

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**THOMAS L. TAYLOR III, solely in his
Capacity as Court-appointed temporary
Receiver for Breitling Energy
Corporation, *et al.*,**

Plaintiff,

v.

**REYMOND TREVINO, EAGLE RIO
ENERGY COMPANIES, INC., DEREK
TAYLOR, ALDEN ADAMS, LLC,
NATHAN MADU, and OKOTO OKPO,**

Defendants.

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CIVIL ACTION NO. 3:20-CV-00393-D

UNOPPOSED MOTION FOR A TEMPORARY STAY

Defendants Derek Taylor and Alden Adams, LLC (together, “Defendants”) respectfully file this Unopposed Motion for a Temporary Stay (the “Motion for Stay”) and, in support thereof, would show as follows:

I.

RELEVANT PROCEDURAL HISTORY

1. This case was filed on February 18, 2020 (Dkt. #1). Plaintiffs served Defendants on July 4, 2020.
2. Defendants filed their Motion to Dismiss Plaintiff’s Original Complaint on September 2, 2020 (Dkt. #25) (the “First Motion to Dismiss”).
3. On February 2, 2021, the Court issued its Memorandum Opinion and Order granting Defendants’ First Motion to Dismiss, and granting Plaintiff with leave to replead (Dkt. #54).

4. On March 1, 2021, Plaintiff propounded discovery on Defendants, including Requests for Production, Requests for Admissions, and Interrogatories.

5. On March 2, 2021, Plaintiff filed Plaintiff's First Amended Complaint (Dkt. #55).

II.

ARGUMENT AND AUTHORITIES

6. A federal district court has discretion to stay discovery "for good cause shown." Fed. R. Civ. P. 26(c). In particular, the district court has discretion to stay discovery while a motion to dismiss is pending, if the disposition of the motion to dismiss "might preclude the need for the discovery altogether." *Starret v. Lockheed Martin Corp.*, 3:17-CV-00988-D-BT, 2018 WL 10345320, at *1 (N.D. Tex. Mar. 9, 2018) (citing *Landry v. Air Line Pilots Ass'n Int'l AFL-CIO*, 901 F.2d 404, 436 (5th Cir. 1990)); *Von Drake v. Nat'l Broad. Co.*, 2004 WL 1144142, at *1 (N.D. Tex. May 20, 2004). Relevant factors that inform the court's discretion in ruling on a motion to stay include: (1) the breadth of discovery sought; (2) the burden of responding to such discovery; and (3) the strength of the dispositive motion filed by the party seeking a stay. *Von Drake*, 2004 WL 1144142, at *1.

7. As an initial matter, the disposition of Defendants' Second Motion to Dismiss "might preclude the need for the discovery altogether" – at least with respect to Plaintiff's claims against Derek Taylor and Alden Adams, LLC. The third factor above slants heavily in favor of granting a stay because the First Motion to Dismiss was previously granted by the Court, and, as fully described in Defendants' Second Motion to Dismiss, Plaintiff's Amended Complaint fails to set forth any new allegations against Defendants. Indeed, the Amended complaint still fails to provide any particularized allegations against Defendants.

8. In addition, Plaintiff has now served expansive discovery requests upon Defendants, including 27 Requests for Production, 14 Requests for Admission, 10 Interrogatories, and sought depositions of Defendants and others. It would be burdensome for Defendants to respond to the discovery, and given that the Court previously granted the First Motion to Dismiss, the likelihood that the Second Motion to Dismiss will be granted and obviate the need for any discovery weighs strongly in favor of staying discovery when balanced against considerations of efficiency and judicial resources.

8. For all of these reasons, Defendants respectfully request that the Court grant this Motion for Stay, and temporarily stay discovery until the Court issues an Order on Defendants' Second Motion to Dismiss (Dkt. #63).

Respectfully submitted,

BELL NUNNALLY & MARTIN LLP

By: /s/ Benjamin L. Riemer
Benjamin L. Riemer
State Bar No. 24065976
briemer@bellnunnally.com

3232 McKinney Avenue, Suite 1400
Dallas, Texas 75204-2429
Telephone: (214) 740-1400
Facsimile: (214) 740-1499

**ATTORNEYS FOR DEFENDANTS DEREK
TAYLOR AND ALDEN ADAMS, LLC**

CERTIFICATE OF CONFERENCE

I hereby certify that I have conferred with counsel regarding the relief sought through this Motion. Robert Simon, counsel for Defendants Reymundo Trevino III, Eagle Rio Energy Companies, Inc., and Okoto Okpo, and Andrew Goforth, Counsel for Receiver, have stated that they do not oppose the relief sought herein.

/s/ Benjamin L. Riemer
Benjamin L. Riemer

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2021, I electronically filed the foregoing paper(s) with the Clerk of the Court using the ECF system which will send notification to all parties of record.

/s/ Benjamin L. Riemer
Benjamin L. Riemer

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