

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10

11 CRYTEK GMBH, ) No. CV 17-8937 DMG (FFMx)  
12 Plaintiff, )  
13 v. ) ORDER ON SUBMITTED MATTER  
14 CLOUD IMPERIUM GAMES CORP. )  
15 AND ROBERTS SPACE )  
16 INDUSTRIES CORP., )  
17 Defendants. )

---

18 On March 12, 2018, defendants filed a motion for an order controlling the timing  
19 and scope of discovery. (*See* Dkt. No. 30.) Specifically, defendants request a stay of  
20 discovery proceedings pending the disposition of defendants' pending motion to dismiss  
21 the First Amended Complaint. Plaintiff filed an opposition on March 27, 2018.  
22 Defendants thereafter filed a reply.

23 On April 17, 2018, the Court announced a tentative ruling to deny the motion and  
24 then entertained oral argument. At the conclusion of the argument, the Court took the  
25 matter under submission. Upon further review, the Court notes that Judge Gee issued an  
26 Initial Standing Order on December 13, 2017. Paragraph 4.b. of that order addresses  
27 discovery before and after the scheduling conference. Specifically, the order provides  
28 that "it is advisable for counsel to begin to conduct discovery actively before the Scheduling

1 Conference.” Although early discovery is strongly encouraged, Judge Gee’s policy is not  
2 to require the parties to participate in discovery until a scheduling order has issued. As  
3 no scheduling order has been issued in this case as of now, defendants are not required to  
4 respond to discovery at this time. The motion for stay, therefore, is moot and denied on  
5 that basis.

6  
7 IT IS SO ORDERED.

8  
9 DATED: April 17, 2018

10  
11 /S/ Frederick F. Mumm  
12 FREDERICK F. MUMM  
13 UNITED STATES MAGISTRATE JUDGE

14 cc: The Honorable Dolly Gee  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28