to abstain from exercising jurisdiction over plaintiff's complaint (ECF No. 12).

1 The Taylor defendants argue that the pending motion to abstain is potentially dispositive and that no discovery is needed for the court to issue a ruling on the motion. Lastly, the Taylor defendants argue that a preliminary peek on the merits of their pending motion to abstain demonstrates that the court has no jurisdiction over this action. Plaintiff responds that it does not have any objection to staying this case, but argues that the legal factors stated in *Tradebay, LLC v. eBay, Inc.* weigh in favor of denying the motion to stay. See 278 F.R.D. 597, 602-03 (D. Nev. 2011) (in determining whether to stay discovery, the court considers whether (1) the pending motion is potentially dispositive of the entire case or of an issue in which discovery is sought, and (2) whether the motion can be decided without additional discovery).

1 Though defendant Kilroy joins in this motion to stay discovery pending the resolution of the Taylor defendants' motion for abstention, Kilroy also filed a motion to dismiss that is pending on the court'



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s docket. (Mot. to Dismiss (ECF No. 10).)

Given that plaintiff is agreeable to staying discovery pending the resolution of the motion for abstention, the court will grant the Taylor defendants' motion to stay and Kilroy's motion for joinder. Discovery shall be stayed pending the resolution of the Taylor defendants' motion for abstention (ECF No. 12) and defendant Kilroy's motion to dismiss (ECF No. 10) .

IT IS THEREFORE ORDERED that defendants Steven T. Taylor and Mary A. Taylor's motion to stay (ECF No. 24) is GRANTED.

IT IS FURTHER ORDERED that defendant Robert J. Kilroy's motion for joinder (ECF No. 28) is GRANTED.

IT IS FURTHER ORDERED that discovery is STAYED pending the resolution of the Taylor defendants' motion for abstention (ECF No. 12) and defendant Kilroy's motion to dismiss (ECF No. 10).

DATED: February 13, 2019

C.W. HOFFMAN, JR.

UNITED STATES MAGISTRATE JUDGE

