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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ZITAN TECHNOLOGIES, LLC, a Nevada)
limited liability company; and GINKGO,)
LLC, a Nevada limited liability company,)
Plaintiffs,)
vs.)
LIANG YU,)
Defendant.)

3:18-cv-00395-RCJ-WGC
ORDER
Re: ECF No. 41

Before the court is the parties’ Proposed Discovery Plan and Scheduling Order (Special Scheduling, Review Requested) (ECF No. 41). The parties report that the substantive dispute which is the subject of Plaintiffs’ complaint (ECF No. 1) has been referred to binding arbitration under the auspices of the American Arbitration Association (“AAA”). (ECF No. 41 at 3.) The arbitration is scheduled for February 18, 2019; pleadings and discovery are proceeding in the arbitration forum. (*Id.* at 2.)

Although Plaintiffs admit discovery is available and is in fact proceeding in the AAA arbitration, Plaintiffs contend discovery in the federal action is relevant to Plaintiffs’ “sought-after injunctive relief.” Plaintiffs further assert Defendant’s unwillingness to participate in discovery in the federal action “obfuscates injunctive relief.” (*Id.*)

Defendant’s position is that discovery should proceed solely in the arbitration forum. (ECF No. 41 at 5.) Defendant argues that Plaintiffs’ Motion for a Temporary Restraining Order was denied and therefore does not require discovery. (*Id.* at 4.) Defendant further argues that Plaintiffs’ Motion for Preliminary Injunction (ECF No. 15) is fully briefed and is set for oral argument on November 13, 2018.

1 (ECF No. 41 at 4; ECF No. 5 at 12.) Defendant points out the oral argument is not an evidentiary
2 hearing (ECF No. 41 at 4) and that any discovery responses by Plaintiffs in this federal matter are not due
3 until November 29, 2018, well after the oral arguments on Plaintiffs' preliminary injunction. (ECF No.
4 41 at 5.)

5 The court notes Plaintiffs made no arguments in their Motion for a Temporary Restraining
6 Order/Preliminary Injunction (ECF No. 15) or in Plaintiffs' Reply Memorandum (ECF No. 32) that the
7 resolution of Plaintiffs' motion should be deferred to allow Plaintiffs to undertake discovery in the federal
8 forum.

9 **CONCLUSION**

10 Because this matter is proceeding in arbitration, where the Plaintiffs recognize discovery is
11 available to Plaintiffs, and because any discovery Plaintiffs have undertaken in the federal action is
12 apparently not necessary for District Judge Robert C. Jones to resolve Plaintiffs' Motion for a Preliminary
13 Injunction (ECF No. 15), the court will defer entering a Discovery Plan and Scheduling Order.

14 **IT IS FURTHER ORDERED** discovery in this matter is **STAYED** pending resolution of the
15 parties' dispute in the arbitration forum.

16 DATED: November 5, 2018.

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20 WILLIAM G. COBB
21 UNITED STATES MAGISTRATE JUDGE
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