

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MAHAMEDI IP LAW, LLP, et al.,  
Plaintiffs,  
v.  
PARADICE & LI, LLP, et al.,  
Defendants.

Case No. [5:16-cv-02805-EJD](#)

**ORDER GRANTING IN PART  
DEFENDANT'S MOTION TO STAY  
DISCOVERY**

Re: Dkt. No. 54

Before the Court is Defendant William Paradice’s motion to stay discovery until the Court rules on his motion to compel arbitration. Paradice’s motion will be GRANTED IN PART.

**I. BACKGROUND**

Paradice has initiated arbitration proceedings against Plaintiff Zurvan Mahamedi. Motion to Stay Discovery<sup>1</sup> (“Mot.”) at 3, Dkt. No. 54. Paradice has also moved to compel arbitration and dismiss this case, or, in the alternative, to stay proceedings until arbitration is complete. Dkt. No. 16. A hearing on that motion is scheduled for April 13, 2017. Paradice now asks the Court to stay discovery in the meantime.

Written discovery is underway. Both sides have issued initial disclosures, interrogatories, requests for admission, and requests for production of documents. Pl.’s Opp. to Def.’s Mot. to Stay (“Opp.”) at 3–4, Dkt. No. 56; Mot. at 4–5. In addition, Mahamedi has issued five third-party subpoenas: two seeking documents, and three seeking both documents and testimony. Opp. at 6–7;

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<sup>1</sup> Paradice requested a temporary restraining order and preliminary injunction to stay discovery. Dkt. No. 54. The Court construed his request as a motion to stay discovery. Dkt. No. 55.

1 Mot. at 5–6. The parties have been unable to agree on deposition scheduling, or on whether to stay  
2 discovery pending the Court’s ruling on the motion to compel arbitration. Mot. at 6.

3 **II. DISCUSSION**

4 **A. Discovery should be stayed.**

5 Paradise argues that unless discovery is stayed, he will “forever lose the advantages of  
6 arbitration—speed and economy.” *Id.* The Court agrees. If the Court ultimately determines that the  
7 dispute should be arbitrated, “responsibility for the conduct of discovery lies with the  
8 arbitrators”—and if not, Mahamedi will suffer no prejudice from a temporary stay. *Stiener v.*  
9 *Apple Comput., Inc.*, No. C 07-4486 SBA, 2007 WL 4219388, at \*1 (N.D. Cal. Nov. 29, 2007)  
10 (quoting *CIGNA Health Care of St. Louis, Inc. v. Kaiser*, 294 F.3d 849, 855 (7th Cir. 2002)).

11 Courts routinely grant stays under similar circumstances. *See, e.g., id.* (“a short stay of the  
12 initial scheduling obligations and discovery pending the determination of the motion to compel  
13 arbitration is . . . prudent”); *Intertec Contracting Turner Steiner Int’l, S.A.*, No. 98 Civ.  
14 9116(CSH), 2001 WL 812224, at \*7 (S.D.N.Y. July 18, 2001) (“As is the general practice of  
15 district courts, a stay of discovery was imposed in this case while the motion to compel arbitration  
16 was pending before the Court.”); *Okada v. Nevada Prop. 1, LLC*, No. 2:13-CV-01601-LDG, 2014  
17 WL 6634446, at \*2 (D. Nev. Nov. 21, 2014) (“a stay of discovery pending the resolution of  
18 Defendant’s motion to compel arbitration is warranted”) (citation omitted); *Ross v. Bank of Am.,*  
19 *N.A.*, No. 05 Civ. 7116(WHP), 2006 WL 36909, at \*1 (S.D.N.Y. Jan. 6, 2006) (“In view of the  
20 threshold issues concerning arbitration, this Court concludes that a stay of discovery is  
21 appropriate.”); *Miceli v. Citigroup, Inc.*, 2:15-cv-01962-GMN-VC, 2016 WL 1170994, at \*2 (D.  
22 Nev. Mar. 22, 2016) (“It is in the interest of conserving the resources of the parties and the court to  
23 stay discovery in this action pending a determination of the motion to compel arbitration.”).

24 The Court finds that a stay of discovery promotes the “just, speedy, and inexpensive”  
25 resolution of this case. Fed. R. Civ. P. 1.

26 **B. Mahamedi may depose Rumit Kanakia.**

27 Mahamedi presents evidence that one of the recipients of his third-party subpoenas, Rumit  
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1 Kanakia, will soon move to India. Opp. at 9. Because this deponent may be unavailable after the  
2 Court rules on the motion to compel arbitration, Mahamedi may proceed with this deposition.  
3 Mahamedi may also require Runit Kanakia to produce documents.

4 **III. CONCLUSION**

5 Paradise's motion to stay is GRANTED IN PART. Mahamedi may depose and request  
6 documents from Runit Kanakia. All other discovery shall be stayed, unless otherwise ordered,  
7 until this Court issues a ruling on Paradise's motion to compel arbitration (Dkt. No. 16).

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9 **IT IS SO ORDERED.**

10 Dated: February 14, 2017

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12 EDWARD J. DAVILA  
13 United States District Judge

14 United States District Court  
15 Northern District of California  
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