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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LAMAR DAWSON,  
Plaintiff,  
v.  
NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION, et al.,  
Defendants.

Case No. [16-cv-05487-RS](#)

**ORDER DENYING ADMINISTRATIVE  
MOTION TO ENLARGE TIME FOR  
RULE 26(F) CONFERENCE**

Defendants National Collegiate Athletic Association and Pac-12 Conference move to enlarge time for the parties to conduct their Rule 26(f) conference. They argue that, in light of the recent Seventh Circuit decision in *Berger, et al. v. Nat’l Collegiate Athletic Ass’n*, — F.3rd —, No., 16-1558, 2016 WL 7051905, \*1 (7th Cir. Dec. 5, 2016), there is a “very serious prospect that this action will be resolved in Defendants’ favor at the pleading stage.” Mot. at 2. On this basis, they ask to be relieved from the current deadlines to conduct the Rule 26(f) conference and serve initial disclosures under Rule 26(a). They also appear to seek a broader stay of discovery pending resolution of their motion to dismiss. *See id.* at 1 (“it would be extremely burdensome to . . . commence discovery”). Plaintiff opposes the motion characterizing it as an improper administrative motion and an attempt to stay all proceedings indefinitely.


The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending. *See Skellerup Indus. Ltd. v. City of Los Angeles*, 163 F.R.D. 598, 600–01 (C.D. Cal. 1995). The Ninth Circuit has recognized that a court may limit discovery “for good cause ... and may continue to stay discovery when it is convinced that the plaintiff will be unable to state a claim for relief.” *Wood v. McEwen*, 644 F.2d 797, 801 (9th Cir. 1981). Satisfying the “good cause” obligation is challenging. A party seeking

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“a stay of discovery carries the heavy burden of making a ‘strong showing’ why discovery should be denied.” *Gray v. First Winthrop Corp.*, 133 F.R.D. 39, 40 (N.D. Cal. 1990) (citing *Blankenship v. Hearst Corp.* 519 F.2d 418, 429 (9th Cir. 1975)). Defendants have not satisfied this obligation, especially because the Seventh Circuit’s decision in *Berger* is not controlling here. Their request to stay discovery is thus denied.<sup>1</sup>

**IT IS SO ORDERED.**

Dated: December 14, 2016

  
RICHARD SEEBORG  
United States District Judge

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<sup>1</sup> The case management conference scheduled for January 12, 2017 was already continued to February 23, 2017, in light of the pending motion to dismiss presently set to be heard on February 2, 2017. This continuance effectively delays the Rule 26(f) deadlines.